



# Planning Commission Report

**Meeting Date:** June 14, 2012

**Subject:** **403 North Crescent Drive**  
**Crescent Hotel**

Request to renew and modify an existing Conditional Use Permit for a hotel restaurant and open air dining area located at the Crescent Hotel at 403 North Crescent Drive.

PROJECT APPLICANT: Greg Peck

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested Conditional Use Permit renewal and amendment.

## REPORT SUMMARY

A Conditional Use Permit (CUP) was previously granted by the Planning Commission in 2002, which allowed the Crescent Hotel, a legally nonconforming hotel located in the RMCP zone, to contain a restaurant that is open to the general public, and also allowed the establishment of an open air dining area on private property. The approval included numerous conditions, one of which requires annual review and renewal of the CUP, and another that prohibits the installation of awnings above the open air dining area. This report outlines the hotel's request for annual renewal, and also analyzes a request to reconfigure the hotel's dining and common areas and modification of the conditions of approval for the purpose of legalizing fabric awnings that have been installed over the open air dining area.

**Attachment(s):**

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft Planning Commission Resolution
- D. Planning Commission Resolution No. 1238
- E. Planning Commission Resolution No. 1307
- F. Planning Commission Resolution No. 1354
- G. Planning Commission Resolution No. 1416
- H. Plans for Restaurant and Hotel Reconfiguration

**Report Author and Contact Information:**

Ryan Gohlich  
(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## BACKGROUND

File Date	3/26/2012
Application Complete	6/5/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	8/5/2012 without extension request from applicant
Applicant(s)	Crescent Hotel
Owner(s)	Blue Hotel LLC
Representative(s)	Greg Peck
Prior PC Action	Approval of restaurant and open air dining, annual renewals of entitlements
Prior Council Action	None
Code Enforcement	5/2004 – Noise from patrons and operating beyond approved hours. Compliance order issued, and problem corrected.
Related to Restaurant and Open Air Dining	9/2005 - Noise from patrons and operating beyond approved hours. Compliance order issued, and problem corrected.
	11/2011 – Smoking in dining area, excessive noise, unpermitted awnings, obstructions blocking disabled access, and operating beyond approved hours. Compliance order issued – No smoking signs installed, obstructions removed, and operator ordered to comply with operating hours. Awnings have not been removed yet, pending action by Planning Commission.

## PROPERTY AND NEIGHBORHOOD SETTING

### Property Information

Address	403 North Crescent Drive
Legal Description	Lot 10, Block 4 of Beverly Tract
Zoning District	RMCP (Multiple-Family Residential-Commercial Parking Zone)
General Plan	General Commercial - Low Density
Existing Land Use(s)	Hotel
Lot Dimensions & Area	50' x 152.5' – 7,625 square feet
Year Built	1924
Historic Resource	The property has undergone several significant remodels since its original construction and is not identified on the City's list of potentially historic properties.
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	RMCP – Hotel use
South (across Wilshire)	RMCP – Parking structure
East	C-3 – General commercial offices
West	C-3 – General commercial

### Circulation and Parking

Adjacent Street(s)	North Crescent Drive to the east, and Brighton Way to the South. Both streets are considered to be local streets.
--------------------	---

Adjacent Alleys	One-way, southbound alley located at the rear of the property
Parkways & Sidewalks	Crescent Drive sidewalk/parkway - 6' from face of curb to property line Brighton Way sidewalk/parkway – 12.5' from face of curb to property line
Parking Restrictions	Crescent – Passenger loading and valet only in front of hotel Brighton – 1hr metered parking 8AM – 6PM
Nearest Intersection	North Crescent Drive and Brighton Way
Circulation Element	Both streets are considered to be local streets.
Estimated Daily Trips	North Crescent Drive carries approximately 8,700 daily trips, and Brighton Way carries approximately 3,100 daily trips.

Neighborhood Character

The project site is located at the northeast corner of the business triangle, on the west side of North Crescent Drive. Adjacent uses consist of a hotel, general commercial uses such as retail and offices, parking structures, and a gas station located at the intersection of North Crescent Drive and South Santa Monica Boulevard. Additionally, multi-family residential uses are located southeast of the project (approximately two-hundred feet away).



Project Site Looking Northwest



Hotel Dining Area Viewed from North Crescent Drive

### PROJECT DESCRIPTION

The proposed project consists of the continued operation of a restaurant and open air dining area that are open to the public and located within the legally nonconforming Crescent Hotel. The project also includes reconfiguration of the restaurant and common areas of the hotel, and a request to install fabric awnings over the open air dining area, which requires the deletion of an existing condition of approval that prohibits the installation of awnings over the open air dining area. With regard to reconfiguration of the restaurant and common areas, the applicant proposes the following changes:

- Removal of the central stairs facing Crescent Drive.
- Installation of a bar in place of the central stairs within the open air dining area.
- Expansion of the kitchen area, which results in a reduction of interior dining area.
- Installation of a hotel entrance on Brighton Way with a relocated reception area that is accessed from Brighton Way.

In 2002 the Planning Commission granted a CUP to the hotel, which allowed the hotel's restaurant to be open to the general public, and also allowed the establishment of an open air dining area that fronts on North Crescent Drive. One of the conditions of approval imposed by the Planning Commission requires annual review and renewal of the restaurant's CUP (the CUP expires on October 18<sup>th</sup> of each year). Since 2006 the CUP renewals have been reviewed by the Director of Community Development (per the Planning Commission's direction); however, the current request for renewal also includes reconfiguration of the restaurant and common areas, and a proposed amendment to one of the CUP's conditions to allow the installation of fabric awnings over the open air dining area. The hotel currently has unpermitted awnings installed over the open air dining area, and is seeking to remedy the situation

by modifying the conditions of the CUP, which would then allow an application to be submitted to the Architectural Commission for consideration of awnings. Because the proposed CUP amendments require review by the Planning Commission, the entire project has been forwarded to the Commission for review.

#### Requested Permits

The applicant is seeking renewal and amendment of the previously granted CUP. Specifically, the applicant seeks a one-year renewal and to eliminate condition no. 14 of Planning Commission Resolution No. 1307 (Attachment E), which states:

*"No awnings or other types of enclosures of any kind may be erected over the outdoor dining area."*

The applicant proposes to strike the above language from the conditions of approval so that they may have the ability to present an awning configuration to the Architectural Commission for consideration.

#### **ZONING CODE<sup>1</sup> COMPLIANCE**

A detailed review of the proposed project's compliance with applicable zoning standards has been performed. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

#### Hotel Modification

The hotel is located in the RMCP zone, a zone in which hotels are not currently permitted to be established. However, the development standards for the RMCP zone specifically address nonconforming hotels, and allow for existing nonconforming hotels to be altered for the purpose of renovations, so long as the number of guestrooms is not increased. The proposal to reconfigure the restaurant, common areas, and add awnings above the open air dining area is considered to be an alteration, and therefore may be approved by the Planning Commission if the Commission determines that the necessary findings can be made in support of the alteration.

#### Agency Review<sup>2</sup>

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

---

<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>2</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

- **TRANSPORTATION DIVISION**

The Transportation Division was consulted to ascertain whether there have been any parking or traffic impacts identified as a result of the hotel's ongoing operations and valet service. The Transportation Division confirmed that the hotel's operations and valet service have not resulted in any adverse traffic or parking impacts to the surrounding neighborhood.

- **POLICE DEPARTMENT**

Staff has been provided with a Police Department printout that identifies all calls for service to the hotel over the past 18 months. None of the calls for service were related to hotel or restaurant operations, and were primarily related to the hotel requesting assistance in dealing with homeless individuals or other matters unrelated to the current request.

### **GENERAL PLAN<sup>3</sup> POLICIES**

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

- Policy LU 12.1.3 Functional and Operational Compatibility. Require that retail, office, entertainment and other businesses 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 regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- 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.

### **ENVIRONMENTAL ASSESSMENT**

This project was previously 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. In 2002 a Negative Declaration was approved for this project. There have been no substantial changes to this project or the environment that would cause the project to significantly impact the environment. There is no substantial evidence that the approval of the request to renew and modify the Conditional Use Permit may have any significant environmental impact. Accordingly, the original Negative Declaration continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

---

<sup>3</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](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
Posted Notice	N/A	N/A	6/8/2012	6 Days
Newspaper Notice	10 Days	6/4/2012	6/1/2012	13 Days
Mailed Notice (Owners & Residents - 300' Radius)	5 Days	6/9/2012	5/31/2012	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	6/8/2012	6 Days

Public Comment

As of the writing of this report, the City has not received any comments regarding this project.

**ANALYSIS<sup>4</sup>**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment A and may be used to guide the Planning Commission’s deliberation of the subject project.

The required findings for renewal and amendment of the CUP relate to preserving the character of the existing neighborhood and ensuring that the use does not result in any adverse impacts to surrounding residential properties. In reviewing the project, staff recommends that the Commission consider the following:

**Code Enforcement and Compliance With Past Approvals.** Subsequent to the project’s original approval in 2002, the CUP was reviewed annually by the Planning Commission. During the first several renewals the Planning Commission identified several issues (substantiated by code enforcement cases) related to the project’s hours of operation, noise, and occupancy restrictions in the dining areas. Based on the issues identified, the Commission made several modifications to the conditions of approval, and required continued reviews of the project annually. Following improvements made by the hotel in response to the Commission’s review and conditions, the Commission determined that the issues associated with the hotel’s dining operation had been resolved, and determined that the Director of Community Development should serve as the reviewing authority for future renewals. As a result, the Director of Community Development has reviewed and granted annual CUP renewals for the hotel’s restaurant since 2006. During that time period no violations were identified with regard to the hotel’s restaurant or open air dining area. However, staff’s review of the hotel in response to the current request for CUP renewal identified several violations of the conditions of approval, which are outlined as follows and are currently being addressed through code enforcement and/or this application:

- Fabric awnings were installed over the open air dining area in violation of condition no. 14 of Planning Commission Resolution No. 1307, which prohibits the installation of any

---

<sup>4</sup> 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.

such awnings. This violation has not yet been corrected by the applicant, and is a component of the application before the Commission.

- Based on the hotel's website, the indoor and open air dining areas were being made available for private functions and receptions. It is unclear how frequently private events were being held (if at all), but holding even one event is a violation of condition no. 19 of Planning Commission Resolution No. 1238 (Attachment D), which prohibits banquets or other similar private receptions. The applicant has indicated that private events were not being held, and has since eliminated this information from the website in order to ensure compliance with the conditions of approval.
- Disabled access ramps that serve the hotel entrance and dining areas were obstructed. The obstructions have been removed and proper access has been restored.
- Patrons were observed smoking in the open air dining area, which is a violation of BHMCS5-4-2. This violation has been corrected through installation of signage and direction to hotel management and staff.

Prior Planning Commission concerns related to occupancy, hours of operation, and noise in the dining areas appear to have been addressed through the established conditions of approval, provided that the conditions are adhered to. Despite the above violations, the hotel's restaurant and open air dining area has generally operated in a manner that has not resulted in impacts to the surrounding neighborhood. Therefore, staff recommends that the applicant be directed to comply with all conditions of approval, and that annual director-level reviews of the CUP be continued. In the event that continued violations are identified, the project could be returned to the Commission for review, which could result in additional conditions of approval or termination of the CUP.

**CUP Renewal.** The CUP requires renewal by October 18<sup>th</sup> of each year. The application for renewal was not submitted until March 26, 2012, which is approximately 5 months beyond the October 18, 2011 renewal date. Because the renewal application was not timely submitted, any one-year renewal granted by the Commission would result in review of the CUP again in approximately 4 months. In order to avoid having a short amount of time between renewals, staff recommends renewing the CUP for a two-year period, which would result in a future renewal date of October 18, 2013.

**Parking.** Based on prior conditions of approval, the hotel is required to maintain a lease for 40 off-site parking spaces. As evidenced by a parking lease submitted to staff, the hotel has maintained such a lease through its valet operations, and staff has not identified any impacts that have resulted from parking. Therefore, the existing parking operations are operating in compliance with all applicable conditions of approval, and do not appear to have resulted in any adverse impacts.

**Awnings.** Unpermitted awnings have been installed over the open air dining area. The awnings were installed in 2011, and were identified by staff during the renewal review as being a violation of condition no. 14 of Planning Commission Resolution No. 1307, which specifically prohibits the installation of any awnings over the open air dining area. Staff has researched the original purpose and intent of the awning prohibition by reviewing past staff reports and meeting minutes, but the available information has been inconclusive in identifying the original purpose and intent of the condition. The condition was not a part of the project's original

approval, and was added during the 2003 renewal approved by the Commission. In order to remedy the unpermitted work the applicant requests to delete this condition from the CUP. Since the purpose and intent of the condition is unclear, staff recommends that the Commission review the request to allow awnings in terms of land use implications, rather than past actions by the Commission.

From a land use perspective, the installation of awnings would not have a material effect on the concerns previously identified by the Commission, such as hours of operation, noise or occupancy. The hotel is surrounded by commercial uses, and an awning or covering that provides improved protection of the open air dining area from the sun or inclement weather is not expected to adversely impact the uses in the immediate vicinity of the hotel. Staff does have aesthetic concerns regarding the quality and design of the existing awnings; however, this can be appropriately addressed by the Architectural Commission, as they would review the exterior modifications to determine whether the awnings should be maintained, modified or replaced, or completely eliminated. Further, staff understands that the applicant intends to install a completely redesigned canopy system that would be reviewed by the Architectural Commission. Therefore, deleting the condition prohibiting awnings does not appear to be in conflict with any of the goals or objectives previously discussed by the Commission.

**Restaurant and Common Area Reconfiguration.** As is noted in the project description, the applicant proposes to fill in the existing stairs on Crescent Drive with a bar that would serve the open air dining area. The stairs would be eliminated, but access to the restaurant would be maintained via the existing pedestrian ramp along the north side of the property. Installation of a bar in place of the stairs would introduce a new element into the open air dining area, and staff anticipates that an outdoor bar would have the potential to change the operation and character of the open air dining area. Bars typically serve as a focal point within restaurants/lounges that guests congregate around, and the number of guests at a bar often exceeds the number of chairs. Such activity is likely to generate increased noise, and has a greater potential for exceeding the 24-person outdoor occupancy limit previously established by the Commission. In order to prevent the impacts that could be generated by an outdoor bar, staff recommends eliminating the bar from the open air dining area. In the event that the Planning Commission chooses to approve the bar, staff has concerns regarding impacts to the pedestrian character of Crescent Drive due to the fact that the bar is proposed to be located at the property line. The sidewalk along Crescent Drive is only 6 feet wide, and placing the solid wall of a bar along the property line would reduce the actual and perceived space and clearance around the sidewalk, thus impacting the pedestrian character of the sidewalk. In order to avoid such an impact if the Commission approves the bar, staff recommends a condition that would require the bar to be set back from the sidewalk in line with the existing perimeter wall of the dining area. This would allow for continuation of the existing landscape planter, which would soften the appearance of the bar and help to maintain the existing pedestrian character.

With regard to providing a secondary hotel entrance on Brighton Way (in addition to the existing pedestrian ramp on Crescent Drive) and modifying the interior configuration of the reception area, staff believes that these are minor changes that will not result in any adverse impacts to the surrounding neighborhood. Brighton Way is a commercial street that offers a wider sidewalk than Crescent Drive (12.5' versus 6'), and offering a reception area accessible from Brighton Way will help to distribute hotel patrons between the two streets. Hotel patrons

would continue to utilize the valet services on Crescent Drive (unless an alternate or additional valet location is approved by the Traffic and Parking Commission), and could access the reception area from the ramp on Crescent Drive or the proposed new entrance on Brighton Way. Such a reconfiguration would not result in any intensification of the hotel or additional guestrooms, and is therefore expected to be compatible with surrounding uses.

#### Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment A):

- *“Unless specifically modified by this Resolution, all conditions of approval set forth in Planning Commission Resolution Nos. 1238, 1307, 1354, and 1416 shall remain in full force and effect throughout the life of the Project.” (Special Condition 1)*

The purpose of the above condition is to ensure that all existing conditions of approval are carried forward during operation of the project.

- *“Condition No. 14 of Planning Commission Resolution No. 1307, which prohibits the installation of awnings over the open air dining area on the subject property, shall be deleted in its entirety.” (Special Condition 2)*

The purpose of the above condition is to allow the applicant to submit a request to the Architectural Commission for the installation of awnings over the open air dining area.

- *“This CUP shall expire on October 18, 2013, and all rights granted by this CUP shall terminate at that time. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the public restaurant and the open air dining area. The Applicant shall have no right to renewal of the CUP. Any application for renewal or a new CUP must be filed at least thirty (30) days prior to the expiration of this approval.*

*All applications for renewal or a new CUP shall be in accordance with the provisions of Section 10-3-1240 of the Beverly Hills Municipal Code. The renewal shall be reviewed by the Director of Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo (new) review. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.*

*If the Director or Planning Commission does not extend the CUP, the CUP shall expire and all rights possessed under the Permit shall be terminated. Provided, however, if the Applicant files an application for an extension, any existing CUP shall be extended until the City takes final action on the application.*

*Any application for an extension of this CUP 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.” (Special Condition 3)*

The purpose of the above condition is to update the expiration date of the CUP and establish the provisions for renewal.

- *"The bar area associated with the open air dining area shall be eliminated from the project's design. A bar may be maintained entirely inside the restaurant, but shall not be located within the open air dining area."* (Special Condition 4)

The purpose of the above condition is to maintain the existing character of the neighborhood and to prevent noise and patron congregation that may adversely impact surrounding uses.

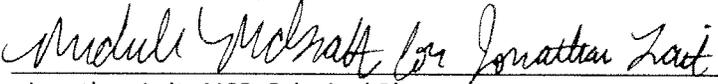
## **NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the requested Conditional Use Permit.

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 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:

  
Jonathan Lait, AICP, Principal Planner

# ATTACHMENT A

## Staff Recommended Findings and Conditions of Approval

### DRAFT FINDINGS

#### Conditional Use Permit

1. *The operation of the public restaurant and open air dining, as well as reconfiguration of the restaurant and common areas, will not result in an adverse impact on the surrounding neighborhood.*

As conditioned, the operation of the restaurant and open air dining area at the Project site has not had an adverse impact on the surrounding neighborhood. Although evidence presented at the public hearing indicated several violations of the conditions of approval during the past year, these violations are being corrected by the Applicant and all conditions of approval will be followed in the future. Furthermore, reconfiguration of the restaurant and common areas, with the exception of installing a bar within the open air dining area, will not intensify the use of the property, as no guestrooms are being added and the cumulative floor area devoted to dining and bar area remains approximately unchanged. As conditioned by this resolution, the Planning Commission finds that any potential impacts have been mitigated to less than significant levels. Based on the foregoing, the Planning Commission finds that it can continue to make each of the findings set forth in Planning Commission Resolution Nos. 1238, 1307, 1354 and 1416 in an affirmative manner and hereby readopts those findings and renews the CUP for an additional one year period.

### DRAFT CONDITIONS

#### Project Specific Conditions

1. Unless specifically modified by this Resolution, all conditions of approval set forth in Planning Commission Resolution Nos. 1238, 1307, 1354, and 1416 shall remain in full force and effect throughout the life of the Project.
2. Condition No. 14 of Planning Commission Resolution No. 1307, which prohibits the installation of awnings over the open air dining area on the subject property, shall be deleted in its entirety.
3. This CUP shall expire on October 18, 2013, and all rights granted by this CUP shall terminate at that time. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the public restaurant and the open air dining area. The Applicant shall have no right to renewal of the CUP. Any application for renewal or a new CUP must be filed at least thirty (30) days prior to the expiration of this approval.

All applications for renewal or a new CUP shall be in accordance with the provisions of Section 10-3-1240 of the Beverly Hills Municipal Code. The renewal shall be reviewed by the Director of Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo review. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If the Director or Planning Commission does not extend the CUP, the CUP shall expire and all rights possessed under the Permit shall be terminated. Provided, however, if the Applicant files an

application for an extension, any existing CUP shall be extended until the City takes final action on the application.

Any application for an extension of this CUP 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.

4. The bar area associated with the open air dining area shall be eliminated from the project's design. A bar may be maintained entirely inside the restaurant, but shall not be located within the open air dining area.

#### Standard Conditions

Please see the Draft Planning Commission Resolution (Attachment 3).

# **ATTACHMENT B**

## **PUBLIC NOTICE**



### **NOTICE OF PUBLIC HEARING**

**DATE:** Thursday, June 14, 2012  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission 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 REGULAR meeting on Thursday, June 14, 2012, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A request to renew and modify an existing Conditional Use Permit (CUP) for a hotel restaurant located at **403 North Crescent Drive** (Crescent Hotel). The request would renew a previously approved CUP, which allows the hotel's restaurant to be open to the general public. In addition to renewal of the CUP, the applicant has requested that the CUP be amended to allow modifications to the outdoor dining area, and to allow modifications to the interior configuration of the hotel. No additional hotel rooms are proposed.

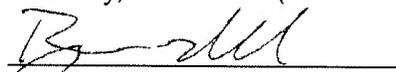
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption for minor changes to an existing commercial facility, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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 **Ryan Gohlich, Associate Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@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.

Sincerely,

  
Ryan Gohlich, Associate Planner

Mailed May 31, 2012

# **ATTACHMENT C**

## **DRAFT PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. \_\_\_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC AND APPROVING MODIFICATIONS TO THE RESTAURANT, COMMON AREAS, AND CONDITIONS OF APPROVAL FOR THE HOTEL LOCATED AT 403 NORTH CRESCENT DRIVE (CRESCENT HOTEL).

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

Section 1. Gregory Peck, applicant on behalf of Blue Hotel LLC, has submitted an application to extend and modify an existing Conditional Use Permit (CUP) that was previously issued by the Planning Commission to allow a hotel restaurant to open to the public and to allow an open air dining area. This request would allow for the continued operation of a restaurant and open air dining area that are open to the public and located within the legally nonconforming Crescent Hotel, and would also allow for reconfiguration of the restaurant and common areas of the hotel. The proposed reconfiguration of the restaurant and common areas consists of the following changes:

- Removal of the central stairs facing Crescent Drive.
- Installation of a bar in place of the central stairs within the open air dining area.
- Expansion of the kitchen area, which results in a reduction of interior dining area.
- Installation of a hotel entrance on Brighton Way with a relocated reception area that is accessed from Brighton Way.

Additionally, the Applicant proposes to install fabric awnings over the open air dining area, which requires the deletion of an existing condition of approval that prohibits the installation of awnings over the open air dining area.

Section 2. On July 24, 2002, the Planning Commission granted a CUP to the hotel, which allowed the hotel's restaurant to be open to the general public, and also allowed the establishment of an open air dining area that fronts on North Crescent Drive. One of the conditions of approval imposed by the Planning Commission requires annual review and renewal of the restaurant's CUP (the CUP expires on October 18th of each year). Annual renewals have been granted each year since 2002, and since 2006 the CUP renewals have been reviewed by the Director of Community Development per the Planning Commission's direction. The current renewal merits review by the Planning Commission because the current request includes reconfiguration of the restaurant and common areas, and a proposed amendment to one of the CUP's conditions to allow the installation of fabric awnings over the open air dining area.

Section 3. 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 with minor modifications 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 4. On June 14, 2012, the Planning Commission held a duly noticed public hearing to consider the CUP application, at which time evidence, both oral and written, was presented.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines that, as conditioned under Resolution Nos. 1238, 1307, 1354, and 1416, the continued operation of the restaurant and outdoor dining area at the Project site has not had an adverse impact on the surrounding neighborhood. Although evidence presented at the public hearing indicated several violations of the conditions of approval during the past year, these violations are being corrected by the Applicant and all conditions of approval will be followed in the future. Furthermore, reconfiguration of the restaurant and common areas, with the exception of installing a bar within the open air dining area, will not intensify the use of the property, as no guestrooms are being added and the cumulative floor area devoted to dining and bar area remains approximately unchanged. As conditioned by this resolution, the Planning Commission finds

that any potential impacts have been mitigated to less than significant levels. Based on the foregoing, the Planning Commission finds that it can continue to make each of the findings set forth in Planning Commission Resolution Nos. 1238, 1307, 1354 and 1416 in an affirmative manner and hereby readopts those findings and renews the CUP for an additional one year period.

Section 6. Based on the foregoing, the Planning Commission hereby extends the CUP through and including October 18, 2013, subject to all conditions set forth below:

1. Unless specifically modified by this Resolution, all conditions of approval set forth in Planning Commission Resolution Nos. 1238, 1307, 1354, and 1416 shall remain in full force and effect throughout the life of the Project.
2. Condition No. 14 of Planning Commission Resolution No. 1307, which prohibits the installation of awnings over the open air dining area on the subject property, shall be deleted in its entirety.
3. This CUP shall expire on October 18, 2013, and all rights granted by this CUP shall terminate at that time. Unless the CUP is renewed, or a new CUP granted, the Applicant shall immediately cease operation of the public restaurant and the open air dining area. The Applicant shall have no right to renewal of the CUP. Any application for renewal or a new CUP must be filed at least thirty (30) days prior to the expiration of this approval.

All applications for renewal or a new CUP shall be in accordance with the provisions of Section 10-3-1240 of the Beverly Hills Municipal Code. The renewal shall be reviewed by the Director of Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo review. In

addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If the Director or Planning Commission does not extend the CUP, the CUP shall expire and all rights possessed under the Permit shall be terminated. Provided, however, if the Applicant files an application for an extension, any existing CUP shall be extended until the City takes final action on the application.

Any application for an extension of this CUP 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.

4. The bar area associated with the open air dining area shall be eliminated from the project's design. A bar may be maintained entirely inside the restaurant, but shall not be located within the open air dining area.

Section 7. 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 8. 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:

\_\_\_\_\_  
Craig Corman, Chair of the Planning  
Commission of the City of Beverly Hills,  
California

Attest:

\_\_\_\_\_  
Secretary

Approved as to form:

Approved as to content:

\_\_\_\_\_  
David M. Snow  
Assistant City Attorney

\_\_\_\_\_  
Jonathan Lait, AICP  
City Planner

## **ATTACHMENT D**

**PLANNING COMMISSION RESOLUTION No. 1238**

RESOLUTION NO. 1238

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY ISSUING A DEVELOPMENT PLAN REVIEW PERMIT FOR OPEN AIR DINING AND GRANTING A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC IN THE RMCP ZONE, PURSUANT TO ZONING CODE AMENDMENTS, FOR PROPERTY LOCATED AT 403 NORTH CRESCENT DRIVE (THE BEVERLY CRESCENT HOTEL)

Section 1. Blue Hotel, LLC, on behalf of The Beverly Crescent Hotel (hereafter the "Applicant"), has submitted an application for a Development Plan Review Permit to allow open air dining ("D.P.R.") and a Conditional Use Permit to allow a restaurant within a legally nonconforming hotel to be open to the public in the RMCP zone ("C.U.P") at property located at 403 North Crescent Drive (The Beverly Crescent Hotel) (hereafter the "Project").

As part of the Project, the Applicant is concurrently requesting two Zoning Code amendments. The first amendment will revise the Beverly Hills Municipal Code (the "Municipal Code") to allow the expansion and enlargement of a nonconforming hotel in the RMCP Zone for the purpose of renovating the hotel, provided said expansion and/or enlargement does not increase the total number of guest rooms. Section 10-3.1206 of the Municipal Code currently makes it unlawful to expand, enlarge or intensify a nonconforming hotel. The amendment would allow the applicant to

enclose the recessed southern portion of the hotel, thereby expanding the hotel's floor area, and reconfigure the existing interior. The expansion and reconfiguration will increase the size of the hotel's guest rooms but will result in a reduction in guest rooms from 38 rooms to 35 rooms. It will also allow the Applicant to add 131 square feet to the interior dining area.

The second amendment will revise the Municipal Code to allow nonconforming hotels in the RMCP Zone that are not located on General-Plan designated arterial or collector streets to have hotel dining facilities that are open to the public, subject to certain criteria, without limiting the floor area to that which existed in the hotel's dining areas as of November 1, 1995.

Municipal Code Section 10.3-1207 currently requires that hotel dining facilities in nonconforming hotels be located on General-Plan designated arterial or collector streets and limits the floor area of such restaurants to that which existed in the nonconforming hotel as of November 1, 1995, in order to be open to the public. The Applicant's request will eliminate these criteria for hotels located in the RMCP zone.

Approval of the Project requires that the City Council adopt the proposed Zoning Code amendments.

Section 2. The Project has 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. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the project 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 Planning and Community Development and are in the custody of the Director of Planning and Community Development.

Section 3. On June 27, 2002, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. The Planning Commission has recommended that the City Council approve the above referenced Zoning Code amendments by adoption of Planning Commission Resolution No. 1240.

Section 5. The Beverly Crescent Hotel is a two-story, 10,162 square foot structure, with a total of 38 guest rooms. The hotel is located on the northwest corner of North Crescent Drive and Brighton Way and is a legally nonconforming use within the RMCP zone. To the north of the hotel is the Hotel Del Flores, another legally nonconforming hotel, comparable in size. To the west, across the alley, are commercial restaurant/retail uses; to the south, across Brighton Way, is the parking structure in which the hotel leases parking spaces and to the east, across North Crescent Drive, are office buildings. The nearest residential use is a condominium building located approximately 250 feet to the southeast, along the east side of Crescent Drive.

The proposed Project consists of the renovation of the hotel and the addition of 845 square feet along the southern side of the property. This addition will not expand the hotel's building envelope. Instead, the addition will extend out the

recessed portion of the existing southern elevation and reconfigure the interior floor plan on both floors. The proposed project will increase the size of the guest rooms but reduce the total number of guest rooms from 38 rooms to 35 rooms. The renovations are necessary to upgrade the site to allow the hotel to remain competitive with other similar hotels in the area. By separate resolution, the Planning Commission has recommended approval of the Applicant's request to amend the Zoning Code to allow this reconfiguration. With the additional square footage provided by the reconfiguration, the Applicant will renovate the dining/lounge area, increasing its size by 131 square feet and creating a full service restaurant, with seating for a maximum of 25 persons inside the restaurant and 24 persons in the outdoor dining patio. The project will not increase the size of the outdoor dining patio. The proposed hours of operation of the restaurant will be 7:00 a.m. to 11:00 p.m. daily; no patrons will be seated after 11:00 p.m.

Section 6. In accordance with the provisions of Beverly Hills Municipal Code Section 10-3.3104, in reviewing the application for a Development Plan Review Permit, the Planning Commission considered the following issues:

1) Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;

2) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

3) Whether the proposed plan will significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;

4) Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards;

5) Whether the proposed plan will be detrimental to the public health, safety or general welfare;

6) Whether the proposed plan will create any significantly adverse parking impacts as a result of employee or patron parking demand; and

7) Whether the proposed plan will create any significantly adverse impacts on neighboring properties as result of:

(i) the accumulation of garbage, trash or other waste, both on and off of the project site;

(ii) noise created by operation of the restaurant or by employees or visitors entering or exiting the restaurant;

(iii) light and glare; or

(iv) odors and noxious fumes.

Section 7. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the request for the Development Plan Review Permit for open air dining:

7.1 As conditioned, the proposed Project and its design and improvements are consistent with the General Plan of the City. The General Plan designation for the proposed site is RMCP. The site is located adjacent to the Business Triangle and commercial zone and is characterized by a mix of commercial, senior housing, public parking and convenience retail uses. Moreover, outdoor dining in nonconforming hotels is a permitted use in the R-4 and RMCP Zones with a conditional use permit and a development plan review permit. As such, the outdoor dining in the restaurant is consistent with the General Plan designation for this area.

7.2 As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The project site is surrounded by another nonconforming hotel (Hotel Del Flores) to the north, commercial uses to the west, a parking structure to the south, and office uses to the east. The nearest residential development is located 250 feet to the southeast. As discussed in 7.1, the proposed Project is

consistent with the General Plan designation for this area and the general mix of commercial, senior housing, public parking and convenience retail uses in the vicinity. Accordingly, implementation of the project will not adversely affect any existing or anticipated development in the vicinity.

7.3 As conditioned, the proposed Project will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties. The existing hotel has operated at the subject site since the 1920's and currently includes the private patio that will be used for outdoor dining. The outdoor dining will be enclosed within the patio. The outdoor dining area will be surrounded by a five-foot high non-continuous wall and sits at an elevation approximately five feet (5') higher than the street and sidewalk. The outdoor dining will be located 250 feet from the nearest residential use, a condominium building located across Crescent Drive to the southeast. The Planning Commission has conditioned the project to prohibit entertainment or amplified music of any kind in the outdoor dining area, thereby minimizing any noise impacts to adjacent residences. Further, the proposed project has sufficient parking to meet the needs generated by hotel guests, restaurant patrons and employees, thus ensuring that no overflow parking will spill onto adjacent residential streets. Therefore,

the outdoor dining will not adversely interfere with the use and enjoyment of residential properties in the vicinity.

7.4 As conditioned, the proposed Project will not create any significant adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. As discussed above, the outdoor dining use will be enclosed within an existing patio located in front of the hotel, entirely on private property. Although the hotel does not have any on-site parking, the operator has an existing five year lease for 40 parking spaces in the parking structure located across Brighton Way with an option to lease additional spaces if demand warrants. In addition, Municipal Code Section 10-3.1240 requires an annual review of the C.U.P. and D.P.R. which allows the City to retain jurisdiction to impose additional conditions with respect to parking and traffic if circumstances warrant. All valet pickup and drop off will be conducted from the loading zone located at the curb in front of the hotel, and the Applicant will be required to implement measures to prevent patrons from queuing on the sidewalks adjacent to the hotel. Additionally, the traffic study prepared in connection with the project concluded that the project will not generate a significant increase in traffic or reduce the level of service at any intersections in the study area. The Planning Commission has conditioned approval of the D.P.R. to require monitoring of the traffic congestion at

Crescent Drive and Brighton Way and to expressly reserve the City's jurisdiction relative to traffic and parking issues to allow the City to impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project as they arise. Further, as noted above, the approval will be reviewed annually. Accordingly, no significant adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards are anticipated to result from the granting of the D.P.R. for the outdoor dining.

7.5 For the reasons discussed in Sections 7.1 through 7.4 above, the Project will not be detrimental to adjacent property or the public welfare or otherwise create substantial and adverse impacts in the surrounding residential neighborhoods.

7.6 As conditioned, the proposed Project will not create any significant adverse parking impacts as a result of employee or patron parking demand. As discussed above in Section 7.4, although the hotel does not have any on-site parking, the operator has an existing five year lease for 40 parking spaces in the parking structure located across Brighton Way with an option to lease additional spaces if demand warrants. The Applicant is required to provide valet parking to hotel guests and restaurant patrons, and free parking to employees, thereby ensuring that overflow parking will not spill over onto adjacent residential streets. Additionally, the traffic study prepared in connection

with the project concluded that the 40 spaces is sufficient to meet the project's anticipated parking demand. Further, the annual review of the C.U.P. and D.P.R. required by Municipal Code Section 10-3.1240 allows the City to retain jurisdiction to impose additional conditions with respect to parking and traffic if circumstances warrant. Accordingly, no significant adverse parking impacts as a result of employee or patron parking demand are anticipated to arise from the granting of the D.P.R. for the outdoor dining.

7.7 As conditioned, the proposed Project will not create any significant adverse impacts on neighboring properties as result of (i) the accumulation of garbage, trash or other waste, either on or off of the project site, (ii) noise created by employees or visitors entering or exiting the restaurant, (iii) light and glare, or (iv) odors and noxious fumes. As more fully discussed in Section 9, below, the separation of the Project from sensitive uses and the inclusion of ample measures designed to prevent adverse impacts on neighboring properties are sufficient to ensure that the proposed outdoor dining is compatible with adjacent uses.

Section 8. In considering the application for the C.U.P. to allow a hotel restaurant to be open to the public, the Planning Commission considered whether the proposed restaurant

will be detrimental to adjacent property or the public welfare. The Planning Commission also considered whether the proposed restaurant 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 or noxious fumes;
- (5) parking demand created by the restaurant, including parking demand created by employees; or
- (6) traffic.

Section 9. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds as follows:

9.1 As conditioned, no garbage, trash or other waste from the Project will adversely impact neighboring properties. The Applicant is required to maintain the subject area in a clean and sanitary condition. A trash dumpster is located at the northwest corner of the property, just off the rear alley. During construction of the Project, the trash dumpster will be relocated to the rear of the kitchen, along the north side of the

property. A new walkway will provide direct access to the dumpster. There are no residential uses in the vicinity and the proposed trash area is sufficient to accommodate the waste that will be generated by the proposed restaurant. Accordingly, the opening of the restaurant should not result in a substantial adverse impact from the accumulation of garbage, trash or waste.

9.2 As conditioned, the proposed Project will not create any significant noise impacts. The proposed restaurant will be located completely within the existing hotel envelope and limited to a maximum occupancy of 25 persons. Additionally, the restaurant will be screened from adjacent uses by the private patio area on the front (east) elevation of the building. The private patio area will house the outdoor dining and will be limited to maximum occupancy of 24 persons. As noted previously, the patio area is surrounded by a five-foot (5') high non-continuous wall and sits at an elevation approximately five feet (5') higher than the adjacent street and sidewalk. The entrance to the restaurant will be located inside the hotel, and all patrons will enter through the main hotel entrance on Crescent Drive. Hotel guests and restaurant patrons will drop off/pick up their vehicles at the proposed valet station in the Crescent Drive loading area in front of the hotel. Parking for the hotel and restaurant is located in the immediately adjacent parking structure across Brighton Way. Therefore, neither guests nor

valets will need to pass residential uses or the adjacent guest rooms at the Hotel Del Flores to park vehicles. In addition, the distance to the nearest residential use is 250 feet, far enough to preclude noise impacts from the restaurant's outdoor dining. Finally, as conditioned by this resolution, patrons are prohibited from queuing along the sidewalks in front of the hotel.

9.3 As conditioned, due to the nature of the proposed Project, no significant light or glare from the Project will impact neighboring properties. Although the proposed patio will add some lighting, it will be at a low level and directed to illuminate the site only. The new lighting will not spill over into adjacent residential areas, the closest of which is 250 feet away. Further, Municipal Code Sections 10-4.314 (Lighting of Premises) and Section 5-6.1101 (Excessive Lighting Prohibited) provide adequate controls for minimizing light impacts to surrounding properties by requiring fixtures to be designed to prevent spill-over. Additionally, as conditioned by this resolution, no amplified music will be played at the restaurant; no banquets or similar private receptions or parties will be held at the restaurant; no patrons will be seated in the restaurant or bar area after 11:00 p.m. daily; and parking will be provided free of charge to employees of the restaurant. Therefore, impacts from the proposed Project will be minimal.

9.4 As conditioned, due to the nature of the proposed Project, no odors or noxious fumes will result from the Project. Cooking will not be performed in the open air dining area. Building Code standards require the proposed kitchen to contain stove hoods and ventilation. Moreover, the proposed project is 250 feet from the nearest residential use, thereby further reducing any potential impacts to these sensitive uses from odors or noxious fumes. Accordingly, implementation of the project will not result in significant adverse impacts to surrounding properties as the result of odors or noxious fumes.

9.5 As conditioned, the proposed Project will not create any significant adverse parking impacts as a result of employee or patron parking demand. As discussed more fully above in Sections 7.4 and 7.6, although the hotel does not have any on-site parking, the operator has an existing five year lease for 40 parking spaces in the parking structure located across Brighton Way with an option to lease additional spaces if demand warrants. The Applicant is required to provide valet parking to hotel guests and restaurant patrons, and free parking to employees, thereby ensuring that overflow parking will not spill over onto adjacent residential streets. Additionally, the traffic study prepared in connection with the project concluded that the 40 spaces is more than sufficient to meet the project's anticipated parking demand. Further, the annual review of the C.U.P. and

D.P.R. required by Municipal Code Section 10-3.1240 allows the City to retain jurisdiction to impose additional conditions with respect to parking and traffic if circumstances warrant.

Accordingly, no significant adverse parking impacts as a result of employee or patron parking demand are anticipated to arise from the granting of the C.U.P. to allow the restaurant to open to the public.

9.6 As conditioned, the proposed Project will not create any significant adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Traffic and parking studies conducted for the Project indicate that the Project will not have a significant impact on traffic. The hotel currently leases off-site parking for 40 cars, which is adequate to meet the Project's needs (the hotel currently uses approximately six parking spaces per day). The parking is currently provided through a five-year lease (the "parking agreement") with North Crescent Realty, LLC to park hotel guests' and employees' vehicles in the parking structure located next to the hotel, on the corner of Crescent Drive and Brighton Way. Hotel guests and employees are given parking passes and key cards, and they self-park in the parking structure. With construction of the Project, the Applicant will provide valet parking to hotel and restaurant guests with pickup and delivery from the loading zone in front of the hotel, on

Crescent Drive. The valet will park vehicles in the parking structure. Employees will be provided free parking. Major deliveries to the hotel are made through the rear alley entrance. All other deliveries are received through the front entrance using the loading zone located directly in front of the property, on Crescent Drive. As conditioned by this resolution, all rights granted under the C.U.P. will terminate if the Applicant loses or terminates the parking agreement, unless comparable alternative parking is provided prior to the expiration of the parking agreement. In addition, the Planning Commission has expressly conditioned this approval to require monitoring of the traffic congestion at the intersection of Crescent Drive and Brighton Way, and the annual review of the C.U.P. and D.P.R. required by Municipal Code Section 10-3.1240 will allow the City to retain jurisdiction relative to traffic and parking issues and the right to impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project as they arise.

Section 10. Based upon the foregoing, the Planning Commission hereby adopts a negative declaration for the Project and issues a C.U.P. to permit the operation of a public restaurant at the Project site and a D.P.R. to permit open air dining at the Project site, subject to the following conditions:

1. Except as authorized by this resolution, the Project shall comply with the City's zoning and building codes.

2. Except as otherwise provided in this Resolution the Project shall substantially comply with the plans submitted by the Applicant for the Planning Commission meeting of June 27, 2002.

3. The project shall be subject to the review and approval of the Architectural Commission and shall comply with any conditions imposed by the Architectural Commission.

4. This C.U.P. and D.P.R. shall expire one year after the date of adoption of this resolution and all rights granted by this C.U.P. and D.P.R. shall terminate at that time. Unless the C.U.P. and D.P.R. are renewed, or a new C.U.P. and D.P.R. granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. The Applicant shall have no right to renewal of the C.U.P. or D.P.R. Any application for a new C.U.P. and D.P.R. must be filed at least sixty days prior to the expiration of these approvals.

If the Planning Commission does not extend the C.U.P. and D.P.R., the C.U.P. and D.P.R. 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 C.U.P. and D.P.R. shall be extended until the City takes final action on the application.

Any application for an extension of this C.U.P. and D.P.R. 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.

5. The Project shall comply with the applicable standard conditions and shall obtain all necessary permits from the Public Works/Engineering Department. The Standard Conditions List is attached hereto as Exhibit A and incorporated herein by this reference.

6. The applicant shall comply with the requirements of the street tree mitigation plan of the Recreation and Parks Department, attached hereto as Exhibit B and incorporated herein by this reference.

7. The C.U.P. and all rights granted hereunder shall terminate if the parking lease for the 40 parking spaces is terminated unless comparable alternative parking is provided to the satisfaction of the Director of Planning & Community Development prior to the termination of the parking lease. If

the C.U.P. is terminated pursuant to this condition, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area.

8. Patrons shall be prohibited from queuing on the sidewalks adjacent to the hotel.

9. Seating for the restaurant and bar area shall be limited to a maximum of 25 seats in the indoor dining room and 24 seats in the outdoor dining area at all times.

10. City staff shall monitor traffic congestion at Crescent Drive and Brighton Way. The Planning Commission expressly reserves jurisdiction relative to traffic and parking issues and the right to impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project as they arise.

11. No patrons shall be seated in the dining or bar area after 11:00 p.m., daily.

12. No food or beverage service shall be permitted in the lobby area in conjunction with operation of the restaurant. Nothing in this condition shall be construed to prohibit a hotel guest from sitting in the lobby for dessert and coffee.

13. The Applicant shall provide a clearly marked loading zone in front of the hotel for passenger loading and unloading. In addition, the Applicant shall implement measures reasonably satisfactory to the Directors of Transportation and

Planning & Community Development to ensure that no vehicle queuing occurs in front of the hotel.

14. No live entertainment or amplified music shall be allowed in the hotel or the restaurant, except as permitted under Section 10-3.2703 of the Municipal Code.

15. No entertainment or amplified music of any kind shall be permitted in the outdoor dining area.

16. This resolution shall not become effective unless and until the proposed Zoning Code amendments, as referenced in Sections 1 and 4 of this Resolution, have been adopted by ordinance of the City Council of the City of Beverly Hills.

17. Parking shall be provided free of charge to employees.

18. Prior to the issuance of occupancy permits, a valet parking operations plan shall be submitted to and approved by the Director of Transportation. The valet parking plan shall incorporate any specific conditions of operation that may be imposed by the Planning Commission, including conditions regarding noise abatement.

19. No banquets or similar private receptions or events shall be held anywhere in the hotel or in the restaurant, including both indoor and outdoor areas. With respect to the restaurant, a private reception or event shall be defined as any

gathering where the entire restaurant is reserved for one reception or event.

20. The C.U.P. and the D.P.R. approval shall be granted for a maximum twelve (12) month period, and the C.U.P. and D.P.R. shall expire one year after the date of adoption of this Resolution. Unless the C.U.P. and D.P.R. are renewed or extended, or a new C.U.P. and D.P.R. are issued, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. The Applicant shall have no right to renewal or extension of the C.U.P. or D.P.R. Any application for renewal of the C.U.P. and D.P.R. shall be filed at least sixty days prior to the expiration of these approvals.

21. The tables and chairs shall be located in the patio area adjacent to the existing building as shown on the plans submitted to the Planning Commission and shall not at any time be permitted to encroach into any public right-of-way.

22. All conditions of the valet parking permit shall be incorporated as conditions of approval of this C.U.P. and D.P.R.

23. Within three (3) working days after approval of this resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game

determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.

24. This Resolution approving a Development Plan Review Permit and a Conditional Use 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.

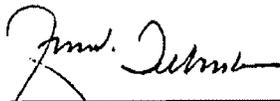
The applicant shall deliver the executed covenant to the Department of Planning and Community Development within 60 days of the City Council decision on the Zoning Code amendments. At the time that the applicant delivers the covenant to the City, the applicant shall also provide the City with all fees 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 this Development Plan Review Permit and Conditional Use Permit shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning and 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 Development Plan Review Permit and Conditional Use Permit and other discretionary permits.

25. The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the permits.

Section 11. 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: 7-24-02

  
\_\_\_\_\_  
Jerrold S. Felsenthal  
Chairman of the Planning  
Commission of the City of  
Beverly Hills

ATTEST:

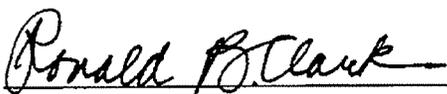
  
\_\_\_\_\_  
Secretary

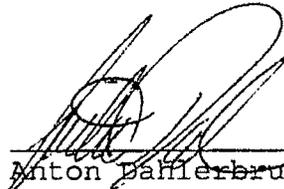
Approved as to form:

  
\_\_\_\_\_  
Robert H. Pittman  
Assistant City Attorney

Approved as to content:

  
\_\_\_\_\_  
Mahdi Aluzri gm  
Director of Planning &  
Community Development

  
\_\_\_\_\_  
Ronald B. Clark  
Director of Building & Safety



---

Anton Palfnerbruch  
Director of Transportation

CITY OF BEVERLY HILLS  
STANDARD CONDITIONS LIST  
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion license tax of \$3,129 plus \$41.28 per unit, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (The tax figure is adjusted annually.)
4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

Standard Conditions List  
For the Planning Commission  
March 28, 2002

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

Standard Conditions List  
For the Planning Commission  
March 28, 2002

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

RECREATION AND PARKS DEPARTMENT  
451 N. Roxford Drive  
Beverly Hills, CA 90210-4817  
(310) 283-2576  
FAX: (310) 385-0840

STEVE MILLER, DIRECTOR



## CITY OF BEVERLY HILLS

### Trees and Construction

The City of Beverly Hills and its Residents hold our urban forest in high regard. We appreciate your regard for our City trees as you contemplate your project. We look forward to reviewing your mitigation plan as it relates to City trees that may be impacted by the proposed activities included in this project.

The applicant should identify any City and/or protected tree or trees within the proposed area of construction, and/or like tree or trees in close proximity to the construction site, that may be impacted. The location of these trees should be noted on the initial plan submittal. A plan that works to alleviate, or minimize, the potential that the health and vigor of a City and/or protected tree or trees will be affected during the construction process (a mitigation plan) should accompany the original plan submittal.

A mitigation plan should focus on retaining and protecting an existing City and/or protected tree or trees. This plan should include a valuation of the tree or trees that may be impacted by the proposed project. If more than one tree is involved, each tree should be valued in a separate treatment. This valuation should be performed by an International Society of Arboriculture (ISA) Certified Arborist using the standard valuation method recognized by the ISA.

Elements of the mitigation plan should include:

1. Definition of what can be done to avoid any impact on the tree or trees, as well as what steps will be taken to protect the tree or trees that may be impacted by construction activities, for the duration of the project.
2. If the well being of the tree or trees is suspected to be impacted or deemed unavoidable; a proposal to box, maintain and re-install the tree or trees after construction activities have been completed should be submitted. Any proposal for the boxing, care and re-installation of any tree or trees should include a resume of experience specific to tree moving from the firm submitting the plan. This proposal should include a contingency plan to replace the tree(s) with the installation of a forty-eight (48) inch box size should the tree or trees decline within twenty four (24) months after the time the tree or trees are re-installed into the site.
3. An offer of bond that is consistent with the value of the tree or trees based upon the previously described valuation of the tree or trees by an ISA Certified Arborist.
4. The ISA certification number and contact information for the ISA Certified Arborist assisting with the project mitigation plan.

To access a listing of ISA Certified Arborists in your area, visit:  
<http://www.isa-arbor.com/arborists/arbsearch.html>

To learn more about the valuation of trees, visit:  
<http://www2.champaign.isa-arbor.com/consumer/values.html>

Contact the Department of Recreation and Parks Urban Forest Supervisor at (310) 550-4638 or at [kofalzgraf@ci.beverly-hills.ca.us](mailto:kofalzgraf@ci.beverly-hills.ca.us) if you are in need of further assistance.

# **ATTACHMENT E**

**PLANNING COMMISSION RESOLUTION No. 1307**

RESOLUTION NO. 1307

RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF BEVERLY HILLS EXTENDING A CONDITIONAL  
USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO  
BE OPEN TO THE PUBLIC AND A DEVELOPMENT PLAN  
REVIEW FOR OPEN AIR DINING AT 403 NORTH  
CRESCENT DRIVE (CRESCENT HOTEL)

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

Section 1. On July 24, 2002 the Planning Commission adopted Resolution No. 1238 issuing a Conditional Use Permit (the "C.U.P.") and Development Plan Review Permit ("D.P.R.") to allow a public restaurant within a nonconforming hotel and to allow open air dining at property located at 403 North Crescent Drive (Beverly Crescent Hotel) (hereafter the "Project"). The Planning Commission's decision was subject to various conditions to minimize impacts of the Project on neighboring residential properties.

Section 2. Condition No. 4 of Resolution No. 1238 states that the C.U.P. and the D.P.R. approval shall expire on October 18, 2003. In accordance with the provisions of Section 10-3.1207, applications for renewal of the C.U.P. and D.P.R. must be reviewed annually for the first three years.

Ron Mason on behalf of Blue Hotel, LLC , owner of the Beverly Crescent Hotel (hereafter the "Applicant"), timely filed renewal applications for the C.U.P. to continue the

operation of a public restaurant within a nonconforming hotel and the D.P.R. to allow open air dining at the Project.

Section 3. 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 Planning and Community Development and are in the custody of the Director of Planning and Community Development.

Section 4. On October 22 and November 19, 2003, the Planning Commission held duly noticed public hearings to consider the C.U.P. and D.P.R. renewal applications, at which time evidence, both oral and written, was presented.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines that, as conditioned under Resolution No. 1238, the operation of the restaurant and outdoor dining area at the Project site has not had an adverse impact on the surrounding neighborhood. Evidence presented at the public hearings did raise some concerns regarding the noise impacts to adjacent land uses. However, as further conditioned by this Resolution, the Planning Commission finds that any potential impacts have been mitigated to less than significant levels. The Planning Commission further finds that there are no outstanding violations of the conditions of the C.U.P. or D.P.R. and not outstanding violations of the Beverly Hills Municipal Code against the Project. Based on the foregoing, the Planning Commission finds that it can continue to make each of the findings set forth in Resolution No. 1238 in an affirmative manner and hereby readopts those findings and renews the C.U.P. and D.P.R. for an additional one year period, subject to the conditions set forth in Section 6 below.

Section 6. Based on the foregoing, the Planning Commission hereby extends the C.U.P. and D.P.R. (the "Permits") through and including October 18, 2004, subject to all conditions set forth below:

1. This C.U.P. and D.P.R. shall expire on October 18, 2004, and all rights granted by this C.U.P. and D.P.R. shall terminate at that time. Unless the C.U.P. and D.P.R. are renewed, or a new C.U.P. and D.P.R. granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. The Applicant shall have no right to renewal of the C.U.P. or D.P.R. Any application for a new C.U.P. and D.P.R. 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). The renewal hearing shall be conducted by the Director of Planning and Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo review. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If the Director or Planning Commission does not extend the C.U.P. and D.P.R., the C.U.P. and D.P.R. 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 C.U.P. and D.P.R. shall be extended until the City takes final action on the application.

Any application for an extension of this C.U.P. and D.P.R. 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.

2. The C.U.P. shall terminate if the parking lease for a minimum of 40 cars is terminated or is amended to provide parking for less than 40 cars and a comparable alternative to the satisfaction of the Director of Planning & Community Development is not provided prior to the termination of the parking lease.
3. Patrons shall be prohibited from queuing on the sidewalks adjacent to the hotel.
4. Total capacity for both the interior area and the outdoor patio area, including restaurant patrons and hotel guests, shall be limited to 65 persons.
5. City staff shall monitor traffic congestion at Crescent Drive and Brighton Way. The Planning Commission expressly reserves jurisdiction relative to traffic and parking issues and the right to impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project as they arise.
6. No patrons shall be admitted in the interior area after 11:00 p.m. daily.
7. The Applicant shall provide a clearly marked valet loading zone for passenger loading and unloading. In addition, the Applicant shall implement measures reasonably satisfactory to the Directors of Transportation and Planning & Community Development to ensure that no vehicle queuing occurs in front of the hotel.

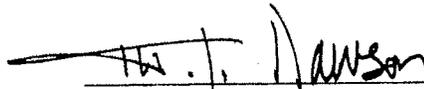
8. No live entertainment or amplified music shall be allowed in the hotel or the restaurant, except as permitted under Section 10-3.2703 of the Municipal Code.
9. No entertainment or amplified music of any kind shall be permitted in the outdoor dining area at any time.
10. Parking shall be provided free of charge to employees.
11. No banquets or similar private receptions or events shall be held anywhere in the hotel or in the restaurant, including both indoor and outdoor areas. With respect to the restaurant, a private reception or event shall be defined as any gathering where the entire restaurant is reserved for one reception or event.
12. The tables and chairs shall be located in the private patio area adjacent to the building as shown on existing plans and shall not at any time be permitted to encroach into any public right-of-way.
13. All conditions of the hotel's valet permit shall be incorporated by reference as conditions of approval of this C.U.P. and D.P.R.
14. No awnings or other types of enclosures of any kind may be erected over the outdoor dining area.
15. The outdoor dining area shall close by 11:00 p.m. Sunday through Thursday and by 12:00 midnight Friday and Saturday.
16. The indoor dining and bar area shall close by 1:00 a.m. daily.
17. The Applicant shall post placards satisfactory to the Director of Planning and Community Development in the patio area and at the valet station advising their guests to be respectful of the neighbors and keep their conversations at a reasonable volume.

18. The Applicant shall request that their guests avoid parking in the public metered spaces along Crescent Drive to minimize parking impacts to adjacent land uses.

Section 7. 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.

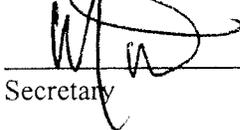
Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: 12-17-03

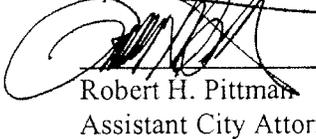


Mitchell J. Dawson  
Chairman of the Planning Commission of  
the City of Beverly Hills, California

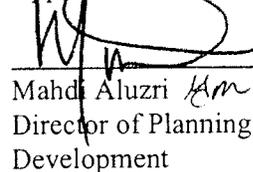
Attest:

  
Secretary

Approved as to form:

  
Robert H. Pittman  
Assistant City Attorney

Approved as to content:

  
Mahdi Aluzri  
Director of Planning & Community  
Development  
Ronald B. Clark  
Director of Building & Safety

# **ATTACHMENT F**

**PLANNING COMMISSION RESOLUTION No. 1354**

RESOLUTION NO. 1354

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC AND A DEVELOPMENT PLAN REVIEW FOR OPEN AIR DINING AT 403 NORTH CRESCENT DRIVE (CRESCENT HOTEL)

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

Section 1. On July 24, 2002 the Planning Commission adopted Resolution No. 1238 issuing a Conditional Use Permit (the "C.U.P.") and Development Plan Review Permit ("D.P.R.") to allow a public restaurant within a nonconforming hotel and to allow open air dining at property located at 403 North Crescent Drive (Beverly Crescent Hotel) (hereafter the "Project"). The Planning Commission's decision was subject to various conditions to minimize impacts of the Project on neighboring residential properties.

Section 2. On December 17, 2003, the Planning Commission adopted Resolution No. 1307 extending the C.U.P. and D.P.R. to allow the restaurant to be open to the public and to allow open air dining. The Planning Commission's decision was subject to various conditions to minimize impacts of the Project on neighboring residential properties.

Section 3. Condition No. 1 of Resolution No. 1238 states that the C.U.P. and the D.P.R. approval shall expire on October 18, 2004. In accordance with the provisions of

Section 10-3-1207, applications for renewal of the C.U.P. and D.P.R. must be reviewed annually for the first three years.

Gregory Peck on behalf of Blue Hotel, LLC , owner of the Beverly Crescent Hotel (hereafter the "Applicant"), timely filed renewal applications for the C.U.P. to continue the operation of a public restaurant within a nonconforming hotel and the D.P.R. to allow open air dining at the Project.

Section 4. 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 5. On November 22, 2004, the Planning Commission held a duly noticed public hearing to consider the C.U.P. and D.P.R. renewal applications, at which time evidence, both oral and written, was presented.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines that, as conditioned under Resolution Nos. 1238 and 1307, the operation of the restaurant and outdoor dining area at the Project site has not had an adverse impact on the surrounding neighborhood. Evidence presented at the public hearing indicated the Applicant did have several instances of noncompliance with the conditions of approval during the past year. However, as further conditioned by this Resolution, the Planning Commission finds that any potential impacts have been mitigated to less than significant levels. The Planning Commission further finds that there are no outstanding violations of the conditions of the C.U.P. or D.P.R. at this time and no outstanding violations of the Beverly Hills Municipal Code against the Project. Based on the foregoing, the Planning Commission finds that it can continue to make each of the findings set forth in Resolution Nos. 1238 and 1307 in an affirmative manner and hereby

readopts those findings and renews the C.U.P. and D.P.R. for an additional one year period, subject to the conditions set forth in Section 6 below.

Section 6. Based on the foregoing, the Planning Commission hereby extends the C.U.P. and D.P.R. (the "Permits") through and including October 18, 2005, subject to all conditions set forth below:

1. This C.U.P. and D.P.R. shall expire on October 18, 2005, and all rights granted by this C.U.P. and D.P.R. shall terminate at that time. Unless the C.U.P. and D.P.R. are renewed, or a new C.U.P. and D.P.R. granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. The Applicant shall have no right to renewal of the C.U.P. or D.P.R. Any application for a new C.U.P. and D.P.R. 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). The renewal hearing shall be conducted by the Director of Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo review. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If the Director or Planning Commission does not extend the C.U.P. and D.P.R., the C.U.P. and D.P.R. 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 C.U.P. and D.P.R. shall be extended until the City takes final action on the application.

Any application for an extension of this C.U.P. and D.P.R. 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.

2. The Applicant shall deposit with the City five thousand dollar (\$5,000) cash deposit to ensure compliance with the conditions of this resolution. 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 \$5,000 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 \$5,000, 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.

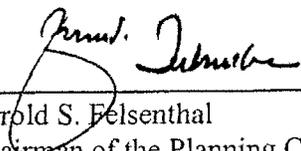
The requirements of this paragraph are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this resolution or the Beverly Hills Municipal Code.

3. Except as specifically modified by this Resolution, the Project shall comply with each condition set forth in the Resolution Nos. 1238 and 1307, and said conditions are incorporated herein by this reference and expressly made a part of this approval.

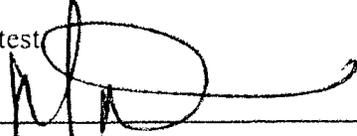
Section 7. If this Resolution is invalidated for any reason, all rights granted hereunder shall terminate and the Applicant shall immediately cease all operations authorized by this Resolution.

Section 8. 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.

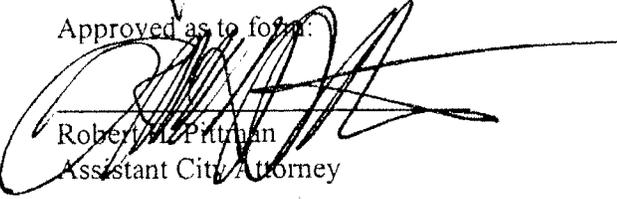
Adopted: 12-14-04

  
\_\_\_\_\_  
Jerrold S. Felsenthal  
Chairman of the Planning Commission of  
the City of Beverly Hills, California

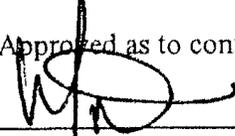
Attest

  
\_\_\_\_\_  
Secretary

Approved as to form:

  
\_\_\_\_\_  
Robert M. Pittman  
Assistant City Attorney

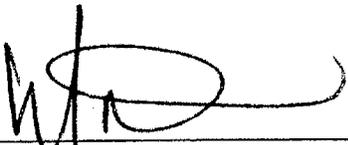
Approved as to content:

  
\_\_\_\_\_  
Mahdi Aluzri  
Director of Community Development

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

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1354 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on December 14, 2004, 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 Melamed, Krasne, Reims, and Felsenthal.  
NOES:           None.  
ABSENT:         Commissioner Marks.

  
\_\_\_\_\_  
MAHDI ALUZRI  
Secretary of the Planning Commission/  
Director of Community Development  
City of Beverly Hills, California

# **ATTACHMENT G**

**PLANNING COMMISSION RESOLUTION No. 1416**

RESOLUTION NO. 1416

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS EXTENDING A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC AND A DEVELOPMENT PLAN REVIEW FOR OPEN AIR DINING AT 403 NORTH CRESCENT DRIVE (CRESCENT HOTEL)

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

Section 1. On December 14, 2004 the Planning Commission adopted Resolution No. 1354 extending its July 24, 2002 approval of Resolution No. 1238, issuing a Conditional Use Permit ("CUP") and a Development Plan Review Permit ("DPR") to allow a public restaurant within a nonconforming hotel and to allow open air dining at property located at 403 North Crescent Drive (Beverly Crescent Hotel) (the "Project"). The Planning Commission's decision was subject to various conditions to minimize impacts of the Project on neighboring residential properties.

Section 2. On July 24, 2002, the Planning Commission adopted Resolution No. 1238 which approved a CUP and DPR to allow the restaurant at the Beverly Crescent Hotel (the "restaurant") to be open to the public and to allow open air dining. Resolution Nos. 1307 and 1354 (adopted on December 17, 2003 and December 7, 2004, respectively) subsequently extended the CUP and the DPR for the restaurant. The Planning Commission's decision was

subject to various conditions to minimize impacts of the Project on neighboring residential properties.

Section 3. Condition No. 1 of Resolution No. 1354 states that the CUP and the DPR approval shall expire on October 18, 2005. In accordance with the provisions of Section 10-3-1207, applications for renewal of the CUP and DPR must be reviewed annually for the first three years. Blue Hotel, LLC , owner of the Beverly Crescent Hotel (hereafter the "Applicant"), timely filed renewal applications for the CUP to continue the operation of a public restaurant within a nonconforming hotel and the DPR to allow open air dining at the Project.

Section 4. 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 5. On January 25, 2006, the Planning Commission held a duly noticed public hearing to consider the CUP and DPR renewal applications, at which time evidence, both oral and written, was presented.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines that, as conditioned under Resolution Nos. 1238, 1307 and 1354, the operation of the restaurant and outdoor dining area at the Project site has not had an adverse impact on the surrounding neighborhood. Although evidence presented at the public hearing indicated the Applicant did have several minor instances of noncompliance with the conditions of approval during the past year, Applicant has corrected those violations and no citations were issued by the City. As further conditioned by this Resolution, the Planning Commission finds that any potential impacts have been mitigated to less than significant levels. The Planning Commission further finds that there are no outstanding violations of the conditions of the CUP or DPR at this

time and no outstanding violations of the Beverly Hills Municipal Code against the Project.

Based on the foregoing, the Planning Commission finds that it can continue to make each of the findings set forth in Resolution Nos. 1238, 1307 and 1354 in an affirmative manner and hereby readopts those findings and renews the CUP and DPR for an additional one year period, subject to the conditions set forth in Section 6 below.

Section 7. Based on the foregoing, the Planning Commission hereby extends the CUP and DPR (the "Permits") through and including October 18, 2006, subject to all conditions set forth below:

1. This CUP and DPR shall expire on October 18, 2006, and all rights granted by this CUP and DPR shall terminate at that time. Unless the CUP and DPR are renewed, or a new CUP and DPR granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. The Applicant shall have no right to renewal of the CUP or DPR. Any application for a new CUP and DPR 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). The renewal hearing shall be conducted by the Director of Community Development (the "Director"). Any decision of the Director may be appealed to the Planning Commission for a de novo review. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If the Director or Planning Commission does not extend the CUP and DPR, the CUP and DPR 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 and DPR shall be extended until the City takes final action on the application.

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

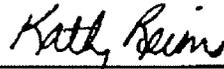
Upon expiration of the extension and any future extension, the Applicant may apply for further extensions pursuant to the procedures set forth above. The length of any further extensions granted shall be governed by the provisions of the Beverly Hills Municipal Code.

2. No employee breaks shall be taken in the side yard between the subject site and the Hotel Del Flores. In addition, no employee shall use the side yard between the two properties for egress or ingress to the hotel after 10:00 p.m. daily. The Applicant shall take measures satisfactory to the Director of Community Development to ensure compliance with this condition.
3. Condition No. 15 in Resolution No. 1307 is hereby amended to read as follows: "The outdoor dining area shall close by 12:00 midnight Sunday through Thursday and by 1:00 a.m. Friday and Saturday."
4. The Applicant shall explore with the Department of Transportation the feasibility of relocating the vehicle retrieval location for the valet operations across the street by the parking structure that houses the valet vehicles to reduce noise impacts on the neighboring property to the north.

Section 8. 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.

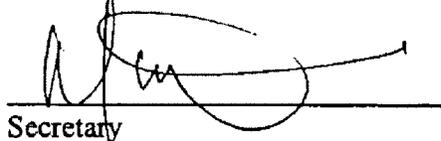
Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: February 23, 2006

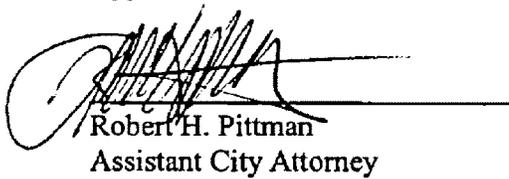


\_\_\_\_\_  
Kathy Reims  
Chairman of the Planning Commission of  
the City of Beverly Hills, California

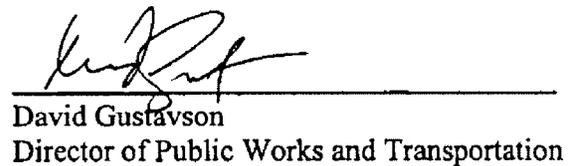
Attest:

  
\_\_\_\_\_  
Secretary

Approved as to form:

  
\_\_\_\_\_  
Robert H. Pittman  
Assistant City Attorney

Approved as to content:

  
\_\_\_\_\_  
Mahdi Aluzri  
Director of Community Development  
\_\_\_\_\_  
David Gustavson  
Director of Public Works and Transportation

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

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1416 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on February 23, 2006, 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 Furie, Melamed, Krasne, Marks, and Reims.

NOES:           None.

  
\_\_\_\_\_  
MAHDI ALUZRI  
Secretary of the Planning Commission/  
Director of Community Development  
City of Beverly Hills, California

# **ATTACHMENT H**

## **PLANS FOR RESTAURANT AND HOTEL RECONFIGURATION**