



Planning Commission Report

Meeting Date: November 13, 2014

Subject: **9882 South Santa Monica Boulevard
Peninsula Hotel**

Request for a Conditional Use Permit and Extended Hours Permit to allow an approximately 2,160 square foot addition to the subject property, 883 square feet of additional open air dining area, and modifications to existing conditions of approval pertaining to hotel operations. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider a determination of exemption from CEQA.

PROJECT APPLICANT: Mitch Dawson

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
 2. Adopt the attached resolution conditionally approving a Conditional Use Permit and Extended Hours Permit for the subject hotel.
-

REPORT SUMMARY

The Peninsula Hotel was originally permitted in 1989, consisting of 200 guest rooms and a variety of appurtenant uses such as retail, meeting room space, restaurant, and bar uses. The original entitlements have been modified several times over the years to accommodate changes at the hotel, and at this time the hotel is seeking modifications to its kitchen, restaurant, back-of-house uses, and conditions of approval pertaining to hotel operations. The changes result in a total of approximately 2,160 square feet of new floor area and 883 square feet of new outdoor dining area, and require approval of a Conditional Use Permit and Extended Hours Permit.

This report analyzes the proposed project in conjunction with existing hotel operations, with specific focus on whether the proposed changes would alter hotel operations in a manner that would impact the surrounding neighborhood. Staff's analysis concludes that the nature of the changes are limited in scope, will allow the hotel to remain competitive within the City and surrounding area, and will not result in adverse impacts to the surrounding neighborhood. Accordingly, the recommendation in this report is for approval of the Conditional Use Permit and Extended Hours Permit.

Attachment(s):

- A. Draft Resolution
- B. Public Notice
- C. Architectural Plans
- D. Planning Commission Resolution No. 1720

Report Author and Contact Information:

Ryan Gohlich
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

| | |
|----------------------|--|
| File Date | 9/5/2014 |
| Application Complete | 10/4/2014 |
| Subdivision Deadline | N/A |
| CEQA Deadline | 60 days from CEQA Determination |
| CEQA Determination | Class 1 categorical exemption for minor alterations and additions to an existing commercial building |
| Permit Streamlining | 1/12/2015 without extension request from applicant |
| Applicant(s) | The Peninsula Hotel |
| Owner(s) | The Belvedere Hotel Partnership |
| Representative(s) | Mitch Dawson |
| Prior PC Action | Resolution approving a CUP for a hotel development – April 22, 1985 Amending the CUP to allow increase in retail square footage and expansion of operational facilities – January 15, 2009 Amending the CUP to allow modifications to hotel outdoor dining and rooftop pool and dining uses and an extended hours permit on the property – February 28, 2013 Resolution amending CUP and Extended Hours Permit – May 22, 2014 |
| Prior Council Action | Planning Commission approval of original hotel construction appealed to City Council. Resolution affirming the Planning Commission’s decision to grant a CUP for hotel development and imposing additional conditions – January 26, 1986 |

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

| | |
|-----------------------|-----------------------------------|
| Address | 9882 South Santa Monica Boulevard |
| APN | Tract # 7710 Lot 755 thru Lot 761 |
| Zoning District | C-3 |
| General Plan | Commercial – Low Density General |
| Existing Land Use(s) | Commercial |
| Lot Dimensions & Area | 2.19 acres |
| Year Built | 1991 (existing hotel) |
| Historic Resource | None |
| Protected Trees/Grove | None |

Adjacent Zoning and Land Uses

| | |
|-------|--|
| North | C-3 - Commercial |
| South | C-3A – Commercial and R-4 Multi Family Residential |
| East | C-3 - Commercial |
| West | C-3 - Commercial |

Circulation and Parking

| | |
|----------------------------|---|
| Adjacent Street(s) | South Santa Monica Boulevard, Lasky Drive, Durant Drive, and Charleville Boulevard |
| Adjacent Alleys | No alley immediately adjacent to the property |
| Parkways & Sidewalks | 10' South Santa Monica Boulevard, 10' Durant Drive, 10' Lasky Drive, 10' Charleville Boulevard |
| Parking Restrictions | South Santa Monica Boulevard, Lasky Drive, Charleville Boulevard, non-residential Durant Drive – metered street parking; Durant Drive (multi-family residential) – Permit Zone “J” ¹ |
| Nearest Major Intersection | Wilshire Boulevard and South Santa Monica Boulevard |
| Circulation Element | South Santa Monica Boulevard serves as an arterial street, and Lasky Drive, Durant Drive, and Charleville Boulevard all serve as local streets. |

Neighborhood Character

The subject site is located on the southeast side of South Santa Monica Boulevard surrounded by the following streets: Lasky Drive to the east, Durant Drive to the southeast side, and Charleville Boulevard to the southwest. The site area consists of 2.19 acres and is currently developed with a four-story hotel with rooftop pool and café, and currently contains 194 guestrooms. The site is surrounded by commercial properties along South Santa Monica Boulevard, Lasky Drive, and Charleville Boulevard with multi-family residential units on Durant Drive. To the east on Lasky Drive is Maison 140, which is a small hotel with 43 guest rooms. The multi-family residential properties on Durant Drive typically vary between two and four stories in height, and are generally separated from the commercial uses by Charleville Boulevard. The nearest residential property is located at 9901 Durant Drive and is approximately 104 feet from the rooftop pool area of the Peninsula Hotel.

¹ Permit Parking Zone “J” restrictions - south side between Moreno Drive and Charleville – “No Parking except by permit Monday through Saturday, 8 a.m. to 2:30 a.m.” and north side between Moreno Drive and Charleville Boulevard – “One hour parking 8 a.m. to 6 p.m. Monday – Saturday, and No Parking except by permit any other time daily.”



PROJECT DESCRIPTION

The proposed project includes a number of changes to the hotel's back-of-house operations and dining facilities, including the following:

- Full remodel of the kitchen and dining areas (temporary kitchen facilities would be provided in trailers)
- 883 square feet of new open air dining area located on the ground floor of the hotel, adjacent to the hotel's existing dining area
- 1,829 square feet of new back-of-house space within the subterranean parking area of the hotel (eliminates 14 parking spaces)
- 331 square feet of new floor area on the ground floor, in place of one existing loading zone

In conjunction with the above project components, the applicant seeks, and/or staff recommends, modification of some of the existing conditions of approval that regulate the hotel's operation. The conditions from Planning Commission Resolution No. 1720 proposed to be substantively modified include the following:

- **Condition No. 4 regarding rooftop events.** The applicant seeks to incorporate Condition No. 4 into Condition No. 3 in order to clarify that the Director of Community Development only needs to be notified of rooftop activities that would occur as part of the 12 additional events allowed per year, on nights other than a Friday, Saturday, or day preceding a holiday.

- **Condition No. 19 regarding meeting room capacity.** The hotel's as-built design allows for a meeting room capacity of 100 people based on code provisions; however, Condition No. 19 limits meeting room capacity to 65 persons. The applicant seeks to reconcile this discrepancy by aligning the allowed meeting room capacity with the as-built conditions and existing code provisions.
- **Condition No. 20 regarding restaurant capacity.** This condition establishes the maximum capacity of the restaurant and bar uses at 145 people, and requires fixed seating for the restaurant and bar uses. The applicant seeks to amend the maximum capacity to 170 people to reflect the proposed additional outdoor dining area, and to eliminate the requirement that all seating must be fixed.
- **Condition No. 29 regarding required parking.** This condition requires that 244 parking spaces be provided for the hotel. Although the expanded outdoor dining area does not require parking spaces since it is considered to be appurtenant to the hotel, staff recommends increasing the required parking to 264 spaces (296 exist on site) in recognition of the additional demand that could be generated by the expanded area.

Required Entitlements. As proposed, the project requires the following entitlements in order to be carried out:

Conditional Use Permit: A Conditional Use Permit is required whenever a hotel is expanded or any new outdoor dining facilities are established. Consequently, the proposed floor area increase, expanded outdoor dining area, and changes to the previously imposed conditions of approval require a Conditional Use Permit.

Extended Hours Permit: An Extended Hours Permit was previously granted for the hotel's outdoor areas. While the project does not propose to modify the hours of operation, a condition of approval pertaining to the process for conducting rooftop events is proposed to be modified. Additionally, the expanded outdoor dining area would be captured within the Extended Hours Permit. Accordingly, the hearing includes a request for an Extended Hours Permit.

ZONING CODE² COMPLIANCE

A detailed review of the proposed Project to applicable zoning standards has been performed. The proposed Project complies with 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.

Agency Review³

The City's Development Services Program, which includes Building and Safety, Planning, Engineering, and Fire has reviewed the proposal and determined that there are no substantial code issues that would prevent the project from being carried out in the manner proposed.

² Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

³ Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

GENERAL PLAN⁴ POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of the goals and policies applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **Policy LU 12 Business Districts Adjoining Residential Neighborhoods.** Compatible relationships between commercial districts and corridors and adjoining residential neighborhoods, assuring that the integrity, character and quality of both commercial and residential areas are protected and public safety and quality of life are maintained.
- **Policy LU 12.1 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 ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- **Policy LU 9.1 Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- **Policy LU 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.
- **Policy LU 15.2 Priority Businesses.** Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail and fashion, restaurant, hotel, technology and supporting uses.

PUBLIC OUTREACH AND NOTIFICATION

| Type of Notice | Required Period | Required Notice Date | Actual Notice Date | Actual Period |
|--|-----------------|----------------------|--------------------|---------------|
| Posted Notice | N/A | N/A | 11/6/2014 | 7 Days |
| Newspaper Notice | 10 Days | 11/3/2014 | 11/31/2014 | 13 Days |
| Mailed Notice (Owners & Occupants - 500' Radius plus block face) | 10 Days | 11/3/2014 | 11/31/2014 | 13 Days |
| Property Posting | N/A | N/A | N/A | N/A |
| Website | N/A | N/A | 11/6/2014 | 7 Days |

Public Comment

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

⁴ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ANALYSIS⁵

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 following analysis is provided to assist the Planning Commission in making a decision regarding the requested entitlements.

Floor Area. The proposed project results in a total floor area increase of approximately 2,160 square feet, of which, 1,829 square feet of the addition will occur within the subterranean parking area of the hotel by converting existing parking spaces to back-of-house uses dedicated to storage, flower preparation, and burnishing. The remaining 331 square-foot addition will occur on the ground floor of the hotel in a loading area accessed from Lasky Drive. Given that the majority of the addition would be located below grade and out of view, and that the above-grade addition would occupy a small footprint without materially altering the appearance of the hotel, the additions are not anticipated to change the character of the property. Furthermore, the additions cause the floor area ratio on the property to be increased from 1.89 to 1, to 1.91 to 1, a negligible increase that remains within the otherwise maximum allowable floor area ratio of 2.0 to 1 for the subject property. Finally, the added floor area helps to improve back-of-house operations, and does not result in increased intensity at the hotel since the added floor area does not allow for additional hotel rooms.

Meeting Room Capacity. As is noted above, the applicant seeks approval to increase meeting room capacity from 65 people to 100 people. The limit of 65 people is set forth in prior conditions of approval; however, the Municipal Code allows meeting room capacity of one person for each two guestrooms. Given that the hotel is authorized for up to 200 guestrooms, its meeting room capacity could be set at 100 people – a number that could be accommodated within the hotel's existing facilities if not for the 65-person limit. Allowing an increase in meeting room capacity would align the hotel with Municipal Code requirements, but could lead to a nominal increase in activity at the hotel. The meeting room space is considered to be appurtenant to hotel operations and does not require additional parking beyond what is currently provided at the site; however, the Commission may wish to discuss whether the increased capacity is appropriate, and whether additional parking should be provided for any increase, particularly given the surplus of parking at the hotel.

Outdoor Dining Area and Restaurant Capacity. The proposed outdoor dining area would increase the size of the ground-floor outdoor dining area by approximately 883 square feet, and would increase its capacity by 25 people. The proposed area appears to be a natural expansion of the existing dining area, and would be surrounded by landscaping and walls adjacent to Lasky and Durant Drives. Beyond the walls and landscaping, Lasky and Durant Drives are bordered by commercial uses adjacent to the hotel that are not anticipated to be impacted by a limited increase in the hotel's outdoor dining area.

⁵ 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.

Similar to the proposed occupancy increase for meeting rooms, the added outdoor dining area is considered to be appurtenant to the hotel, and would not require additional parking. However, based on the possibility that the added outdoor dining area could attract additional patrons to the hotel, staff recommends a condition of approval requiring 20 additional parking spaces at the subject property, which could be accommodated within the existing parking surplus. With the additional parking spaces, the outdoor dining area is not anticipated to result in any adverse impacts. Finally, the request to eliminate the requirement that all seating be fixed in place appears to be appropriate, given that many restaurants have transitioned away from fixed seating in an effort to be more flexible and to create a more inviting ambiance. While fixed seating may provide for easier-to-follow occupancy restrictions, moveable seats are not anticipated to be problematic provided that maximum occupancy limits are posted within the dining areas (as required by code), and allowing for moveable seats may help the hotel to remain competitive in the current market.

Parking. The subterranean parking garage within the hotel currently provides 310 parking spaces, with parking proposed to be reduced to 296 spaces as a result of the subterranean additions. Although 310 parking spaces are currently provided, the hotel is only required to provide 244 spaces. The hotel was built with surplus parking spaces, and has the ability to reduce parking as proposed for the project without falling below the required amount of parking established under prior project approvals. In addition to having sufficient capacity to reduce its parking supply by 14 spaces, the hotel has sufficient supply to accommodate the 20 staff-recommended spaces to serve the outdoor dining expansion. With the requirement for 20 additional spaces, the hotel's total parking requirement would be set at 264 spaces, well within the 296 spaces proposed to be provided.

Loading. The proposed project would replace one existing loading space along Lasky Drive with 331 square feet of back-of-house storage space. According to the applicant, the subject loading area is not currently used by the hotel, and the submitted plans document that two additional loading bays along Lasky Drive would remain in place for use by the hotel. Given that a hotel is a conditionally permitted use, the Planning Commission has authority to set loading requirements for the hotel. Based on the two loading bays that would remain in operation, the proposal to eliminate one loading bay from the hotel does not appear to be detrimental to the surrounding neighborhood or hotel operations; however, the Commission may wish to discuss whether such a modification is appropriate for a hotel that is in close proximity to residential uses.

Rooftop Events. Existing conditions of approval allow the hotel to use its outdoor areas until 12:00 midnight Sunday through Thursday, and until 2:00 AM Friday and Saturday evenings, and evenings preceding a holiday. In addition, the hotel is allowed up to 12 'rooftop events' per year in which they can operate until 2:00 AM on an evening other than a Friday, Saturday, or evening preceding a holiday. As conditioned, the hotel must notify the Director of Community Development of any 'rooftop events' proposed to occur. However, the condition requiring notification of the Director could be interpreted to mean that the hotel must notify the Director any time it plans to operate the outdoor areas beyond 10:00 PM. Because this was not the intent of the condition when it was adopted, the applicant seeks to correct the language to be clear that the Director must only be notified in the event any of the 12 'rooftop events' are to be exercised. A revised condition of approval is provided in the draft resolution.

Construction Trailers. In order to remain operational during the proposed remodel, the hotel anticipates installing four temporary trailers along Lasky Drive that would house temporary kitchen facilities. The temporary kitchen facilities are requested in order to maintain the ability to provide room service and limited restaurant service within the hotel. While temporary trailers along Lasky drive may not be ideal, food service is an integral part of a 5-star hotel, and is needed for the hotel to remain operational during construction. Additionally, the loading bay would remain accessible in order to limit any impacts on the adjacent street. In addition to preserving the loading bay, staff recommends a condition of approval that would require a construction management plan to be approved by the Director of Community Development in order to prevent any circulation or access impacts that could result from the trailers. A condition is also proposed that would require the hotel to reimburse the City for any lost parking meter revenue as a result of the temporary trailers. With the recommended conditions of approval, staff supports the temporary trailers in order to ensure that the hotel remains operational and viable.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

| Potential Pros | Potential Cons |
|--|--|
| <ul style="list-style-type: none">• Project allows hotel to be updated and remain competitive• Ability to maintain or increase tax revenue• Limited scope of work that does not change character of hotel• Much of the added floor area is below grade• Surplus parking spaces available for use• Hotel is able to remain operational during construction | <ul style="list-style-type: none">• Increased restaurant and meeting room capacity• Loss of one loading bay• Loss of 14 parking spaces• Temporary trailers along Lasky Drive• Loss of street parking during construction |

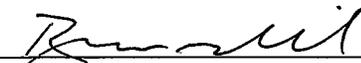
NEXT STEPS

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

Alternatively, the Planning Commission may consider the following actions:

1. Approve the requested entitlements with modified findings or conditions of approval.
2. Deny the requested entitlements, or portions thereof, 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.

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A
DRAFT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT AND EXTENDED HOURS PERMIT, AND INCORPORATING PREVIOUSLY APPROVED ENTITLEMENTS AND CONDITIONS OF APPROVAL, FOR THE PROPERTY LOCATED AT 9882 SOUTH SANTA MONICA BOULEVARD (PENINSULA HOTEL).

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

Section 1. The Belvedere Hotel Partnership, owner of the Peninsula Hotel, through its agent Mitchell J. Dawson (collectively the “Applicant”), has submitted applications for a Conditional Use Permit and Extended Hours Permit to allow a remodel and addition at the subject property, as well as changes to existing conditions of approval that regulate hotel operations (the “Project”).

Section 2. The proposed project includes a number of changes to the hotel’s back-of-house operations and dining facilities, including the following:

- Full remodel of the kitchen and dining areas (temporary kitchen facilities would be provided in trailers)
- 883 square feet of new open air dining area located on the ground floor of the hotel, adjacent to the hotel's existing dining area
- 1,829 square feet of new back-of-house space within the subterranean parking area of the hotel (eliminates 14 parking spaces)

- 331 square feet of new floor area on the ground floor, in place of one existing loading zone

In conjunction with the above project components, some of the conditions of approval previously imposed by Planning Commission Resolution No. 1720 require modification. Condition Nos. 4, 19, 20, and 29 are proposed to be substantively modified as set forth herein in order to modify procedures for rooftop events, meeting room capacity, restaurant capacity, and required parking.

Section 3. The hotel use was originally permitted for the site through a Conditional Use Permit (CUP) approved by the Planning Commission on April 22, 1985, and the Planning Commission decision was affirmed by the City Council on appeal on January 21, 1986. The Conditional Use Permit established the development standards for the site, including floor area, number of guest rooms, retail space and parking requirements. In addition, the CUP regulates various aspects of the hotel's operations, including hours for rooftop pool uses, parking, and loading operations. Since the hotel's construction, the Planning Commission has adopted subsequent resolutions (Resolution Nos. 1545, 1675, and 1720) modifying the hotel's operation and conditions of approval. This resolution incorporates the previously granted entitlements by way of reference, and sets forth all conditions of approval for future operation of the Project site.

Section 4. The subject site is located on the southeast side of South Santa Monica Boulevard, and is bordered by: Lasky Drive to the east, Durant Drive to the southeast side, and Charleville Boulevard to the southwest. The site area consists of 2.19 acres, and is

currently developed with a four-story hotel with 194 guestrooms and a rooftop pool and café. The site is surrounded by commercial properties along South Santa Monica Boulevard, Lasky Drive, and Charleville Boulevard, with multi-family residential units on Durant Drive. To the east on Lasky Drive is Maison 140, which is a small hotel with 43 guest rooms. The multi-family residential properties on Durant Drive typically vary between two and four stories in height, and are generally separated from the commercial uses by Charleville Boulevard. The nearest residential property is located at 9901 Durant Drive and is approximately 104 feet from the rooftop pool area of the Peninsula Hotel.

Section 5. The request to modify the hotel and its operations as outlined above result in the need for specific entitlements as follows:

1. Conditional Use Permit: A Conditional Use Permit is required whenever a hotel is expanded or any new outdoor dining facilities are established. Consequently, the proposed floor area increase, expanded outdoor dining area, and changes to the previously imposed conditions of approval require a Conditional Use Permit.

2. Extended Hours Permit: An Extended Hours Permit was previously granted for the hotel's outdoor areas. While the Project does not propose to modify the hours of operation, a condition of approval pertaining to the process for conducting rooftop events is proposed to be modified. Additionally, the expanded outdoor dining area would be captured within the Extended Hours Permit. Accordingly, the Project requires an Extended Hours Permit.

Section 6. 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 (hereafter the “Guidelines”). Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1 Categorical Exemption and is not anticipated to have a significant environmental impact. The Class 1 exemption is applicable for minor additions and operational changes associated with a commercial structure.

Section 7. Notice of the Project and public hearing was published in two newspapers of local circulation, the *Beverly Hills Courier* and the *Beverly Hills Weekly* , and was mailed on October 31, 2014 to all property owners and residential occupants within a 500-foot radius (plus block-face) of the property.

Section 8. In considering the request for a Conditional Use Permit, the Planning Commission considered whether it could make the following finding in support of the Project:

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

Section 9. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit:

1. The Conditional Use Permit allows for limited additions and operational changes at the hotel, with the majority of the changes not being visible from the street or impacting the hotel's existing character. Additionally, the nominal increase in meeting room capacity, restaurant capacity, and back-of-house space will not materially alter the manner in which the hotel operates. The hotel provides parking in excess of the amount required by the Municipal Code, and as conditioned will continue to provide parking that exceeds Municipal Code requirements. Due to the limited scope of work and the conditions of approval, the Conditional Use Permit will not be detrimental to adjacent property or the public welfare.

Section 10. In considering the request for an Extended Hours Permit, the Planning Commission considered whether the Project would result in any of the following:

1. The accumulation of garbage, litter, or other waste, both on and off of the subject site.
2. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation.
3. Light and glare.
4. Odors and noxious fumes.
5. Pedestrian queuing.
6. Crime or peril to personal safety and security.
7. Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area.
8. Effects on traffic volumes and congestion on local residential streets.

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

Section 11. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Extended Hours Permit:

1. The Extended Hours Permit is related to rooftop and outdoor dining areas. Collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of these areas. No changes are proposed to previously approved operating hours and continued use of the Extended Hours Permit will not result in the accumulation of garbage, litter, or other waste.

2. The Planning Commission previously found that the Extended Hours Permit would not result in noise impacts, and the Project does not alter the approved hours of operation. Therefore, continued use of the Extended Hours Permit in a manner consistent with past approvals will not result in new noise impacts.

3. The continuation of extended hours would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, continuing the outdoor hours of operation until 2:00 AM on Friday, Saturday, and evenings preceding a holiday, and until 12:00 midnight Sunday through Thursday, is not anticipated to create an adverse impact related to light and glare.

4. The continuation of extended hours would not result in any added odors or noxious fumes beyond what currently exist at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding

neighborhood. Therefore, continuing the outdoor hours of operation until 2:00 AM on Friday, Saturday, and evenings preceding a holiday and until 12:00 midnight Sunday through Thursday, is not anticipated to create an adverse impact related odors and noxious fumes.

5. The Extended Hours Permit is related to rooftop pool and outdoor dining uses only. All access to these areas is provided from within the hotel, which is accessed from South Santa Monica Boulevard. No adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. The Extended Hours Permit is related to rooftop uses and outdoor dining uses within the premises of the hotel. Patrons of the hotel typically utilize the hotel's valet parking operation or park within the surrounding commercial area, as parking on the residential streets is regulated by permits. Because patrons are typically contained within the subject property, the proposal is not anticipated to result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and no parking is permitted on the nearest residential street (Durant Drive) in the evenings, which prevents patrons from parking in these areas. Since the subject property is immediately adjacent to commercial uses, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, the hotel provides sufficient parking that is able to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the continued operation of the hotel during extended hours is not anticipated to substantially disrupt the peace and quiet of the adjacent neighborhood as a result of parking impacts or intrusion into residential areas.

8. Continued use of the Extended Hours Permit does not modify existing hotel operations. The Extended Hours Permit provides for hours of operation until 12:00 midnight Sunday through Thursday and 2:00 a.m. Friday and Saturday evenings and evenings preceding a holiday. This time period (late night and early morning) typically has lower traffic volumes (as compared to peak hours). Therefore, an increase of operational hours during this time is not expected to have an adverse impact on traffic volumes or congestion on local residential streets.

9. The location of the subject property is along the South Santa Monica Boulevard commercial corridor. The corridor is primarily comprised of office buildings, small restaurants and retail stores that generally do not operate beyond 10:00 PM. Therefore, continued use of the Extended Hours Permit would not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 12. Based on the foregoing, the Planning Commission hereby grants the requested entitlements. The following conditions encompass all relevant conditions of approval previously imposed on the subject site. Therefore, all previously approved resolutions shall be superseded by this Resolution, and the entitlements granted by previous resolutions are hereby incorporated by reference. The Project shall be subject to the following conditions:

Project Specific Conditions

1. EXPIRATION AND RENEWAL. The Extended Hours Permit shall expire twelve (12) months from the date of this approval. Upon application by the Applicant at least 30 days prior to the expiration of such permit, the Director of Community Development may extend the Permit if the Director of Community Development determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions

imposed by the Planning Commission, and are not creating significant adverse impacts on the surrounding neighborhood. Permits shall remain valid until such a time as a decision is determined by the Director of Community Development. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review. Furthermore, in the event the Director of Community Development believes the hotel may not be in compliance with the extended hours permit provisions, the Director of Community Development or their designee, at their discretion, may require the project be returned to the Planning Commission for further review and analysis prior to the expiration of the entitlements. The Applicant shall file all necessary applications and pay all applicable fees associated with said review.

2. Use of all unenclosed rooftop pool and dining areas and ground floor dining areas shall be prohibited between the hours of 12:00 midnight and 8:00 a.m., Sunday through Thursday, and between the hours of 2:00 a.m. and 8:00 a.m. Friday and Saturday and evenings preceding a holiday.

3. The hotel shall be allowed up to twelve (12) additional events per 12-month period in the hotel's rooftop pool dining area or ground floor dining areas on nights other than a Friday, Saturday, or day preceding a holiday, provided that the following criteria are met:

- a. The event shall not operate later than 2:00 AM; and
- b. The frequency of such events shall not exceed two (2) per month
- c. Prior to the hosting of an extend hours event in either the outdoor dining areas or the rooftop pool and dining areas, the Applicant shall notify the Director of Community Development.

4. No live entertainment or live musical accompaniment to dining shall be allowed except as allowed pursuant to Beverly Hills Municipal Code Section 10-3-2703.

5. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area and outdoor dining areas, provided the volume level conforms to the City's noise level standard and is not audible beyond the hotel's property lines.

6. An annual attestation that the conditions of approval are being met shall be submitted to the City.

7. All devices for the production of sound such as speakers, located on the rooftop or in the outdoor dining areas, shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being plainly audible beyond the property line. Further, the sound levels shall be balanced with an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls.

8. Volume controls for any sound system on the rooftop or in the outdoor dining areas shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls.

9. There shall be no dancing allowed on the rooftop or other outdoor dining areas at any time during the extended hours period.

10. The applicant shall mail or otherwise distribute Peninsula Hotel management contact information, City of Beverly Hills contact information, and 24-hour contact information for dedicated security personnel to all property owners and residential occupants within 500 feet of the hotel.

11. For all extended hours rooftop events conducted pursuant to Condition No. 3 above, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, including internal

security staff of the Applicant, to monitor noise, emanating from the rooftop event toward the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.

12. The hotel operator shall pay for all costs related to police calls for service that occur as a result of extended hours activities in the rooftop or ground floor outdoor areas that in any way violate the Conditional Use Permit or Extended Hours Permit, or result in any other public nuisance findings by a safety officer.

13. The hotel shall provide access to Fire Department, Law Enforcement, and/or Code Enforcement Officers at any time.

14. In the event that the hotel violates or fails to comply with any of these conditions, the City may take action to cure such violation, including but not limited to revocation of this permit.

15. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of November 13, 2014.

17. This resolution approving the Conditional Use Permit and Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the

executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

18. The Project not exceed a maximum of two hundred (200) guest rooms; and for purposes of this condition, each guest room shall be limited to a single keyed entrance.

19. Total aggregate capacity of all public meeting rooms shall not exceed 100 persons.

20. All restaurant/bar uses shall not exceed the total aggregate capacity of one 170 persons, and such facilities shall not have any entrance from, or sign facing, any public street.

21. Retail uses shall not exceed the maximum floor area for retail uses as established in Section 10-3-28.6 (Hotel Regulations) of the Beverly Hills Municipal Code, and shall have no exterior signage or entrance from any public street.

22. All retail uses within the hotel shall be designed and continuously operated in a manner that qualifies said use as an Appurtenant Service Use as defined in Section 10-3-2861 of the Beverly Hills Municipal Code.

23. The main entrance to the hotel shall be on Santa Monica Boulevard, and the entrance shall be designed to adequately minimize interference with traffic flow on adjacent streets in a manner approved by the City Manager or his designee; and all costs related to traffic mitigation measures associated with the hotel, including a traffic signal if necessary, shall be borne by the Applicant.

24. The delivery and loading service area for the hotel shall be serviced from Lasky Drive. A minimum of two loading spaces shall be provided at all times.

25. Pedestrian entrances to the hotel shall be restricted to Lasky Drive and Santa Monica Boulevard.

26. Underground parking ventilation system shall not be located near the southerly boundary of the Project to minimize interference with residential uses in the Project site area.

27. Service vehicle delivery or loading shall be prohibited between the hours of 10:00 p.m. through 7:00 a.m.

28. Facilities for sanitation pick up shall be provided on-site, and shall be designed to minimize noise intrusion in residential areas.

29. A minimum of 264 parking spaces shall be required; provided further, tandem parking is permitted, and a maximum of twenty-five percent (25%) of the required parking may be parking for compact automobiles.

30. Valet parking shall be provided continuously; parking rates shall not exceed the average of rates charged for parking within a one-half mile radius of the Project; restaurant patrons shall be provided with fully validated parking; and parking shall be provided on site for all hotel employees without charge to the employee.

31. The water system in the Project shall include measures to mitigate water consumption, including but not limited to the following: low-flush toilets; low-flow showers and faucets; insulation of hot water lines in water recirculating systems; to the extent feasible and consistent with design standards water pressure shall be reduced to 50 psi or less by means of pressure valves; flush valve operated water closets at three gallons per flush; self-closing valves

on any drinking fountains; thermostatically controlled mixing valves for bath/showers; appropriate posting of water conservation measures; water conserving washers; and water conserving dishwashers equipped with retrofitting spray emitters; and subject to approval of Architectural Commission, low-water-consuming plants and other exterior landscape methods and system to minimize water consumption shall be provided.

32. Energy conservation measures shall be incorporated into the building design, including but not limited to the following: building glaze areas, overhang and landscaping shall be designed to maximize interior solar radiation during summer; to the extent economically feasible solar energy systems shall be an integral part of the Project design; thermal pane or tinted glazing shall be utilized to reduce cooling loads, with glazing areas minimized on wall portions receiving direct radiation during summer; waterflow restrictions on all showers and water taps; low wattage fluorescent lighting; automatic timed thermostats on furnace and central air conditioning units, installation of dimmer switches where feasible; and installation of manually controlled louvers or other insulated coverings on skylights.

33. Security personnel shall be provided on site on a continuous basis.

34. Fire safety equipment shall include but not be limited to the following: automatic fire sprinkling system throughout the structure, automatic and manual fire system (with voice capability) throughout the structure; wet and dry standpipe systems; emergency lighting (Class A generator) throughout plus emergency power for elevators, alarm systems, smoke removal systems, etc.; emergency smoke removal capability of a minimum of six changes per hour; and fixed automatic fire extinguishing system for kitchen range vent hood exhaust systems.

35. The wall shall be set back a minimum of two (2) feet from the property line adjacent to Durant Drive and; provided further, an average of two additional feet of setback shall be maintained adjacent to Durant Drive, and this portion shall be landscaped and maintained in the manner designated by the Architectural Commission.

Section 13. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: November 13, 2014

Howard S. Fisher
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

Jay Trevino, AICP
Interim City Planner



ATTACHMENT B

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: November 13, 2014
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, November 13, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider a request for modifications to the hotel located at 9882 South Santa Monica Boulevard (The Peninsula Hotel). The requested modifications and associated entitlements include the following:

Conditional Use Permit. A Conditional Use Permit is required for modifications to existing hotels. The proposed modifications to the Peninsula Hotel include the following:

- 883 square feet of new open air dining area located on the ground floor of the hotel, adjacent to the hotel's existing dining area;
- 1,829 square feet of new storage space within the subterranean parking area of the hotel;
- 331 square feet of new floor area on the ground floor, in place of one existing loading zone; and
- Modifications to existing conditions of approval that result from the above changes (e.g. number of required parking spaces, maximum restaurant occupancy, and maximum meeting room occupancy).

Extended Hours Permit. A previously approved Extended Hours Permit allows the hotel's outdoor areas to be occupied until midnight Sunday through Thursday, and until 2:00 AM Friday and Saturday evenings, as well as evenings preceding a holiday. Additionally, 12 times per year the outdoor areas may be occupied until 2:00 AM on a day other than a Friday, Saturday, or day preceding a holiday. As part of the proposed project, the applicant wishes to clarify the review process that must be followed for the 12 events. No changes to the permissible hours 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 additions and operational changes associated with an existing commercial structure, 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, Senior Planner** in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the project plans and associated application materials 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, Senior Planner

Mailed: October 31, 2014

ATTACHMENT C
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)

ATTACHMENT D

PLANNING COMMISSION RESOLUTION No. 1720

RESOLUTION NO. 1720

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RENEWING A CONDITIONAL USE PERMIT ALLOWING MODIFICATIONS TO HOTEL OUTDOOR DINING AND ROOFTOP POOL AND DINING USES AND RENEWING AN EXTENDED HOURS PERMIT ON THE PROPERTY LOCATED AT 9882 SOUTH SANTA MONICA BOULEVARD (PENINSULA HOTEL).

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

Section 1. The Belvedere Hotel Partnership, owner of the Peninsula Hotel, through its agent Mitchell J. Dawson (collectively the "Applicant"), has obtained a Conditional Use Permit and an Extended Hours Permit to allow use of the rooftop pool and dining areas, along with ground floor outdoor dining areas, until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. on Friday and Saturday evenings and evenings preceding a holiday. In addition, the Applicant has the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday, or a day preceding a holiday (the "Project").

Section 2. The Project was granted a Conditional Use Permit and an Extended Hours Permit pursuant to Planning Commission Resolution No. 1675. Condition 16 of Resolution No. 1675 states that "The Extended Hours Permit shall expire twelve (12) months from the date of this approval. Upon application by the Applicant at least 30 days prior to the expiration of such permit, the Planning Commission may extend the Permit if the Commission determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating significant

adverse impacts on the surrounding neighborhood.” The Applicant timely filed a request to renew the Conditional Use Permit and Extended Hours Permit.

Section 3. The hotel use was originally permitted for the site through a Conditional Use Permit (CUP) approved by the Planning Commission on April 22, 1985, and the Planning Commission decision was affirmed by the City Council on appeal on January 21, 1986. The Conditional Use Permit established the development standards for the site, including floor area, number of guest rooms, retail space and parking requirements. In addition, the CUP regulates various aspects of the hotel’s operations, including hours for rooftop pool uses, parking, and loading operations. In 2009, the Planning Commission amended the Conditional Use Permit to allow for increased retail space and expansion of operational facilities, and approved Resolution No. 1545 which incorporates the previous resolutions for the hotel.

Section 4. The subject site is located on the southeast side of South Santa Monica Boulevard, and is bordered by: Lasky Drive to the east, Durant Drive to the southeast side, and Charleville Boulevard to the southwest. The site area consists of 2.19 acres, and is currently developed with a four-story hotel with 195 guestrooms and a rooftop pool and café. The site is surrounded by commercial properties along South Santa Monica Boulevard, Lasky Drive, and Charleville Boulevard, with multi-family residential units on Durant Drive. To the east on Lasky Drive is Maison 140, which is a small hotel with 43 guest rooms. The multi-family residential properties on Durant Drive typically vary between two and four stories in height, and are generally separated from the commercial uses by Charleville Boulevard. The

nearest residential property is located at 9901 Durant Drive and is approximately 104 feet from the rooftop pool area of the Peninsula Hotel.

Section 5. The Project includes a request for renewal of a Conditional Use Permit and Extended Hours Permit, which currently allow for later operating hours for the rooftop pool and dining areas and the ground floor dining areas. The existing Conditional Use Permit and Extended Hours Permit were approved pursuant to Planning Commission Resolution No. 1675, which amended the Conditional Use Permit approved by Planning Commission Resolution No. 1545, and incorporated Planning Commission Resolution No. 417 and City Council Resolution No. 86-R-7270. Specifically, Condition No. 11 of Planning Commission Resolution No. 1545 states “Swimming pool and other outdoor activity areas shall not be used between the hours of 10:00 p.m. through 8:00 a.m.” The Applicant requests that the rooftop pool and dining area and ground floor outdoor dining areas be permitted to continue operating until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. on Friday and Saturday evenings and evenings preceding a holiday. In addition, the Applicant requests the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday, or day preceding a holiday.

Section 6. The request to continue the hotel and rooftop operations as outlined above result in the need for specific entitlements as follows:

1. Renewal of Conditional Use Permit: Pursuant to Section 10-3-2862 of the Beverly Hills Municipal Code, a Conditional Use Permit is required whenever existing uses within a hotel are modified/expanded.

2. **Renewal of Extended Hours Permit:** Because the hotel is located outside the Business Triangle, an Extended Hours Permit is required whenever business operations take place outside the hours of 7:00 AM to 10:00 PM. The Applicant requests that the Extended Hours Permit be renewed to continue allowing operating hours to occur until 12:00 midnight Sunday through Thursday, 2:00 a.m. Friday and Saturday evenings and evenings preceding a holiday. In addition the Applicant requests the continued ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday or evening preceding a holiday.

Section 7. 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 (hereafter the “Guidelines”). Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1 Categorical Exemption and is not anticipated to have a significant environmental impact. The Class 1 exemption is applicable for minor operational changes associated with a commercial structure.

Section 8. Notice of the Project and public hearing was published in two newspapers of local circulation, and was mailed on May 9, 2014 to all property owners and residential occupants within a 300-foot radius of the property and all single-family residential properties within 500 feet.

Section 9. In considering the request for renewal of a Conditional Use Permit, the Planning Commission considered whether it could make the following finding in support of the Project:

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

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit:

1. The Renewal of the Conditional Use Permit to allow for use of the rooftop pool area and other outdoor areas during extended hours will result in hotel operations that are substantially similar to existing and previously approved hotel operations. The hotel does not have any noise complaints on file with the City's Police Department or Code Enforcement. However, the Applicant has indicated that there have not been any events during the past year that carried on much later than 10:00pm. Thus there is not enough information at this time to determine if the extended hours operation has resulted in negative impacts to the adjacent uses. Conditions of approval intended to prevent any impacts related to noise are included. The hotel has sufficient parking available within the hotel's on-site parking garage, and valet operations as well as entry to the hotel are provided from South Santa Monica Boulevard. The hotel itself buffers these activities from the residential uses to the south. Conditions of approval relating to music and potential noise from outdoor and rooftop activities have been included to prevent impacts from the extended hours of operation for the outdoor and rooftop areas. As conditioned, approval of the renewal to the Conditional Use Permit and Extended Hours Permit is not anticipated to be detrimental to adjacent property or the public welfare.

Section 11. In considering the request for renewal of an Extended Hours Permit, the Planning Commission considered whether the Project would result in any of the following:

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

Section 12. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Extended Hours Permit:

1. The request for renewal of extended hours is related to rooftop and outdoor dining areas. Collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of these areas. An increase in operating hours has been accommodated by

existing resources and staff, and renewal is not anticipated to result in the accumulation of garbage, litter, or other waste.

2. The City's Police Department records for 2013 and Code Enforcement records for the past ten years for the Peninsula Hotel demonstrate that there have not been complaints related to noise from the hotel's operations. However, the Applicant has indicated that there have not been any events during the past year that carried on much later than 10:00pm. Thus there is not enough information at this time to determine if the extended hours operation has resulted in additional noise impacts. However, all valet operations and entry to the hotel is from South Santa Monica Boulevard with the hotel itself providing a buffer between these operations and the neighboring multi-family residential uses. The area of the hotel with outdoor uses closest to the nearest residential neighbors is the rooftop outdoor dining and pool area, which at the closest point is separated by a public street and is approximately 104 feet to the nearest residential neighbor. This appears to be a sufficient distance and buffer from the residential neighbors, along with the conditions of approval limiting music, dancing and noise in the outdoor areas, to prevent adverse noise impacts. It is not anticipated that continuing extended hours within the rooftop area or ground floor outdoor dining areas would substantially disrupt the peace and quiet of the adjacent neighborhood.

3. The continuation of extended hours would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, continuing the outdoor hours of operation until 2:00 AM on Friday, Saturday, and evenings preceding a holiday, and until 12:00 midnight Sunday through Thursday, is not anticipated to create an adverse impact related to light and glare.

4. The continuation of extended hours would not result in any added odors or noxious fumes beyond what currently exist at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, continuing the outdoor hours of operation until 2:00 AM on Friday, Saturday, and evenings preceding a holiday and until 12:00 midnight Sunday through Thursday, is not anticipated to create an adverse impact related odors and noxious fumes.

5. The Extended Hours Permit is related to rooftop pool and outdoor dining uses only. All access to these areas is provided from within the hotel, which is accessed from South Santa Monica Boulevard. No adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. The Extended Hours Permit is related to rooftop uses and outdoor dining uses within the premises of the hotel. Patrons of the hotel typically utilize the hotel's valet parking operation or park within the surrounding commercial area, as parking on the residential streets is regulated by permits. Because patrons are typically contained within the subject property, the proposal is not anticipated to result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and no parking is permitted on the nearest residential street (Durant Drive) in the evenings, which prevents patrons from parking in these areas. Since the subject property is immediately adjacent to commercial uses, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, hotel parking records indicate that there is sufficient parking available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the

continued operation of the hotel during extended hours is not anticipated to substantially disrupt the peace and quiet of the adjacent neighborhood as a result of parking impacts or intrusion into residential areas.

8. The renewal of Extended Hours does not substantially modify existing hotel operations or capacities. The Extended Hours Permit provides for hours of operation until 12:00 midnight Sunday through Thursday and 2:00 a.m. Friday and Saturday evenings and evenings preceding a holiday. This time period (late night and early morning) typically has lower traffic volumes (as compared to peak hours). Therefore, an increase of operational hours during this time is not expected to have an adverse impact on traffic volumes or congestion on local residential streets.

9. The location of the subject property is along the South Santa Monica Boulevard commercial corridor. The corridor is primarily comprised of office buildings, small restaurants and retail stores that generally do not operate beyond 10:00 PM. Therefore, renewal would not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 13. Based on the foregoing, the Planning Commission hereby grants the requested entitlements. The following conditions encompass all relevant conditions of approval previously imposed on the subject site in Resolution No. 1675. Therefore, the previously approved Resolution shall be superseded by this Resolution. The Project is subject to the following conditions:

Project Specific Conditions

1. EXPIRATION AND RENEWAL. The Extended Hours Permit shall expire twelve (12) months from the date of this approval. Upon application by the Applicant at least 30 days prior to the expiration of such permit, the City may extend the Permit if the reviewing authority determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating significant adverse impacts on the surrounding neighborhood. Permits shall remain valid until such a time as a decision is determined by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review. Furthermore, in the event the Director of Community Development believes the hotel may not be in compliance with the extended hours permit provisions, the Director of Community Development or their designee, at their discretion, may require the project be returned to the Planning Commission for further review and analysis prior to the expiration of the entitlements. The Applicant shall file all necessary applications and pay all applicable fees associated with said review.

Conditions incorporated from Resolution No. 1675

2. Use of all unenclosed rooftop pool and dining areas and ground floor dining areas shall be prohibited between the hours of 12:00 midnight and 8:00 a.m., Sunday through Thursday, and between the hours of 2:00 a.m. and 8:00 a.m. Friday and Saturday and evenings preceding a holiday.

3. The hotel shall be allowed up to twelve (12) additional events per 12-month period in the hotel's rooftop pool dining area or ground floor dining areas on nights other than a Friday, Saturday, or day preceding a holiday, provided that the following criteria are met:

- a. The event shall not operate later than 2:00 AM; and

- b. The frequency of such events shall not exceed two (2) per month
4. Prior to the hosting of an extend hours event in either the outdoor dining areas or the rooftop pool and dining areas, the Applicant shall notify the Director of Community Development.
5. No live entertainment or live musical accompaniment to dining shall be allowed except as allowed pursuant to Beverly Hills Municipal Code Section 10-3-2703.
6. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area and outdoor dining areas, provided the volume level conforms to the City's noise level standard and is not audible beyond the hotel's property lines.
7. An annual attestation that the conditions of approval are being met shall be submitted to the City.
8. All devices for the production of sound such as speakers, located on the rooftop or in the outdoor dining areas, shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being plainly audible beyond the property line. Further, the sound levels shall be balanced with an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls.
9. Volume controls for any sound system on the rooftop or in the outdoor dining areas shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls.
10. There shall be no dancing allowed on the rooftop or other outdoor dining areas at any time during the extended hours period.

11. The applicant shall mail or otherwise distribute Peninsula Hotel management contact information, City of Beverly Hills contact information, and 24-hour contact information for dedicated security personnel to all property owners and residential occupants within 500 feet of the hotel.

12. For all extended hours rooftop events conducted pursuant to Condition No. 2 above, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, including internal security staff of the Applicant, to monitor noise, emanating from the rooftop event toward the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.

13. The hotel operator shall pay for all costs related to police calls for service that occur as a result of extended hours activities in the rooftop or ground floor outdoor areas that in any way violate the Conditional Use Permit or Extended Hours Permit, or result in any other public nuisance findings by a safety officer.

14. The hotel shall provide access to Fire Department, Law Enforcement, and/or Code Enforcement Officers at any time.

15. In the event that the hotel violates or fails to comply with any of these conditions, the City may take action to cure such violation, including but not limited to revocation of this permit.

16. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of January 15, 2009 as part of the approval

of Resolution Number 1545, and the plans submitted to and reviewed by the Planning Commission at its meeting of February 28, 2013.

17. This resolution approving the Conditional Use Permit amendment and Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

Conditions incorporated from Resolution No. 1545

18. The Project not exceed a maximum of two hundred (200) guest rooms; and for purposes of this condition, each guest room shall be limited to a single keyed entrance.

19. Total aggregate capacity of all public meeting rooms shall not exceed sixty-five (65) persons.

20. All restaurant/bar uses shall be designed and constructed with fixed seating; shall not exceed the total aggregate capacity of one hundred forty-five (145) persons; and such facilities shall not have any entrance from, or sign facing, any public street.

21. Retail uses shall not exceed the maximum floor area for retail uses as established in Section 10-3-28.6 (Hotel Regulations) of the Beverly Hills Municipal Code, and shall have no exterior signage or entrance from any public street.

22. All retail uses within the hotel shall be designed and continuously operated in a manner that qualifies said use as an Appurtenant Service Use as defined in Section 10-3-2861 of the Beverly Hills Municipal Code.

23. The main entrance to the hotel shall be on Santa Monica Boulevard, and the entrance shall be designed to adequately minimize interference with traffic flow on adjacent streets in a manner approved by the City Manager or his designee; and all costs related to traffic mitigation measures associated with the hotel, including a traffic signal if necessary, shall be borne by the Applicant.

24. The delivery and loading service area for the hotel shall be serviced from Lasky Drive.

25. Pedestrian entrances to the hotel shall be restricted to Lasky Drive and Santa Monica Boulevard.

26. Underground parking ventilation system shall not be located near the southerly boundary of the Project to minimize interference with residential uses in the Project site area.

27. Service vehicle delivery or loading shall be prohibited between the hours of 10:00 p.m. through 7:00 a.m.

28. Facilities for sanitation pick up shall be provided on-site, and shall be designed to minimize noise intrusion in residential areas.

29. A minimum of two hundred forty-four (244) parking spaces shall be required; provided further, tandem parking is permitted, and a maximum of twenty-five percent (25%) of the required parking may be parking for compact automobiles.

30. Valet parking shall be provided continuously; parking rates shall not exceed the average of rates charged for parking within a one-half mile radius of the Project; restaurant patrons shall be provided with fully validated parking; and parking shall be provided on site for all hotel employees without charge to the employee.

31. The water system in the Project shall include measures to mitigate water consumption, including but not limited to the following: low-flush toilets; low-flow showers and faucets; insulation of hot water lines in water recirculating systems; to the extent feasible and consistent with design standards water pressure shall be reduced to 50 psi or less by means of pressure valves; flush valve operated water closets at three gallons per flush; self-closing valves on any drinking fountains; thermostatically controlled mixing valves for bath/showers; appropriate posting of water conservation measures; water conserving washers; and water conserving dishwashers equipped with retrofitting spray emitters; and subject to approval of Architectural Commission, low-water-consuming plants and other exterior landscape methods and system to minimize water consumption shall be provided.

32. Energy conservation measures shall be incorporated into the building design, including but not limited to the following: building glaze areas, overhang and landscaping shall be designed to maximize interior solar radiation during summer; to the extent economically feasible solar energy systems shall be an integral part of the Project design;

thermal pane or tinted glazing shall be utilized to reduce cooling loads, with glazing areas minimized on wall portions receiving direct radiation during summer; waterflow restrictions on all showers and water taps; low wattage fluorescent lighting; automatic timed thermostats on furnace and central air conditioning units, installation of dimmer switches where feasible; and installation of manually controlled louvers or other insulated coverings on skylights.

33. Security personnel shall be provided on site on a continuous basis.

34. Fire safety equipment shall include but not be limited to the following: automatic fire sprinkling system throughout the structure, automatic and manual fire system (with voice capability) throughout the structure; wet and dry standpipe systems; emergency lighting (Class A generator) throughout plus emergency power for elevators, alarm systems, smoke removal systems, etc.; emergency smoke removal capability of a minimum of six changes per hour; and fixed automatic fire extinguishing system for kitchen range vent hood exhaust systems.

35. The wall shall be set back a minimum of two (2) feet from the property line adjacent to Durant Drive and; provided further, an average of two additional feet of setback shall be maintained adjacent to Durant Drive, and this portion shall be landscaped and maintained in the manner designated by the Architectural Commission.

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

Adopted: May 22, 2014



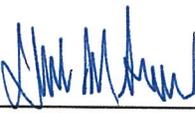
Brian Rosenstein
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



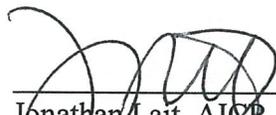
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

AS

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1720 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on May 22, 2014, 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 Shooshani, Block, Corman, Vice Chair Fisher, Chair
 Rosenstein.

NOES: None.

ABSTAIN: None.

ABSENT: None.



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