



Planning Commission Report

Meeting Date: November 13, 2014

Subject: **14 North La Cienega Boulevard**
The Phoenix Restaurant

Request to renew and modify a previously approved Extended Hours Permit and Development Plan Review to allow the subject restaurant to operate until 2:00 AM, seven days per week. Additionally, the Planning Commission may consider revocation of the subject Extended Hours Permit and Development Plan Review. 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: Lonnie Moore and Michael Malin

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt a resolution memorializing the Planning Commission's findings with respect to the Extended Hours Permit and Development Plan Review.

BACKGROUND

On October 23, 2014, the Planning Commission considered renewal and modification of an Extended Hours Permit and Development Plan Review for the Phoenix Restaurant located at 14 North La Cienega Boulevard. The Extended Hours Permit allows operation of the restaurant until 11:00 PM Sunday through Thursday, and until 1:00 AM Friday and Saturday evenings. The Development Plan Review allows for an open air dining area that is permitted to operate until 11:00 PM nightly. In addition to the renewal of the subject entitlements, the applicant seeks to modify the Extended Hours Permit to allow the restaurant to operate until 2:00 AM, seven days per week.

In its review of the requested renewal and modification of the Extended Hours Permit and Development Plan Review, the Planning Commission received public comments in opposition and support of the project, and reviewed police reports and pending prosecution related to violations of the Municipal Code and conditions of approval at the project site. Based on the public testimony and documented violations, the Planning Commission continued the public hearing, requested additional information on transitional use licenses, and requested that the hearing be noticed for possible revocation of the subject entitlements. In this way the Planning Commission would have greater latitude as it reviews the project. This report includes the requested information, and recommends that the Commission adopt a resolution memorializing its findings with respect to the project.

Attachment(s):

- A. Draft Resolution – Approval of Extended Hours Permit and DPR
- B. Draft Resolution – Revocation of Extended Hours Permit and DPR
- C. October 23, 2014 Staff Report, Inclusive of Attachments

Report Author and Contact Information:

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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	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	11/3/2014	11/3/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	11/6/2014	7 Days

Public Comment

Multiple public comments were provided at the Commission’s October 23, 2014 hearing, both in support and opposition of the project. As of the writing of this report, staff has not received any new public correspondence in regard to the project.

ANALYSIS¹

Project approval, conditional approval, denial, or revocation is based upon specific findings for the discretionary applications requested by the applicant. The required findings are included in the Draft Planning Commission Resolutions (Attachments A and B). Analysis prepared as part of staff’s review of the project is provided in Attachment C, with additional information provided below to help inform the Commission and guide its deliberations.

Transitional Use License. At its October 23, 2014 hearing the Commission asked whether the subject restaurant possessed a Transitional Use License, and what the steps would be for revoking such a license. Pursuant to BHMCA §10-3-1957, the majority of businesses that operate within 170 feet of residentially zoned property must obtain a Transitional Use License² in order to operate; however, certain types of businesses are exempt from this requirement, including the following:

- Office-type businesses;
- Hotels;
- Projects that have received a Development Plan Review, Conditional Use Permit, or Planned Development Permit; and
- Vehicle fueling stations

In the case of the Phoenix Restaurant, it possesses a Development Plan Review, and is therefore exempt from the requirement that it obtain a Transitional Use License. In the event that the Planning Commission revokes the Development Plan Review, the Phoenix would then be required to obtain a Transitional Use License, which could be revoked at a future date if the Planning Commission were to find as follows:

¹ 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.

² A Transitional Use License is a ministerial license granted by the City that outlines the Municipal Code standards for operating within 100’ of residentially zoned properties, and requires acknowledgment of the rules by the business owner. There is no fee for obtaining a Transitional Use License.

1. *The permittee has violated a condition of the license or permit previously imposed pursuant to this section, or violated any provision of this code that governs the permitted activity; or*
2. *Misstatements or omissions of material facts were used in the acquisition of a transitional use license or extended hours permit.*

In addition, should the planning commission find that the permittee is in violation of any provision of this article or other city law governing the permitted activity, the commission may allow the transitional use license or extended hours permit to remain in force, subject to conditions to correct and prevent a recurrence of said violation and to protect the peace and quiet of the adjacent neighborhood. In doing so, the planning commission may require all future license and permit approvals for the subject business to be subject to the same conditions.

Revocation of Extended Hours Permit. The Extended Hours Permit is subject to the same revocation procedures as those set forth above for a Transitional Use License, and the Planning Commission may elect to revoke the Extended Hours Permit if it finds that:

1. *The permittee has violated a condition of the license or permit previously imposed pursuant to this section, or violated any provision of this code that governs the permitted activity; or*
2. *Misstatements or omissions of material facts were used in the acquisition of a transitional use license or extended hours permit.*

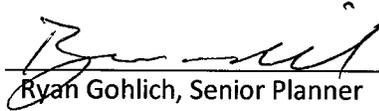
As previously outlined in the October 23, 2014 staff report, evidence exists to suggest that the Phoenix has violated Condition Nos. 5, 6, 13, and 20 of Planning Commission Resolution No. 1693. Accordingly, staff seeks direction from the Planning Commission as to whether there is interest in revoking the Extended Hours permit.

Revocation of Development Plan Review. Although not subject to the same revocation procedures as the Extended Hours Permit, a condition of approval in the previously granted Development Plan Review allows for termination (revocation) of the previously granted entitlements upon violation of any of the conditions of approval set forth in Planning Commission Resolution No. 1693. As identified above and documented in the October 23, 2014 staff report, evidence exists to suggest that the Phoenix has violated Condition Nos. 5, 6, 13, and 20 of Planning Commission Resolution No. 1693. Accordingly, staff seeks direction from the Planning Commission as to whether there is interest in revoking the Development Plan Review.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution memorializing the Planning Commission's findings with respect to the Extended Hours Permit and Development Plan Review.

Report Reviewed By:



Ryan Gohlich, Senior Planner

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ATTACHMENT A

DRAFT RESOLUTION – APPROVAL OF EXTENDED HOURS

PERMIT AND DPR

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN EXTENDED HOURS PERMIT AND DEVELOPMENT PLAN REVIEW FOR EXTENDED HOURS OPERATION AND OPEN AIR DINING AT THE PROPERTY LOCATED AT 14 NORTH LA CIENEGA BOULEVARD (PHOENIX RESTAURANT), AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. Lonnie Moore and Michael Malin, representatives on behalf of The Phoenix Restaurant and Sweetzer Plaza Inc. (the "Applicant"), has submitted an application to renew and modify an Extended Hours Permit and Development Plan Review associated with the operation of The Phoenix Restaurant. Planning Commission Resolution No. 1693, adopted September 12, 2013, conditionally approved an Extended Hours Permit and Development Plan Review for the Phoenix Restaurant. The existing Extended Hours Permit allows operation of the restaurant until 11:00 PM Sunday through Thursday, and until 1:00 AM Friday and Saturday evenings. The Development Plan Review allows for an open air dining area that is permitted to operate until 11:00 PM nightly. Pursuant to Condition No. 16 of Planning Commission Resolution No. 1693, the Planning Commission shall review the entitlements six months after the re-establishment of the restaurant in order to assess compliance with conditions and the project's impact on the surrounding neighborhood. In addition to the required review of the

entitlements, the applicant seeks to modify the Extended Hours Permit to allow the restaurant to operate until 2:00 AM, seven days per week.

Section 2. The Project has been environmentally reviewed pursuant to 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 environmental guidelines. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 (existing facilities). Specifically, a Class 1 exemption applies to limited operational changes to an existing commercial building, and the Project is therefore eligible for the Categorical Exemption.

Section 3. Notice of the Project and public hearing was mailed on October 13, 2014 to all property owners and residential occupants within a 500-foot radius of the property. On October 23, 2014 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 4. In considering the request for an Extended Hours Permit, the Planning Commission considered whether the Project would adversely affect neighboring properties due to:

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

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the request for an Extended Hours Permit:

1. The request for Extended Hours would maintain and extend existing operations until 2:00 AM. As conditioned, the Extended Hours would be limited to a maximum of those currently in place (11:00 PM Sunday through Thursday, 1:00 AM Friday and Saturday evenings, and 11:00 PM nightly within the open air dining area), and collection of garbage, litter, and other waste would continue to be handled by staff during regular operation of the restaurant. A continuation of the operating hours can be accommodated by existing resources and

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

2. Since the opening of the restaurant in 2012, the City has received numerous noise complaints, and multiple violations of the Municipal Code and conditions of approval have been documented by the Police Department and Code Enforcement Division. As conditioned, inclusive of restrictions on operating hours and the playing of music, the Project will not result in adverse impacts related to noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation.

3. Renewal of the Extended Hours Permit 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, allowing continued operation of the restaurant, as conditioned, will not create adverse impacts related to light and glare.

4. Renewal of the Extended Hours Permit would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, allowing continued operation of the restaurant, as conditioned, will not create adverse impacts related odors and noxious fumes.

5. Conditions of approval restrict the occupancy of the restaurant to a maximum of 114 patrons. This reduces the possibility of queuing, and renewal of the

Extended Hours Permit would not result in any additional patrons or queuing beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that pedestrian queuing is impacting the surrounding neighborhood. Therefore, allowing continued operation of the restaurant, as conditioned, will not create adverse impacts related to pedestrian queuing.

6. As documented in the City's Police Department Incident Reports, several instances of crime and fighting have occurred at the restaurant or immediately outside the restaurant. While complaints associated with the restaurant have somewhat decreased over the past year, adherence to the conditions of approval, particularly those pertaining to occupancy restrictions and hours of operation, are anticipated to mitigate crime or peril. Therefore, as conditioned, continued operation of the restaurant will not 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 vehicles without permits are generally prohibited, which prevents patrons from parking in these areas. Additionally, the restaurant maintains a valet operation and provides employees with free off-site parking. As conditioned and based on the permit parking zones, valet operation, and free employee parking, the extended hours operation will not adversely impact residential parking or intrude substantially into the residential area.

8. Renewal of the Extended Hours Permit, as conditioned, does not modify existing restaurant operations or capacities. The time period that the Extended Hours Permit is in effect (late night) typically has lower traffic volumes (as

compared to peak hours). Therefore, renewal of the Extended Hours Permit will not adversely impact traffic volumes and congestion on local residential streets.

9. The location of the subject property is along North La Cienega Boulevard, a commercial corridor. The corridor is primarily comprised of medical office buildings, restaurants, and retail stores that generally do not operate beyond 10:00 PM. Therefore, the Project will not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 6. In considering the request for a Development Plan Review, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area;
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. The proposed plan will not be detrimental to the public health, safety or general welfare.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the request for a Development Plan Review:

1. The restaurant is a commercial use located in a commercial zone.

With adherence to the conditions set forth herein that are intended to protect adjacent residential zones from impacts that can be caused by commercial operations, Continued operation of the restaurant and open air dining area, as conditioned, will remain consistent with the General Plan. There are no specific plans in the vicinity of the Project.

2. The existing one-story building will not be modified as a result of the Project. However, since the opening of the restaurant in 2012, the City has received numerous noise complaints, and multiple violations of the Municipal Code and conditions of approval have been documented by the Police Department and Code Enforcement Division. As conditioned, inclusive of restrictions on operating hours and the playing of music, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

3. Since the opening of the restaurant in 2012, the City has received numerous noise complaints, and multiple violations of the Municipal Code and conditions of approval have been documented by the Police Department and Code Enforcement Division. As conditioned, inclusive of restrictions on operating hours, maximum occupancies, and the playing of music, the Project will not significantly

and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. Renewal of the Development Plan Review will not create additional traffic in the vicinity, nor will existing circulation patterns be modified. As conditioned, the Project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. Since the opening of the restaurant in 2012, the City has received numerous noise complaints, and multiple violations of the Municipal Code and conditions of approval have been documented by the Police Department and Code Enforcement Division. As conditioned, inclusive of restrictions on operating hours, maximum occupancies, and the playing of music, the Project will not be detrimental to the public health, safety or general welfare.

Section 8. Based on the foregoing, the Planning Commission hereby approves the requested Extended Hours Permit and Development Plan Review, subject to the following conditions:

1. This Resolution and the conditions of approval set forth herein shall supersede the approvals and conditions set forth in Planning Commission Resolution Nos. 1124 and 1693.

2. Except as otherwise provided by these conditions, the Project shall be constructed and operated in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of October 23, 2014.

3. A valet operation for the evening and nighttime operating hours of the restaurant (after 6:00 p.m.) shall be provided, pursuant to the requirements of the

Department of Community Development and in a manner satisfactory to the Director of Community Development.

4. The applicant shall continue to provide free off-site employee parking located within a reasonable distance from the restaurant to the satisfaction of the Director of Community Development, and shall require all persons working for or at the project site, as a condition of employment or hire, and as a condition of this approval, to park in such location while present at the project site. This site must be a different site than the valet parking spaces that may be available to patrons of the project at the surface parking lot at 8485 Wilshire Boulevard, directly adjacent to 14 La Cienega Boulevard. In the event that persons working at the project are failing to utilize the required employee parking site as required by this condition, the applicant shall take all reasonable steps requested by the Director of Community Development necessary to enforce the terms of this condition. Such steps shall be in addition to any other remedies available to City for violation of this resolution or the Beverly Hills Municipal Code.

5. The rear wall enclosure of the open air dining area shall be of a sufficient height to screen any sight line views from the adjacent apartment building to the east.

6. Until such time as all conditions of approval set forth herein have been complied with, the restaurant may receive patrons up to and including 10:00 p.m., and shall close by 11:00 p.m. with all patrons having left the premises before this time, seven days per week. Once all conditions set forth herein have been complied with to the satisfaction of the Director of Community Development, the

following operating hours shall apply: The restaurant may receive patrons up to and including 10:00 p.m., and shall close by 11:00 p.m. with all patrons having left the premises before this time, Sunday through Thursday. The restaurant may remain open until 1:00 a.m. on Saturday and Sunday mornings (Friday and Saturday evenings respectively); however, all patrons shall vacate the premises by that time. Patrons shall not be permitted to occupy the open air dining area between the hours of 11:00 p.m. and 7:00 a.m. from Sunday through Friday and between the hours of 11:00 p.m. and 9:00 a.m. from Friday through Sunday except restaurant patrons may walk through the open air dining area to access the bathrooms at the back of the open air dining area.

7. The Planning Commission reserves the power and right to impose additional conditions upon this approval and/or to further restrict the operating hours of the outdoor dining or the restaurant if the Commission determines after a noticed public hearing that the restaurant is being operated in a manner that interferes with the quiet enjoyment of nearby residential properties and that the existing conditions of approval are inadequate to halt the interference. The Commission shall have the authority to revoke the extended hours permit in the event of violations, interference with quiet enjoyment of nearby residential properties, or a combination thereof.

8. The indoor dining area shall be limited to 72 patrons, whether seated or standing, and the open air dining area shall be limited to thirteen (13) tables and forty-two (42) patrons, whether seated or standing, for a total of 114 patrons.

9. All recyclable containers, including glass bottles, shall be placed in bags prior to disposal into the recyclable bin to minimize noise and odors.

10. The applicant shall maintain the subject area in a clean and sanitary condition, including emptying trash receptacles and sweeping the ground regularly.

11. The applicant shall operate the open air dining area in a manner that meets all requirements of the Health Department of Los Angeles County.

12. The applicant shall provide sufficient valet parking attendants to accommodate patron demand and ensure that vehicles will not queue on the street except in loading areas designated as a valet parking zone.

13. All rear lighting shall be shielded and oriented so that it does not illuminate an area beyond the bounds of the project site.

14. This resolution shall be attached as an exhibit to the covenant.

15. 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.

16. A cash deposit of \$5,000 shall be deposited with the City to ensure compliance with the City's requirements regarding construction activities. Such deposit shall be returned to applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the applicant that the applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations.

Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. 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 issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth hereinabove. All amounts deposited with the City shall be deposited in an interest bearing account. Applicant shall be reimbursed all interest accruing on monies deposited.

17. The requirements of conditions 7 and 24 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.

18. The business shall comply with all general operational requirements for the Commercial-Residential Transition area pursuant to Beverly Hills Municipal Code Section 10-3-1956, which also regulates operation of the business during the extended hours period.

19. Until such time as the Alcoholic Beverage Control modifies its conditions to allow the playing of amplified music within the restaurant, the playing of amplified music shall be prohibited. If and when the Alcoholic Beverage Control conditions are modified to allow the playing of amplified music within the restaurant, the following standards shall apply: Pre-recorded background music that does not interfere with normal speech communication may be played in the outdoor dining

area, provided the volume level conforms to the City's noise level standard and is not audible beyond the restaurant's property lines. All speakers within the premises 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 allows for the attenuation of bass frequencies to limit noise from escaping beyond the property line. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Only restaurant management shall be provided with access to the volume controls.

20. Restaurant staff shall be stationed at the restaurant's entrance to prevent violation of the maximum number of patrons allowed, enforce the hours of operation, prevent queuing of patrons or vehicles that negatively impact the area, and to prevent violations of the City's noise ordinance.

21. Within 30 days after approval of this resolution, the Phoenix Management shall deposit \$5,000 with the City to ensure compliance with the Municipal Code and these conditions of approval. The City shall use such funds to cover the cost of code enforcement and police calls for service that occur due to a violation of the Municipal Code or these conditions of approval. If the City draws upon the \$5,000 deposit, the applicant shall replenish the funds and consistently maintain a balance of \$5,000. If the applicant timely requests a hearing regarding the use of the funds, the City shall provide the applicant an opportunity to appear and offer evidence before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. If there are no enforcement

actions for a period of two years, the applicant may petition the Planning Commission for a reduction in the amount of the cash deposit.

22. An annual attestation that the conditions of approval are being met shall be submitted to the Director of Community Development.

23. EXPIRATION. Extended Hours Permit and Development Plan Review: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

25. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

26. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions.

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/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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

DRAFT RESOLUTION – REVOCATION OF EXTENDED HOURS PERMIT AND DPR

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS REVOKING AN EXTENDED HOURS PERMIT AND DEVELOPMENT PLAN REVIEW FOR THE PROPERTY LOCATED AT 14 NORTH LA CIENEGA BOULEVARD (PHOENIX RESTAURANT), AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. On February 23, 2000, the Planning Commission of the City of Beverly Hills adopted Resolution No. 1124, issuing a development plan review permit to allow open air dining, waiving parking requirements, and issuing an extended hours permit for a restaurant at the property located at 14 North La Cienega Boulevard, Beverly Hills, subject to a number of conditions.

Section 2. The Planning Commission, in adopting Resolution No. 1124 conditionally approved the development plan review permit to allow open air dining and made the following findings:

- a. The proposed project is consistent with the General Plan;
- b. As conditioned, the proposed project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards;
- c. As conditioned, the proposed project will not affect existing and anticipated development in the vicinity, will promote harmonious development of the area and will not be detrimental to the public health, safety or general welfare;

- d. As conditioned, the nature, configuration, location, density, height and manner of operation of the proposed project will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
- e. As conditioned, the proposed project will not create any significantly adverse parking impacts as a result of employee or patron parking demand.
- f. As conditioned, the proposed project will not significantly and adversely affect neighboring properties due to the accumulation of garbage, trash or other waste; noise created by operation of the dining area or by employees or visitors entering or exiting the site; or odors or noxious fumes.
- g. Due to the nature of the project and the orientation of the project towards La Cienega Boulevard, no light, glare or noise (from employees or otherwise) from the project will significantly impact neighboring properties.

Section 3. The Planning Commission, in adopting Resolution No. 1124 also conditionally approved the extended hours permit, finding that the operation, as conditioned, would not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of any of the following:

- a. The accumulation of garbage, litter or other waste, both on and off the project site;
- b. Noise created by the extended hours operation or by employees or visitors entering the extended operation;
- c. Light and glare;
- d. Odors and noxious fumes;
- e. Pedestrian queuing;

- f. Crime or peril to personal safety and security;
- g. Use of restricted streets for parking which is likely to cause activity associated with the extended hours operation to intrude substantially into a residential area;
- h. Effects on traffic volumes and congestion on local residential streets; and
- i. Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

Section 4. After the initial entitlements, which run with the land, a new business, the Phoenix Restaurant Los Angeles, moved into the space in October 2012 relying on the entitlements as approved by Resolution No. 1124. The City understands that the following individuals are involved in the ownership and management of the Phoenix in various capacities: Lonnie Todd Moore (owner), Adolfo Alejandro Suaya (owner and ABC Licensee), Ryan Sweeney (owner), Mike Malin (owner), Brandon Bradford (owner), and Alan Aivazian (owner). Hereafter, the restaurant facility is referred to as the “Phoenix” and the owners and operators are referred to individually and collectively as the “Phoenix Management”.

Section 5. Shortly after commencing operations in 2012, the City became aware of a number of violations of the Municipal Code at the Phoenix, as well as violations of the conditions of approval for the open air dining permit and extended hours permit granted by Resolution No. 1124. As a result of these violations, the City initiated code enforcement proceedings.

Section 6. In November 2012, the City issued a Compliance Order, indicating that the Phoenix was maintaining a business identification sign that had not been approved by the Architectural Commission. In addition, the Phoenix Management was cited for operating past 11:00 p.m. contrary to the extended hours permit and the terms of Resolution No. 1124.

Section 7. In December 2012, the City's Fire Department issued an Inspection Notice to the Phoenix Management, indicating, among other things, that the Phoenix must display the maximum occupant load signage, and that the Phoenix failed to provide clear exit access and make emergency exit signs visible to the public.

Section 8. In February 2013, the City's Building and Safety Department issued a correction notice requiring that the Phoenix Management remove the outdoor dining at the front area of the restaurant, change the direction of entry for the front doors, install handrails, remove extension cords, and maintain the rear egress path free of fire hazards, in order to bring the building into compliance with the City's building codes.

Section 9. In March 2013, the Building and Safety Department issued another correction notice, indicating that the required corrections set forth in the February 2013 "correction notice" had not been completely addressed. In addition, the March 2013 notice required that the Phoenix Management: (1) construct handrails to comply with building code requirements; (2) fill holes in a stairway to eliminate trip hazards; (3) remove additional extension cords; and (4) immediately repair emergency lights.

Section 10. On June 5, 2013, the City Prosecutor sent a letter to the Phoenix Management, and their attorney Michael Gonzales, outlining the violations of the Municipal Code and the conditions of approval included in Resolution No. 1124. The matter was referred to the City's Planning Commission because the Phoenix Management had not addressed the outstanding violations of the Municipal Code and conditions of approval.

Section 11. On August 12, 2013, the Planning Commission held a duly noticed public hearing to consider the modification, suspension, or revocation of the Development Plan Review Permit that allowed open air dining and the Extended Hours Permit. At the August 12,

2013 hearing, all parties, including the owners, operators, and agents of the Phoenix, were afforded an opportunity to comment on the alleged violations and the proposed modification, suspension or revocation of the permits. At the hearing, the Planning Commission heard and considered public testimony, including telephonic testimony from Lonnie Moore on behalf of Phoenix Management because of his inability to attend in person, and after deliberations opted not to revoke or suspend the then existing entitlement, and directed staff to prepare a resolution to adopt modifications to the Development Plan Review and Extended Hours Permit approvals and conditions to address the issues and concerns arising from the Phoenix operations, as documented in the administrative record and raised at the hearing. The Planning Commission continued the hearing for further consideration of the matter to the meeting of September 12, 2013. On September 12, 2013, the Planning Commission adopted Resolution No. 1693, which authorized continued operation of the Phoenix, inclusive of the Development Plan Review and Extended Hours Permit, subject to project specific conditions of approval, including review of the project within six months after resumption of operations after completing certain conditions related to the restaurant structure (Condition 16). Condition 16 also reserved jurisdiction over traffic, parking and noise impacts, enabling the City to adopt further project conditions or modifications to address any issues that may arise, or to revoke the permits.

Section 12. Subsequent to the adoption of Planning Commission Resolution No. 1693, continued violations of the conditions of approval have been documented by the Beverly Hills Police Department and Code Enforcement Division. Specifically, the Phoenix was found to be in violation of Condition Nos. 5, 6, 13, 19, and 20 of Planning Commission Resolution No. 1693. These conditions pertain to operating hours, use of the open air dining area, maximum occupancy limitations, and requirements to submit cash deposits to the City to

cover Police Department and Code Enforcement costs associated with violations at the Phoenix. As a result of these violations, and in accordance with BHMC §10-3-1959 (Referral and Revocation of Permits and Licenses) and Section 17 of Planning Commission Resolution No. 1693 (Violations), the Planning Commission may revoke the existing Development Plan Review and Extended Hours Permit.

Section 13. Revocation of the existing Development Plan Review and Extended Hours Permit (the “Project”) was 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. It has been determined that adoption of this resolution would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15321 (Enforcement Actions of Regulatory Agencies) of Title 14 of the California Code of Regulations.

Section 14. The Planning Commission hereby finds that the Phoenix Management has violated the Municipal Code and the conditions of approval that govern the Project site, because of the following:

- a. The Phoenix operated in a manner that is detrimental to the public health, safety and welfare and has disrupted neighboring residential properties, based on the documented violations of fire safety standards, violations of hours of operation, violations of maximum occupancy restrictions, and generation of noise that is impactful to nearby residential areas, as evidenced by the public testimony at the August 12, 2013 and October 23, 2014 hearings.
- b. The Phoenix has failed to comply with the restrictions on operating hours placed on it by Condition No. 5 in Planning Commission Resolution No. 1693, as documented by the

Beverly Hills Police Department on October 20, 2013, March 30, 2014, April 13, 2014, and May 24, 2014, and as documented in the July 10, 2014 letter from the City Prosecutor.

- c. The Phoenix has interfered with the enjoyment of residential properties in the vicinity of the project due to excessive noise, as evidenced by the public testimony at the August 12, 2013 and October 23, 2014 hearings, and documented in multiple police reports and the July 10, 2014 letter from the City Prosecutor.
- d. The Phoenix operated in violation of Condition No. 6 of Planning Commission Resolution No. 1693 by exceeding maximum permitted occupancies within the premises, as documented by the Beverly Hills Police Department on October 20, 2013, March 30, 2014, April 13, 2014, and May 24, 2014, and as documented in the July 10, 2014 letter from the City Prosecutor.
- e. The Phoenix Management has not complied with conditions of approval requiring submittal of cash deposits to the City to cover Police Department and Code Enforcement costs associated with violations at the Phoenix.

Section 15. Based upon the foregoing and the evidence in the record, the Planning Commission hereby finds (a) that the Phoenix has violated the Municipal Code and numerous conditions of approval set forth in Planning Commission Resolution No. 1693 and (b) that the violation, individually and collectively warrant revocation of the entitlements. Therefore, the Planning Commission hereby revokes the Development Plan Review and Extended Hours Permit authorized by Planning Commission Resolution No. 1693 in order to protect the public health, safety, and welfare. The privileges granted by Planning Commission Resolution No. 1693 shall be of no further force or effect upon the adoption of this Resolution.

Section 16. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. An appeal fee is required.

Section 17. 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:

Howard S. Fisher
Chair of the Planning Commission
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 *RG*

ATTACHMENT C

OCTOBER 23, 2014 STAFF REPORT, INCLUSIVE OF

ATTACHMENTS



Planning Commission Report

Meeting Date: October 23, 2014

Subject: **14 North La Cienega Boulevard**
The Phoenix Restaurant

Request to renew and modify a previously approved Extended Hours Permit and Development Plan Review to allow the subject restaurant to operate until 2:00 AM, seven days per week. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.

PROJECT APPLICANT: Lonnie Moore and Michael Malin

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
 2. Adopt a resolution conditionally approving an Extended Hours Permit and Development Plan Review.
-

REPORT SUMMARY

Planning Commission Resolution No. 1693, adopted September 12, 2013, conditionally approved an Extended Hours Permit and Development Plan Review for the Phoenix Restaurant located at 14 North La Cienega Boulevard. The Extended Hours Permit allows operation of the restaurant until 11:00 PM Sunday through Thursday, and until 1:00 AM Friday and Saturday evenings. The Development Plan Review allows for an open air dining area that is permitted to operate until 11:00 PM nightly. This item is being brought before the Planning Commission in accordance with Condition No. 16 of Planning Commission Resolution No. 1693, which requires that the Planning Commission review the entitlements six months after the re-establishment of the restaurant in order to assess compliance with conditions and the project's impact on the surrounding neighborhood. In addition to the required review of the entitlements, the applicant seeks to modify the Extended Hours Permit to allow the restaurant to operate until 2:00 AM, seven days per week.

This report provides information on the project's history, compliance with conditions of approval, and calls for service to the Beverly Hills Police Department. Based on the information obtained, the restaurant is not in compliance with all applicable standards and conditions of approval, and while improvements have been made, certain disturbances have continued at the subject restaurant. Accordingly, the recommendation in this report is that the entitlements be renewed, but that permissible hours of operation be further restricted until such time as all conditions have been satisfied.

Attachment(s):

- A. Draft Resolution
- B. Planning Commission Resolution No. 1693
- C. Noise Study
- D. Police Incident Reports
- E. Police Case Reports
- F. Alcoholic Beverage Control Conditions
- G. Architectural Plans

Report Author and Contact Information:

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

BACKGROUND

File Date	2/13/2014
Application Complete	N/A
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	The project is eligible for a Class 1 Categorical Exemption for limited modifications to an existing commercial structure.
Permit Streamlining	12/23/2014
Applicant(s)	The Phoenix Restaurant – Lonnie Moore and Michael Malin
Owner(s)	Sweetzer Plaza Inc.
Representative(s)	Dominic Filosa
Prior PC Action	2000: Extended Hours Permit and Development Plan Review (Approved) 2013: Extended Hours Permit and Development Plan Review (Approved)
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	14 North La Cienega Boulevard
Legal Description	Beverly Hills Tract #4988 Lot 372
Zoning District	C-3
General Plan	Commercial Low-Density
Existing Land Use(s)	Restaurant
Lot Dimensions & Area	110' x 50' = 5,500 square feet
Year Built	1957
Historic Resource	The property is not listed on any local, state or federal inventory. The original building was designed by Master Architects Lundberg, Armet and Davis, considered the foremost proponents of the "Googie" style of restaurant architecture; however, the subject building has been remodeled such that it is not considered a historic resource.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

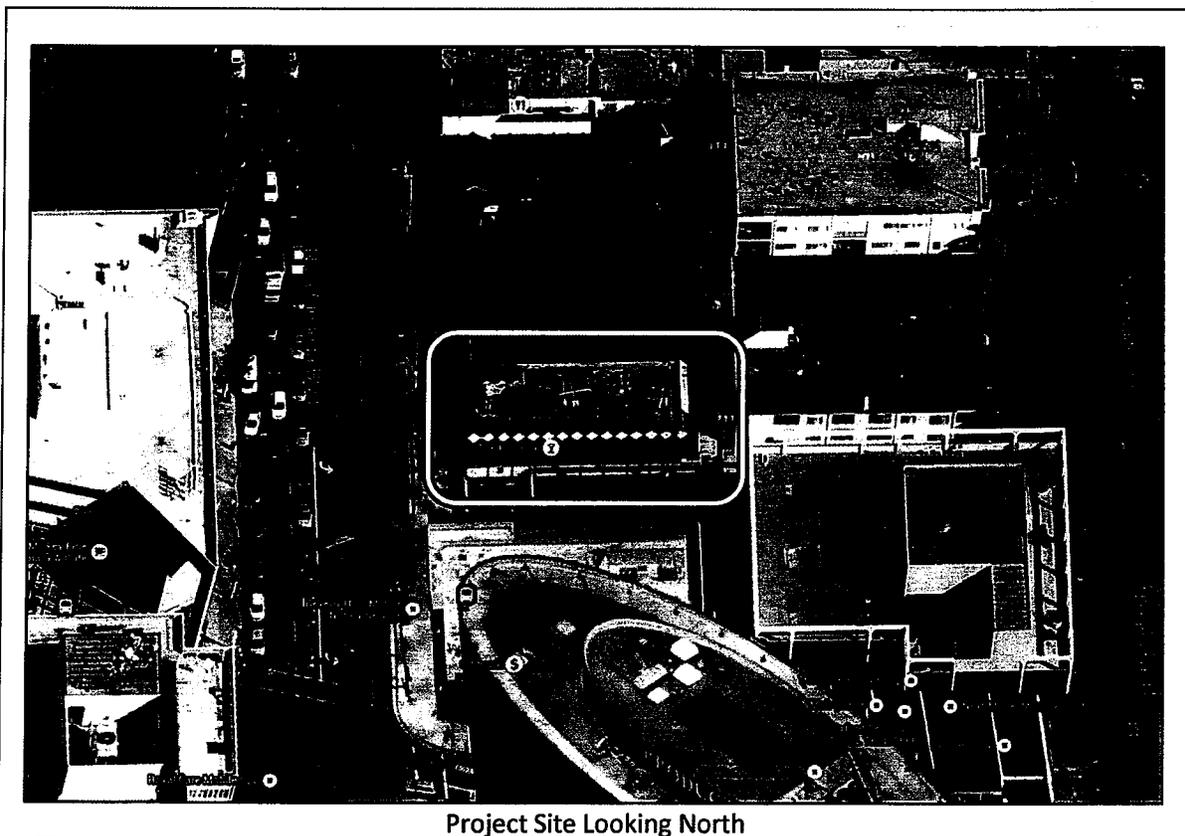
North	C-3 – General commercial
East	C-3 – General commercial
South	R-4 – Multi-Family Residential
West (across La Cienega)	C-3 – General commercial

Circulation and Parking

Adjacent Street(s)	La Cienega Boulevard and Wilshire Boulevard
Adjacent Alleys	None
Parkways & Sidewalks	La Cienega Boulevard: 15' parking and sidewalk Wilshire Boulevard: 15' parkway and sidewalk

Neighborhood Character

The site is located on the east side of La Cienega Boulevard, between Wilshire Boulevard and Clifton Way on a block that has traditionally been known as Restaurant Row. The subject site is smaller than many other sites in the area and the existing restaurant building on the site covers most of the lot; however, it still has less than a .5 Floor Area Ratio because it is only one story. Unlike most of the other sites on the block, the subject site has no parking. The block is zoned C-3 commercial use and is currently a mix of large and smaller commercial buildings, including a substantial amount of medical use, and several destination restaurants. The nearest intersection to the subject site is La Cienega Boulevard and Wilshire Boulevard. Unlike most commercial blocks in the City that are adjacent to residential zones, there is no rear alley that separates the commercial buildings on the east side of La Cienega from the two- to four-story multi-family residential buildings behind them. A wall along the rear property line of the subject property separates it from the three-story residential building behind it on Hamilton Drive. Abutting the subject site to the north is the surface parking lot for Benihana Restaurant and to the south is a surface parking lot for the one-story Citibank located at the northeast corner of La Cienega and Wilshire Boulevards. Across the street is a three-story commercial building and the surface parking lot for The Stinking Rose Restaurant.



Project Site Looking North

PROJECT DESCRIPTION

The proposed project consists of the continued operation of a restaurant and bar at the subject property. Current approvals allow the restaurant to operate until 11:00 PM Sunday through Thursday, and until 1:00 AM Friday and Saturday Evenings. In addition, the restaurant has an open air dining area that is allowed to operate until 11:00 PM nightly. The restaurant seeks to renew its Extended Hours Permit and Development Plan Review that authorize the restaurant's hours of operation and open air dining area, and to extend the permissible hours of operation to allow service until 2:00 AM seven days per week. Beyond the change in operating hours, the applicant is not seeking any other changes to the existing conditions of approval, which are outlined in Attachment B (Planning Commission Resolution No. 1693).

PROPERTY HISTORY

The subject property was developed in 1957 as a coffee shop, and has subsequently been occupied by restaurant uses of various types, including Tiny Naylor's in the 1970s, the Beverly Hills Café in the 1990s, and Temple Restaurant in 2000. The site was extensively remodeled in 1999 and 2000 by property owner Naylor Properties, which applied for a Development Plan Review for open air dining and an Extended Hours Permit. Both permits were conditionally approved by the City through Planning Commission Resolution No. 1124, adopted in 2000. These approvals authorized a 1,296 square foot open air dining area, and allowed the restaurant to receive patrons until 11:00 PM seven days per week, with no patrons permitted to sit in the open air dining area after 11:00 PM. Subsequent to the Temple Restaurant, the subject property was occupied by The Lodge Restaurant and La Seine Restaurant.

The Phoenix Restaurant opened at the site in October, 2012. Subsequent to the opening of the Phoenix Restaurant, a number of City departments became involved with the restaurant from a code enforcement perspective. The result of this involvement was that the existing Extended Hours Permit and Development Plan Review were presented to the Planning Commission in 2013 for consideration of revocation or modification of the permits. The Planning Commission voted to allow the continued use of the Extended Hours Permit and Development Plan Review, but with added conditions that were more appropriately tailored to the Phoenix Restaurant's operations. As a result of these added conditions, the Phoenix Restaurant is required to be reviewed by the Planning Commission six months after making modifications to the property and re-establishing the restaurant in accordance with the conditions of approval. The Phoenix Restaurant has now been in operation for over six months since its re-establishment, and is presented to the Planning Commission for review and consideration.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines for minor operational changes at the subject property, and the project is therefore exempt from further review under the provisions of CEQA.

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	10/16/2014	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	10/13/2014	10/13/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	10/16/2014	7 Days

Public Comment

As of the writing of this report, staff has not received any public correspondence in regard to the project.

ANALYSIS²

Project approval, conditional approval or denial is based upon specific findings for the discretionary applications requested by the applicant. The required findings are included in the Draft Planning Commission Resolution (Attachment A). Analysis prepared as part of staff's review of the project is provided below to help inform the Commission and guide its deliberations.

Compliance with Conditions of Approval. The previously approved Extended Hours Permit and Development Plan Review are subject to a total of 21 conditions of approval, as set forth in Attachment B (Planning Commission Resolution No. 1693). The applicant has complied with many of the 21 conditions, but some of the conditions remain outstanding, including the following:

Condition No. 5. This condition limits the hours of operation to 11:00 PM Sunday through Thursday, 1:00 AM Friday and Saturday evenings, and 11:00 PM nightly within the open air dining area. While the posted hours of operation at the restaurant comply with these times and the restaurant generally appears to operate in accordance with the stated hours, the Police Department and Code Enforcement Division have documented several instances of non-compliance (Attachment E).

Condition No. 6. This condition restricts the indoor dining occupancy to 72 patrons, and the open air dining area occupancy to 42 patrons (a total of 114 patrons). Again, while posted occupancy limits comply with this condition and the applicant appears to be in general compliance with this condition, several instances of overcrowding have been documented by the Police Department. The highest number of occupants recorded by the Police Department was 211 persons, which occurred on March 30, 2014 (Attachment E).

Condition No. 13. This condition requires the applicant to submit a \$5,000 cash bond to ensure completion of all construction-related activities. To date, the required bond has not been submitted, and several of the permits for work at the property still require final inspection.

² 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.

Condition No. 19. This condition requires restaurant staff to be stationed at the front of the restaurant to ensure compliance with maximum occupancies and hours of operation. While the restaurant appears to maintain staff presence at the front of the restaurant, as noted above, occupancy and time limit violations have been documented by the Police Department and Code Enforcement Division.

Condition No. 20. This condition requires the applicant to deposit \$5,000 with the City to cover costs associated with Code Enforcement and Police responses. To date, the required deposit has not been submitted.

In order to obtain compliance with the above conditions and ensure that the Police Department has the tools necessary to enforce operational restrictions, staff recommends that the permissible hours of operation be reduced to 11:00 PM nightly, until such time as all conditions of approval have been satisfied. Upon compliance with all conditions of approval, staff would recommend that the hours of operation be restored to their current limits (11:00 PM Sunday through Thursday and 1:00 AM Friday and Saturday evenings). No extension of the existing hours of operation is recommended at this time; however, the applicant would not be precluded from seeking additional hours in the future.

Alcoholic Beverage Control Restrictions. In addition to the conditions previously imposed by the Planning Commission, the Alcoholic Beverage Control (ABC) has imposed conditions on the restaurant in association with its sale of alcohol (Attachment F). Two conditions imposed by the ABC that the restaurant appears to be in violation of are as follows:

- *Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 and ABC-253 dated 8/16/12.*
- *There shall be no amplified music on the premises at any time.*

As has been documented in several of the Police Department reports, and as shown in the noise study (Attachment C), entertainment is audible beyond the restaurant premises, and amplified music is played at the premises. Although music is not prohibited by the Planning Commission conditions, this does not authorize the violation of conditions imposed by the ABC. Accordingly, staff recommends a condition that prohibits amplified music until such time that the ABC permit is modified to allow the playing of amplified music.

Police Incident Reports. In assessing the requested renewal and modification of the subject entitlements, staff obtained copies of all Police Department Incident Reports over the past 12 months. Copies of the incidents are provided as Attachment D for reference. A total of 20 incidents were documented over the prior 12-month period. Of the 20 incidents, 9 appear to be related to noise associated with restaurant operations and disturbing the peace, and/or violations of the Municipal Code and conditions of approval. Five of the incidents include more detailed Case Reports, which are provided for reference as Attachment E. The Incident Reports and Case Reports provide additional documentation of violations at the subject property, which helped to inform the recommendations in this report and may be used by the Planning Commission in its review of the applicant's requests.

Noise. In accordance with Condition No. 15 of Planning Commission Resolution No. 1693, the applicant engaged an acoustical engineer to study the noise characteristics of the subject restaurant and its operations. The noise study is provided as Attachment C, and concludes that operation of restaurant will not impact surrounding uses. Although the study concludes that restaurant operations will not impact surrounding uses, the study does demonstrate that the restaurant generally results in elevated noise levels in the immediate vicinity, particularly toward the front of the restaurant, but that these noise increases are often overshadowed by ambient traffic noise. Additionally, the study indicates that the increased noise levels can be mitigated by keeping the front doors closed, and by better policing of patrons outside the restaurant. Accordingly, staff recommends a new condition requiring the front doors of the restaurant to remain closed after 10:00 PM. With the added prohibition on amplified music until such time as the ABC conditions are modified, and improved compliance with applicable conditions of approval, impacts from noise are anticipated to be appropriately mitigated.

Hours of Operation. As is noted above, the applicant seeks approval to operate the restaurant until 2:00 AM seven days per week. Based on the compliance and noise issues documented above and in the provided attachments, staff is currently unable to support the requested increase in hours. Furthermore, staff recommends that the permissible hours of operation be reduced to 11:00 PM seven days per week until such time as all conditions of approval have been satisfied. Once all conditions have been satisfied, staff recommends restoring the existing hours of operation. While it remains important to balance the needs of businesses in commercial zones with the expectation of peace and quiet in residential zones, a reduction in hours may be the most appropriate way to achieve compliance, reduce noise impacts, and ensure that an appropriate transition between commercial and residential uses is achieved. The Commission may also wish to discuss other options for achieving compliance and reducing disturbances.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving an Extended Hours Permit and Development Plan Review.

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.

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A
DRAFT RESOLUTION

SEE ATTACHMENT A OF NOVEMBER 13, 2014

STAFF REPORT

ATTACHMENT B
PLANNING COMMISSION RESOLUTION No. 1693

RESOLUTION NO. 1693

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS MODIFYING A DEVELOPMENT PLAN REVIEW PERMIT THAT ALLOWS OPEN AIR DINING AND MODIFYING AN EXTENDED HOURS PERMIT AT THE PROPERTY LOCATED AT 14 NORTH LA CIENEGA BOULEVARD (PHOENIX RESTAURANT), AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. On February 23, 2000, the Planning Commission of the City of Beverly Hills adopted Resolution No. 1124, issuing a development plan review permit to allow open air dining, waiving parking requirements, and issuing an extended hours permit for a restaurant at the property located at 14 North La Cienega Boulevard, subject to a number of conditions.

Section 2. The Planning Commission, in adopting Resolution No. 1124 issued the development plan review permit to allow open air dining and made the following findings:

- a. The proposed project is consistent with the General Plan;
- b. As conditioned, the proposed project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards;
- c. As conditioned, the proposed project will not affect existing and anticipated development in the vicinity, will promote harmonious development of the area and will not be detrimental to the public health, safety or general welfare;
- d. As conditioned, the nature, configuration, location, density, height and manner of operation of the proposed project will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;

- e. As conditioned, the proposed project will not create any significantly adverse parking impacts as a result of employee or patron parking demand.
- f. As conditioned, the proposed project will not significantly and adversely affect neighboring properties due to the accumulation of garbage, trash or other waste; noise created by operation of the dining area or by employees or visitors entering or exiting the site; or odors or noxious fumes.
- g. Due to the nature of the project and the orientation of the project towards La Cienega Blvd., no light, glare or noise (from employees or otherwise) from the project will significantly impact neighboring properties.

Section 3. The Planning Commission also issued the extended hours permit, finding that the operation, as conditioned, would not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of any of the following:

- a. The accumulation of garbage, litter or other waste, both on and off the project site;
- b. Noise created by the extended hours operation or by employees or visitors entering the extended operation;
- c. Light and glare;
- d. Odors and noxious fumes;
- e. Pedestrian queuing;
- f. Crime or peril to personal safety and security;
- g. Use of restricted streets for parking which is likely to cause activity associated with the extended hours operation to intrude substantially into a residential area;

- h. Effects on traffic volumes and congestion on local residential streets; and
- i. Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

Section 4. After the initial entitlements, which run with the land, a new business, the Phoenix Restaurant Los Angeles, moved into the space relying on the entitlements as approved by Resolution 1124. The City understands that following individuals are involved in the ownership and management of the Phoenix in various capacities: Lonnie Todd Moore (owner), Adolfo Alejandro Suaya (owner and ABC Licensee), Ryan Sweeney (owner), Mike Malin (owner), Brandon Bradford (owner), Alan Aivazian (owner), some or all of whom are represented by attorney Michael Gonzales. Hereafter, the restaurant facility is referred to as the “Phoenix” and the owners and operators are referred to individually and collectively as the “Phoenix Management”.

Section 5. In 2012, the City became aware of a number of violations of the Municipal Code at the Phoenix, as well as violations of the conditions of approval for the indoor dining permit and extended hours permit. As a result of these violations, the City initiated code enforcement proceedings.

Section 6. In November 2012, the City issued a Compliance Order, indicating that the Phoenix was maintaining a business identification sign that had not been approved by the Architectural Commission. In addition, the Phoenix Management was cited for operating past 11:00 p.m. contrary to the extended hours permit and the terms of Resolution No. 1124.

Section 7. In December 2012, the City’s Fire Department issued an Inspection Notice to the Phoenix Management, indicating, among other things, that the Phoenix must

display the maximum occupant load signage, and that the Phoenix failed to provide clear exit access and make emergency exit signs visible to the public.

Section 8. In February 2013, the City's Building and Safety Department issued a correction notice requiring that the Phoenix Management remove the outdoor dining at the front area of the restaurant, change the direction of entry for the front doors, install handrails, remove extension cords, and maintain the rear egress path free of fire hazards.

Section 9. In March 2013, the Building and Safety Department issued another correction notice, indicating that the demands included in the February 2013 "correction notice" had not been completely addressed. In addition, the March 2013 notice required that the Phoenix Management: (1) construct handrails to comply with Code requirements; (2) fill holes in stairway to eliminate trip hazards; (3) remove additional extension cords; and (4) immediately repair emergency lights.

Section 10. On June 5, 2013, the City Prosecutor sent a letter to the Phoenix Management, and their attorney Michael Gonzales, outlining the violations of the Municipal Code and the conditions of approval included in Resolution No. 1124. The matter was referred to the City's Planning Commission because the Phoenix Management had not addressed the outstanding violations of the Municipal Code and conditions of approval.

Section 11. On August 12, 2013, the Planning Commission held a duly noticed public hearing to consider the modification, suspension, or revocation of the Development Plan Review Permit that allowed outdoor dining and the Extended Hours Permit. At the August 12, 2013 hearing, all parties, including the owners, operators, and agents of the Phoenix, were afforded an opportunity to comment on the alleged violations and the proposed modification, suspension or revocation of the permits. At the hearing, the Planning Commission heard and

considered public testimony, including telephonic testimony from Lonnie Moore on behalf of Phoenix Management because of his inability to attend in person, and after deliberations directed staff to prepare a draft resolution with recommended modifications to the Development Plan Review Permit and Extended Hours Permit approvals and conditions to address the issues and concern raised in the record and at the hearing. The Planning Commission continued the hearing for further consideration of the matter to the meeting of September 12, 2013.

Section 12. The modification of the existing Development Plan Review Permit and Extended Hours Permit (the "Project") was 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. It has been determined that adoption of this resolution would not have a significant environmental impact and is exempt from CEQA pursuant to Section 15321 (Enforcement Actions of Regulatory Agencies) of Title 14 of the California Code of Regulations.

Section 13. The Planning Commission hereby finds that the Phoenix Management has violated the Municipal Code and the conditions of approval that govern the project site, because of the following:

- a. The Phoenix operated in a manner that is detrimental to the public health, safety and welfare and has disrupted neighboring residential properties, based on the documented violations of fire safety standards, violations of hours of operation, and generation of noise that is impactful to nearby residential areas, as evidenced by the public testimony at the August 12, 2013 hearing.
- b. The Phoenix has allowed a number of fire hazards to exist on the property, including the use of extension cords and the failure to maintain proper exit access, thereby threatening

the public safety, as documented in the Fire Department notices issued to the Phoenix Management.

- c. The Phoenix has failed to comply with the restrictions on operating hours placed on it by Condition No. 5 in Resolution No. 1124, which prohibited patrons from entering the establishment after 11:00 p.m., as discovered during visits by City officials on May 11, May 13, and June 1, 2013, and as documented in the June 5, 2013 letter from the City Prosecutor.
- d. The Phoenix has interfered with the enjoyment of residential properties in the vicinity of the project due to excessive noise, as evidenced by the public testimony at the August 12, 2013 hearing, and documented in the June 5, 2013 letter from the City Prosecutor.
- e. The Phoenix operated in violation of Condition No. 6 in Resolution No. 1124 by operating the open air dining area in a manner that permitted more than 42 patrons to be in the outside dining area, as discovered during a site visit and documented in the June 5, 2013 letter from the City Prosecutor.
- f. The Phoenix operated in violation of Condition No. 5 by operating in a manner that interfered with the quiet enjoyment of nearby residential properties, as documented in the June 5, 2013 letter from the City prosecutor and evidenced by the public testimony at the August 12, 2013 hearing. The Planning Commission finds that the existing conditions of approval are inadequate to halt the interference with the neighbors' quiet enjoyment, and additional conditions are required to ensure that the Phoenix operates in a manner that does not expose neighboring properties to excessive noise.

Section 14. Based upon the foregoing and the evidence in the record, the Planning Commission hereby finds that the conditions of approval as set forth in Resolution

1124, which are restated in full below, shall be modified and augmented as follows to enable the Planning Commission to determine that the Phoenix is operating in a manner consistent with findings made to approve the project, and to ensure that the Phoenix (or subsequent occupants) operate in a manner that does not interfere with the quiet enjoyment of nearby residential properties:

1. Except as otherwise provided by these conditions, the Project shall be constructed and operated in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of September 12, 2013.

2. A valet operation for the evening operating hours of the restaurant (after 6:00 p.m.) shall be provided, pursuant to the requirements of the Department of Community Development and in a manner satisfactory to the Director of Community Development.

3. The applicant shall provide proof of free employee parking located within a reasonable distance from the restaurant to the satisfaction of the Director of Community Development, within 60 days of the adoption of this Resolution, and shall require all persons working for or at the project site, as a condition of employment or hire, and as a condition of this approval, to park in such location while present at the project site. This site must be a different site than the valet parking spaces that may be available to patrons of the project at the surface parking lot at 8485 Wilshire Boulevard, directly adjacent to 14 La Cienega Boulevard. In the event that persons working at the project are failing to utilize the required employee parking site as required by this condition, applicant shall take all reasonable steps requested by the Director of Community Development necessary to enforce the terms of this condition. Such steps shall be in addition to any other remedies available to City for violation of this resolution or the Beverly Hills Municipal Code.

4. The rear wall enclosure of the open air dining area shall be of a sufficient height to screen any sight line views from the adjacent apartment building to the east.
5. The restaurant may receive patrons up to and including 10:00 p.m., and shall close by 11:00 p.m. with all patrons having left the premises before this time, Sunday through Thursday. The restaurant may remain open until 1:00 a.m. on Saturday and Sunday mornings (Friday and Saturday evenings respectively); however, all patrons shall vacate the premises by that time. Patrons shall not be permitted to occupy the open air dining area between the hours of 11:00 p.m. and 7:00 a.m. from Sunday through Friday and between the hours of 11:00 p.m. and 9:00 a.m. from Friday through Sunday except restaurant patrons may walk through the open air dining area to access the bathrooms at the back of the open air dining area. Additionally, the Planning Commission reserves the power and right to impose additional conditions upon this approval and/or to further restrict the operating hours of the outdoor dining or the restaurant if the Commission determines after a noticed public hearing that the restaurant is being operated in a manner that interferes with the quiet enjoyment of nearby residential properties and that the existing conditions of approval are inadequate to halt the interference. The Commission shall have the authority to revoke the extended hours permit in the event of violations, interference with quiet enjoyment of nearby residential properties, or a combination thereof.
6. The indoor dining area shall be limited to 72 patrons, whether seated or standing, and the open air dining area shall be limited to thirteen (13) tables and forty-two (42) patrons, whether seated or standing, for a total of 114 patrons.
7. All recyclable containers, including glass bottles, shall be placed in bags prior to disposal into the recyclable bin to minimize noise and odors.

8. The applicant shall maintain the subject area in a clean and sanitary condition, including emptying trash receptacles and sweeping the ground regularly.

9. The applicant shall operate the open air dining area in a manner that meets all requirements of the Health Department of Los Angeles County.

10. The applicant shall provide sufficient valet parking attendants to accommodate patron demand and ensure that vehicles will not queue on the street except in loading areas designated as a valet parking zone.

11. All rear lighting shall be shielded and oriented so that it does not illuminate an area beyond the bounds of the project site.

12. These conditions of approval shall run with the land and shall remain in force for the duration of the life of the project. This Development Plan Review Permit and Extended Hours Permit shall not become effective until the applicant and the landowner of the project site sign a covenant, satisfactory to the City Attorney, accepting these conditions of approval. The covenant shall be recorded in the office of the Los Angeles County Recorder.

This resolution shall be attached as an exhibit to the covenant.

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.

13. A cash deposit of \$5,000 shall be deposited with the City to ensure compliance with the City's requirements regarding construction activities. Such deposit shall be returned to applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the applicant that the applicant may request a hearing before the City within ten days

of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. 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 issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth hereinabove. All amounts deposited with the City shall be deposited in an interest bearing account. Applicant shall be reimbursed all interest accruing on monies deposited.

The requirements of this condition no. 13 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.

14. The applicant shall, within 30 days after approval of this resolution, mail or otherwise distribute to all property owners and residents within 500 feet of the property the contact information for a representative of the Phoenix Management and 24-hour contact information for dedicated personnel who can respond to future complaints.

15. The applicant shall engage a qualified and independent acoustical engineer to conduct a study regarding the noise of the operation, and shall provide the results to the City within 6 months after re-initiation of operations. Upon receipt of the results of the study, the Planning Commission may amend the conditions of approval to ensure that the Phoenix does not operate in a manner that interferes with the quiet enjoyment of neighboring residential properties.

16. The Planning Commission shall review the project within 6 months after re-initiation of operations for compliance with the conditions of approval. In his or her discretion, the Director of Community Development may recommend that the Planning Commission review the project prior to that time, or at any other time that the Director determines that such review is warranted. The City expressly reserves jurisdiction relative to traffic, parking, and noise issues. In the event the Director determines that the operation of the use at this site is having unanticipated traffic, parking or noise impacts, the Director shall require the applicant to pay for a parking demand analysis and/or noise study. In his or her discretion, the Director may recommend that the Planning Commission review the Project to determine whether the conditions need further modification, or whether revocation of the permits is warranted.

17. The business shall comply with all general operational requirements for the Commercial-Residential Transition area pursuant to Beverly Hills Municipal Code Section 10-3-1956, which also regulates operation of the business during the extended hours period.

18. Pre-recorded background music that does not interfere with normal speech communication may be played in the outdoor dining area, provided the volume level conforms to the City's noise level standard and is not audible beyond the restaurant's property lines. All speakers within the premises 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 allows for the attenuation of bass frequencies to limit noise from escaping beyond the property line. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Only restaurant management shall be provided with access to the volume controls.

19. Restaurant staff shall be stationed at the restaurant's entrance to prevent violation of the maximum number of patrons allowed, enforce the hours of operation, prevent queuing of patrons or vehicles that negatively impact the area, and to prevent violations of the City's noise ordinance.

20. Within 30 days after approval of this resolution, the Phoenix Management shall deposit \$5,000 with the City to ensure compliance with the Municipal Code and these conditions of approval. The City shall use such funds to cover the cost of code enforcement and police calls for service that occur due to a violation of the Municipal Code or these conditions of approval. If the City draws upon the \$5,000 deposit, the applicant shall replenish the funds and consistently maintain a balance of \$5,000. If the applicant timely requests a hearing regarding the use of the funds, the City shall provide the applicant an opportunity to appear and offer evidence before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council. If there are no enforcement actions for a period of two years, the applicant may petition the Planning Commission for a reduction in the amount of the cash deposit.

21. An annual attestation that the conditions of approval are being met shall be submitted to the Director of Community Development.

Section 15. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. An appeal fee is required.

Section 16. RECORDATION. The Phoenix Management shall record a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an

exhibit. The Phoenix Management shall deliver the executed covenant to the Department of Community Development within 30 days of the Planning Commission decision. At the time that the Phoenix Management delivers the covenant to the City, the Phoenix Management shall also provide the City with all fees necessary to record the document with the County Recorder.

Section 17. VIOLATION OF CONDITIONS: A violation of the conditions of approval imposed by this Resolution may result in a termination of the entitlements granted herein.

Section 18. 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: September 12, 2013



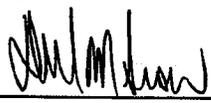
Brian Rosenstein
Chair of the Planning Commission
City of Beverly Hills, California

Attest:



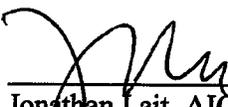
Secretary

Approved as to form:



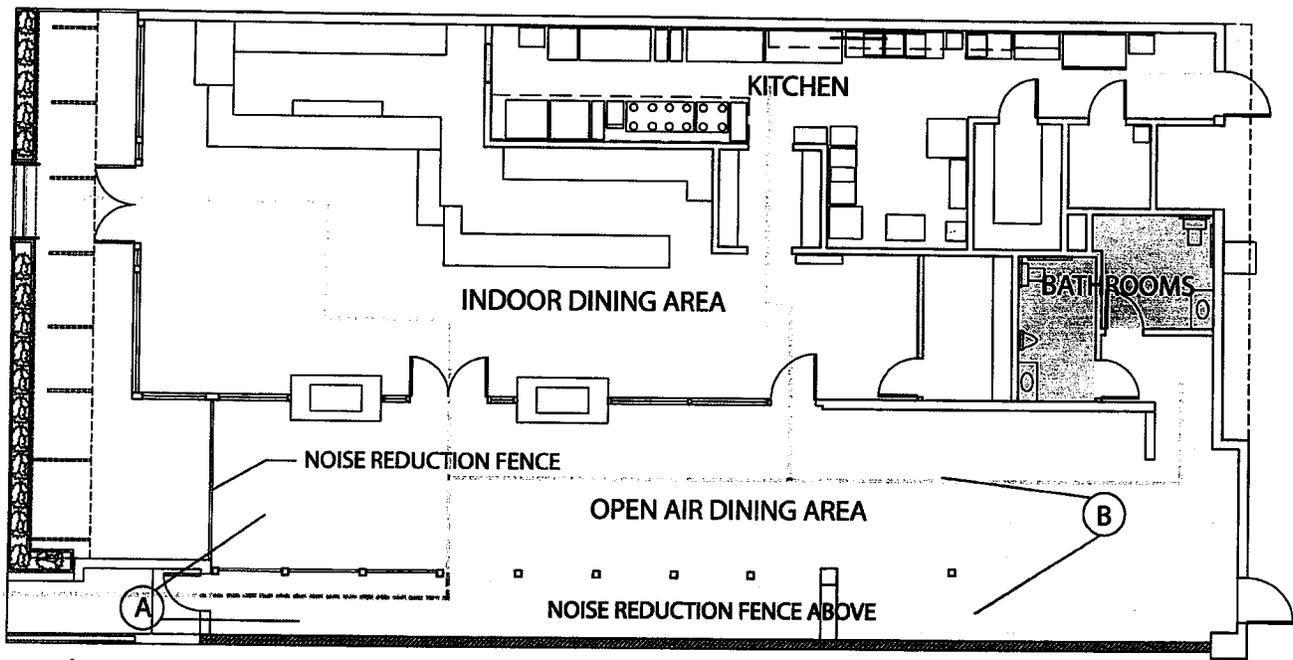
David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
Assistant Director of Community Development /
City Planner

1609864.5



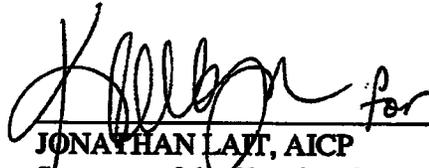
LEGEND	
(X)	PRESPECTIVE VIEW
- - - - -	ACCESSIBLE PATH OF EGRESS
▬▬▬▬▬	EXTENDED BLOCK WALL
- - - - -	NOISE REDUCTION FENCING

14 N. LA CIENEGA BLVD.

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. 1693 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on September 12, 2013, 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 Block, Corman, Yukelson, 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

ATTACHMENT C

NOISE STUDY

Noise Level Report
Addendum

Under The Wire
Zack Fagan, AS, Audio Engineering
1252 Kipling Ave, Los Angeles, CA 90041
323.842.5804
zack@underthewire.tv
www.underthewire.tv

To: Lonnie Moore
The Phoenix
14 North La Cienega
Beverly Hills CA 90211

June 17, 2014
Re: Noise levels

Mr. Moore,

As per your request we have taken more detailed measurements of the sound pressure levels in and around The Phoenix club. These measurements were taken on Thursday, June 12th and Friday, June 13th beginning at 5:11 pm before any music was being played at the club and before there were a significant amount of patrons within the club. This should be a rough mean by which measurements taken later in the evening, (with music being played and a club full of patrons), can be measured against. Additionally, ambient noise levels were tested on La Cienega Blvd. (and adjacent street Halimton Dr.) for a period of time the ran from rushour to well after all establishments on the street had closed.

The new measurements taken on June 12th and 13th were taken at 5 different locations:

1. Within The Phoenix club by the front door as well as in the back area of the club.
2. On the sidewalk directly in front of the club
3. On Hamilton Drive in the space between the two buildings Located directly behind The Phoenix. One reading was taken towards the front of the building and one towards the back.
4. Within the Citibank parking lot located adjacent to the south wall of The Phoenix.
5. Within the south east corner of the parking lot that serves The Stinking Rose restaurant, located directly across the street from The Phoenix .

The ambient noise measurements were taken at 5 different locations as well:

- A) 34 N. La Cienega Blvd.
- B) 50 N. La Cienega Blvd.
- C) 100 N. La Cienega Blvd.
- D) 134 N. La Cienega Blvd.
- E) 131. N. Hamilton Dr.

(All measurements were taken with an SPL meter set to a slow response time and an A weighting)

As we can see from the measurement data, The Stinking Rose parking lot location readings seem to be influenced more by general ambient street noise and traffic than by the music or patrons

voices emanating from The Phoenix.

Almost all SPL readings taken by the front door of the Phoenix (within the club) are louder than those taken towards the back of the club. Most likely due to the front door being open and the influence of traffic noise as well as the placement of one of the clubs music playback system monitors located in the front of The Phoenix establishment.

Even at the maximum reading taken within The Phoenix, at the front of the club at 8.38 on Thursday, June 12th at 91db's, the readings taken on Hamilton Drive at 8.31, 55 and 57db's, (front and back), do not reflect any significant rise in SPL or perceived volume. The reading of 91db's within the club at that given time also appear to be a bit of an anomaly considering all the other readings at the same location. Comparatively, the readings taken on Friday, June 13th reflect similar conditions.

The readings taken at the Citibank parking lot location which is adjacent to both The Phoenix and the Hamilton drive location never rise above 65 db's on either day. At the 11.31 reading on Thursday, June 12th, with The Phoenix's music playback system on, the level actually falls to 56 db's, a reading lower than the 12.31am reading of 62 db's with no music being played back from The Phoenix.

Readings taken at The Stinking Rose parking lot location obviously seem to be more affected by general street and traffic noise than by any noise being generated from The Phoenix.

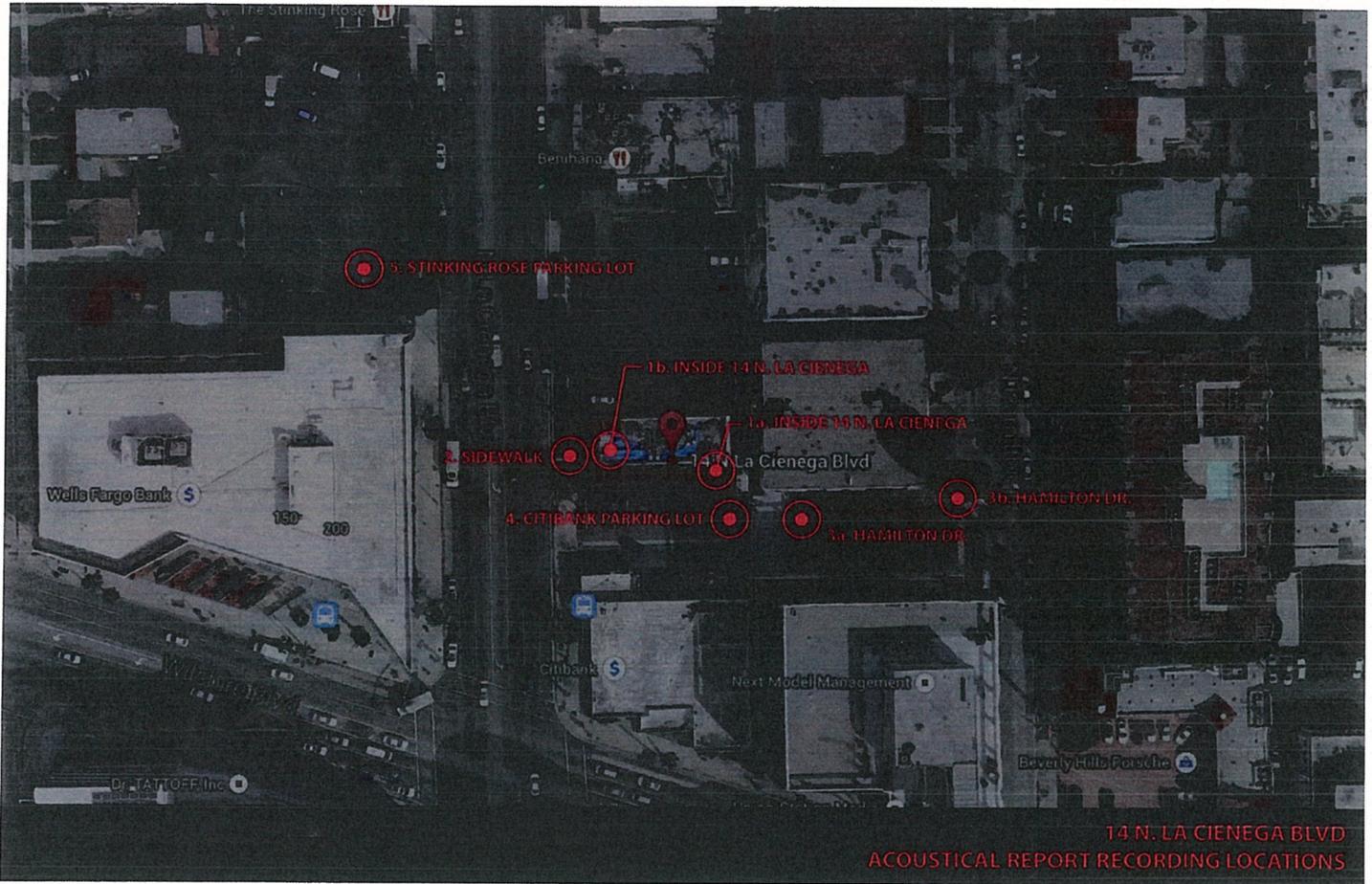
The ambient noise levels are commensurate with traffic. As the number of cars decline, we see a general decline in the decible level. Even at the earliest hours we see a spike in sound pressure with passing vehicles.

The general perception conveyed in the previous report on May 11, 2014, is consistent with the new data collected. The traffic seems like the loudest source of noise from all the locations readings were taken. The Citibank parking lot location is a good reference area to judge by. It is connected to the back of The Phoenix club and the back area of the Hamilton Drive location. The readings taken there throughout the night are quite stable, mostly being at 62db's despite any augmentation of volume within the club itself.

With an increase in operational hours at the Phoenix, up to 2.00am, the most perceptible noises will still be traffic with an increase in sound levels directly in front of the establishment. As observed on Thursday, June 12 at 11.34pm, this noise can be mitigated by closing the doors. Additionally, policing by Phoenix staff to reduce the noise from patrons leaving the establishment as already practiced will effectively reduce noise levels after closing. Due to the busy vehiclular nature of La Cienega Blvd, the perceptible sounds emanating from the Phoenix with extended hours of operation will be minimal and easily mitigated with the previous recommendations.

Please do not hesitate to contact me with any further questions you may have.

Thank you,
Zack Fagan
President
Under The Wire





Thursday, June 12th, 2014 - Sound Pressure Test Results

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	5.11pm	1a. Phoenix Back of club	64db	With no music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.13pm	1b. Phoenix By front door (door open)	63db	With no music playing from the club	15 patrons 5 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	5.16pm	1a. Phoenix Back of club	71db	With music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.17pm	1b. Phoenix By front door (door open)	73db	With no music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.26pm	3a. Hamilton Drive towards back of building 3b. Towards front	55db 55db	With no music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.30pm	4. Citibank Parking lot by the back of Phoenix	62db	With no music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.37pm	2. Sidewalk in front of Phoenix entrance (door open)	71db	With no music playing from the club	15 patrons 5 staff
Thursday June 12, 2014	5.41pm	5. The Stinking Rose parking lot (south end by Phoenix)	62db	With no music playing from the club	15 patrons 5 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	6.40pm	1b. Phoenix By front door (door open)	86db	With music playing from the club	20 patrons 10 staff
Thursday June 12, 2014	6.43pm	1a. Phoenix Back of club	75db	With music playing from the club	20 patrons 10 staff
Thursday June 12, 2014	6.44pm	2. Sidewalk in front of Phoenix entrance (door open)	71db	With music playing from the club	20 patrons 10 staff
Thursday June 12, 2014	6.48pm	3a. Hamilton Drive towards back of building 3b. Towards front	58db 61db	With music playing from the club	20 patrons 10 staff
Thursday June 12, 2014	6.52pm	4. Citibank Parking lot by the back of Phoenix	61db	With music playing from the club	20 patrons 10 staff
Thursday June 12, 2014	6.57pm	5. The Stinking Rose parking lot (south end by Phoenix)	61db	With music playing from the club	20 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	7.32pm	3a. Hamilton Drive towards back of building	54db	With music playing from the club	45 patrons 10 staff
		3b. Towards front	52db		
Thursday June 12, 2014	7.36pm	4. Citibank Parking lot by the back of Phoenix	62db	With music playing from the club	45 patrons 10 staff
Thursday June 12, 2014	7.39pm	2. Sidewalk in front of Phoenix entrance (door open)	71db	With music playing from the club	45 patrons 10 staff
Thursday June 12, 2014	7.41pm	1b. Phoenix By front door (door open)	85db	With music playing from the club	45 patrons 10 staff
Thursday June 12, 2014	7.44pm	1a. Phoenix Back of club	86db	With music playing from the club	45 patrons 10 staff
Thursday June 12, 2014	7.48pm	5. The Stinking Rose parking lot (south end by Phoenix)	57db	With music playing from the club	45 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	8.31pm	3a. Hamilton Drive towards back of building	57db	With music playing from the club	60 patrons 10 staff
		3b. Towards front	55db		
Thursday June 12, 2014	8.34pm	4. Citibank Parking lot by the back of Phoenix	57db	With music playing from the club	60 patrons 10 staff
Thursday June 12, 2014	8.36pm	2. Sidewalk in front of Phoenix entrance (door open)	71db	With music playing from the club	65 patrons 10 staff
Thursday June 12, 2014	8.38pm	1b. Phoenix By front door (door open)	91db	With music playing from the club	65 patrons 10 staff
Thursday June 12, 2014	8.40pm	1a. Phoenix Back of club	88db	With music playing from the club	70 patrons 10 staff
Thursday June 12, 2014	8.43pm	5. The Stinking Rose parking lot (south end by Phoenix)	64db	With music playing from the club	70 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	9.25pm	3a. Hamilton Drive towards back of building	52db	With music playing from the club	70 patrons 10 staff
		3b. Towards front	51db		
Thursday June 12, 2014	9.30pm	4. Citibank Parking lot by the back of Phoenix	57db	With music playing from the club	70 patrons 10 staff
Thursday June 12, 2014	9.34pm	2. Sidewalk in front of Phoenix entrance (door open)	72db	With music playing from the club	70 patrons 10 staff
Thursday June 12, 2014	9.36pm	1b. Phoenix By front door (door open)	81db	With music playing from the club	70 patrons 10 staff
Thursday June 12, 2014	9.37pm	1a. Phoenix Back of club	85db	With music playing from the club	70 patrons 10 staff
Thursday June 12, 2014	9.41pm	5. The Stinking Rose parking lot (south end by Phoenix)	58db	With music playing from the club	70 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	10.27pm	3a. Hamilton Drive towards back of building	52db	With music playing from the club	50 patrons 10 staff
		3b. Towards front	52db		
Thursday June 12, 2014	10.35pm	4. Citibank Parking lot by the back of Phoenix	62db	With music playing from the club	50 patrons 10 staff
Thursday June 12, 2014	10.30pm	2. Sidewalk in front of Phoenix entrance (door open)	65db	With music playing from the club	40 patrons 10 staff
Thursday June 12, 2014	10.31pm	1b. Phoenix By front door (door open)	78db	With music playing from the club	40 patrons 10 staff
Thursday June 12, 2014	10.33pm	1a. Phoenix Back of club	77db	With music playing from the club	30 patrons 10 staff
Thursday June 12, 2014	10.39pm	5. The Stinking Rose parking lot (south end by Phoenix)	59db	With music playing from the club	20 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Thursday June 12, 2014	11.28pm	3a. Hamilton Drive towards back of building 3b. Towards front	51db 52db	Establishment closed, with music playing from the club	10 staff
Thursday June 12, 2014	11.31pm	4. Citibank Parking lot by the back of Phoenix	56db	Establishment closed, with music playing from the club	10 staff
Thursday June 12, 2014	11.33pm	2. Sidewalk in front of Phoenix entrance (door closed)	60db	Establishment closed, with music playing from the club	10 staff
Thursday June 12, 2014	11.34pm	1b. Phoenix By front door (door closed)	79db	Establishment closed, with music playing from the club	10 staff
Thursday June 12, 2014	11.35pm	1a. Phoenix Back of club	66db	Establishment closed, with music playing from the club	10 staff
Thursday June 12, 2014	11.41pm	5. The Stinking Rose parking lot (south end by Phoenix)	61db	Establishment closed, with music playing from the club	10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	12.27am	3a. Hamilton Drive towards back of building 3.b Towards front	51db 51db	Establishment closed, no music playing from the club	5 staff
Friday June 13, 2014	12.31am	4. Citibank Parking lot by the back of Phoenix	62db	Establishment closed, no music playing from the club	5 staff
Friday June 13, 2014	12.32am	2. Sidewalk in front of Phoenix entrance (door closed)	56db	Establishment closed, no music playing from the club	5 staff
Friday June 13, 2014	12.34am	1b. Phoenix By front door (door closed)	61db	Establishment closed, no music playing from the club	5 staff
Friday June 13, 2014	12.35am	1a. Phoenix Back of club	64db	Establishment closed, no music playing from the club	5 staff
Friday June 13, 2014	12.39am	5. The Stinking Rose parking lot (south end by Phoenix)	68db	Establishment closed, no music playing from the club	5 staff

Friday, June 13th, 2014 - Sound Pressure Test Results

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	5.09pm	1a. Phoenix Back of club	63db	With no music playing from the club	12 patrons 5 staff
Friday June 13, 2014	5.13pm	1b. Phoenix By front door (door open)	63db	With no music playing from the club	15 patrons 5 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	5.15pm	1a. Phoenix Back of club	70db	With music playing from the club	15 patrons 5 staff
Friday June 13, 2014	5.16pm	1b. Phoenix By front door (door open)	73db	With no music playing from the club	17 patrons 5 staff
Friday June 13, 2014	5.26pm	3a. Hamilton Drive towards back of building 3b. Towards front	56db 55db	With no music playing from the club	17 patrons 5 staff
Friday June 13, 2014	5.32pm	4. Citibank Parking lot by the back of Phoenix	61db	With no music playing from the club	17 patrons 5 staff
Friday June 13, 2014	5.40pm	2. Sidewalk in front of Phoenix entrance (door open)	72db	With no music playing from the club	18 patrons 5 staff
Friday June 13, 2014	5.45pm	5. The Stinking Rose parking lot (south end by Phoenix)	61db	With no music playing from the club	18 patrons 5 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	6.40pm	1b. Phoenix By front door (door open)	87db	With music playing from the club	20 patrons 10 staff
Friday June 13, 2014	6.44pm	1a. Phoenix Back of club	77db	With music playing from the club	20 patrons 10 staff
Friday June 13, 2014	6.45pm	2. Sidewalk in front of Phoenix entrance (door open)	71db	With music playing from the club	20 patrons 10 staff
Friday June 13, 2014	6.48pm	3a. Hamilton Drive towards back of building 3b. Towards front	57db 62db	With music playing from the club	20 patrons 10 staff
Friday June 13, 2014	6.55pm	4. Citibank Parking lot by the back of Phoenix	63db	With music playing from the club	20 patrons 10 staff
Friday June 13, 2014	7.00pm	5. The Stinking Rose parking lot (south end by Phoenix)	61db	With music playing from the club	20 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	7.30pm	3a. Hamilton Drive towards back of building 3b. Towards front	55db 52db	With music playing from the club	45 patrons 10 staff
Friday June 13, 2014	7.36pm	4. Citibank Parking lot by the back of Phoenix	62db	With music playing from the club	45 patrons 10 staff
Friday June 13, 2014	7.40pm	2. Sidewalk in front of Phoenix entrance (door open)	74db	With music playing from the club	45 patrons 10 staff
Friday June 13, 2014	7.44pm	1b. Phoenix By front door (door open)	86db	With music playing from the club	45 patrons 10 staff
Friday June 13, 2014	7.46pm	1a. Phoenix Back of club	85db	With music playing from the club	45 patrons 10 staff
Friday June 13, 2014	7.51pm	5. The Stinking Rose parking lot (south end by Phoenix)	56db	With music playing from the club	45 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	8.29pm	3a. Hamilton Drive towards back of building 3b. Towards front	57db 56db	With music playing from the club	60 patrons 10 staff
Friday June 13, 2014	8.33pm	4. Citibank Parking lot by the back of Phoenix	58db	With music playing from the club	60 patrons 10 staff
Friday June 13, 2014	8.36pm	2. Sidewalk in front of Phoenix entrance (door open)	78db	With music playing from the club	65 patrons 10 staff
Friday June 13, 2014	8.39pm	1b. Phoenix By front door (door open)	90db	With music playing from the club	65 patrons 10 staff
Friday June 13, 2014	8.43pm	1a. Phoenix Back of club	89db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	8.48pm	5. The Stinking Rose parking lot (south end by Phoenix)	63db	With music playing from the club	70 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	9.20pm	3a. Hamilton Drive towards back of building	52db	With music playing from the club	70 patrons 10 staff
		3b. Towards front	52db		
Friday June 13, 2014	9.30pm	4. Citibank Parking lot by the back of Phoenix	58db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	9.35pm	2. Sidewalk in front of Phoenix entrance (door open)	77db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	9.37pm	1b. Phoenix By front door (door open)	84db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	9.39pm	1a. Phoenix Back of club	88db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	9.45pm	5. The Stinking Rose parking lot (south end by Phoenix)	59db	With music playing from the club	70 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	10.30pm	3a. Hamilton Drive towards back of building	54db	With music playing from the club	70 patrons 10 staff
		3b. Towards front	52db		
Friday June 13, 2014	10.35pm	4. Citibank Parking lot by the back of Phoenix	65db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	10.39pm	2. Sidewalk in front of Phoenix entrance (door open)	74db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	10.42pm	1b. Phoenix By front door (door open)	88db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	10.43pm	1a. Phoenix Back of club	77db	With music playing from the club	70 patrons 10 staff
Friday June 13, 2014	10.50pm	5. The Stinking Rose parking lot (south end by Phoenix)	58db	With music playing from the club	70 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Friday June 13, 2014	11.25pm	3a. Hamilton Drive towards back of building	52db	With music playing from the club	70 patrons 10 staff
		3b. Towards front	51db		
Friday June 13, 2014	11.34pm	4. Citibank Parking lot by the back of Phoenix	58db	With music playing from the club	72 patrons 10 staff
Friday June 13, 2014	11.36pm	2. Sidewalk in front of Phoenix entrance (door open)	80db	With music playing from the club	72 patrons 10 staff
Friday June 13, 2014	11.37pm	1b. Phoenix By front door (door open)	90db	With music playing from the club	72 patrons 10 staff
Friday June 13, 2014	11.38pm	1a. Phoenix Back of club	89db	With music playing from the club	72 patrons 10 staff
Friday June 13, 2014	11.47pm	5. The Stinking Rose parking lot (south end by Phoenix)	57db	With music playing from the club	72 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Saturday June 14, 2014	12.21am	3a. Hamilton Drive towards back of building	53db	With music playing from the club	72 patrons 10 staff
		3.b Towards front	51db		
Saturday June 14, 2014	12.31am	4. Citibank Parking lot by the back of Phoenix	59db	With music playing from the club	72 patrons 10 staff
Saturday June 14, 2014	12.32am	2. Sidewalk in front of Phoenix entrance (door open)	82db	With music playing from the club	72 patrons 10 staff
Saturday June 14, 2014	12.36am	1b. Phoenix By front door (door open)	85db	With music playing from the club	72 patrons 10 staff
Saturday June 14, 2014	12.37am	1a. Phoenix Back of club	90db	With music playing from the club	72 patrons 10 staff
Saturday June 14, 2014	12.41am	5. The Stinking Rose parking lot (south end by Phoenix)	58db	With music playing from the club	72 patrons 10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Saturday June 14, 2014	1.02am	3a. Hamilton Drive towards back of building	53db	With no music playing from the club	10 staff
		3.b Towards front	52db		
Saturday June 14, 2014	1.08am	4. Citibank Parking lot by the back of Phoenix	62db	Establishment closed, no music, patrons leaving club	10 staff
Saturday June 14, 2014	1.10am	2. Sidewalk in front of Phoenix entrance (door closed)	61db	Establishment closed, no music, patrons leaving club	10 staff
Saturday June 14, 2014	1.11am	1b. Phoenix By front door (door closed)	63db	Establishment closed, no music, patrons leaving club	10 staff
Saturday June 14, 2014	1.12am	1a. Phoenix Back of club	61db	Establishment closed, no music, patrons leaving club	10 staff
Saturday June 14, 2014	1.20am	5. The Stinking Rose parking lot (south end by Phoenix)	56db	Establishment closed, no music, patrons leaving club	10 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Saturday June 14, 2014	1.40am	3a. Hamilton Drive towards back of building	51db	Establishment closed, no music, patrons gone	5 staff
		3.b Towards front	52db		
Saturday June 14, 2014	1.48am	4. Citibank Parking lot by the back of Phoenix	60db	Establishment closed, no music, patrons gone	5 staff
Saturday June 14, 2014	1.50am	2. Sidewalk in front of Phoenix entrance (door closed)	58db	Establishment closed, no music, patrons gone	5 staff
Saturday June 14, 2014	1.50am	1b. Phoenix By front door (door closed)	N/A	Establishment closed and most staff have gone home	2 staff
Saturday June 14, 2014	1.50am	1a. Phoenix Back of club	N/A	Establishment closed and most staff have gone home	2 staff
Saturday June 14, 2014	2.00am	5. The Stinking Rose parking lot (south end by Phoenix)	56db	Establishment closed and most staff have gone home	2 staff

Date	Time	Location	SPL	Comments	Approximate Occupancy
Saturday June 14, 2014	2.20am	3a. Hamilton Drive towards back of building 3.b Towards front	52db 52db	Establishment closed, no staff	0
Saturday June 14, 2014	2.25am	4. Citibank Parking lot by the back of Phoenix	58db	Establishment closed, no staff	0
Saturday June 14, 2014	2.27am	2. Sidewalk in front of Phoenix entrance (door closed)	57db	Establishment closed, no staff	0
Saturday June 14, 2014	2.27am	1b. Phoenix By front door (door closed)	N/A	Establishment closed, no staff	0
Saturday June 14, 2014	2.27am	1a. Phoenix Back of club	N/A	Establishment closed, no staff	0
Saturday June 14, 2014	2.31am	5. The Stinking Rose parking lot (south end by Phoenix)	57db	Establishment closed, no staff	0

**Thursday, June 12th, 2014 - Sound Pressure Test Results
Ambient Noise Levels**

Date	Time	Location	SPL	Comments
Thursday June 12, 2014	5.00pm	A. 34 N. La Cienega Sidewalk	71db	Measurements taken during rushour
Thursday June 12, 2014	5.02pm	B. 50 N. La Cienega Sidewalk	72db	Measurements taken during rushour
Thursday June 12, 2014	5.03pm	C. 100 N. La Cienega Sidewalk	77db	Measurements taken during rushour
Thursday June 12, 2014	5.05pm	D. 134 N. La Cienega Sidewalk	71db	Measurements taken during rushour
Thursday June 12, 2014	5.07pm	E. 131 N.Hamilton Sidewalk	65db	Measurements taken during rushour

Date	Time	Location	SPL	Comments
Thursday June 12, 2014	8.00pm	A. 34 N. La Cienega Sidewalk	71db	Measurements taken after rushour
Thursday June 12, 2014	8.01pm	B. 50 N. La Cienega Sidewalk	70db	Measurements taken after rushour
Thursday June 12, 2014	8.05pm	C. 100 N. La Cienega Sidewalk	73db	Measurements taken after rushour
Thursday June 12, 2014	8.07pm	D. 134 N. La Cienega Sidewalk	73db	Measurements taken after rushour
Thursday June 12, 2014	8.11pm	E. 131 N.Hamilton Sidewalk	61db	Measurements taken after rushour

Date	Time	Location	SPL	Comments
Thursday June 12, 2014	10.00pm	A. 34 N. La Cienega Sidewalk	66db	Measurements taken after rushour
Thursday June 12, 2014	10.01pm	B. 50 N. La Cienega Sidewalk	67db	Measurements taken after rushour
Thursday June 12, 2014	10.05pm	C. 100 N. La Cienega Sidewalk	63db	Measurements taken after rushour
Thursday June 12, 2014	10.09pm	D. 134 N. La Cienega Sidewalk	65db	Measurements taken after rushour
Thursday June 12, 2014	10.11pm	E. 131 N.Hamilton Sidewalk	52db	Measurements taken after rushour

Date	Time	Location	SPL	Comments
Friday June 13, 2014	1.00am	A. 34 N. La Cienega Sidewalk	59db	Little traffic
Friday June 13, 2014	1.03am	B. 50 N. La Cienega Sidewalk	64db	Little traffic
Friday June 13, 2014	1.04am	C. 100 N. La Cienega Sidewalk	57db	Little traffic
Friday June 13, 2014	1.07am	D. 134 N. La Cienega Sidewalk	61db	Little traffic
Friday June 13, 2014	1.11am	E. 131 N.Hamilton Sidewalk	48db	Little traffic

Date	Time	Location	SPL	Comments
Friday June 13, 2014	2.01am	A. 34 N. La Cienega Sidewalk	55db	Very little traffic
Friday June 13, 2014	2.04am	B. 50 N. La Cienega Sidewalk	63db	Very little traffic
Friday June 13, 2014	2.06am	C. 100 N. La Cienega Sidewalk	62db	Very little traffic
Friday June 13, 2014	2.09am	D. 134 N. La Cienega Sidewalk	58db	Very little traffic
Friday June 13, 2014	2.13am	E. 131 N.Hamilton Sidewalk	45db	Very little traffic

Date	Time	Location	SPL	Comments
Friday June 13, 2014	3.00am	A. 34 N. La Cienega Sidewalk	55db	Almost no traffic
Friday June 13, 2014	3.02am	B. 50 N. La Cienega Sidewalk	53db	Almost no traffic
Friday June 13, 2014	3.06am	C. 100 N. La Cienega Sidewalk	51db	Lowest recorded level on La Cienega
Friday June 13, 2014	3.08am	D. 134 N. La Cienega Sidewalk	56db	Almost no traffic
Friday June 13, 2014	3.10am	E. 131 N.Hamilton Sidewalk	43db	Lowest recorded level

ATTACHMENT D
POLICE INCIDENT REPORTS



Incident Report



Print Date/Time: 09/18/2014 13:48
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00038949

Incident Date/Time: 9/20/2013 2:45:57 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2013-00038949

Incident Type: COUNTER REPORT
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 5
Status: REPORT
Nature of Call:

eg

Unit/Personnel

Unit: 502
Personnel: 04187-SULLIVAN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
RPT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHLICH BH COMM DEV

09/20/2013 14:45:58 Sullivan, Kyle Narrative: Dispatch received by unit 502

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 13:57
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00041254

Incident Date/Time: 10/5/2013 12:49:00 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: DISTURBING THE PEACE
Venue: BEVERLY HILLS
Source: TELEPHONE
Priority: 4
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4L41	04083-KIM

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
ADV	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

10/05/2013 00:50:34 Velasco, Elizabeth Narrative: PEOPLE BEING LOUD
10/05/2013 01:16:26 Kim, Eugene Narrative: Dispatch received by unit 4L41

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:06
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00043424

Incident Date/Time: 10/20/2013 12:58:00 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2013-00043424

Incident Type: 415 PC- DISTURBANCE
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 2
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4A10	04266-DIMENTO 04083-KIM
4A51	04223-CLAYTON 03840-DUNCAN
4L91	02936-HYON
4L92	04169-DIAMOND
S24	03449-ARMOUR

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
NPA	1
RPT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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GHLICH BH COMM DEV

RELEASED R.

10/20/2013 00:58:21 Hyon, Eric Narrative: Dispatch received by unit 4L91
10/20/2013 00:58:29 Armour, David Narrative: Dispatch received by unit S24
10/20/2013 00:58:30 Diamond, Tyler Narrative: Dispatch received by unit 4L92
10/20/2013 00:58:36 Duncan, Alexander Narrative: Dispatch received by unit 4A51
10/20/2013 01:02:01 Dimento, Nicholas Narrative: Dispatch received by unit 4A10

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:09
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00044144

Incident Date/Time: 10/24/2013 7:27:03 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: PARKING CALL
Venue: BEVERLY HILLS
Source: TELEPHONE
Priority: 6
Status: OTHER
Nature of Call:

eg

Unit/Personnel

Unit Personnel
741 03434-PENADO

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
GOA	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

10/24/2013 19:27:38 Castro, Robyn Narrative: BLK RANGEROVER REFUSING TO MOVE FOR THE VALET

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:10
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00044502

Incident Date/Time: 10/27/2013 12:43:41 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: 242 PC- BATTERY
Venue: BEVERLY HILLS
Source: TELEPHONE
Priority: 4
Status: REPORT
Nature of Call: 15 AGO

eg

Unit/Personnel

Unit	Personnel
4L10	02841-MYERS
4L91	04223-CLAYTON

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
NRD	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R
GILICH BH
COMM DEV

10/27/2013 00:44:24 Garner, Kelli Narrative: Nature Of Call: 15 AGO
10/27/2013 00:44:29 Garner, Kelli Narrative: MEET RP ON LE DOUX
10/27/2013 00:44:33 Clayton, Travis Narrative: Dispatch received by unit 4L91
10/27/2013 00:45:05 Garner, Kelli Narrative: RP STATES THE BARTENDER CHOKED HIM OUT
10/27/2013 00:45:31 Garner, Kelli Narrative: RP IS WEARING A ORANGE AND WHITE FLANNEL SHIRT
10/27/2013 00:46:03 Garner, Kelli Narrative: N/W CORNER
10/27/2013 00:50:24 Myers, Andrew Narrative: Dispatch received by unit 4L10

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:11
Login ID: egamer

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00050867

Incident Date/Time: 12/11/2013 7:26:23 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: PARKING CALL
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 6
Status: OTHER
Nature of Call: SLV TO TA

eg

Unit/Personnel

Unit	Personnel
741	03434-PENADO

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
CIT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

12/11/2013 19:26:37 Velasco, Elizabeth Narrative: Nature Of Call: SLV TOYT

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:12

BEVERLY HILLS POLICE DEPARTMENT

Login ID: egarner

ORI Number: CA0191000

Incident: 2013-00050870

Incident Date/Time: 12/11/2013 7:42:00 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: PARKING CALL
Venue: BEVERLY HILLS

eg

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: OFFICER
Priority: 6
Status: OTHER
Nature of Call:

Unit/Personnel

Unit	Personnel
741	03434-PENADO

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
CIT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

INCIDENT 13-50870 2

Date/Time	User	Action	Description
12/11/2013 19:54:56	rhumpherys	Call Cleared	
12/11/2013 19:54:56	rhumpherys	Call Updated	Dispositions Changed
12/11/2013 19:54:56	rhumpherys	Unit Status Action	Unit 741 cleared
12/11/2013 19:42:59	rhumpherys	Unit Status Action	Unit 741 ON SCENE
12/11/2013 19:42:59	rhumpherys	Incident Created	Added Incident
Number, ORI: CA0191000, Number: 2013-00050870			
12/11/2013 19:42:59	rhumpherys	Call Created	New call created. Call Type:
VALET, Location: 14 N LA CIENEGA BLVD, Phone Number: , Name:			

RELEASED R. GHILICH BH COMM DEV



Incident Report



Print Date/Time: 09/18/2014 18:15
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2013-00052907

Incident Date/Time: 12/28/2013 12:45:00 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: 484 PC- PETTY THEFT
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 2
Status: IN PROGRESS
Nature of Call: IN THE PARKING LOT

eg

Unit/Personnel

Unit	Personnel
4L51	04083-KIM
4L61	04169-DIAMOND
4L91	03512-BARBANI
4L92	04145-DOLAN
K4	03461-ORTH
S24	03449-ARMOUR

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP	-, EMPLOYEE	<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
OTHER VEHICLE							CA

Disposition(s)

Disposition	Count
FI	1
NRD	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DIV

CAD Narrative

12/28/2013 00:46:03 Garner, Kelli Narrative: Nature Of Call: IN THE PARKING LOT
12/28/2013 00:46:16 Garner, Kelli Narrative: 3 M W 25
12/28/2013 00:46:29 Kim, Eugene Narrative: Dispatch received by unit 4L51
12/28/2013 00:46:30 Garner, Kelli Narrative: DETAINED BY SECURITY
12/28/2013 00:46:41 Garner, Kelli Narrative: 459VH SUSPECTS -
12/28/2013 00:47:05 Barbani, Matthew Narrative: Dispatch received by unit 4L91
12/28/2013 00:47:18 Garner, Kelli Narrative: WERE CAUGHT INSIDE RPS VEH
12/28/2013 00:47:28 Garner, Kelli Narrative: TOOK MONEY FROM HIS WALLET
12/28/2013 00:48:22 Orth, Kevin Narrative: Dispatch received by unit K4
12/28/2013 00:52:24 Dolan, Ryan Narrative: Dispatch received by unit 4L92
12/28/2013 00:58:12 Diamond, Tyler Narrative: Dispatch received by unit 4L61
12/28/2013 01:24:54 Kim, Eugene Narrative: IS VEHICLE OWNER
12/28/2013 01:27:47 Armour, David Narrative: Dispatch received by unit S24
12/28/2013 01:29:02 Maitland, Erica Narrative: PETTY THEFT FROM VEH. NON DESIROUS
12/28/2013 01:36:41 Barbani, Matthew Narrative: Dispatch received by unit 4L91
12/28/2013 01:40:33 Barbani, Matthew Narrative:
12/28/2013 01:40:58 Barbani, Matthew Narrative:

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:15
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00004389

Incident Date/Time: 2/1/2014 8:22:51 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: TRANSIENT COMPLAINT
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 4
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4A91	04223-CLAYTON 03840-DUNCAN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP	PHOENIX, THE	<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State

Disposition(s)

Disposition	Count
CKOK	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.

RELEASED R

GHLICH BH COMM DEV

02/01/2014 20:24:01 Castro, Robyn Narrative: F/B, DRK HOODED JACKET, DRK PANTS, THREW A GLASS BOTTLE IN THE MIDDLE OF THE STREET. NOW WALKING NB
02/01/2014 20:29:55 Duncan, Alexander Narrative: Dispatch received by unit 4A91

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:16

BEVERLY HILLS POLICE DEPARTMENT

Login ID: egarner

ORI Number: CA0191000

Incident: 2014-00007169

Incident Date/Time: 2/21/2014 2:43:12 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: SUBJECT STOP
Venue: BEVERLY HILLS

eg

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number: 2014-00007169

Source: OFFICER
Priority: 3
Status: IN PROGRESS
Nature of Call:

Unit/Personnel

Unit	Personnel
4A91	04223-CLAYTON 03840-DUNCAN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
ARR	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH B.H. COMM DEV

02/21/2014 02:43:52 Duncan, Alexander Narrative: Dispatch received by unit 4A91

02/21/2014 02:54:57 Garner, Kelli Narrative: 1 IN CUSTODY

02/21/2014 02:55:22 Maitland, Erica Narrative:

WILL EXTRADITE AND TAKE TO SAN DIEGO LOCATION

MARSHALS HEADQUARTERS,

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:18
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00012487

Incident Date/Time: 3/30/2014 12:29:00 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: DISTURBING THE PEACE
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 4
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4L41	04292-FAIR

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
ADV	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

CAD Narrative

03/30/2014 00:30:11 Garner, Kelli Narrative: AND LOUD PEOPLE IN THE PARKING LOT
03/30/2014 00:36:28 Fair, William Narrative: Dispatch received by unit 4L41

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:19
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00017414

Incident Date/Time: 5/1/2014 4:18:00 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: IMPOUND
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 6
Status: OTHER
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
722	01706-HAMILTON

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
IMPOUND	AUTOMOBILE						

Disposition(s)

Disposition	Count
IMP	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

05/01/2014 16:18:33 Smith, Michelle Narrative: WHT TOY N SECTION
05/01/2014 16:18:38 Hamilton, Patrick Narrative: Dispatch received by unit 722
05/01/2014 16:18:52 Smith, Michelle Narrative: TOW ENRT

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:19

Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT

ORI Number: CA0191000

Incident: 2014-00017730

Incident Date/Time: 5/3/2014 11:37:36 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: KEEP THE PEACE
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 3
Status: IN PROGRESS
Nature of Call: REF TO ONLY

eg

Unit/Personnel

Unit	Personnel
4L51	03770-ALONZO
4L91	03841-BILLINGSLEY
4L92	04267-CUDWORTH

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
NPA	1
AST	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

CAD Narrative

05/03/2014 23:37:52 Garner, Kelli Narrative: Nature Of Call: REF TO PAY
05/03/2014 23:37:58 Garner, Kelli Narrative: 415 S - 647F
05/03/2014 23:38:00 Billingsley, Richard Narrative: Dispatch received by unit 4L91
05/03/2014 23:38:00 Cudworth, Joshua Narrative: Dispatch received by unit 4L92
05/03/2014 23:38:17 Garner, Kelli Narrative: IN FRONT
05/03/2014 23:38:46 Garner, Kelli Narrative: M 5'7" MUSCULAR LT BLUE V NECK T SHIRT
05/03/2014 23:49:29 Alonzo, Antonio Narrative: Dispatch received by unit 4L51
05/03/2014 23:56:52 Cudworth, Joshua Narrative: PEACE WAS KEPT. PCO PAID BILL AND SIGNED.

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:20
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00018799

Incident Date/Time: 5/10/2014 11:49:54 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2014-00018799

Incident Type: MUNICIPAL CODE VIOLATION
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 5
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
610	45536-SCHWAB 03654-LAGIN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
RPT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R
GELICH BH COMM DEV

05/10/2014 23:49:55 Lagin, Steven Narrative: Dispatch received by unit 610

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:22

BEVERLY HILLS POLICE DEPARTMENT

Login ID: egarner

ORI Number: CA0191000

Incident: 2014-00018808

Incident Date/Time: 5/11/2014 12:14:29 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: MUNICIPAL CODE VIOLATION
Venue: BEVERLY HILLS

Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2014-00018808

Source: OFFICER
Priority: 5
Status: IN PROGRESS
Nature of Call:

Unit/Personnel

Unit	Personnel
610	45536-SCHWAB 03654-LAGIN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
RPT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R

GHELI CH BH COMM DEV

05/11/2014 00:14:33 Lagin, Steven Narrative: Dispatch received by unit 610

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:27
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00019882

Incident Date/Time: 5/17/2014 7:19:31 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: KEEP THE PEACE
Venue: BEVERLY HILLS
Source: TELEPHONE
Priority: 3
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4L11	03770-ALONZO
4L91	04267-CUDWORTH
4L92	04292-FAIR

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
ADV	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R.

GHLICH BH COMM DEV

05/17/2014 19:20:02 Maitland, Erica Narrative: SUBJ NOT WILLING TO VALET HIS CAR
05/17/2014 19:21:07 Fair, William Narrative: Dispatch received by unit 4L92
05/17/2014 19:25:39 Alonzo, Antonio Narrative: Dispatch received by unit 4L11
05/17/2014 19:26:39 Cudworth, Joshua Narrative: Dispatch received by unit 4L91
05/17/2014 19:26:45 Cudworth, Joshua Narrative: Dispatch received by unit 4L91

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:27
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00020966

Incident Date/Time: 5/25/2014 3:05:39 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2014-00020966

Incident Type: MUNICIPAL CODE VIOLATION
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 5
Status: IN PROGRESS
Nature of Call:

ed

Unit/Personnel

Unit	Personnel
610	45536-SCHWAB 03654-LAGIN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
RPT	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

05/25/2014 03:05:40 Lagin, Steven Narrative: Dispatch received by unit 610

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:30
Login ID: egamer

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00030320

Incident Date/Time: 7/25/2014 11:28:06 PM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: 415 PC- DISTURBANCE
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: TELEPHONE
Priority: 2
Status: IN PROGRESS
Nature of Call: PHYSICAL

eg

Unit/Personnel

Unit	Personnel
4L41	04119-DIAMOND
4L61	01748-KEENAGHAN
4L91	04205-MOLOZNIK
4L92	04169-DIAMOND

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP		<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
CMP	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BH COMM DEV

07/25/2014 23:28:21 Maitland, Erica Narrative: Nature Of Call: PHYSICAL
07/25/2014 23:28:24 Maitland, Erica Narrative: 2 SUBJS
07/25/2014 23:28:29 Maitland, Erica Narrative: 2 M'S
07/25/2014 23:28:31 Maitland, Erica Narrative: NO WEAPONS
07/25/2014 23:28:44 Moloznik, Marcus Narrative: Dispatch received by unit 4L91
07/25/2014 23:28:48 Maitland, Erica Narrative: ONE SUBJ IS SECURITY
07/25/2014 23:28:53 Diamond, Lynnsey Narrative: Dispatch received by unit 4L41
07/25/2014 23:29:16 Maitland, Erica Narrative: #2 M W WHITE SHIRT
07/25/2014 23:31:01 Castro, Robyn Narrative: 4L91 CODE 3 FROM OLY/BEV
07/25/2014 23:31:09 Keenaghan, James Narrative: Dispatch received by unit 4L61
07/25/2014 23:31:13 Diamond, Tyler Narrative: Dispatch received by unit 4L92
07/25/2014 23:32:43 Castro, Robyn Narrative: PCO WALKING NB WHITE T-SHIRT JEANS
07/25/2014 23:32:57 Castro, Robyn Narrative: OUT WITH SUBJ
07/25/2014 23:46:42 Castro, Robyn Narrative: BOTH PARTIES REFUSED MEDICAL ATTENTION AND ARE NON DESIROUS

RELEASED R. GHILICH BH COMM DEV

eg



Incident Report



Print Date/Time: 09/18/2014 18:31
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00032359

Incident Date/Time: 8/9/2014 1:42:23 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211

Incident Type: 415 PC- DISTURBANCE
Venue: BEVERLY HILLS

Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Source: OFFICER
Priority: 2
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4A91	04267-CUDWORTH 03840-DUNCAN
610	03654-LAGIN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
CKOK	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BAI COMM DEV

08/09/2014 01:42:28 Duncan, Alexander - aduncan Narrative: Dispatch received by unit 4A91

RELEASED R. GHILICH BH COMM DEV eg



Incident Report



Print Date/Time: 09/18/2014 18:31
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00032360

Incident Date/Time: 8/9/2014 1:46:48 AM
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS CA 90211
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: 415 PC- DISTURBANCE
Venue: BEVERLY HILLS
Source: OFFICER
Priority: 2
Status: IN PROGRESS
Nature of Call:

eg

Unit/Personnel

Unit	Personnel
4A91	04267-CUDWORTH 03840-DUNCAN

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
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Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
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Disposition(s)

Disposition	Count
ADV	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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RELEASED R. GHILICH BIR COMM DEV

08/09/2014 01:46:49 Duncan, Alexander - aduncan Narrative: Dispatch received by unit 4A91

RELEASED R. GHILICH BH COMM DEV eg

ATTACHMENT E
POLICE CASE REPORTS



Case Report Summary



Print Date/Time: 09/19/2014 20:20
Login ID: egamer
Case Number: 2013-00038949

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Case

Case Number: 2013-00038949
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211
Reporting Officer ID: 04187 - SULLIVAN

Incident Type: LOST PROPERTY
Occurred From: 09/15/2013 20:00
Occurred Thru: 09/16/2013 08:00
Disposition:
Disposition Date:
Reported Date: 09/20/2013 14:45 Friday

eg

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
REPORTING PARTY							

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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RELEASED R. GALLICH BH COMM DEV

SOURCE OF ACTIVITY: On September 20, 2013 at approximately 1445 hours, (RP) Police Department to file an lost property report.

came to the Beverly Hills

NARRATIVE:

(RP) related the following in essence:
 On Sunday,(9.15.2013) along with multiple friends went to The Phoenix (16 N La Cienega Blvd) and arrived at between 1930 and 2015 hours. When they arrived, stated they sat at the first table nearest the entrance of the restaurant/bar. Near to where was seated approximately four feet away was a book shelf containing an electrical plug. plugged in her own cell phone charger to charge her work cell phone (Samsung Nexus). Throughout the course of the night, attention was intent on watching television being broadcasted by the establishment. Believing her work phone had been charged and unplugged and placed in her purse, along with her friends left The Phoenix at 2200 hours. She arrived back at her roommate's residence a short time later. The next day (9.16.2013) Monday, noticed her work phone was not in her purse. Immediately, she attempted to locate her cell phone by calling "The Phoenix" as this was the last place she fisically had possession of the phone. Also, made several attempts and went back "The Phoenix" to speak with a representative in order to inquire if her cell phone was there. She was informed multiply times her phone was not at The Phoenix.

ADDITIONAL:

This report is for insurance purposes due to the missing cell phone belonging to her work, "

RELEASED R. GHILICH BH COMM DEN



Case Report Summary



Print Date/Time: 09/19/2014 20:21
Login ID: egamer
Case Number: 2013-00043424

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Case

Case Number: 2013-00043424
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211
Reporting Officer ID: 04266 - DIMENTO

Incident Type: ASSAULT-BATTERY
Occurred From: 10/20/2013 00:50
Occurred Thru: 10/20/2013 00:55
Disposition: EXCEPTIONAL CLEARANCE
Disposition Date: 10/21/2013
Reported Date: 10/20/2013 00:58 Sunday

eg

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13B	242 PC-M	BATTERY-USE OF FORCE OR VIOLENCE UPON ANOTHER	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
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Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
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RELEASED R. GHILICH BH COMM DEV

OfficerID: ndimento, Case Narrative**SOURCE:**

On Sunday, 10-20-13, my partner (Kim #04083) and I (DiMento), assigned as unit 4A10 were dispatched to the Phoenix night club at 14 N. La Cienega Blvd. The call was regarding a fight at the night club.

INVESTIGATION:

Officer Hyon (#02963) was the first officer on scene. He discovered 2 patrons of the bar had been pepper sprayed. He requested paramedics to respond to the scene to treat them. BHPD medics arrived and treated both men.

Upon our arrival we spoke to the two men that were pepper sprayed. One of them was intoxicated, uncooperative and refused to give us his identification information. The other man that was pepper sprayed, (Party #1) told us the following:

was standing on the sidewalk in front of the bar with his friend smoking a cigarette. The bar's host, (Party #3) later identified as told them they could not smoke there and had to move to the dirt area on the other side of the sidewalk. then pushed and his friend. then threw a punch.

responded by throwing a punch back at . Another one of the bar's host (Party #2) later identified as came into the fight and deployed pepper spray on and his friend.

Police then arrived on scene.

During the interview abruptly left, and refused to cooperate further.

I spoke to and he told me the following: and his unnamed friend were standing on the patio of the bar. The friend lit a cigarette. told the friend he could not smoke there and ushered them off the patio and onto the sidewalk. and his friend became very aggressive. Neither touched or his friend at all. friend threw a punch at and a fight broke out between them all. said there was a group of about ten other people in the area as well surrounding everyone.

saw someone hold up a pepper spray can. He reached out, grabbed the can and turned it away from him and deployed the spray towards and his unnamed friend. He does not know what happened to the pepper spray canister.

said both and his friend were intoxicated.

refused criminal prosecution of and his friend.

told us the following: He saw and his friend on the patio of the bar. One of them lit a cigarette. told and his friend they could not smoke there. and his friend moved down to the sidewalk and stood directly in front of the steps leading up the bar and continued to smoke. told and his friend they had to move to the other side of the sidewalk to the dirt. then stepped in front of and told he would not stand in the dirt. then put a cigarette in his mouth, lit it, and blew the smoke in face. then slapped the cigarette out of mouth. then began fighting with and his friend.

sustained an injury to his right hand from punching friend. also sustained an injury to his mouth causing his lip to bleed. said he accidentally "hit himself" in the face causing this injury (See Attached Photos).

said he did not see or notice any pepper spray during the fight.

refused criminal prosecution against and his friend.

Based upon the evidence, my interviews, and the lack of criminal prosecution from all involved parties, I compelled an incident report to document the physical altercation.

OfficerID: dtomlin, Case Narrative**SOURCE:**

On 10-20-13, I (Officer Lagin #610) was working plain clothes. At approximately 0058 hours, I responded to a radio call of a 415 fight at 14 N. La Cienega Bl. Upon my arrival, other BHPD officers had controlled the situation and patrons were leaving.

INVESTIGATION:

While I was outside, I estimate about 40 patrons were standing on the sidewalk directly in front of the bar. I continued to monitor the location from 0106 hours until about 0126 hours and counted 162 patrons exit the bar. During that time I also observed approximately 20 patrons in the outside dining area on the south side patio of the bar. This area is to be free of patrons after 2300 hours. I further observed individuals smoking cigarettes on the front patio that faces La Cienega. I further observed two portable free standing ashtrays that were placed directly in front of the establishment in the dirt median between the east curb and the sidewalk. These portable ashtrays were removed from the median and taken inside by the doorman at about 0130 hours. Finally, I observed a sign posted on the inside of the bar advertising "Cigarettes \$10". I left the scene at about 0141 hours.

RELEASED R. GHLICH BH COMM DEV

eg



Case Report Summary



Print Date/Time: 09/19/2014 20:23
Login ID: egarner
Case Number: 2014-00018799

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Case

Case Number: 2014-00018799
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211
Reporting Officer ID: 03654 - LAGIN

Incident Type: BHMC VIOLATION
Occurred From: 03/30/2014 00:35
Occurred Thru: 03/30/2014 01:00
Disposition: REFER TO OSA
Disposition Date: 05/12/2014
Reported Date: 05/10/2014 23:49 Saturday

eg

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
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Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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GHLICH BH COMM DEV

RELEASED R.

Source: I, Officer Steven Lagin (#610/03654), was working in plainclothes.

Investigation: At approximately 0035 hours on Sunday morning, I entered the Phoenix Restaurant, 14 N. La Cienega, in response to a noise complaint that Dispatch received around 0030 hours. Upon my arrival, I observed many patrons inside the open air dining area that were screaming and yelling. I also observed the following Beverly Hills Municipal Code violations:

1) Beverly Hills Municipal Code Section 1-3-101(A) through the violation of operating conditions set forth in Beverly Hills Planning Commission Resolution #1693:

a) I observed patrons seated and standing in the open air dining area in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.5 which states: "Patrons shall not be permitted to occupy the open air dining area between the hours of 12:00 p.m. and 7:00 a.m. from Sunday through Friday and between the hours of 11:00 p.m. and 9:00 a.m. from Friday through Sunday except restaurant patrons may walk through the open air dining area to access the bathrooms at the back of the open air dining area."

b) I counted 211 patrons and staff inside the restaurant in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.6 which states "The indoor dining area shall be limited to 72 patrons, whether seated or standing, and the open air dining area shall be limited to thirteen (13) tables and forty-two (42) patrons, whether seated or standing, for a total of 114 patrons."

c) After my interior head count, I proceeded to the entrance of the restaurant. From approximately 0045 hours, I counted 176 patrons as they exited the front door. After all the patrons had exited, I observed, through the glass of the front doors, 11 restaurant employees who were inside cleaning up.

For reference, Beverly Hills Municipal Code Section 1-3-101(A) MISDEMEANORS, INFRACTIONS, AND ADMINISTRATIVE REMEDIES states that "No person shall violate or fail to comply with any provision or requirement of this code. Any person who shall violate or fail to comply with any provision or requirement of this code, or a condition of any permit issued pursuant to this code, shall be guilty of a misdemeanor, unless: 1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or 2) such a violation or failure is prosecuted as a civil administrative action pursuant to article 3 of this chapter. Any person who fails to pay an administrative fine or to comply with an administrative order is guilty of a misdemeanor as provided for in article 3 of this chapter."

2) Beverly Hills Municipal Code Section 10-4-302(A):

The restaurant placed a free-standing "Happy Hour" signboard on the public right of way on La Cienega Blvd., directly in front of the business, in violation of Beverly Hills Municipal Code Section 10-4-302(A) which states: "10-4-302(A) UNLAWFUL SIGNS - POSTING ON PUBLIC PLACES: It shall be unlawful for any person to post, suspend, print, stick, stamp, tack, or otherwise affix, or cause the same to be done, any notice, placard, bill, card, poster, sticker, banner, sign, advertising, or other device calculated to attract the attention of the public to, over, or upon any street right of way, public sidewalk, curb, curbstone, lamp post, hydrant, tree, railroad right of way, electric light pole, telephone pole, telegraph pole, or upon any future of the fire alarm, police, or telephone system of the city, or upon any public building or utility, unless permission so to do is first secured from the council." I further observed restaurant staff pick up this free-standing signboard and bring it inside the restaurant once the establishment had closed.

3) Beverly Hills Municipal Code Section 8-3-1(A):

The restaurant placed two free-standing ashtrays on the public right of way on La Cienega Blvd., directly in front of the business, in violation of Beverly Hills Municipal Code Section 8-3-1(A) which states: "8-3-1(A) - PERMIT REQUIRED FOR ENCROACHMENT IN ANY STREET OR OTHER PUBLIC PROPERTY: No person, unless exempted under the provisions of section 8-3-2 of this chapter, shall encroach, obstruct, or cause any encroachment to be placed upon, in, or under any public street, alley, sidewalk, parkway, or other public property without a permit issued under the provisions of this chapter. (1962 Code §§ 7-2.04, 7-3.02, 7-3.04, 7-3.29, 7-1.27)" I further observed restaurant staff pick up these two free-standing ashtrays and bring them inside the restaurant once the establishment had closed.



Case Report Summary



Print Date/Time: 09/19/2014 20:23
Login ID: egamer
Case Number: 2014-00018808

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Case

Case Number: 2014-00018808
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211
Reporting Officer ID: 03654 - LAGIN

Incident Type: BHMC VIOLATION
Occurred From: 04/13/2014 00:40
Occurred Thru: 04/13/2014 01:10
Disposition: REFER TO OSA
Disposition Date: 05/12/2014
Reported Date: 05/11/2014 00:14 Sunday

eg

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
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Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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RELEASED R.

GHLICH BH

COMM DEV

Source: I, Officer Steven Lagin (#610/03654), was working in plainclothes.

Investigation: At approximately 0040 hours on Sunday morning, I entered the Phoenix Restaurant, 14 N. La Cienega, and observed the following Beverly Hills Municipal Code violations:

1) Beverly Hills Municipal Code Section 1-3-101(A) through the violation of operating conditions set forth in Beverly Hills Planning Commission Resolution #1693.

a) I counted 62 patrons seated and standing in the open air dining area in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.5 which states: "Patrons shall not be permitted to occupy the open air dining area between the hours of 11:00 p.m. and 7:00 a.m. from Sunday through Friday and between the hours of 11:00 p.m. and 9:00 a.m. from Friday through Sunday except restaurant patrons may walk through the open air dining area to access the bathrooms at the back of the open air dining area."

b) I counted 62 patrons in the open air dining area and 68 patrons in the indoor dining area for a total of 130 patrons in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.6 which states "The indoor dining area shall be limited to 72 patrons, whether seated or standing, and the open air dining area shall be limited to thirteen (13) tables and forty-two (42) patrons, whether seated or standing, for a total of 114 patrons."

For reference, Beverly Hills Municipal Code Section 1-3-101(A) MISDEMEANORS, INFRACTIONS, AND ADMINISTRATIVE REMEDIES states that "No person shall violate or fail to comply with any provision or requirement of this code. Any person who shall violate or fail to comply with any provision or requirement of this code, or a condition of any permit issued pursuant to this code, shall be guilty of a misdemeanor, unless: 1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or 2) such a violation or failure is prosecuted as a civil administrative action pursuant to article 3 of this chapter. Any person who fails to pay an administrative fine or to comply with an administrative order is guilty of a misdemeanor as provided for in article 3 of this chapter."

2) Beverly Hills Municipal Code Section 10-4-302(A)

The restaurant placed a free-standing "Happy Hour" signboard on the public right of way on La Cienega Blvd., directly in front of the business, in violation of Beverly Hills Municipal Code Section 10-4-302(A) which states: "10-4-302(A) UNLAWFUL SIGNS - POSTING ON PUBLIC PLACES: It shall be unlawful for any person to post, suspend, print, stick, stamp, tack, or otherwise affix, or cause the same to be done, any notice, placard, bill, card, poster, sticker, banner, sign, advertising, or other device calculated to attract the attention of the public to, over, or upon any street right of way, public sidewalk, curb, curbstone, lamp post, hydrant, tree, railroad right of way, electric light pole, telephone pole, telegraph pole, or upon any future of the fire alarm, police, or telephone system of the city, or upon any public building or utility, unless permission so to do is first secured from the council." I further observed restaurant staff pick up the free-standing signboard and bring it inside the restaurant once the establishment had closed. Please see attached photo.

3) Beverly Hills Municipal Code Section 8-3-1(A)

The restaurant placed two free-standing ashtrays on the public right of way on La Cienega Blvd., directly in front of the business, in violation of Beverly Hills Municipal Code Section 8-3-1(A) which states: "8-3-1(A) - PERMIT REQUIRED FOR ENCROACHMENT IN ANY STREET OR OTHER PUBLIC PROPERTY: No person, unless exempted under the provisions of section 8-3-2 of this chapter, shall encroach, obstruct, or cause any encroachment to be placed upon, in, or under any public street, alley, sidewalk, parkway, or other public property without a permit issued under the provisions of this chapter. (1962 Code §§ 7-2.04, 7-3.02, 7-3.04, 7-3.29, 7-1.27)" I further observed restaurant staff pick up these two free-standing ashtrays and bring them inside the restaurant once the establishment had closed. Please see attached photo.



Case Report Summary



Print Date/Time: 09/19/2014 20:24
Login ID: egamer
Case Number: 2014-00020966

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Case

Case Number: 2014-00020966
Location: 14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211
Reporting Officer ID: 03654 - LAGIN

Incident Type: BHMC VIOLATION
Occurred From: 05/24/2014 01:00
Occurred Thru: 05/24/2014 01:35
Disposition: CLOSED (OTHER)
Disposition Date: 05/28/2014
Reported Date: 05/25/2014 03:05 Sunday

eg

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
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Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
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Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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RELEASED R. GHILICH BH COMM DEV

OfficerID: slagin, Case Narrative

Source: I, Officer Steven Lagin (#610/03654), was working in plainclothes.

Investigation: At approximately 0113 hours on Sunday morning, I entered the Phoenix Restaurant, 14 N. La Cienega, and observed the following Beverly Hills Municipal Code violations:

1) Beverly Hills Municipal Code Section 1-3-101(A) through the violation of operating conditions set forth in Beverly Hills Planning Commission Resolution #1693:

a) I observed the restaurant conducting business after their mandated 1:00am closing time in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.5 which states: "The restaurant may remain open until 1:00 a.m. on Saturday and Sunday mornings (Friday and Saturday evenings respectively); however, all patrons shall vacate the premises by that time." On this morning, the restaurant closed at 1:30am and all patrons were out of the establishment by 1:35am. Please see the attached sales receipt showing a purchase after the 1:00am closing time.

b) I further observed patrons seated and standing in the open air dining area in violation of Beverly Hills Planning Commission Resolution #1693 Section 14.5 which states: "Patrons shall not be permitted to occupy the open air dining area between the hours of 11:00 p.m. and 7:00 a.m. from Sunday through Friday and between the hours of 11:00 p.m. and 9:00 a.m. from Friday through Sunday except restaurant patrons may walk through the open air dining area to access the bathrooms at the back of the open air dining area."

For reference, Beverly Hills Municipal Code Section 1-3-101(A) MISDEMEANORS, INFRACTIONS, AND ADMINISTRATIVE REMEDIES states that "No person shall violate or fail to comply with any provision or requirement of this code. Any person who shall violate or fail to comply with any provision or requirement of this code, or a condition of any permit issued pursuant to this code, shall be guilty of a misdemeanor, unless: 1) such a violation or failure is designated as an infraction or is subsequently prosecuted as an infraction, in which case such person is guilty of an infraction; or 2) such a violation or failure is prosecuted as a civil administrative action pursuant to article 3 of this chapter. Any person who fails to pay an administrative fine or to comply with an administrative order is guilty of a misdemeanor as provided for in article 3 of this chapter."

2) I also observed that the fire extinguisher that is mounted on the south side wall of the open air dining area was empty and needed to be recharged. The gauge on the fire extinguisher read zero.

RELEASED R. GHILICHETTI

PHOENIX RESTAURANT
COMM. RES. #1693

ATTACHMENT F

ALCOHOLIC BEVERAGE CONTROL CONDITIONS

**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

**ADOLFO ALEXANDRO SUAYA
PHOENIX
14 N LA CIENEGA BLVD
BEVERLY HILLS, CA 90211-2205**

FILE 47-526546

REG.

**PETITION FOR CONDITIONAL
LICENSE**

For Issuance of an On-Sale General Bating Place - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 7008 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over-concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:



Initials

ATTACHMENT G
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)