



Planning Commission Report

Meeting Date: April 14, 2016

Subject: **9291 Burton Way (L'Ermitage Hotel)**
Renewal of Development Plan Review and Conditional Use Permit, and amendments to allow a relocated open air dining area and modified conditions of approval relating to the hotel restaurant, rooftop, and open air dining operations.

Project Applicant: Mitchell Dawson

Recommendation: Staff recommends that the Planning Commission adopt a resolution conditionally approving a renewal of the Development Plan Review and Conditional Use Permit.

REPORT SUMMARY

The proposed project involves a request to renew a previously approved Development Plan Review and Conditional Use Permit to allow the continued operation of the L'Ermitage Hotel and its associated restaurant, rooftop event space, and open air dining area. The project also consists of relocating the open air dining area and making amendments to the conditions of approval that relate to the rooftop events, the hotel restaurant, and the open air dining area.

This report analyzes the proposed project, evaluates the proposed amendments to the conditions of approval, summarizes past violations and neighborhood concerns, and provides recommendations for changes to the conditions of approval. Staff's analysis concludes that although the hotel operations have caused impacts to neighboring residents, with certain changes to the conditions of approval and with the implementation of a penalty schedule for violations, that compliance can be achieved and the entitlements should be renewed for one year, after which the project should be returned to the Planning Commission for further review.

BACKGROUND

File Date	3/4/15
Application Complete	4/3/15
Subdivision Deadline	N/A
CEQA Determination	Class 1 Categorical Exemption
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	60 days from determination of Exemption

Attachment(s):

- A. Required Findings
- B. Public Notice
- C. Correspondence Received from the Public
- D. Police Reports
- E. Draft Resolution
- F. Architectural Plans

Report Author and Contact Information:
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asahakian@beverlyhills.org



Applicant(s)	Mitchell Dawson / Dawson Tilem & Gole
Owner(s)	LBH Real Estate LLC
Representative(s)	Mitchell Dawson

Prior PC Action	<u>Reso. 267</u> (2/25/80) – Variance from parking requirements. (Approved) <u>Reso. 294</u> (12/8/80) – Variance from parking requirements. (Approved) <u>Reso. 493</u> (11/23/87) – Front yard setback variance to allow two sculptures to encroach into front setback. (Approved) <u>Reso. 890</u> (4/27/94) – Setback and rooftop variances, and modifying parking variance. (Approved) <u>Reso 1094</u> (4/28/99) –DPR for Open Air Dining and CUP to allow hotel dining to be open to the public. (Approved) <u>Reso 1138</u> (8/23/00) – Renew DPR for Open Air Dining and CUP for Hotel Dining to continue to be open to the public. (Approved) <u>Reso 1191</u> (8/22/01) - Renewing DPR for Open Air Dining and CUP for Hotel Dining. (Approved)
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Prior Council Action	<u>Reso 75-R-5307</u> (9/2/75) – Allow sundeck to exceed height limit by 3' (Approved on appeal) <u>Reso 99-7-10211</u> (8/3/99) – DPR for Open Air Dining and CUP to allow hotel dining to be open to the public. (Approved on appeal)
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PROPERTY AND NEIGHBORHOOD SETTING

Address	9291 Burton Way
Assessor's ID No.	4342-010-022 and 4342-010-002
Zoning District	R-4
General Plan	Multi-Family Residential (High Density)
Existing Land Use(s)	Commercial (Hotel)
Lot Dimensions & Area	240' x 130' (31,200 square feet)
Year Built	1976
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land

Uses

North	C-5 – Commercial
South	R-1.8X – Single Family Residential
East	R-4 – Multi-Family Residential
West	R-4 – Multi-Family Residential



Circulation and Parking

Adjacent Street(s)

Burton Way, Between Foothill Road and Maple Drive

Traffic Volume

Average Daily Weekday Trips on Burton Way: Approx. 15,960 Eastbound; Approx. 16,410 Westbound

Average Daily Weekday Trips on Maple Drive: Approx. 3,080 Southbound; Approx. 2,360 Northbound

Average Daily Weekday Trips on Foothill Drive: Approx. 1,530 Southbound; Approx. 1,315 Northbound

Adjacent Alleys

20'-wide, two-way alley to the north of the subject property, parallel to Burton Way.

Parkways & Sidewalks

Burton Way – 145' street width with 12.5' North and South parkways.

Foothill Road – 35' street width with 16' East and West parkways.

Maple Drive – 35' street width with 16' East and West parkways.

Parking Restrictions

No preferential parking conditions on Burton Way, N. Foothill Rd, or N. Maple Dr.

Nearest Intersection

Burton Way and N. Foothill Road

Circulation Element

Burton Way is a designated truck route and carries regional traffic.

Neighborhood Character

The project site is located along Burton Way, a major east-west thoroughfare with primarily one- and two-story residential development along the south side, and higher density multi-family residential development along the north side. The project site is abutted by a three-story multi-family residential building to the west. Immediately adjacent to the subject property to the east a new five-story condominium project is currently under construction. To the north is a commercial area consisting of former industrial sites that have over time developed into a cluster of corporate offices for media/entertainment companies. The project site is separated from this commercial area by a two-way alley that connects Maple Drive and Foothill Road. The alley provides pedestrian and vehicle access to the rear of the buildings along Burton Way.



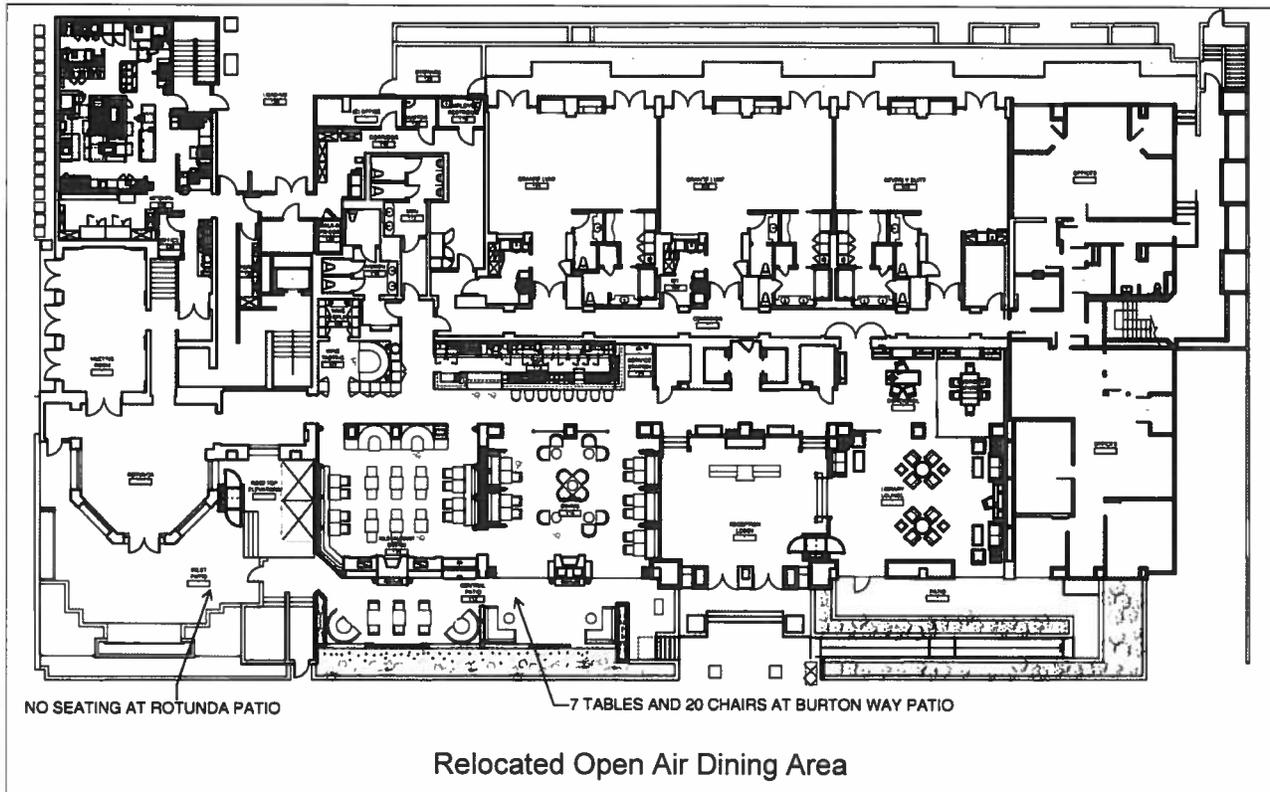
PROJECT DESCRIPTION

The proposed project includes renewal and amendment of a Development Plan Review and Conditional Use Permit as follows:

- Relocate open air dining area from the western side of the property toward the east near the main hotel entrance along Burton Way, maintaining the same number of tables and chairs as previously approved;
- Allow a separate stairway entrance to the new outdoor dining area from Burton Way located adjacent to the existing main hotel entrance;
- Amend the conditions of approval that relate to various aspects of the hotel's operations, including:
 - Frequency of rooftop events
 - Allowed hours of operation for rooftop events
 - Reporting procedures for rooftop events
 - Allowed hours of operation for open air dining area
 - Update hotel restaurant and open air dining access restrictions to reflect new configuration



The new configuration of the relocated open air dining area is shown in the figure below:



REQUIRED ENTITLEMENTS.

As proposed, the project requires the following entitlements in order to continue operations:

- **Development Plan Review.** The hotel's outdoor dining area was previously approved through the issuance of a Development Plan Review (DPR) permit. This permit requires renewal for the open air dining to remain operational and amendment in order to permit the requested modified hours of operation and new outdoor dining area configuration.
- **Conditional Use Permit.** The hotel's existing Conditional Use Permit (CUP) allows the hotel dining area to be accessed by the public. This Conditional Use Permit requires periodic renewal by the City. Additionally, the applicant is seeking amendments to a number of the CUP conditions of approval.



GENERAL PLAN POLICIES

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

- **Policy LU 9.1 Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- **Policy LU 12 Business Districts Adjoining Residential Neighborhoods.** Compatible relationships between commercial districts and corridors and adjoining residential neighborhoods, assuring that the integrity, character and quality of both commercial and residential areas are protected and public safety and quality of life are maintained.
- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- **Policy LU 15.2 Priority Businesses.** Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail an fashion, restaurant, hotel, technology, and supporting uses.
- **Policy ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- **Policy N 1.3 Limit Hours of Commercial and Entertainment Operations.** Limit hours of commercial and entertainment operations adjacent to residential neighborhoods and other noise-sensitive receptors in order to minimize exposure to excessive noise.
- **Policy N 1.4 Limit Hours of Truck Deliveries.** Limit the hours of truck deliveries to commercial uses abutting residential neighborhoods and other noise-sensitive receptors in order to minimize exposure to excessive noise, unless there is no feasible alternative or there are overriding transportation benefits by scheduling deliveries at other hours.

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

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



to Section 15301 (Class 1) of the Guidelines. Specifically, a Class 1 Categorical Exemption allows for minor operational changes associated with a commercial structure. The proposed project consists of renewal and amendment to existing entitlements which govern the operations of the commercial hotel, and the project has been determined to be eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	4/7/16	7 Days
Newspaper Notice	10 Days	4/4/16	4/1/16	13 Days
Mailed Notice (Owners & Residents - 500' Radius + blockface)	10 Days	4/4/16	4/1/16	13 Days
Property Posting	10 Days	4/4/16	3/31/16	14 Days
Website	N/A	N/A	4/7/16	7 Days

Public Comment

Staff has received correspondence from neighboring property owners/occupants in opposition of the project. Copies of the letters have been provided in Attachment C. Comments generally related to the following issues:

- Excessive noise from rooftop events late at night
- Excessive noise from attendees of rooftop events late at night, after events have ended
- Excessive noise from cleanup and breakdown of rooftop events late at night, after they have ended
- Deliveries being made outside of the allowed hours
- Delivery trucks blocking the alley behind the hotel, and in some cases blocking access to the parking garages of neighboring residences
- Excessive noise from open air dining area
- New stairway access to new open air dining area should not have been permitted
- Limousines parking on the south side of Burton Way

ANALYSIS

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings are included with this report in Attachment A and may be used to guide the Planning Commission's deliberation on the subject project. Additionally, staff's analysis is provided below for the Commission's consideration.

Background. The building on the subject property was originally constructed as an apartment/hotel, for which Certificate of Occupancy was granted in 1976. Hotel regulations,



including the requirement for hotels to obtain a CUP, were established in 1984, and operational standards for Commercial-Residential Transition Areas were established in 1996. Hotel operation as the L'Ermitage was later permitted by the Planning Commission on April 28, 1999 through a CUP to allow the hotel restaurant to be open to the public and a Development Plan Review (DPR) Permit for the open air dining area. The Planning Commission approval was appealed to the City Council and the decision was affirmed by the City Council on August 3, 1999. On October 23, 2000, and October 22, 2001, the Planning Commission renewed the entitlements for one year increments. The October 22, 2001 renewal modified the renewal procedure to allow the Director of Community Development to grant future renewals of the entitlements. The latest renewal in City records was granted on February 25, 2009 for a period of 3 years. Since the last renewal on file the hotel was sold and new ownership was established on January 10, 2010. According to available City records a renewal of hotel's entitlements was required by February 25, 2012. This renewal application was filed on March 5, 2015.

There is currently a request that has been filed by the hotel operator for the creation of a Hotel Overlay Zone for this property which is being processed by the City as a separate and ongoing application. The proposed Hotel Overlay Zone would allow for the addition of a 15' rooftop enclosure, reconfiguration of the rooftop area, and the installation of a new exterior glass elevator on the western elevation of the building. As proposed, the Hotel Overlay Zone would require approval of a Planned Development Permit, which would set forth all the operational requirements and restrictions for the hotel use. If approved, the proposed Overlay Zone and Planned Development Permit would supersede the project's existing DPR and CUP. Therefore, renewal of the existing DPR and CUP, and any amendments to the conditions of approval therein, would not preclude the City from making future changes to the operational requirements as part of the proposed Planned Development Permit.

Open Air Dining Area. As part of recent renovations to the hotel lobby, the outdoor dining area was relocated from its original location on the southwestern corner of the property in the courtyard adjacent to the rotunda to a new patio adjacent to the hotel's main entrance along Burton Way. Upon issuance of building permits, it was determined that this relocation would be in substantial compliance with the hotel's existing entitlements, since the modification consisted of the same number of tables and chairs. It was further determined that the relocation of the outdoor dining was likely to cause less impacts than the original outdoor dining location because the new outdoor dining patio would be located further away from the nearest residents to the west. The relocation was determined to be in substantial compliance with the existing entitlements because the existing DPR and CUP did not specify a particular area for the open air dining patio, and instead spoke to preventing neighborhood intrusion through operational restrictions. Since the relocation, nearby residents have expressed concerns about patrons using a new stairway access to the outdoor dining area that is provided from Burton Way.



New stairway to relocated open air dining patio (left) and main hotel entrance (right)

The existing entitlements for the property do not have a specific condition of approval that prohibits direct stairway access to the open air dining area. However, the findings approving the open air dining area were based on the fact that there was no direct access from the sidewalk. The draft findings included in the attached draft resolution specifically address the additional stairway access to the revised outdoor dining location. The draft findings have been made for the new stair access due to the fact that the new outdoor dining entrance is directly adjacent to the existing hotel entrance (approximately 120 feet away from the residential property to the west), and that the new location of the open air dining area is approximately 50 feet further away from the western property line than the previous outdoor dining location, it is unlikely that the new open air dining location and access will result in a greater noise impact than the previous configuration. While there is the possibility that a separate entrance to the open air dining area could potentially lead to queuing on the sidewalk, any queuing impacts resulting from the new entrance would be restricted to an area on private property directly adjacent to the existing hotel entrance which is already an area used by hotel and hotel restaurant patrons. A condition of approval has also been



recommended that would prohibit queueing on the sidewalk, and would require the hotel to direct patrons who can't be seated immediately to wait for their seats inside the hotel lounge to avoid potential noise impacts from queueing.

Rooftop Tent. In addition to some of the neighborhood concerns identified above, questions have been raised about the status of a temporary tent on the hotel rooftop. Based on past approvals, the temporary tent structure is primarily intended to be used for rooftop events during the Fall/Winter months when there is increased likelihood for inclement weather. These types of structures are typically approved through the issuance of a Temporary Tent Permit, which is issued by Building and Safety in conjunction with the Fire Department. Temporary Tent Permits are on file for the L'Ermitage Hotel rooftop since as far back as November 21, 2000, with approval generally being valid for a six-month period and requiring renewal thereafter. The current conditions of approval do not regulate the hotel's ability to obtain a Temporary Tent Permit, and concerns have been raised about the perceived permanent nature of the tent, as well as the possibility that it may serve to enable a greater frequency of rooftop events that have the potential to impact the surrounding neighborhood. While no conditions are included in the draft resolution regarding the use of the tent at this time, the Commission may wish to discuss whether it would be desirable to place restrictions on the use of rooftop tents, either through frequency restrictions or an outright prohibition.

Operational Changes. As part of the request to renew the Conditional Use Permit, the applicant has requested changes to some of the conditions of approval that govern the hotel operations. These changes include the following:

Open Air Dining Area Hours

The current entitlements do not allow patrons to be seated in the open air dining area after 9:00 p.m. and require patrons to leave the open air dining area by 10:30 p.m.. The applicant has requested an amendment to allow patron seating until 9:30 p.m., and require patrons to leave by 11:00 p.m. The Municipal Code has established acceptable hours of operation for commercial uses that are in close proximity to residential uses (also known as Commercial-Residential Transition Areas). The allowed hours of operation in Commercial-Residential Transition Areas are from 7:00 a.m. to 10:00 p.m. on weekdays and 9:00 p.m. to 10:00p.m. on weekends, and can be extended subject to approval by the Planning Commission. It should be noted that these time frames are provided for comparison purposes, since the L'Ermitage Hotel is exempt from these provisions because it has a CUP and DPR that were previously approved by the Planning Commission, and these entitlements explicitly addressed extended hours activities associated with the project.

The current conditions of approval that limit seating of patrons to no later than 9:00 p.m. are more restrictive than current Municipal Code requirements for transitional areas. While the proposal to allow seating of patrons until 9:30 p.m. would also be more restrictive than the hours identified in the Municipal Code for Commercial-Residential Transition Areas, due to the level of concern raised by neighboring property owners and residents with regard to noise and impacts from the open air dining area, staff does not recommend extending the



current time limit of 9:00 p.m. at this time. Furthermore, with the requirement that patrons vacate the premises by 10:30 p.m., it may be impractical to expect patrons to be seated and then vacate the open air dining area within one hour.

Although the Municipal Code provisions for Commercial-Residential Transition Areas do not require patrons to vacate the premises at any specific time so long as they entered the establishment prior to 10:00 p.m., it is generally understood that commercial activities beyond 10:00 p.m. are not desirable unless expressly approved by the Planning Commission. Furthermore, the open air dining area has been the subject of concern from adjacent neighbors over the past several years due to noise impacts, and the request to extend the time at which patrons must vacate the open air dining area until 11:00 p.m. would increase the likelihood of continued noise impacts. It should also be noted that unlike the rooftop area, which is limited to 52 events per year and no more than 2 events per week, the open air dining area would be allowed to operate every day. Thus, while later hours could be acceptable for rooftop events, later hours in the open air dining area would have more potential for recurring noise impacts. For these reasons, staff does not support allowing patrons to stay in the open air dining area past 10:30 p.m. at this time.

Ability to Request One Additional Rooftop Event Within One Week

The applicant is requesting that the condition limiting evening events on the rooftop to two per week be amended such that the hotel may request for the Director of Community Development to authorize one additional event within a one-week period during the Awards season, which is typically from January through March. This change would not increase the total number of allowed rooftop events per year, which is currently limited to 52. The additional event would also be subject to the same hours of operation as all other rooftop events. Due to the relatively limited period of time in which these types of request could be made, and the fact that such requests would be subject to review by the Director of Community Development rather than being allowed by right, staff can support this amendment.

Ability to Request One Late Night Rooftop Event

The applicant has requested an amendment that would allow the hotel to request for the Director of Community Development to allow for one rooftop event per year to operate until 1:00 a.m. This would not increase the total number of allowed rooftop events per year, which is currently limited to 52. Currently, there is no time restriction on rooftop events for the hotel, and staff recommends amending this condition to include time restrictions that would allow the hotel to host events in a manner that is competitive with similar types of hotels in the vicinity, but that the hours also are sensitive to surrounding residential uses. To that end, staff does not recommend allowing one event to operate until 1:00 a.m., and instead suggests that all rooftop events, including associated amplified music, be required to end by 10:00 p.m. and that all event attendees must vacate the rooftop by 11:00 p.m. Sunday through Thursday, and rooftop events be required to end by 11:00 p.m. and all attendees vacate the rooftop by 12:00 a.m. midnight on Friday and Saturday, and evenings preceding a holiday. While these hours go later into the evening than standard Commercial-Residential Transition Area hours of operation, the recommended hours are more restrictive



than what has been imposed on other hotels in the City with rooftop event areas. Additionally, the total number of these events would be limited to 52 per year, and no more than two per week unless approved by the Director of Community Development for one extra event within a week during the Awards season.

Last-Minute Rooftop Events

In the current CUP and DPR, there is a condition that requires the hotel to submit to the Director of Community Development a monthly schedule of planned events. Any amendment to the schedule must be submitted to the Director in writing no less than 48 hours prior to the event that is the subject of the amendment. The applicant has proposed an amendment to allow the hotel to request for the Director of Community Development to allow for one amendment to the monthly rooftop event schedule with less than 48 hours' notice prior to an event occurring. This is intended to allow last-minute relocation for an event from another nearby hotel in the case of unforeseen situations, such as a flood or other complication. Given that these requests would be subject to review by the Director of Community Development, and recognizing the need for flexibility in order to allow the City's hotels to remain competitive, staff can support this amendment.

Miscellaneous Clarifications

Amendments are requested to clarify various conditions of approval that are either outdated or would no longer be applicable with the new open air dining area configuration. These include the following:

- Updating conditions relating to patron and food service access to the open air dining area to reflect the new location;
- Removing the requirement to offer installation of dual-glazed windows on neighboring buildings. The applicant has indicated that this has already been fulfilled and no further action is necessary;
- Clarifying the definition of a "banquet or similar event", which shall remain prohibited for the hotel restaurant;
- Amending language such that the hotel would be required to maintain, rather than install, the landscape buffer along the western property line of the hotel.

These clarifications would make the conditions of approval more applicable to the operations of the hotel restaurant, rooftop, and open air dining areas, and would not lead to intensification or additional impacts to surrounding properties. Therefore, staff supports implementing these clarifications.

Violations and Enforcement. City staff has received a number of complaints from neighboring residents, primarily related to: noise from rooftop events and outdoor dining; limousine parking on Burton Way; and truck deliveries and the blocking of alley access. Code Enforcement staff, and in many cases the Police Department, have responded to these complaints. The following table provides a summary of all Police calls relating to the hotel where Police have responded within the past two years, for the period of March 12,



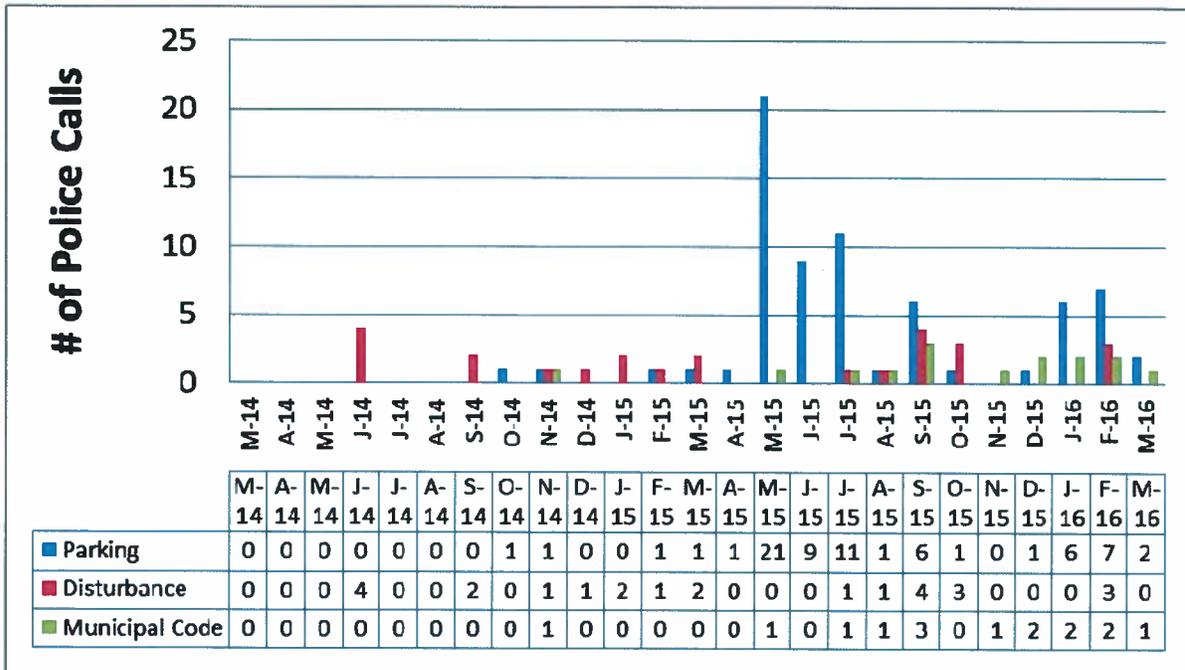
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2014 through March 12, 2016. The calls are categorized under Parking, Disturbing/Keeping the Peace, and Municipal Code Violation. In general, 'Parking' calls related to construction and delivery trucks blocking the alley and garages of neighboring properties; "Disturbing/Keeping the Peace" calls related to rooftop noise, music, outdoor patio furniture setup, and trucks loading after rooftop events; and 'Municipal Code' calls related to construction noise and noise from moving outdoor patio furniture. Based on the incident reports, Police responded to a total of 24 Disturbing/Keeping the Peace calls, with some as early as 6:39 a.m., and in a handful of cases, as late as 1:49 a.m. The majority of these calls were responded to between 10:00 p.m. and 11:00 p.m. Of the 24 calls, some were unrelated to the hotel operations and resulted from disputes between the hotel and its customers. Additionally, there were some calls where it was determined that there was no violation.



Although each and every complaint and violation cannot be completely verified, this data, along with the numerous concerns from residents that have been expressed to City staff, the Planning Commission, and the City Council, suggest that there has been an increased amount of impacts resulting from the hotel's operations, and that actions should be taken to encourage better oversight of hotel functions and events and more consistent compliance with the conditions of approval. In order to increase the likelihood of compliance with conditions of approval, and to provide for a clear set of consequences for violations, staff recommends the following penalty schedule for documented violations of conditions of approval within any one calendar year:



1 st Violation	2 nd Violation	3 rd Violation	4 th Violation	5 th Violation	Subsequent Violations
\$500	\$1,000	\$5,000	\$10,000	\$10,000	\$10,000 and automatically returned to Planning Commission for review and possible revocation. All application fees would be required in addition to the assessed penalty.

A specific penalty structure with escalating penalties for recurring violations of conditions of approval would make enforcement more efficient, and would encourage hotel management to ensure that violations do not occur. To administer the penalties quickly and efficiently, staff recommends that an account be established with an initial deposit of \$20,000 paid by the applicant. When violations are reported, verified, and documented, penalties will be drawn automatically from the account, and once the account is depleted by 50%, the hotel would be required to replenish the account back to \$20,000. In addition, staff proposes that a \$10,000 deposit be paid by the applicants to cover the costs of Code Enforcement responding to and documenting violations, and administering the penalties.

Summary of Project Benefits and Concerns. Based on the analysis provided above, a summary of the project's potential benefits and potential concerns is provided in the table below for the Planning Commission's consideration.

Potential Benefits	Potential Concerns
<ul style="list-style-type: none"> Relocation of the outdoor dining area will move associated noise impacts away from residences to the west. Specific and escalating penalties for violations will make enforcement more efficient and effective, and will encourage compliance with conditions of approval. Enabling the hotel to continue operating will provide revenue to the City and will enhance luxury tourism amenities consistent with the City's economic development goals. 	<ul style="list-style-type: none"> Any hotel operations in proximity to residential uses will likely result in some impacts to neighboring residents. Some violations of conditions of approval may be difficult to verify at the time of the violation.



NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the renewal of a Development Plan Review and Conditional Use Permit.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Masa Alkire", written over a horizontal line.

Masa Alkire, AICP, Principal Planner



Attachment A
Required Findings

Development Plan Review Permit:

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.

Conditional Use Permit:

1. The proposed location of any such use will not be detrimental to adjacent property or to the public welfare;
2. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to:
 - a. The accumulation of garbage, trash, or other waste;
 - b. Noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;
 - c. Light and glare;
 - d. Odors or noxious fumes;
 - e. Parking demand created by the restaurant, including parking demand created by employees; or
 - f. Traffic



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Attachment B
Public Notice



NOTICE OF PUBLIC HEARING

DATE: April 14, 2016

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, April 14, 2016, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider a request to renew a Development Plan Review Permit and a Conditional Use permit at the property located at **9291 Burton Way (L'Ermitage Hotel)**.

Development Plan Review. The applicant is requesting a renewal of an approved Development Plan Review Permit to allow open air dining consisting of 7 tables and 20 chairs on private property facing Burton Way. The applicant has requested renewal of this open air dining area for the same number of tables and chairs and a relocation of the dining area further toward the east near the main hotel entrance facing Burton Way.

Conditional Use Permit. There is a previously approved Conditional Use Permit to allow the hotel dining facility to be open to the public. The renewal application includes requests to amend some existing conditions of approval relating to the operation of the hotel restaurant.

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

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

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

If there are any questions regarding this notice, please contact **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@beverlyhills.org. Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Andre Sahakian, Associate Planner

Mailed: April 1, 2016



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9291 Burton Way (L'Ermitage Hotel)

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Attachment C

Correspondence Received by the Public

From:
Mikael Cohen
315 N Elm Drive

To:
Note to the planning commission
Re: Meeting April 14, 2016 regarding L'Ermitage

Dear All,

I have attached most of my emails and responses exchanged with the Planning department during the last two months. In the emails, I have reported many of the events that are in violation of the CUP and permits issued by the Planning and the City of Beverly Hills Construction Permit.

As you could notice from these emails, it is so disappointing to mention that the Planning Dept. is not enforcing any of the rules, and furthermore, helping the hotel accommodating their violations. The Planning Dpt. even suggested that there were no complaints filed for the past two years. Have they looked at the records?? See number of parking violations, deliveries, music and roof top violations?

Hotel is not respecting the CUP or rules; Violation after Violation and no one to discipline them despite promises from the Code enforcement or the police depts. The hotel has not respected the permit issued by the planning to remodel the restaurant, they did open an entrance to the Burton to great more patrons from outside the hotel. Against the CUP, Planning tried to protect them by calling the new entrance an emergency exit. It is really beautiful exit with a host counter at the front and a hostess, probably to direct the guests for emergency food. Then the Planning went on to explain that the new entrance was located from 50' to the east and 120' from previous location, making us believe that it was adequate even though in contradiction with the CUP or the remodeling permit.

Once the Panning Dept. has finally agreed that the entrance was in violation, they made the hotel closing the access with a nice red velvet rope. No citation and no enforcement to bring back the site to its original condition. Planning is again helping the hotel to approve the changes. Mass invitations have been sent by the Hotel to advertise the opening of new restaurant from 7AM, while CUP authorizes from 8 AM for the outside area. The intention of the Hotel is to bring crowd to the restaurant like on Sunset's strip, with no consideration that it is operating in Residential area.

When the Planning was asked on why deliveries are done from 7 AM against the CUP, Planning is again trying to help the hotel to bring the deliveries on Burton way, rather than citing them or disciplining them. According to CUP, deliveries are only authorized from 8AM and not meant to block the garage of residents, who often have to wait for the trucks to move.

How about late events with loud music and noise late at night under a canopy that has no permit. How about complaints filed during the year. How about the one on February 12th where I called 3 times. How about the last one on March 19th. Do the planning have access to the calls? They had 3 buses with at

least 60 persons each one that attended the evening with loud music. Music you can hear from 5 miles away and that even after the visit of the police department with a promise to lower the noise. Why are they so arrogant? According to resolution 99R -10211 section 10 that prior to any evening function, with more than 25 persons other than guests, the hotel shall submit a traffic and parking plan for the evening to transportation for the Director's approval. None.

I would like to see and has requested those approvals from the director as stated in the resolution. I am telling this hotel does not respect any law and runs its operations in complete anarchy with the blessing of the planning department and indifference from the code enforcement.

Also, according to section 15, the CUP has to be renewed and renewed every year. I have asked for the renewals, they are none. Is the Hotel operating without a valid permit?

As per email attached (April 3rd) from the Planning Department, L'Ermitage will be requesting during the next commission, to allow them the new stairs and the new entrance. In fact they are asking the Planning to reward them for their violations. This a total inconsideration to the laws and the rules of the City.

I have some emails attached that suggest that the planning will not enforce any non-compliance or violations against the Hotel. I had a conversation with the Officer Terrence May who promised to enforce the codes. Never heard from him.

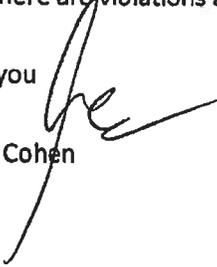
So, my question for the next Planning Commission, why are we discussing a CUP that has been approved 15 years ago? I was present during all debates. We had the same problems and resolutions were adopted. There are no changes to be made as there have been no changes in our way of life, in a zoning or anything else in the vicinity of the Hotel in the last 15 years that would suggest any reason to modify the CUP. Yes, the ownership changed, and I am pretty sure that the current owner, has done its due diligence and was acquainted with the CUP's rules. We see no reason to change the current CUP.

A real change that all of residents insist to see, is to bring the hotel to comply with the rules and stop them from violating those rules, against the CUP or building permits and enforce all codes with first action is to close permanently the new street entrance for their new restaurant.

I am hereby asking, the Planning Commission, not to change anything to the current CUP as there are no existing reasons for any changes, but rather helping us to enforce the codes of the city, issue citations when there are violations and to bring back discipline and respect to our beautiful City rules.

Thank you

Mikael Cohen



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9201 Burton Way, Beverly Hills, California 90210 ph. 310 960 8660

AN
NV

*Merci!
Avec News*

No.110

From: mikaelc <mikaelc@aol.com>
To: rgohlich <rgohlich@beverlyhills.org>; bialermatti <bialermatti@aol.com>; maluzri <maluzri@beverlyhills.org>; gchavez <gchavez@beverlyhills.org>
Cc: lilibosse <lilibosse@icloud.com>; nancy <nancy@krasne.com>; ilanbialer <ilanbialer@gmail.com>; asahakian <asahakian@beverlyhills.org>
Bcc: ejrebibo <ejrebibo@yahoo.com>
Subject: Re: L'Ermitages violations going on.....and on.....
Date: Mon, Apr 4, 2016 5:51 pm

Hi Ryan

Thank you for the Hotel agenda. I will be present at the meeting.

You have now confirmed what I have assumed and predicted. The Hotel violates the CUP and the building permit. Then the Planning department and its inspection ignore the violations, and do not enforce the codes. Ironically, now the Hotel is coming back to correct with the blessing of the planning. Wow! everything works backward and no fear of consequences for the non-compliance.

I would love to tell you my story of how difficult the inspection I had for just re-roofing my house. The inspector was at my place twice to three times a week to check every progress and in compliance with the permit I had.

I will talk about your planning procedures in my memo/letter to the Planning commission. This entrance that was built in violation to all rules, must be closed permanently and the stairs be removed.

By the way, do not forget to ask the hotel to remove the canopy from the roof top. It is there without a valid permit and give the hotel ploys to run loud events with no approval from the Director of transportation. (always as per CUP).

Thank you
Regards

Mikael Cohen

-----Original Message-----

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>; bialermatti <bialermatti@aol.com>; Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>
Cc: lilibosse <lilibosse@icloud.com>; 4-Nancy Krasne <nancy@krasne.com>; ilanbialer <ilanbialer@gmail.com>; Andre Sahakian <asahakian@beverlyhills.org>
Sent: Sun, Apr 3, 2016 11:26 pm
Subject: RE: L'ermitage delivery truck blocking our garages 4/1/2016

Hi Mikael,

At present, the hotel is asking to renew their CUP under the same conditions, but with the allowance to utilize the new stairs adjacent to the main entrance. The meeting will start at 1:30 PM on the 14th. I'll have Andre Sahakian from my office follow up with you later this week to make sure you get a copy of the staff report. Also, if you have any materials you'd like us to attach to the staff report we would need to receive them from you by Wednesday at noon. Let me know if you have any questions.

Thank you,

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: mikaelc@aol.com [<mailto:mikaelc@aol.com>]
Sent: Friday, April 01, 2016 6:03 PM
To: Ryan Gohlich; bialermatti@aol.com; Mahdi Aluzri; George Chavez
Cc: lilibosse@icloud.com; 4-Nancy Krasne; ilanbialer@gmail.com
Subject: Re: L'ermitage delivery truck blocking our garages 4/1/2016

Hi Ryan

Thank you for advising the Commission about all problems.
Also, I am preparing my letter to the Commission along with all violations by the Hotel.
I would like to know ASAP, the requests submitted by L'Ermitage for discussion with the Commission and any changes that may be proposed by the hotel and challenged by residents. I need also to inform other concerned residents and prepare our arguments for the continued violations.
Please confirm also, the **time** of the planning Commission meeting April 14th.
Thank you for your help.
Regards

Mikael Cohen

-----Original Message-----

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: Matti Bialer <bialermatti@aol.com>; Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>
Cc: lili Bosse <lilibosse@icloud.com>; 4-Nancy Krasne <nancy@krasne.com>; Ilan Bialer <ilanbialer@gmail.com>; mikaelc <mikaelc@aol.com>
Sent: Fri, Apr 1, 2016 4:26 pm
Subject: RE: L'ermitage delivery truck blocking our garages 4/1/2016

Hi Matti,

We will include this in the information we provide to the Commission as well.

Thanks,

Ryan

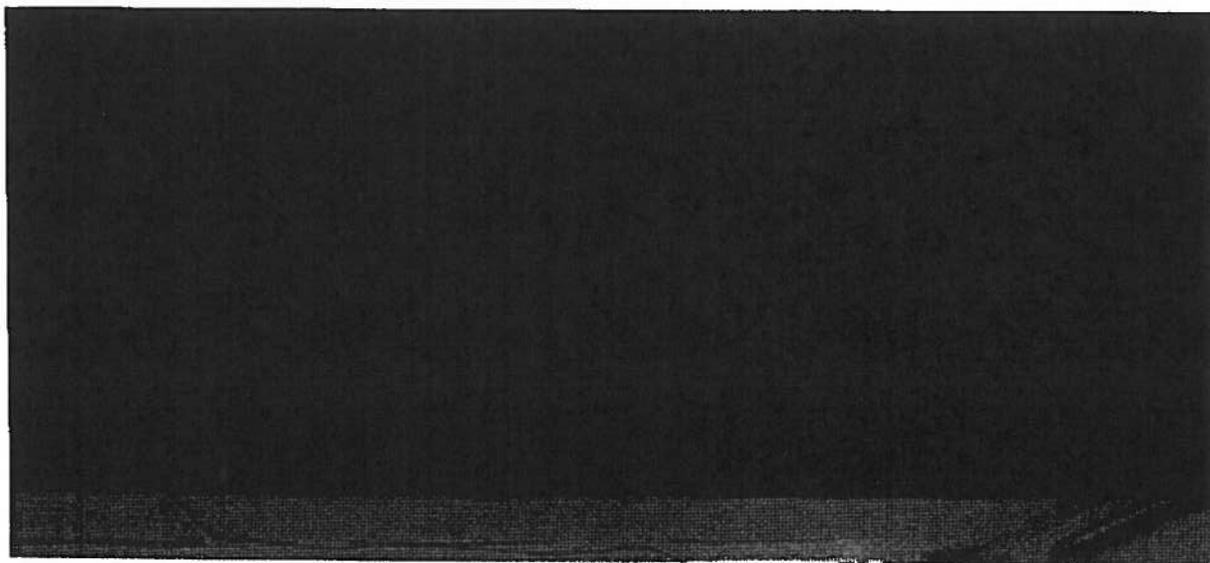
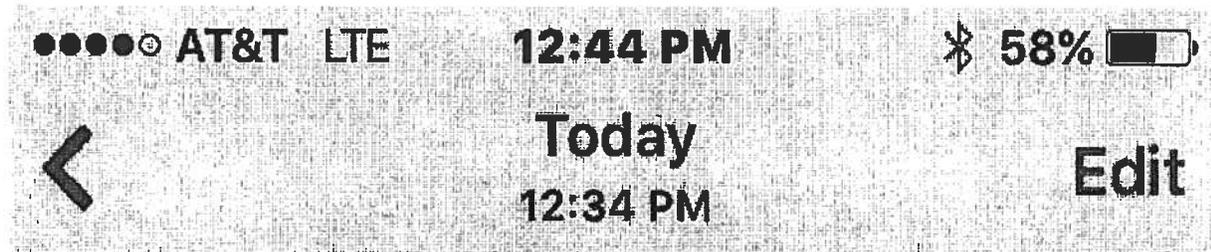
Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Matti Bialer [<mailto:bialermatti@aol.com>]
Sent: Friday, April 01, 2016 4:03 PM
To: Mahdi Aluzri; George Chavez; Ryan Gohlich
Cc: Matti Bialer; lili Bosse; 4-Nancy Krasne; Ilan Bialer; mikaelc@aol.com
Subject: L'ermitage delivery truck blocking our garages 4/1/2016

City Staff,

The l'ermitage deliveries are continuing to block our garages. This was today 4/1/16 at 12:30 pm. Traffic police were called and cited the vehicle.

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>

●●●●○ AT&T LTE

12:44 PM

✳ 58% 



Today
12:34 PM

Edit

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>
Cc: Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>; Andre Sahakian <asahakian@beverlyhills.org>; Raj Patel <rpatel@beverlyhills.org>
Subject: RE: L'Ermitage violations of their CUP
Date: Mon, Feb 29, 2016 5:33 pm

Hi Mikael,

I wanted to follow up on your email and let you know that we are reviewing the items you've raised. I hope to have a detailed response for you before tomorrow's City Council meeting so that you have a complete understanding of what has been approved at this point, what is currently pending review and public hearings, and what is being done to investigate and/or enforce any violations. Regarding your desire to speak at tomorrow's Council meeting, please be advised of the following:

Your prior email has been distributed to the City Council for their information and consideration.

The L'Ermitage Hotel is not a formal item on tomorrow's agenda, so you will need to speak at the beginning of the meeting (7:30 PM) during the time allotted for general public communications.

Because it is not a formal agenda item, each person speaking will be given 3 minutes to make comments on the matter.

The City Council will listen to any comments you have, but will be unable to engage in a dialogue since the item is not on the agenda.

Please let me know if you have any questions, and I'll follow up tomorrow with additional information on the issues you've raised.

Thank you,

Ryan

Bcc: City Council

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Andre Sahakian
Sent: Monday, February 29, 2016 11:02 AM
To: Ryan Gohlich
Subject: FW: L'Ermitage violations of their CUP

From: Mikael Cohen [mailto:]
Sent: Monday, February 29, 2016 11:00 AM
To: Andre Sahakian
Cc: ilanbialer@gmail.com; 12-Julian Gold; Mahdi Aluzri; WebCBH MAYORANDCITYCOUNCIL; Terence May; Mary Riedel
Subject: Re: L'Ermitage violations of their CUP

Dear all

Email that I have sent last Thursday and that i would like to be in part of the next council meeting. This is a serious concern fur all of the residents living in the vicinity of L'Ermitage. Please confirm

Thank you

Sincerely

Mikael Cohen

Sent from my iPhone
Mikael Cohen

On Feb 25, 2016, at 9:41 PM, mikaelc@aol.com wrote:

Dear Andre

I am observing L'Ermitage across my house, remodeling their restaurant, they are now calling it "Bistro" with a move in front of Burton Way. I do not know if the City has given permission to remodel with an entrance to the restaurant from the street and open walls. This is another intrusion into the residential character of the neighborhood.

However, before I start blaming the Hotel, I want to remind the following extracts from the Resolution number 99R-10211 adopted August 3, 1999 and it states:

Section 4 Paragraph 2: Both live entertainment and amplified music will be prohibited at all times in the open air dining area. Also operation of the open air dining will cease at 10.30PM.

The new bistro will have an opening area. Paragraph 3 of this same section states: "The project, as conditioned, will not significantly interfere with the use and enjoyment of residential properties in the vicinity for the additional reason that ENTRY AND EXITING FROM THE RESTAURANT WILL OCURR THROUGH THE INTERIOR OF THE HOTEL. My comment; this paragraph is clear that entrance to restaurant cannot come directly from the street. As I am observing the remodeling, the hotel has installed new stairs , new rails and new entrance from the street, therefore in violation to the current CUP.

Section 6 Paragraph 3 states. No Live entertainment or amplified sound shall be allowed. Paragraph 4 continues to say:" No banquets or similar receptions or parties shall be held at the restaurants". I do not know the intentions of the Hotel but I will guarantee , they will be in violations as usual and will continue to be in violation unless, the CUP is enforced by the city.

Despite the CUP clearly stating that no limousines should be parked on the south side of

Burton, L'Ermitage continues to let the divers parking for hours. Some of them, taking the time to clean up their cars and throw all food and bottle garbage right on the street and my lawn. I have to clean often my lawn. See also my previous email, evidencing that the Hotel does use guests parking on the south side of Burton Way.

Has the City authorized such changes in the bistro and opening from the street and if yes, I would appreciate to have a copy of the resolution. I do not remember that we have been notified.

Section 6, Paragraph 15. The CUP must be renewed every year at the anniversary date. Did the Hotel renew every year? I would like to check these documents.

Hi Andre, I am sorry to sound like a lawyer, but these changes are clearly affecting the neighborhood with an adverse impact on the properties and their residents. I heard so many complaints when I was collecting the petitions signatures.

Thank you as always for your help

Mikael Cohen
Cell 323-816 8674

ear Andre

Mikael Cohen
MMS Group Corporation
Email: Mikaelc@mmsgroupec.com

—Original Message—

From: mikaelc <mikaelc@aol.com>
To: jgold <jgold@beverlyhills.org>; maluzri <maluzri@beverlyhills.org>
Cc: ilanbialer <ilanbialer@gmail.com>; bialermatti <bialermatti@aol.com>
Sent: Tue, Feb 23, 2016 1:46 pm
Subject: 105 Petitions against L'Rmitage noise expansion

Dear Mayor Gold and City Manager Aluzri

As you have suggested during one of your Sunday meeting with the residents, I have circulated a petition against the noise expansion of L'Ermitage and collected approximately 105 signatures so far.

Please find enclosed 34 pages with the names, addresses and signatures. All of the petitions were signed by residents living close to the Hotel. From the testimonies I have heard while collecting the signatures, the residents are very concerned with the noise expansion proposed by L'Ermitage. Consideration has to be given on the fact that L'Ermitage cannot be allowed to expand any use permit beyond their current one limiting events and noise after 10PM. The hotel does not even comply with their current permit and noise goes beyond the 10PM.

Please check all complaints filed with the Police department by several residents.

I just hoped to bring to the attention to all Council Members during your next meeting March 1, 2016 and have them know, that L'ermitage is operating in the middle of Residential

area, its noise expansion , and its non-compliance to its actual CUP, make the residents very nervous.

All Petitioners and I, thank you and appreciate very much your assistance in helping to keep our peaceful environment. I am available for any comments or questions you may have.

Respectfully,

Mikael Cohen

—
The City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From: Ryan Gohlich <rgohlich@beverlyhills.org>

To: mikaelc <mikaelc@aol.com>

Cc: Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>; Susan Healy Keene <skeene@beverlyhills.org>; Raj Patel <rpatel@beverlyhills.org>; Andre Sahakian <asahakian@beverlyhills.org>

Subject: L'Ermitage Hotel Follow Up

Date: Tue, Mar 1, 2016 2:15 pm

Attachments: PC Reso No. 1138.pdf (185K), PC Reso No. 1191.pdf (306K)

Dear Mikael,

Following up on my email yesterday, I wanted to offer some additional information and responses to your questions regarding the recent changes at the L'Ermitage Hotel outdoor dining area:

With respect to the conditions from the current CUP regarding live entertainment, amplified sound, and hours of operation, these conditions all still apply to the outdoor dining area and hotel restaurant, and can continue to be enforced. Staff has reviewed all code enforcement cases for the hotel over the past two years, and although there have been complaints regarding music, noise, and hours of operation, we have not been able to obtain any police records or other evidence to support these violations. However, our Code Enforcement Officers continue to investigate these matters, and we are in the process of obtaining updated police reports to assist us in substantiating any potential violations.

The entry and exit to the new outdoor dining area will continue to be required to occur from within the restaurant. Staff is currently working with the hotel operator to ensure that the stairs from the sidewalk on Burton Way are for emergency egress/ingress only.

After reviewing the CUP, staff was unable to find the condition referenced in your email regarding prohibiting limousines from parking on Burton Way. While the CUP findings acknowledge that there could potentially be impacts to street parking on the nearby residential streets, there are no conditions that prohibit patrons of the hotel from parking on the street. Other conditions were put in place to limit the number and frequency of rooftop events and requiring free, off-street parking for employees and free valet parking for patrons in order to help reduce the impact to street parking.

The City has issued building permits for various changes to the lobby area of the hotel, including relocation of the outdoor dining area from the rotunda courtyard on the west side (which was adjacent to the condominium building next door) to the new area further east along Burton way. These changes were reviewed for conformity with the existing CUP, and to ensure that they would not result in an increase in intensity of the uses. Since the total number of tables and chairs in the outdoor dining area remains the same as before (7 tables and 20 chairs, with the prior outdoor dining area being eliminated), there is no increase in the intensity of use. Since these changes are consistent with the requirements in the original CUP, a resolution and public notice were not required.

The original resolution approving the CUP for the restaurant and outdoor dining uses was renewed annually twice after it was adopted (Resolutions 1138 and 1191). As part of Resolution 1191, the renewal procedure was amended to allow the Director of Community Development (rather than the Planning Commission) to grant subsequent renewals. Please see attached for the aforementioned Resolutions for reference.

Please note that the request for the changes to the CUP conditions regarding rooftop events, construction of the

proposed rooftop enclosure, and the proposed elevator shaft on the west side of the building are still under review and have not yet been approved. Public hearings will be scheduled for those items in the coming months, and notifications will be sent so that neighbors of the property will have the opportunity to comment on these changes. Any other changes to the hotel that go beyond the scope of the existing CUP would also require review.

We appreciate your comments on the property, and will keep you updated as we work with the hotel's management to ensure compliance. Please feel free to contact me if you have any questions.

Thank you,

Ryan

Bcc: City Council

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

The City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From: mikaelc <mikaelc@aol.com>
To: rgohlich <rgohlich@beverlyhills.org>
Cc: maluzri <maluzri@beverlyhills.org>; gchavez <gchavez@beverlyhills.org>; skeene <skeene@beverlyhills.org>; rpatel <rpatel@beverlyhills.org>; asahakian <asahakian@beverlyhills.org>; mayorandcitycouncil <mayorandcitycouncil@beverlyhills.org>; bialermatti <bialermatti@aol.com>; tmay <tmay@beverlyhills.org>
Subject: Re: L'Ermitage Hotel Follow Up and its Violations.
Date: Tue, Mar 8, 2016 5:27 pm

Dear Ryan

I appreciate your response to my email and of course I was glad to meet you at the City Hall during the Council meeting of last week.

I guess today, you had the proof that the Hotel did not build an emergency exit door to the street, but rather a real entrance to the restaurant from the street. I believe you have received videos from Matti Bialer. You agree this is violation of the CUP.

I want now to direct you to Resolution 1138 adopted 8-23-00 and you did send a copy, please see Section 5 Paragraph 2 (page 4) where it states clearly, "that the Hotel shall not instruct, nor encourage directly and indirectly any driver of any taxi or Limousine to park on any residential street in the vicinity of the hotel, **including but expressly not limited to, the south side of Burton Way.**" Please read the rest of the text resolution, where the applicant, the Hotel, shall attempt to clearly identify through the use of a special vehicle tags for those limousines.

The Hotel has always violated this resolution and from testimonies collected from the drivers, they are instructed by the personnel of L'Ermitage to park across the street, without consideration of the CUP. You should know, the garbage the drivers leave behind, it is a shame for the beautiful Burton Way. The Hotel has violated most of the resolutions of the CUP, without respect to nay rule, to the issued permit, to the residents and to the City of Beverly Hills itself.

In my last email, I have asked the City to provide me with the permit issued authorizing the Hotel to build a restaurant entrance from the street. I would very much appreciate a copy.

Also, the resolutions call for the CUP to be renewed every year. I would like to review the yearly renewals from year 2000, as per last email. Has L'ermitage complied with the renewals??

Thank you for your help, and hope you would include the above mentioned matters to L'Ermitage during your meeting on Wednesday

Regards
 Mikael Cohen

—Original Message—

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>
Cc: Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>; Susan Healy Keene <skeene@beverlyhills.org>; Raj Patel <rpatel@beverlyhills.org>; Andre Sahakian <asahakian@beverlyhills.org>
Sent: Tue, Mar 1, 2016 2:15 pm
Subject: L'Ermitage Hotel Follow Up

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We appreciate your comments on the property, and will keep you updated as we work with the hotel's management to ensure compliance. Please feel free to contact me if you have any questions.

Thank you,

Ryan

Bcc: City Council

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills

3/31/2016

Re: L'Ermitage Hotel Follow Up and its Violations.

455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

—
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From: Ryan Gohlich <rgohlich@beverlyhills.org>

To: Matti Bialer <mattibialer@icloud.com>; Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>; Raj Patel <rpatel@beverlyhills.org>; Susan Healy Keene <skeene@beverlyhills.org>; Nestor Otazu <notazu@beverlyhills.org>; Ilan <ilanbialer@gmail.com>; mikaelc <mikaelc@aol.com>

Subject: RE: L'ermitage deliveries 7:05am

Date: Thu, Mar 10, 2016 11:57 am

Thank you, Matti. I met with the hotel's representatives yesterday afternoon, and we are in the process of putting in writing the ongoing CUP compliance issues, with agreement from the hotel that they will respond in writing and outline how they intend to comply. My hope is that this will be the last of the loading issues (among other things), but please continue to provide me with any violation info you capture. I'll continue to keep you updated as we work through this, and I will also notify you once we have a date set for the Planning Commission to review the CUP (likely in April).

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Matti Bialer [<mailto:mattibialer@icloud.com>]

Sent: Thursday, March 10, 2016 9:30 AM

To: Ryan Gohlich; Mahdi Aluzri; George Chavez; Raj Patel; Susan Healy Keene; Nestor Otazu; Ilan; mikaelc@aol.com

Cc: Matti Bialer

Subject: Re: L'ermitage deliveries 7:05am

On Mar 10, 2016, at 7:35 AM, Matti Bialer <mattibialer@icloud.com> wrote:

City officials,

The hotel continues to have deliveries at 7am, waking up the neighborhood and blocking the whole alley.

Matti Bialer

<IMG_0079.MOV>

Sent from my iPhone

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3/31/2016

RE: L'ermitage deliveries 7:05am

as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From: Victoria Talbot <vtalbot@bhcourier.com>
To: Mikael Cohen <mikaelc@aol.com>
Subject: Re: L'Hermitage
Date: Sun, Mar 13, 2016 4:11 pm

I'm afraid this particular issue has slipped past me. I am aware that the hotel is planning renovations that you are opposed to because they infringe on your peaceful habitude, with the outdoor elevator and the late hours on the rooftop and etc.

I think the approvals for this project were under my radar.

When did this go through the Planning Commission? Were there residents who opposed it there at the meetings? Who was the planning commission chair? Who was the Community Development liaison? What did the process look like? Were residents treated with respect or was it pushed through without your awareness and notification? Or were you notified and did not know what it meant? How did this happen?

Victoria Talbot
Editor/Reporter
Beverly Hills Courier
499 N. Canon Dr. Suite 100
Beverly Hills, CA 90212
vtalbot@bhcourier.com
Off. (310) 278-1322, ext. 105
Cell (424) 901-9942

On Mar 13, 2016, at 12:13 PM, mikaelc@aol.com wrote:

Dear Victoria

I read your great article on L'Ermitage's new Bistro, in the last week courier. I agree it is a beautiful place, but it was remodeled in violation of the current CUP adopted by the City of Beverly Hills. In fact the adopted resolutions # 99-R 1138-1191 do not allow a restaurant entrance from the street and L'Ermitage is in non compliance. Everyone keeps forgetting that the Hotel is operating in a Residential area and I have presented the City with more than 100 signatures against the project. Furthermore, the restaurant must close at 10.30 PM and should not accept any new guests by 9 PM.

Despite my several requests to the City and its representatives, I am still not in possession of the City's authorization or approval of the new restaurant new entrance from the street. But I will continue to insist in obtaining the documents. I will be glad to answer any question or information you may inquire.

Thank you

Regards

Mikael Cohen

—Original Message—

From: Victoria Talbot <vtalbot@bhcourier.com>
To: Mikael Cohen <mikaelc@aol.com>
Sent: Fri, Jan 22, 2016 4:01 pm
Subject: Fwd: L'Hermitage

Here is the response from Andre. So now we know!

Begin forwarded message:

From: Andre Sahakian <asahakian@beverlyhills.org>
Subject: RE: L'Hermitage
Date: January 21, 2016 at 5:49:09 PM PST
To: Victoria Talbot <vtalbot@bhcourier.com>
Cc: Ryan Gohlich <rgohlich@beverlyhills.org>, Therese Kosterman <tkosterman@beverlyhills.org>

Hi Victoria,

We are waiting for the applicants to provide us with their proposed changes to the project in response to the feedback from the Planning Commission. Once we receive their materials, we will complete the Mitigated Negative Declaration and schedule a noticed public hearing with the Planning Commission to consider the project. It's hard to say when that will happen, since the timing depends on when we receive the applicant's proposed changes, and how extensive those changes will be.

Please let me know if you need any further information.

Best,

--

Andre Sahakian
Associate Planner | City of Beverly Hills
310.285.1127

From: Victoria Talbot [<mailto:vtalbot@bhcourier.com>]
Sent: Thursday, January 21, 2016 1:09 PM
To: Andre Sahakian; Ryan Gohlich; Therese Kosterman
Subject: L'Hermitage

Could you please update me on the status of the application for the L'Hermitage, and possible timeline?
Thank you.

Victoria Talbot, Reporter
Beverly Hills Courier
(310) 278-1322
vtalbot@bhcourier.com
499 N. Canon Dr.
Beverly Hills, CA 90210

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3/31/2016

Re: L'Hermitage

Victoria Talbot, Reporter
Beverly Hills Courier
(310) 278-1322
vtalbot@bhcourier.com
499 N. Canon Dr.
Beverly Hills, CA 90210

From: Ilan Bialer <ilanbialer@gmail.com>
To: Ryan Gohlich <rgohlich@beverlyhills.org>
Cc: Matti Bialer <bialermatti@aol.com>; mikaelc <mikaelc@aol.com>
Subject: Re: L'ermitage deliveries 7:05am
Date: Wed, Mar 16, 2016 2:32 pm

Hi Ryan,

I didn't hear back on the below.

Btw, the reception desk and entrance remains active directly on Burton Way.

Thank you,

All the best, Ilan

On Mar 10, 2016, at 12:37 PM, Ilan Bialer <ilanbialer@gmail.com> wrote:

Thank you Ryan for the update. Could you please supply us with a list of the compliance issues you are notifying them of?

Thanks again for your diligence in this matter.

All the best, Ilan

On Mar 10, 2016, at 2:57 PM, Ryan Gohlich <rgohlich@beverlyhills.org> wrote:

Thank you, Matti. I met with the hotel's representatives yesterday afternoon, and we are in the process of putting in writing the ongoing CUP compliance issues, with agreement from the hotel that they will respond in writing and outline how they intend to comply. My hope is that this will be the last of the loading issues (among other things), but please continue to provide me with any violation info you capture. I'll continue to keep you updated as we work through this, and I will also notify you once we have a date set for the Planning Commission to review the CUP (likely in April).

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Matti Bialer [<mailto:mattibialer@icloud.com>]
Sent: Thursday, March 10, 2016 9:30 AM
To: Ryan Gohlich; Mahdi Aluzri; George Chavez; Raj Patel; Susan Healy Keene; Nestor Otazu; Ilan; mikaelc@aol.com

Cc: Matti Bialer

Subject: Re: L'ermitage deliveries 7:05am

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From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>; ilanbialer <ilanbialer@gmail.com>; bialermatti <bialermatti@aol.com>
Subject: RE: L'ermitage deliveries 7:05am
Date: Fri, Mar 18, 2016 2:22 pm

Hi All,

The specific items that we are currently working with L'Ermitage to address include the following:

Abiding by the hour limitations for loading activities, ensuring that alley access is maintained, and ensuring that your parking spaces remain accessible.

Eliminating music from within the outdoor dining area per the conditions of approval.

Directing limousines and other transportation to not park/wait on Burton Way adjacent to residential areas.

In addition to the above, we are working to resolve the restaurant access issue. The language in the original CUP requiring restaurant guests to access the dining area from inside the hotel was intended to keep arriving patrons from using an access door in close proximity to the Bialer property. The new point of access in question is located approximately 120' away from the Bialer property and immediately adjacent to the hotel's main entrance. In addition, the outdoor dining has been relocated approximately 50' to the east, away from the Bialer property. While I believe that the distance of the new access point from the Bialer property is generally consistent with the intent of having patrons use the main hotel entrance rather than going into the restaurant adjacent to the Bialer property, I agree that the CUP does not specifically authorize this. As I previously stated, the CUP is up for renewal, and we will be taking it forward to the Planning Commission in either April or May for them to review. As a component of the renewal, we will be asking the Planning Commission to address the restaurant access point. In the interim, I am working with the hotel to identify solutions and ensure that guests do not congregate around the access point. I will also be out at the hotel on Monday afternoon to meet with hotel management, walk the property, and address CUP and other issues. I'm happy to meet with any of you at City Hall, your residences, or in front of the hotel to go over these issues as well, and will have additional details after my Monday meeting. If you experience any issues over the next several days (particularly with respect to truck loading or congregation around the access point) please let me know. Thank you for working with us to ensure that we are able to address neighborhood impacts.

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Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: mikaelc@aol.com [<mailto:mikaelc@aol.com>]
Sent: Wednesday, March 16, 2016 3:50 PM
To: ilanbialer@gmail.com

Cc: bialermatti@aol.com; Ryan Gohlich
Subject: Re: L'ermitage deliveries 7:05am

Thank you Matti

I would love to hear also from Ryan (CC herein) who promised an answer to my emails. Yes the hotel is still operating same with an alleged emergency exit with a hostess and host counter. I have never seen such an entry with top glass door and beautiful stairs to be for an emergency exit.

Thank you all for proper follow up.
Best to all

Mikael Cohen

—Original Message—

From: Ilan Bialer <ilanbialer@gmail.com>
To: Ryan Gohlich <rgohlich@beverlyhills.org>
Cc: Matti Bialer <bialermatti@aol.com>; mikaelc <mikaelc@aol.com>
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Btw, the reception desk and entrance remains active directly on Burton Way.

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To: rgohlich <rgohlich@beverlyhills.org>; ilanbialer <ilanbialer@gmail.com>; bialermatti <bialermatti@aol.com>
Cc: asahakian <asahakian@beverlyhills.org>; mayorandcitycouncil <mayorandcitycouncil@beverlyhills.org>; nkrasne <nkrasne@beverlyhills.org>; tmay <tmay@beverlyhills.org>; maluzri <maluzri@beverlyhills.org>
Subject: Re: L'ermitage deliveries 7:05am and violations
Date: Mon, Mar 21, 2016 8:55 am

Hi Ryan

With all due respect to you and to the City, I totally disagree with you. You let the hotel first violate the CUP and then presenting arguments to support the violations. This is not in compliance with the CUP or Beverly Hills City rules.

The Hotel is not stopping from violation to violation. Just as an example the last Saturday night they had music so loud that you can hear it from 5 miles away, even after the visit of the police department. The Canopy on the roof top, which is already there without permit, gives the hotel pretext to have loud parties without proper authorization from the department of the transportation as stated by the CUP.

Now, before I answer your email in the same language as dictated by the CUP, I have asked and asked so many times, the permit that has allowed L' Ermitage to build the front restaurant entrance. I NEED THE COPY OF THAT PERMIT. I know that Beverly Planning would not allow an remodeling without permit. I had the experience dealing with the planning for my own house work.

Therefore, I am begging you, I beg the Planning, I beg the City Manager and I beg the council to have a copy of the permit for the restaurant entrance from the street, or let me know how can I get it.

Thank you for your help
Best Regards

Mikael Cohen

—Original Message—

From: Ryan Gohlich <rgohlich@beverlyhills.org>
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**DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING AND SAFETY
455 North Rexford Dr.
Beverly Hills, Calif. 90210**

Permit No : **BS1509256**
Permit Status : Issued
Plan Check Status : PC Final
Page 1 of 6
03/21/2016

Building Permit

Job Address: **9291 BURTON WAY**

PRE : ekeshshian
Entered By : acurtis

Project No 140002233
Activity Type Building
Project Name "L'ERMITAGE HOTEL"- T.I.
Parcel Number
Project Description "L'ERMITAGE HOTEL"- T.I.

Applied : 06/24/2015
Issued : 10/12/2015
Completed :
To Expire : 04/12/2016

Owner VICEROY HOTEL GROUP/DEPOSIT ACCOUNT
Applicant CHRISTOPHER ALEX
Applicant Address 1350 CORONADO AVE LONG BEACH CA 90804
Applicant Phone (562)597-8760
Applicant MICHAEL KOLLIN
Applicant Address 1350 CORONADO AVE LONG BEACH CA 90804
Applicant Phone (562)597-8760

Base Address 9291 BURTON WAY

Valuation \$1,500,000.00

Job Description L'ERMITAGE HOTEL- INTERIOR RESTAURANT AND BAR REMODEL AND EXTERIOR ADA RAMP. OUTDOOR PATIO REMODEL

ENGINEER BURO HAPPOLD CONSULTING ENGINEERING INC Lic. 20294 (213)281-8766
800 WILSHIRE BLVD, 16TH FLR LOS ANGELES CA 90278

CONTRACTOR MC GUIRE BUILDERS INC Lic. 759960 (562)424-3636
3299 WALNUT AVENUE SIGNAL HILL CA 90755
1356407 STATE COMP INS FUND

CONTRACTOR MC GUIRE BUILDERS INC Lic. 759960 (310)505-7615
3299 WALNUT SIGNAL HILL CA 90755

STATE COMPENSATION INSURANCE FUND Policy Number:9106877 Effective Date: 07/01/2014 Expire Date: 07/01/2016

ARCHITECT MICHAEL KOLLIN Lic. 21173 (562)597-8760
1350 CORONADO AVE LONG BEACH CA 90804

Fee Description	Account	Units	Fee/Units	Amount	Paid
Permit Issuance	5572			\$52.20	\$52.20
Building Permit	101			\$21,639.30	\$21,639.30
Technology Fee - Building Permit	888			\$1,190.16	\$1,190.16
Building Plan Review	20			\$17,311.44	\$17,311.44
Planning Plan Review	201			\$706.20	\$706.20
Technology Fee- Building Plan Review	888			\$952.13	\$952.13
Building Energy Plan Review	47			\$2,163.93	\$2,163.93
Building Energy Permit	48			\$4,327.86	\$4,327.86
Document Maintenance	560			\$368.70	\$368.70
Building Special Inspection (per hr)	112	2	\$87.50	\$175.00	\$175.00
General Plan/Long Range Planning	5213			\$2,265.00	\$2,265.00
Other Fees (Plan Check)	20			\$1,137.60	\$1,137.60
Expedited Plan Review	878			\$3,000.00	\$3,000.00
SB1608 PC Fee (New or >50% MFR/Comm)	891			\$692.46	\$692.46
SB1608 Permit Fee (New or >50% MFR/Comm)	891			\$649.18	\$649.18
AB717 Training & Education Fee	890			\$259.67	\$259.67

FOR INFORMATION AND SERVICES, PLEASE VISIT THE BUILDING & SAFETY DIVISION ONLINE AT www.beverlyhills.org/bldgonline OR DIAL (310) 285-1141.

****IMPORTANT CONDITIONS****

Application is hereby made to the City Building Official for a permit subject to the conditions and restrictions set forth in the Beverly Hills Municipal Code and other applicable codes.
1. Each person upon whose behalf this application is made and each person at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to, and shall, indemnify and hold harmless the City of Beverly Hills, its officers, agents and employees in accordance with the provisions of Section 9-3.1201 of Beverly Hills Municipal Code.
2. Any permit issued as a result of this application becomes null and void if work is not commenced within ONE HUNDRED EIGHTY (180) DAYS from date of issuance of such permit.



**DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING AND SAFETY
455 North Rexford Dr.
Beverly Hills, Calif. 90210**

Permit No : BS1509256
Permit Status : Issued
Plan Check Status : PC Final
Page 2 of 6
03/21/2016

Building Permit

Job Address: **9291 BURTON WAY**

PRE : ekeshishian
Entered By : acurtis

Fine Arts Tax In-Lieu Payment (90%)	520	\$15,750.00	\$15,750.00
CBSC State Fee	889	\$60.00	\$60.00
Seismic Fee (Commercial)	875	\$420.22	\$420.22
Heavy Hauling Fee (Multi-trip/annual)	5541	\$90.00	\$90.00

Plan Check		Permit		Total	
Fees:	\$25,963.76	Fees:	\$47,247.29	Fees:	\$73,211.05
Payments:	\$25,963.76	Payments:	\$47,247.29	Adjustments:	\$0.00
Balance Due:	\$0.00	Balance Due:	\$0.00	Payments:	\$73,211.05
				Extend Credit:	\$0.00
				Balance Due:	\$0.00

Date	Transaction Type	Method	Amount
06/25/2015	Payment of Balance Due	check	\$24,826.16
10/12/2015	Payment of Balance Due	check	\$50,259.79
11/18/2015	Payment of Balance Due	creditcard	\$758.40
11/30/2015	Payment of Balance Due	creditcard	\$379.20
12/21/2015	Payment of Balance Due	creditcard	\$175.00

Business Tax

License No	Name	Primary	Valuation	Tax	Paid	Balance Due
759960	MC GUIRE BUILDERS INC	✓	\$1,500,000.00	\$3,187.50	\$3,187.50	0.00

Conditions

THE CITY OF BEVERLY HILLS IS UNDER EXCLUSIVE CONTRACTUAL AGREEMENT WITH CROWN DISPOSAL SERVICES FOR THE HAULING OF ALL CONSTRUCTION RELATED MATERIALS. THIS INCLUDES, BUT IS NOT LIMITED TO, EXPORTING CONSTRUCTION DEBRIS FROM JOB SITES WITHIN THE CITY BOUNDARIES. FOR INFORMATION AND OR TO REQUEST HAULING SERVICES, PLEASE CALL (310) 288-2806.

Health and Safety Code Section 17951 is amended to provide that a permittee is entitled to reimbursement of permit fees if the local enforcement agency fails to conduct an inspection of the permitted work within 60 days of receiving notice that the work is completed.

TO REQUEST A BUILDING & SAFETY INSPECTION:

ONLINE

Logon to www.beverlyhills.org/obc

TELEPHONE

- A.) Dial (310) 285-2534
- B.) Enter your permit number. (Remember, each permit has a different number.)
- C.) Enter your phone number to receive the inspectors estimated time of arrival.

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**DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING AND SAFETY
455 North Rexford Dr.
Beverly Hills, Calif. 90210**

Permit No : **BS1509256**
Permit Status : **Issued**
Plan Check Status : **PC Final**
Page 3 of 6
03/21/2016

Building Permit

Job Address: **9291 BURTON WAY**

PRE : **ekeshishlan**
Entered By : **acurtis**

SPECIAL INSPECTION/INVESTIGATION FEE: A special inspection fee may be assessed by the building official or his technical officers, inspectors, and other employees as determined necessary to achieve compliance of the permitted work and/or related activity. Such enforcement shall result from those actions and/or a violation(s) of Beverly Hills Municipal code associated with the permitted work and/or related activity caused by property owner, contractor, its employees, and/or persons working under the control and direction of contractor. A two hour minimum special inspection/investigation fee shall apply, with additional time charged at the current hourly rate. Such related building and/or technical permits shall be suspended until the assessed special investigation fee has been paid and the subject actions and/or violations(s) of Beverly Hills Municipal code have been resolved to the satisfaction of the building official.

RESTRICTIONS ON CONSTRUCTION ACTIVITY: No person shall engage in construction, maintenance or repair work which requires a City permit between the hours of 6:00 p.m. and 8:00 a.m. of any day, or at any time on a Sunday or public holiday unless such person has been issued an after hours construction permit. In addition, no person shall engage in such work within a residential zone, or within five hundred (500) feet of a residential zone, at any time on a Saturday unless such person has been issued an after hours construction permit. For the purpose of this Section, "Public Holiday" shall mean: (1) New Year's Day (2) Memorial Day (3) Independence Day (4) Labor Day (5) Thanksgiving Day (6) Christmas Day. No person employed for the purposes of construction, maintenance, or repair work which requires a city permit shall enter a site on which such work will be done prior to 8:00 a.m. Any violation of this condition shall be deemed to be an infraction.

When Fire Life Safety Fee have been applied to this permit OR modifications to the Fire Life Safety System have occurred, then prior to operation and/or use of any system or equipment, or occupancy of any temporary and/or permanent facilities, the owner/contractor must call the Fire Department to schedule inspection at (310) 281-2703.

Seismic retrofit inspection and verification requirements of residential structures shall be performed by qualified persons specializing in seismic retrofit installations. Contractor shall be responsible to obtain the services of a qualified and certified Deputy Inspector, registered with the City of Beverly Hills, or State licensed Architect or Engineer, who shall verify and certify the seismic retrofit installation, was installed per the approved plan and specifications as required by a listed materials manufacturer. Contractor shall be responsible for having the work inspected and verified by such qualified, certified and/or licensed persons having specific knowledge and experience in seismic retrofit construction activity and provide a written report on appropriate letterhead stating that the work was inspected and verified to have been installed per the approved plans and all material manufacturer installation specifications. Contractor shall be responsible to schedule an inspection for the work performed and shall provide the City Building Inspector with a written report, with no unverified deficient conditions. The City Building Inspector upon his discretion may verify any statement(s) contained in the report, and/or may perform further verification and inspections as deemed necessary.

Storm water/urban runoff discharges to the public storm drainage system shall be prohibited for all discharges not wholly comprised of storm water, or permitted by a valid National Pollution Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. "Storm drain system" includes all roads with drainage systems, municipal streets, catch basins, curbs, gutter, ditches, man-made channels, or storm drains. The contractor shall prevent all non-storm water discharges from the construction site (i.e. mixing and cleaning construction materials, concrete washout, disposal of paints, adhesives, solvents, and landscape products).

Pursuant to NPDES Section G, the City of Beverly Hills possesses the necessary legal authority to prohibit non-storm water discharges to the storm drain system, including, but not limited to, the discharge of chlorinated/brominated swimming pool water and filter backwash to the storm drain conveyance system (MS4 system). As such, before any water discharge occurs, an inspection appointment must be made with City Environmental Program Inspectors to verify acceptable chlorine/bromine concentration. Please call the City of Beverly Hills Environmental Inspectors Duane Washington at (310) 721-9726 or Michael A. Jones at (310) 779-0574 to arrange an inspection.

FOR INFORMATION AND SERVICES, PLEASE VISIT THE BUILDING & SAFETY DIVISION ONLINE AT www.beverlyhills.org/bldgonline OR DIAL (310) 285-1141.

******IMPORTANT CONDITIONS******

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1. Each person upon whose behalf this application is made and each person at whose request and for whose benefit work is performed under or pursuant to any permit issued as a result of this application agrees to, and shall, indemnify and hold harmless the City of Beverly Hills, its officers, agents and employees in accordance with the provisions of Section 9-3.1201 of Beverly Hills Municipal Code.
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**DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING AND SAFETY
455 North Rexford Dr.
Beverly Hills, Calif. 90210**

Permit No : **BS1509256**
Permit Status : **Issued**
Plan Check Status : **PC Final**
Page 4 of 6
03/21/2016

Building Permit

Job Address: **2921 BURTON WAY**

PRE : **ekeshishian**
Entered By : **acurtis**

City Inspector Requirements and Conditions for Inspection:

1. Provide access to work area, gates and doors to be unlocked, and pets to be out of areas of inspection.
2. OSHA approved ladder in good condition properly secured in place to allow roof access.
3. Approved plans to be on site and available for use by City Inspector.
4. OSHA safety practice does not allow City Inspectors on roofs in rainy conditions. Inspections scheduled during poor weather are subject to cancellation. Contractors are responsible for rescheduling the inspection.

HEAVY VEHICLE RESTRICTIONS - BHMC 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of the Beverly Hills Municipal Code. IT IS THE RESPONSIBILITY OF THE PERMITTEE TO DISTRIBUTE A COPY OF THIS PERMIT TO ALL OPERATORS OF HEAVY VEHICLES PURSUANT TO THIS CODE.

B. The provisions of subsection A of this section shall not apply to the following:

1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

HEAVY HAUL ROUTES - BHMC 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

BHMC §7-2-203: STREETS DESIGNATED FOR HEAVY VEHICLE USAGE:

Pursuant to Beverly Hills Municipal Code § 7-2-203, the following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;

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**DEPARTMENT OF COMMUNITY DEVELOPMENT
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Permit No : BS1509256
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03/21/2016

Building Permit

Job Address: 9291 BURTON WAY

PRE : ekeshishian
Entered By : acurtis

Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Beverly Boulevard;
Beverly Drive from the south city limits to Santa Monica Boulevard (north);
Brighton Way from Canon Drive to Wilshire Boulevard;
Burton Way;
Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Civic Center Drive from Burton Way to Santa Monica Boulevard (south);
Crescent Drive between the north and south roadways of Santa Monica Boulevard;
Dayton Way from Canon Drive to Wilshire Boulevard;
Doheny Drive;
Foothill Road from Burton Way to Santa Monica Boulevard (south);
La Cienega Boulevard;
Linden Drive from Wilshire Boulevard to Santa Monica Boulevard (south);
Maple Drive from Burton Way to Santa Monica Boulevard (south);
Olympic Boulevard;
Rexford Drive from Santa Monica Boulevard (north) to Burton Way;
Robertson Boulevard;
Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);
San Vicente Boulevard;
Santa Monica Boulevard (north and south roadways);
Third Street;
Wilshire Boulevard
***FOR OPERATORS USING LOMA VISTA DRIVE AS THE SHORTEST PATH FROM AN APPROVED HEAVY HAUL ROUTE TO THE CONSTRUCTION SITE, PLEASE NOTE THAT THERE IS A TRUCK RUN OFF RAMP AT LOMA VISTA DRIVE LOCATED NORTH OF DOHENY ROAD.

OVERSIZE HAULING:

Hauling that meets the following criteria may require engineering investigations, routing definition, coordination, police escort, and control of permit movement:

- (1) Loads in excess of 14 feet wide.
- (2) Loads in excess of 135 feet in overall length.
- (3) Loads that are of a weight that require:
 - A) More than a 13-axle, single-vehicle width hauling combination, or
 - B) A 13-axle, single-vehicle width hauling combination with a load deck where the inner axles in the groups bordering the load deck are 40 feet or more apart, or
 - C) Two or more side-by-side vehicles with a combined width of 14 feet or more supporting the load.

BHMC 7-2-205: COMMERCIAL VEHICLES PROHIBITED FROM USING PRIVATE DRIVEWAYS WITHOUT PERMISSION:

No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area without the consent of the owner or occupant of such property if a sign or markings are in place indicating that the use of such driveway is prohibited. For the purposes of this section, a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half (1/2) ton. (1962 Code § 3-6.803)

**TYPE IA CONSTRUCTION. A2 OCCUPANCY.
LOUNGE DINING 830 SF 32 SEATS**

FOR INFORMATION AND SERVICES, PLEASE VISIT THE BUILDING & SAFETY DIVISION ONLINE AT www.beverlyhills.org/bldgonline OR DIAL (310) 285-1141.

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Permit No : **BS1509256**
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03/21/2016

Building Permit

Job Address: **9291 BURTON WAY**

PRE : ekeshishian
Entered By : acurtis

RESTAURANT DINING 818 SF 36 SEATS
BAR 100 SF 10 SEATS
WINE TASTING 115 SF NO SEATING
TOTAL INDOOR SEATS 78, REDUCED FROM EXISTING 83. NO SEWER FEE. HEALTH DEPT APPROVAL FILED WITH PLANS.

STRUCTURE/SITE DATA

Building Name - HOTEL
Building Use - Commercial
Const. Type - I-A
Height ft - 75
sprinklered - 1
Lot Area - 26000
Addition - 0

Number of Units - 119

OCC Group - R1 / S2
of Stories - 8
of Basement Levels - 2

Location - C

Exist Bldg Area - 126972

Required Parking - 134
Provided Parking - 129
Applicable Building Code - 2013 CBC

Comments - THERE ARE 117 EXISTING ROOM ON FLOORS 2-8 REMODELED TO 116 ROOMS. (REDUCED ONE SUITE ON 7TH FLOOR). THERE ARE 3 SUITES ON THE FIRST FLOOR (NOT PART OF SCOPE). TOTAL NUMBER OF SUITES AFTER THIS T.I. IS 119. THE MAXIMUM ALLOWED NUMBER OF SUITES IS 124 BASED ON RESO 1094. THE EXISTING PARKING WERE SPACES REDUCED TO PROVIDE 5-ADA SPACES. 134 PARKING SPACES WERE REQUIRED PER RESOLUTION 890, NOW THERE ARE 129 PARKING SPACES.

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2. Any permit issued as a result of this application becomes null and void if work is not commenced within ONE HUNDRED EIGHTY (180) DAYS from date of issuance of such permit.

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>; ilanbialer <ilanbialer@gmail.com>; bialermatti <bialermatti@aol.com>
Cc: Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>; Susan Healy Keene <skeene@beverlyhills.org>
Subject: RE: L'ermitage deliveries 7:05am and viloations
Date: Tue, Mar 22, 2016 9:22 am

Hi Mikael,

I wanted to let you know that after my meeting yesterday with the hotel's management they closed off use of the new stairs with a rope and stanchions so that all patrons must access the restaurant from within the hotel as outlined in the CUP. The stair access will remain closed unless and until the Planning Commission modifies the CUP to allow its use after studying any potential impacts. At this time, the outdoor dining area is now in compliance with the CUP. In addition to addressing the stair access, the hotel again committed to abiding by the conditions in the CUP, and we will continue to monitor their compliance so that we can report out on it when the Planning Commission reviews the matter on April 14th. Please let me know if you have any questions.

Thank you,

Ryan

Bcc: City Council

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Ryan Gohlich
Sent: Monday, March 21, 2016 10:12 AM
To: 'mikaelc@aol.com'; ilanbialer@gmail.com; bialermatti@aol.com
Cc: Mahdi Aluzri; George Chavez; Susan Healy Keene
Subject: RE: L'ermitage deliveries 7:05am and viloations

Hi Mikael,

Thank you for the information regarding this weekend. I will be out at the hotel this afternoon to discuss all of these issues with the hotel, including how they are using the new stairs and the need to comply with the CUP. In addition, we will be scheduling a review of the hotel's CUP for the April 14th Planning Commission meeting. I have attached a copy of the permit for the hotel's renovations, which included the new stairs in place of the former valet/luggage area. We also have the plans that accompany the permit here at City Hall if you'd like to review them. I'll continue to provide you with updates as I have them.

Thank you,

From: mikaelc <mikaelc@aol.com>
To: bialermatti <bialermatti@aol.com>
Subject: Fwd: L'ermitage deliveries 7:05am and restaurant and parties violations
Date: Tue, Mar 22, 2016 7:07 pm

Mikael Cohen
MMS Group Corporation
Email: Mikaelc@mmsgroupc.com

—Original Message—

From: mikaelc <mikaelc@aol.com>
To: rgohlich <rgohlich@beverlyhills.org>; ilanbialer <ilanbialer@gmail.com>; bialermatti <bialermatti@aol.com>
Cc: maluzri <maluzri@beverlyhills.org>; gchavez <gchavez@beverlyhills.org>; skeene <skeene@beverlyhills.org>; mayorandcitycouncil <mayorandcitycouncil@beverlyhills.org>; lilibosse <lilibosse@icloud.com>; nkrasne <nkrasne@beverlyhills.org>
Sent: Tue, Mar 22, 2016 6:35 pm
Subject: Re: L'ermitage deliveries 7:05am and restaurant and parties bijanviolations

Hi Ryan

Thank you for your email. At least we all agree now, that the entrance of the restaurant was done against the permit and in non-compliance to the current CUP.

However, closing the stairs with a rope until the Planning approved the changes, seems to be another encouragement for the Hotel to be more arrogant and not respectful to the rules of law. Again, adding a nice red rope does not resolve the compliance and you, Planning Commission is helping the process of the violation until next approval, that your email is suggesting already, will be resolved. And then what, remove the nice red rope?

The rules as I have understood and known them through other projects, is to cite the hotel and make them rebuild the site to its original condition, until such an adequate permit has been approved by the Planning Commission and the City Council. This seems to be inclined in favor of the Hotel, no consideration of their past and actual wrong behaviors.

With the mass mailing invitations cards being sent for the Bistro's promotion, suggest that that l'Ermitage wants to advertise for big crowd. Please remember that we are in residential area.

When the Roof top canopy is to be removed? There is no permit the last time I have inquired.

Please advise if the April 14's planning commission will be open to hearings and if so, I insist to be present for any input. Other concerned residents may be also attending. Any change to the CUP must be approved by the Planning Commission and the City Council.

Please advise the time of the meeting April 14TH.

Thank you
Sincerely

Mikael Cohen

From: mikaelc <mikaelc@aol.com>
To: rgohlich <rgohlich@beverlyhills.org>; bialermatti <bialermatti@aol.com>; maluzri <maluzri@beverlyhills.org>; gchavez <gchavez@beverlyhills.org>
Cc: ilanbialer <ilanbialer@gmail.com>; lilibosse <lilibosse@icloud.com>; nancy <nancy@krasne.com>
Subject: Re: Deliveries Foothill Rd. NO PARKING ZONES
Date: Mon, Mar 28, 2016 2:51 pm

Thank you Ryan

I would object to any noise on Burton way. You are still trying to accommodate the hotel on the expense of the residents. Have the Hotel to comply to the RULES and the current CUP. That the way to do it. I am very upset of the way the planning is handling these problems. The CUP cannot be changed and nothing should make the CUP changed or modified. The Hotel is Operating in RESIDENTIAL AREA and needs to be modified back to Residential Apartment as it used to be.

Thank you

Mikael Cohen

-----Original Message-----

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: Matti Bialer <bialermatti@aol.com>; Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>
Cc: ilanbialer <ilanbialer@gmail.com>; mikaelc <mikaelc@aol.com>; lilibosse <lilibosse@icloud.com>; 4-Nancy Krasne <nancy@krasne.com>
Sent: Mon, Mar 28, 2016 2:42 pm
Subject: RE: Deliveries Foothill Rd. NO PARKING ZONES

Hi Matti,

Thank you for the images. These will all be provided to the Planning Commission for their April 14th review of the hotel's CUP. Following up on our phone conversation this morning, I also want to let you know that we are exploring the feasibility of moving loading operations to Burton Way, away from your property, with the goal of preventing the impacts you're now experiencing, particularly the backup alarms. I'll keep you posted on our progress.

Thanks,

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Matti Bialer [<mailto:bialermatti@aol.com>]

3/31/2016

Re: Deliveries Foothill Rd. NO PARKING ZONES

Sent: Monday, March 28, 2016 2:37 PM

To: Mahdi Aluzri; George Chavez; Ryan Gohlich

Cc: ilanbialer@gmail.com; mikaelc@aol.com; lilibosse@icloud.com; 4-Nancy Krasne

Subject: Deliveries Foothill Rd. NO PARKING ZONES

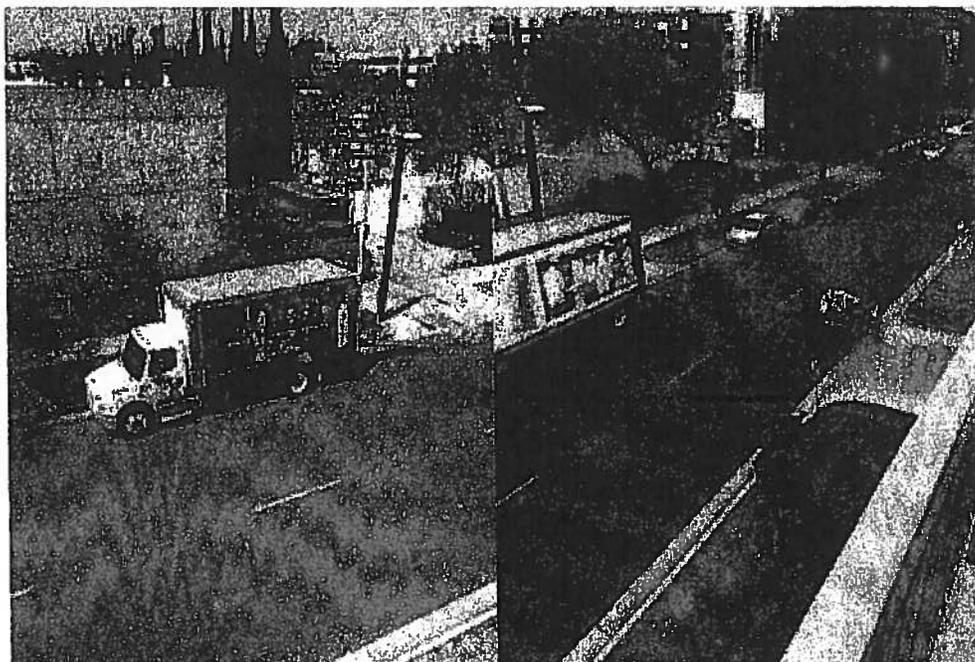
CITY OFFICIALS,

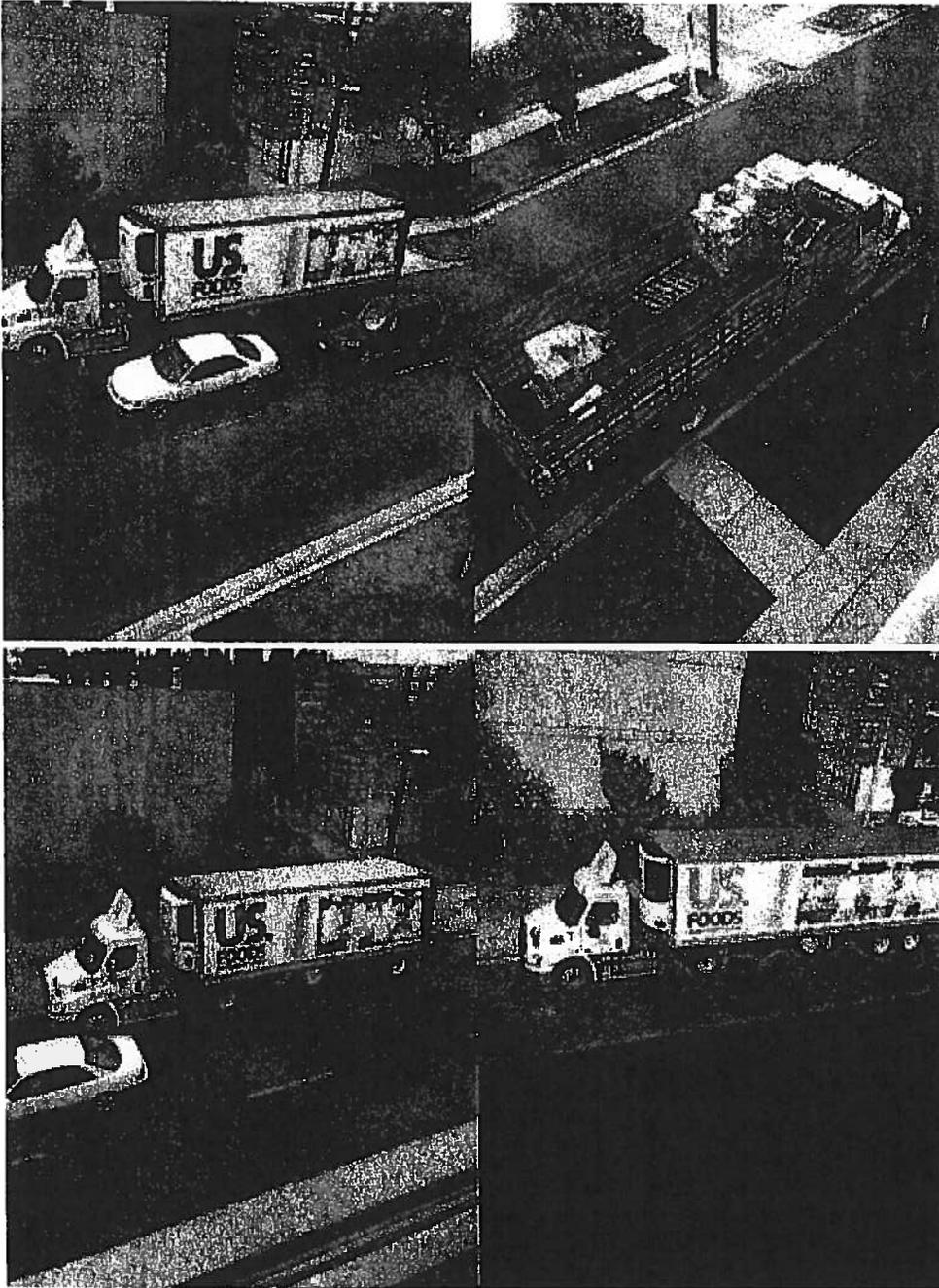
Documentation of L'ermitage delivery trucks parking on Foothill Rd in NO PARKING ZONES. When the alley in the rear is full of delivery trucks, they park illegally on Foothill Rd.

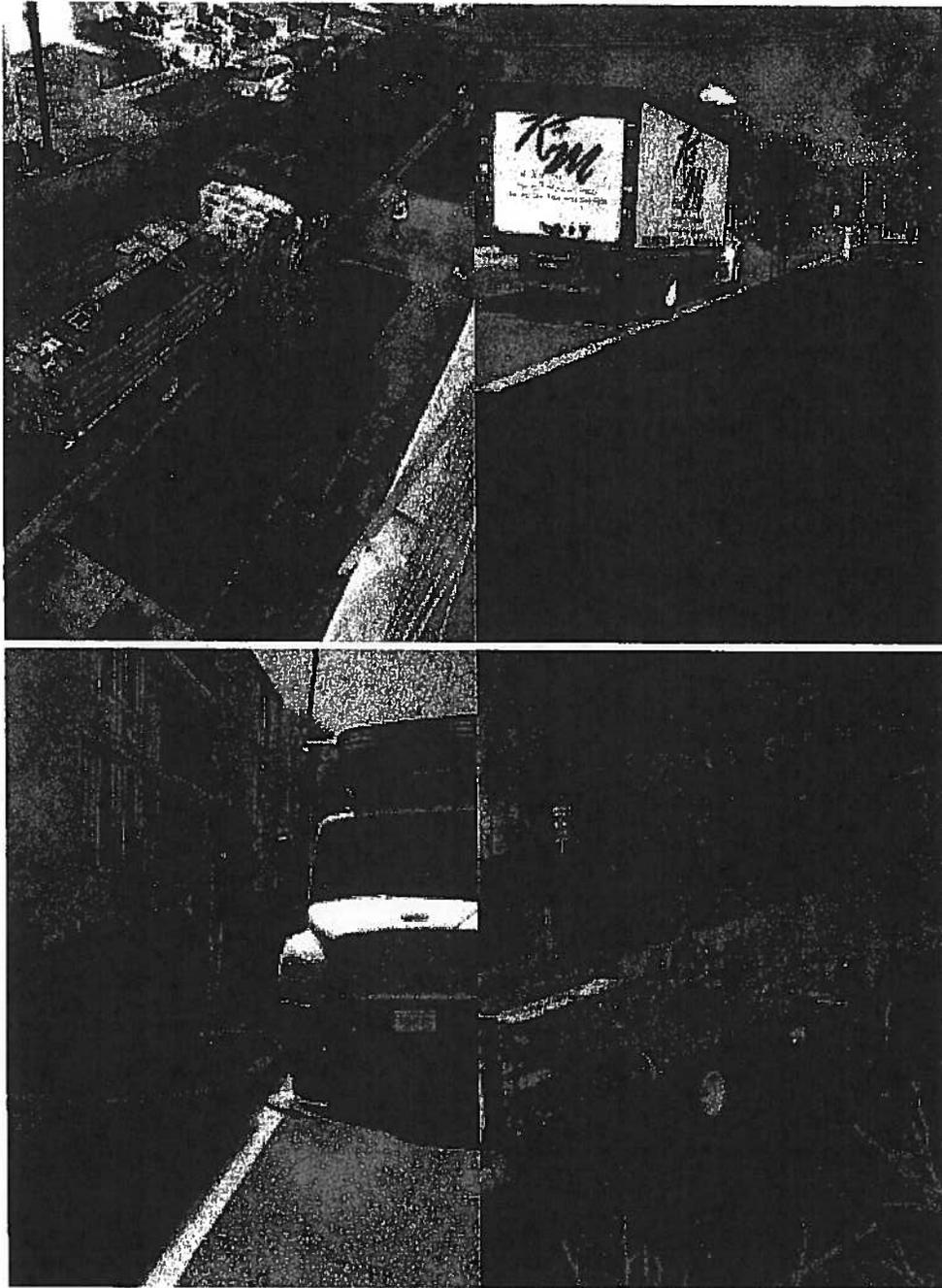
They also just installed a large storage shed in place of the temporary construction elevator in the rear alley.

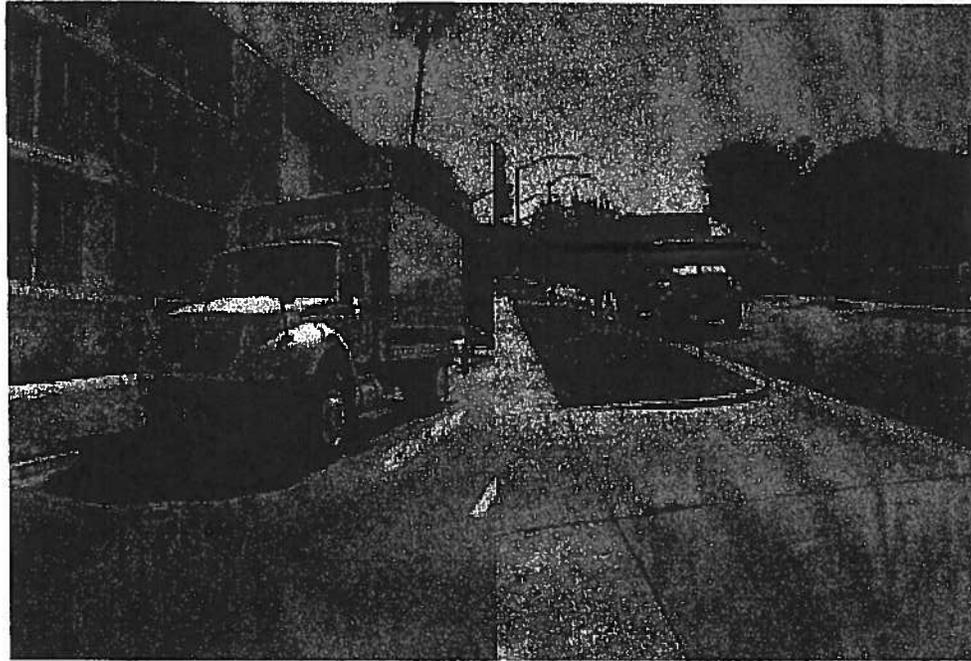
Thank you for your attention to these violations,

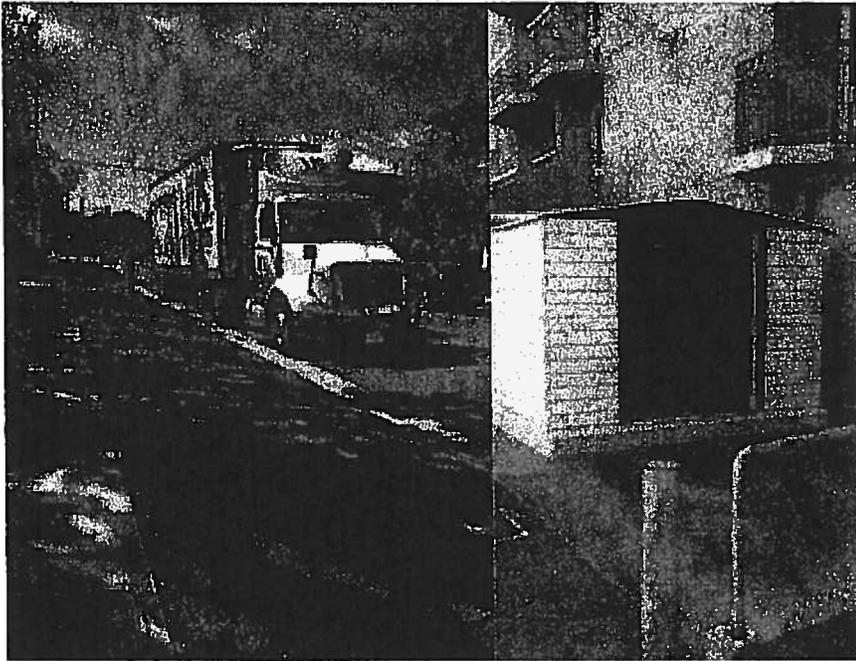
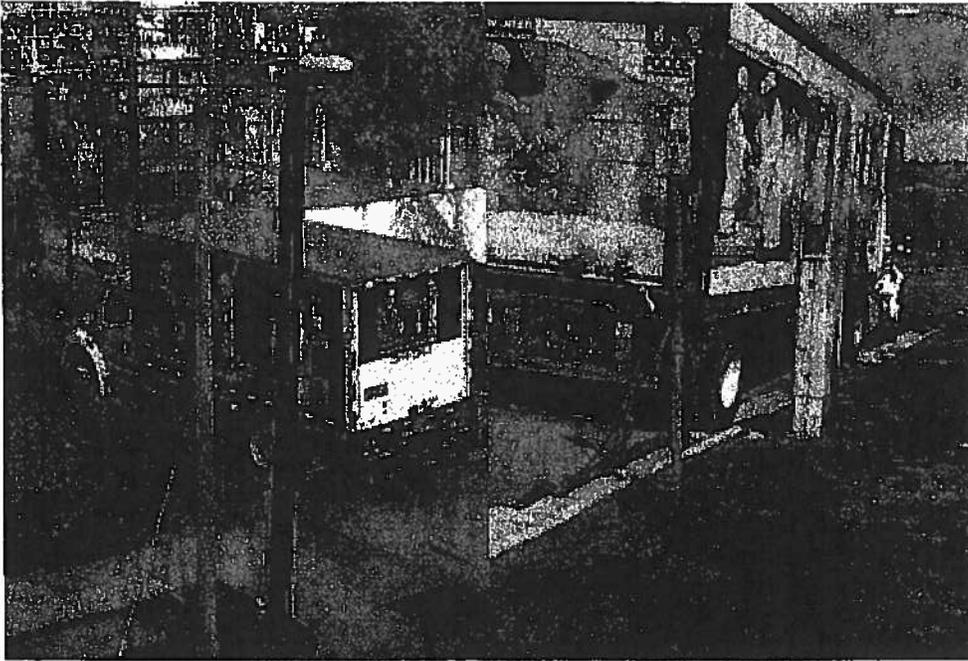
Matti Bialer











The City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>; bialermatti <bialermatti@aol.com>; Mahdi Aluzri <maluzri@beverlyhills.org>; George Chavez <gchavez@beverlyhills.org>
Cc: ilanbialer <ilanbialer@gmail.com>; lilibosse <lilibosse@icloud.com>; 4-Nancy Krasne <nancy@krasne.com>
Subject: RE: Deliveries Foothill Rd. NO PARKING ZONES
Date: Mon, Mar 28, 2016 3:56 pm

Hi Mikael,

Unfortunately, the hotel is a use that is allowed at the property based on prior zoning codes, and the City cannot require that it be reverted back to apartment uses. Accordingly, our goal is to find solutions and impose conditions that protect the residents while still allowing the hotel to operate in a feasible manner. In discussing the ongoing issues with Matti, it became apparent that the backup alarms on trucks are a persistent problem, even when the trucks are operating legally during the allowed hours and not blocking the alley. The CUP stipulates loading hours, but does not state where loading must occur. In an effort to resolve some of the noise issues, we are looking at whether it would be feasible to conduct loading on Burton Way so that trucks can pull straight in without having to backup (no decision has been made on this matter). I want to be clear that no changes to the CUP have been approved by City staff, as that authority is reserved for the Planning Commission. Our focus right now is to ensure CUP compliance, but also to look at alternative solutions in the event that CUP compliance still does not resolve all of the neighborhood compatibility issues. All of this information will be compiled and presented to the Planning Commission for their consideration. Please let me know if you have any questions.

Thank you,

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: mikaelc@aol.com [<mailto:mikaelc@aol.com>]
Sent: Monday, March 28, 2016 2:51 PM
To: Ryan Gohlich; bialermatti@aol.com; Mahdi Aluzri; George Chavez
Cc: ilanbialer@gmail.com; lilibosse@icloud.com; 4-Nancy Krasne
Subject: Re: Deliveries Foothill Rd. NO PARKING ZONES

Thank you Ryan

I would object to any noise on Burton way. You are still trying to accommodate the hotel on the expense of the residents. Have the Hotel to comply to the RULES and the current CUP. That the way to do it. I am very upset of the way the planning is handling these problems. The CUP cannot be changed and nothing should make the CUP changed or modified. The Hotel is Operating in RESIDENTIAL AREA and needs to be modified back to Residential Apartment as it used to be.

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>
Subject: FW: Lots of Delivery trucks prior to 9am
Date: Tue, Mar 29, 2016 9:18 am
Attachments: CC Reso No. 99-R-10211 - L'Ermitage.pdf (500K)

Please see the below email. You were accidentally not copied.

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Ryan Gohlich
Sent: Tuesday, March 29, 2016 9:17 AM
To: 'Matti Bialer'
Cc: lilibosse@icloud.com; ilanbialer@gmail.com; 4-Nancy Krasne; Susan Healy Keene; Mahdi Aluzri; George Chavez
Subject: RE: Lots of Delivery trucks prior to 9am

Hi Matti,

Thank you for the images. Please be advised that the CUP allows loading after 8:00 AM on weekdays, whereas the 9:00 AM restriction only applies on weekends (see condition 13 of the attached resolution). While I understand from our conversations that the backup alarms are problematic at all times of the day (and we're looking for solutions to this), today's loading activities do not appear to be a violation of the CUP. Let me know if you have any questions.

Thanks,

Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Matti Bialer [<mailto:bialermatti@aol.com>]
Sent: Tuesday, March 29, 2016 8:58 AM

3/31/2016

FW: Lots of Delivery trucks prior to 9am

To: Mahdi Aluzri; George Chavez; Ryan Gohlich
Cc: lilibosse@icloud.com; ilanbialer@gmail.com; 4-Nancy Krasne
Subject: Lots of Delivery trucks prior to 9am

More deliveries prior to 9am. I will also send video of the back beeping all day long.
It takes me a good 5 minutes to run downstairs to take photo's.

Thank You,

Matti Bialer

Sent from my iPhone

—
The City keeps a copy of all E-mails sent and received for a minimum of 2 years. All retained E-mails will be treated as a Public Record per the California Public Records Act, and may be subject to disclosure pursuant to the terms, and subject to the exemptions, of that Act.

From: mikaelc <mikaelc@aol.com>
To: rgohlich <rgohlich@beverlyhills.org>
Cc: bialermatti <bialermatti@aol.com>
Subject: Re: Lots of Delivery trucks prior to 9am
Date: Wed, Mar 30, 2016 11:24 am

Hi Ryan

Just to add a comment, their activities are still in non-compliance. Those trucks are most of the time parked in front of residential garages disturbing the tenants while adding their beeps and running engines. Discipline must be taught to the hotel and not protecting them every time we report a problem. As residents paying taxes we do have our rights too.

Thank you for clarifying

Mikael Cohen

—Original Message—

From: Ryan Gohlich <rgohlich@beverlyhills.org>
To: mikaelc <mikaelc@aol.com>
Sent: Tue, Mar 29, 2016 9:18 am
Subject: FW: Lots of Delivery trucks prior to 9am

Please see the below email. You were accidentally not copied.

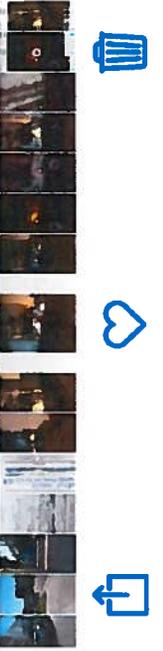
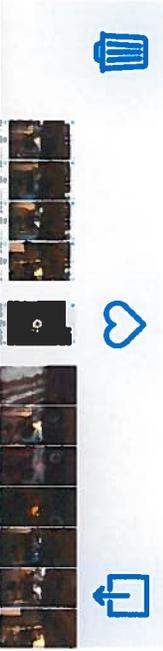
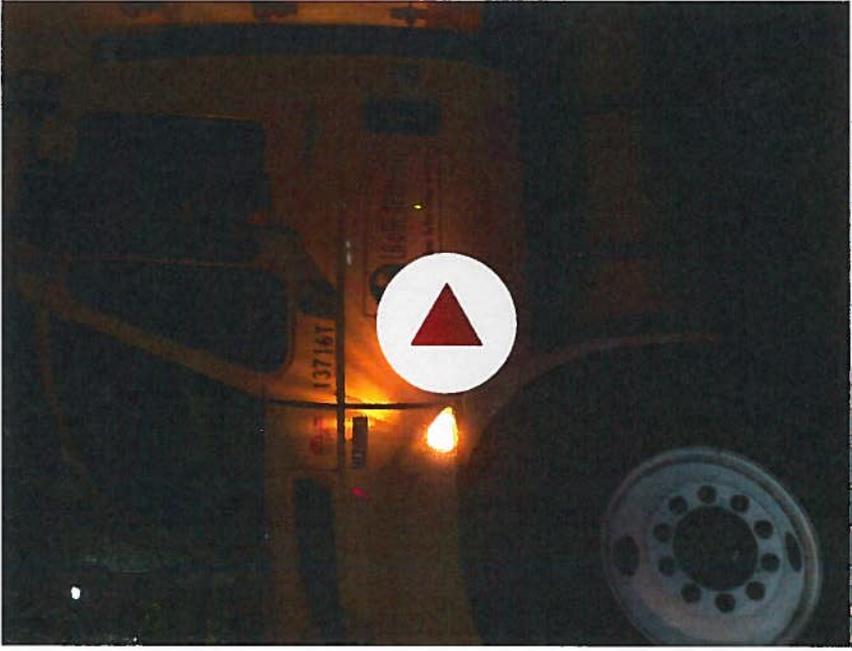
Ryan

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
Direct: (310) 285-1118
Fax: (310) 858-5966
rgohlich@beverlyhills.org

From: Ryan Gohlich
Sent: Tuesday, March 29, 2016 9:17 AM
To: 'Matti Bialer'
Cc: lilibosse@icloud.com; ilanbialer@gmail.com; 4-Nancy Krasne; Susan Healy Keene; Mahdi Aluzri; George Chavez
Subject: RE: Lots of Delivery trucks prior to 9am

Hi Matti,

Thank you for the images. Please be advised that the CUP allows loading after 8:00 AM on weekdays, whereas the 9:00 AM restriction only applies on weekends (see condition 13 of the attached resolution). While I understand from our conversations that the backup alarms are problematic at all times of the day (and we're looking for solutions to this), today's loading activities do not appear to be a violation of the CUP. Let me know if you have any questions.





Edit



Edit



APRIL 6, 2014

Dear Beverly Hills Planning Commission and Staff,

We would like to bring to your attention the following information regarding the L'Ermitage Hotel, which is operating under several CUPs as a non-conforming commercial use in the middle of a residential neighborhood. Please see attached police call log for the hotel address and attached petition.

The L'Ermitage property was originally built as a multi-family residential building and slowly began its non-conforming nature in an intentional and planned manner converting into commercial uses that have brought and continue to bring disruption, noise pollution, congestion, traffic, crime, inconvenience, burdens, vandalism, headaches and heartaches to the residents of the city that live near the hotel. Additionally, these operations and violations place burdens on the various city departments (including but not limited to the City Council, City Manager, Planning Department, Code Enforcement, Police Department, and Traffic Department) and are seriously out of proportion to any benefits the city might receive in return (including tax revenue sharing and fees). The CUPs were created to maintain a residential nature to the neighborhood. At first slowly, and now more rapidly, the residential nature has been eaten away and the hotel is a blatant commercial operation, with a fully public restaurant, constant partying by guests and visitors, constant traffic, constant noise, etc. There is more of nightclub environment that has been created, and with that comes more noise, traffic, inconvenience, crime and many other negative conditions that directly and indirectly disturb and inconvenience the residents of the neighborhood and ultimately cost everyone money in the form of city services required to monitor and police this type of use, and ultimately the deterioration of property values. We have personally witnessed and been exposed to MUCH NOISE AND DISRUPTION DURING THE DAY AND NIGHT, public intoxication, illegal drug use (including the smoke from illegal substances entering our homes both from room balconies and public hotel spaces), littering, persons urinating/defecating/vomiting on private and public property, blocking of access to parking garages, etc. It is not just the guests and visitors, vendors and employees also disturb the peace.

How did this happen and why is it being allowed? The hotel has and is accelerating direct violations of the CUPs in place and other city laws and regulations. These are wanton and willful violations, knowingly and openly committed by the hotel. L'Ermitage does not have any repercussions for these infractions and violations and is rewarded by receiving further approvals that make the situation even worse for the residents. How can you allow this to happen? Changes and approvals are granted in back room dealings, the residents are not informed and made a part of the process as is required in the instances of non-conforming uses. This defies all logic.

The hotel is now requesting that its CUPs be renewed and further modifications be made. We believe that the hotel's CUPs should be modified...by rolling them back so that the residential

nature of the neighborhood is protected in a better and more viable way and the hotel becomes a better citizen in the community. Please immediately implement rules and procedures to insure that there are mechanisms in place that insure that the residential nature that surrounds the hotel is maintain in an appropriate manner. Please insure that there is monitoring in place to guarantee the hotel remains in compliance, and if not that violations are dealt with in a serious and timely manner. You have the responsibility and power to fix this.

Beverly Hills has always been know as great place to live, a peaceful place with first class shops and merchants, top rated restaurants, top notch medical providers, great schools, among many other wonderful attributes. Are we now on the road to creating a nightclub and nightlife district in midst of our residential neighborhoods? Let's insure that the quality of our city be maintained.

The residents are upset. If we don't raise our voices we will not be heard. We have signed a petition and many more will follow. Our voices will get louder, just as the noise from the hotel gets louder. Please listen.

CONCERNED RESIDENTS OF BEVERLY HILLS

CALLS FOR SERVICE FOR 9291 BURTON WAY - JANUARY 1 THROUGH APRIL 1, 2016

Call Date/Time	Location	Dispositions	Incident Type
4/1/2016 12:34	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
4/1/2016 12:33	9291 BURTON WAY, BEVERLY HILLS	DUP - 1	PARKING CALL
3/24/2016 8:18	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
3/19/2016 21:55	9291 BURTON WAY, BEVERLY HILLS	AQA - 1	DISTURBING THE PEACE
3/19/2016 21:01	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
3/19/2016 19:06	9291 BURTON WAY, BEVERLY HILLS	CKOK - 2	PARKING CALL
3/18/2016 19:48	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	SIGNS
3/17/2016 18:39	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	PARKING CALL
3/16/2016 10:52	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
3/10/2016 7:05	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
3/8/2016 6:55	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	MUNICIPAL CODE VIOLATION
3/3/2016 10:25	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
3/3/2016 9:51	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
2/26/2016 12:56	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
2/24/2016 11:19	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
2/23/2016 20:35	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	KEEP THE PEACE
2/20/2016 12:39	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
2/20/2016 12:08	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	MUNICIPAL CODE VIOLATION
2/12/2016 20:53	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
2/12/2016 19:23	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
2/12/2016 15:19	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
2/12/2016 14:31	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
2/11/2016 11:15	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
2/10/2016 12:45	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
2/10/2016 6:56	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	MUNICIPAL CODE VIOLATION
1/30/2016 10:49	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
1/28/2016 13:28	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
1/27/2016 11:02	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
1/26/2016 10:05	9291 BURTON WAY, BEVERLY HILLS	RPT - 1	PROPERTY (LOST OR FOUND)
1/25/2016 21:13	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	911 CALL
1/20/2016 10:53	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
1/18/2016 13:12	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	PARKING CALL
1/16/2016 14:04	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	MUNICIPAL CODE VIOLATION
1/10/2016 9:58	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	MUNICIPAL CODE VIOLATION
1/8/2016 10:04	9291 BURTON WAY, BEVERLY HILLS	RPT - 1	MISSING PERSON
1/4/2016 22:44	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	911 CALL
1/3/2016 12:34	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL

CALLS FOR SERVICE FOR 9291 BURTON WAY - JANUARY 1, 2015 THROUGH OCTOBER 29, 2015

Call Date/Time	Location	Dispositions	Incident Type
1/25/2015 20:17	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	KEEP THE PEACE
1/25/2015 20:59	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
2/5/2015 22:09	9291 BURTON WAY, BEVERLY HILLS	ADV - 2	DISTURBING THE PEACE
2/9/2015 12:18	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
2/12/2015 21:03	9291 BURTON WAY, BEVERLY HILLS	AST - 1	ASSIST THE CITIZEN
2/23/2015 11:10	9291 BURTON WAY, BEVERLY HILLS	CRP - 1	ASSIST OTHER CITY EMPLOYEE
2/28/2015 18:31	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	911 CALL
3/1/2015 15:06	9291 BURTON WAY, BEVERLY HILLS	CRP - 1	KEEP THE PEACE
3/1/2015 20:01	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	911 CALL
3/2/2015 10:20	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
3/14/2015 1:49	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	DISTURBING THE PEACE
4/26/2015 16:19	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
5/6/2015 8:45	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/6/2015 12:51	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/6/2015 13:14	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/7/2015 9:29	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/7/2015 16:22	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
5/8/2015 9:17	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/9/2015 7:14	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
5/9/2015 9:30	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/9/2015 11:33	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
5/9/2015 13:47	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
5/11/2015 8:01	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
5/11/2015 10:30	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
5/12/2015 12:24	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
5/12/2015 13:13	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
5/13/2015 12:45	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
5/13/2015 12:54	9291 BURTON WAY, BEVERLY HILLS	AST - 1	ASSIST OTHER CITY EMPLOYEE
5/14/2015 7:11	9291 BURTON WAY, BEVERLY HILLS	REF - 1	PARKING CALL
5/14/2015 9:26	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
5/15/2015 11:54	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
5/20/2015 7:04	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	MUNICIPAL CODE VIOLATION
5/20/2015 13:07	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
5/21/2015 10:24	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
5/27/2015 11:12	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
6/1/2015 9:00	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
6/3/2015 9:38	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
6/9/2015 9:52	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
6/11/2015 11:45	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
6/15/2015 7:02	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
6/15/2015 10:37	9291 BURTON WAY, BEVERLY HILLS	CIV - 1	594 PC- VANDALISM
6/17/2015 9:20	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	PARKING CALL
6/20/2015 17:58	9291 BURTON WAY, BEVERLY HILLS	ARR - 1	647(F) PC- DRUNK/DRUGS
6/24/2015 15:51	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
6/25/2015 13:04	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL

6/26/2015 7:43	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	PARKING CALL
7/1/2015 7:39	9291 BURTON WAY, BEVERLY HILLS	UTL - 1	MUNICIPAL CODE VIOLATION
7/10/2015 11:55	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
7/10/2015 13:33	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	PARKING CALL
7/10/2015 22:59	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
7/13/2015 9:13	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
7/13/2015 9:33	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
7/13/2015 21:07	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	SPECIAL WATCH
7/17/2015 8:15	9291 BURTON WAY, BEVERLY HILLS	SOW - 1	PARKING CALL
7/17/2015 12:37	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	PARKING CALL
7/17/2015 12:58	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
7/21/2015 11:36	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
7/23/2015 9:55	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
7/23/2015 13:18	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
7/31/2015 11:56	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
8/3/2015 14:57	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	OTHER
8/5/2015 11:36	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	KEEP THE PEACE
8/6/2015 10:49	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
8/9/2015 10:34	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	MUNICIPAL CODE VIOLATION
9/1/2015 13:17	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
9/5/2015 12:54	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1, CRP - 1	MUNICIPAL CODE VIOLATION
9/6/2015 20:47	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
9/8/2015 10:01	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
9/10/2015 10:03	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
9/12/2015 7:24	9291 BURTON WAY, BEVERLY HILLS	NPA - 1	MUNICIPAL CODE VIOLATION
9/12/2015 8:21	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
9/12/2015 20:16	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	DISTURBING THE PEACE
9/19/2015 20:48	9291 BURTON WAY, BEVERLY HILLS	CIT - 1	PARKING CALL
9/22/2015 6:39	9291 BURTON WAY, BEVERLY HILLS	NEC - 1	DISTURBING THE PEACE
9/24/2015 23:09	9291 BURTON WAY, BEVERLY HILLS	AQA - 1	DISTURBING THE PEACE
9/25/2015 13:26	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	PARKING CALL
9/26/2015 6:51	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	MUNICIPAL CODE VIOLATION
10/4/2015 11:47	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	PARKING CALL
10/4/2015 16:25	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	DISTURBING THE PEACE
10/4/2015 22:34	9291 BURTON WAY, BEVERLY HILLS	AQA - 1, ADV - 1	DISTURBING THE PEACE
10/10/2015 15:36	9291 BURTON WAY, BEVERLY HILLS	CMP - 1	OTHER REPORT
10/15/2015 10:25	9291 BURTON WAY, BEVERLY HILLS	AST - 1	ASSIST OTHER POLICE DEPT
10/25/2015 22:51	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	DISTURBING THE PEACE

CALLS FOR SERVICE FOR 9291 BURTON WAY OCTOBER 30, 2015 THROUGH DECEMBER 2015

Call Date/Time	Location	Dispositions	Incident Type
12/19/2015 7:22	9291 BURTON WAY, BEVERLY HILLS	ADV - 1	MUNICIPAL CODE VIOLATION
12/14/2015 9:07	9291 BURTON WAY, BEVERLY HILLS	GOA - 1	PARKING CALL
12/5/2015 10:22	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	MUNICIPAL CODE VIOLATION
11/21/2015 13:13	9291 BURTON WAY, BEVERLY HILLS	CKOK - 1	MUNICIPAL CODE VIOLATION

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name JOE BRALEN
Address 9297 BURTON WAY

Signature [Signature]
Email _____

2) Name RACHEL BRALEN
Address 9297 BURTON WAY

Signature [Signature]
Email _____

Petition to stop L'Ermitage from expanding noise (2)

Signature

Print Name

Street Address

Matti Bruken MATTI BRUKER 9297 Burton Way #5

Robina Gibb ROBINA GIBB 9297 Burton Way #1

R. John Gibb JOHN GIBB " " " "

Emily Fredrick FAMILY FREDRICK 9297 Burton Way 2

Junetta Thomas Junetta Thomas 9297 Burton Way 1/2

sb Rachel Levy - 9297 Burton Way #4 B.H. CA 90210

Lorraine Wittelsok 9294 Burton Way B.H. CA 90210

sb Dany Levy - 9297 Burton Way #4 B.H. CA 90210

Jan Brak 9297 Burton Way B.H. CA 90210

David Bruken 9297 Burton Way B.H. 90210

Alexander Q. ALEXANDER MANALIL 9297 BURTON WAY

Petition to stop 11' bridge from expanding noise

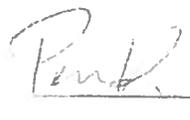
3

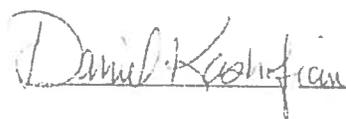
Signature

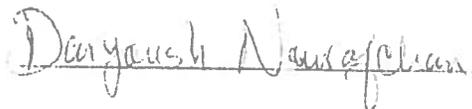
Print Name

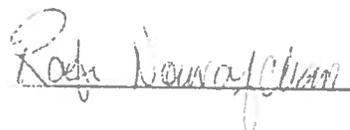
Street Address

 Zaiman Nouzafchan 9317 Burton Way

 Perisa Kashefian 9317 Burton Way

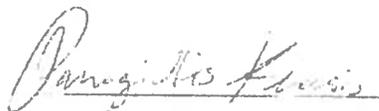
 Daniel Kashefian 9317A "

 Daryush Nouzafchan 9317A "

 Raha Nouzafchan 9317A "

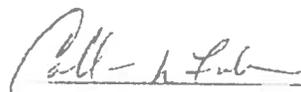
 Bahar Nouzafchan 9317A "

 Silka Kassis 9321 A

 Panagiotis Kassis Panagiotis Kassis 9321 A

 Veronica Belar 9321 A

 Alice Horowitz Alice Horowitz 9321 A

 Colleen McFadden 9311 - A

Petition to stop 1 bridge from expanding noise

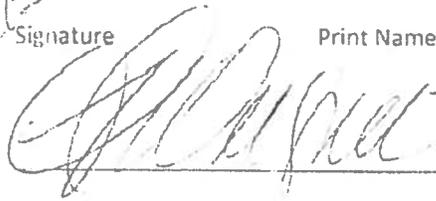
(14)

S.S. (633770)

Signature

Print Name

Street Address

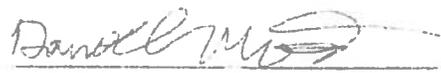
 Timothy Wason 9305B
Buckton, VT

Joshua Wesleya Foster Wason 90210
427NE
Palmetto

Chouran Emmanuel 210 N. Foothill Rd
Ben Huges
CA
92010

Fred Emmanuel 210 N. Foothill Rd

Jonathan Moosai 304 N. Foothill RD

 Danell 304 N. Foothill RD

Michael Moosai 304 N. Foothill RD

 Debra Moosai 304 N. Foothill RD

 [unclear] 304 N. Foothill RD

 Roger 302 N. Foothill RD
310-435-5444

MORRIS POULAR 302 N Foothill
200-5944

Pelikan to stop 1' Ermitage from expanding noise

5

Signature

Print Name

Street Address

Leona Hoff CONNIE NAGLER 300 N. SWALL DR.
90211

Cotton Palmer 305 N. PALM

Doris Cohen 305 N. PALM

Chaya Sulami Chaya Mushka Sulami 314 N. Alpine Dr.

Ayala Sul Ayala Sulam 314 N. Alpine Dr

Rivka Sulami Rivka Sulami 314 N. Alpine Dr.

David Sulami David Sulami 314 N. Alpine Dr

Ben Azizi 213) 948-9999 315 N. ALPINE DR

Bita Azizi 315 N. ALPINE DR

Jacob Azizi 315 N. ALPINE DR

Nicol Azizi 315 N. ALPINE DR

Petition to stop 1 1/2 mile hedge from expanding noise

6

Signature

Print Name

Street Address

[Signature] Sandra Walder 303 N Alpine Dr

[Signature] Joanne Waldman 303 N. Alpine

310
789-7826

[Signature] Ron Taylor 9301 A Burton

[Signature] Marlene Taylor 9301 A

310
774-9713

[Signature] TILLEPSEN 9311 B Burton

[Signature] Burton Taylor 9311 B

Petition to stop Cambridge Police expending noise

Signature

Print Name

Street Address

[Signature] Paul Bromer 310 W. Foothill Rd

[Signature] Paul Bromer 310 W. Foothill Rd

[Signature] ³⁰⁶ Foothill Amy Vojty 310-886-9000

³⁰⁶ Foothill *[Signature]* Zaki Jordan 710-863-3311

³⁰¹ Foothill *[Signature]* Ron Nili 310-770-1523

[Signature] Ester Nili 310-770-2559

³⁰⁵ Foothill *[Signature]* Ruth Rosenfeld 310-278-4186

³⁰⁵ Foothill R R Robert Rosenfeld 310-278-4186

Petition to stop 1.5 mile long for expanding noise

(5)

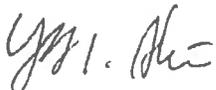
Signature

Print Name

Street Address

 Meli Graff 9249 Burton Way #204, BH, CA 90210

 Petrina Aberle 9249 Burton Way 504 BH 90210

 Young Shim 9249 Burton Way #305 BH 90210

 Leahad Peter " " " #205 BH 90210

 Charlene Tang 9249 Burton Way #501 BH 90210

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name _____

Address _____

Signature _____

Email _____

2) Name _____

Address _____

Signature _____

Email _____

1) Name Mark Mendez
Address 3181 KENNEDY DR
Beverly Hills CA 90210
Signature [Handwritten Signature]
Email [Handwritten Email]

2) Name Jonathan Cohen
Address 315 N. ELN ST
Signature [Handwritten Signature]
Email [Handwritten Email]

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Adam Cohen
Address 302 N. Elm Dr.

Signature _____
Email _____

2) Name Adam Cohen
Address 315 N. Elm Dr.

Signature [Handwritten Signature]
Email adamjustin60@gmail.com

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Debra J. ...
Address 302 N. ...

Signature _____
Email _____

2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name NATANIEL SAFARI
Address 301 N. BLM DR

Signature 
Email _____

2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name ABOLAHAM SAFARATI
Address 304 N. BELM DR

Signature [Signature]
Email ELCHIC@AOL

2) Name SH. PEJA SAFARATI
Address 304 N. BELM DR

Signature [Signature]
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name _____

Address _____

Signature _____

Email _____

2) Name Sheerly Tenk

Address 315 N. Elm Dr.

Signature Sheerly Tenk

Email sheerlyt@gmail.com

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9791 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name 0 JAN - GHALCH HI
Address 311 N. Elm Dr. B.H. C. 90210

Signature 
Email JAN.GHALCH@sbeglobal.net

2) Name Matthew Shalchi
Address 311 N Elm Dr BH C4 90210

Signature 
Email shalchi@USC.edu

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Faranak Aboodinejad
Address 311 N. Lexington
Los Angeles 90210


Signature _____
Email faranakabody@sbcsglobal.net

2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name MENACHEM SHUSTERMAN
Address 303 N. ELM DR
B.H. CA 90210

Signature 
Email menachemshusterman@msn.com

2) Name Aida Shusterman
Address 503 N Elm Dr
BH CA 90210

Signature 
Email aidieshusterman@gmail.com

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

- | | | | |
|---------|--------------------------------|-----------|--------------------|
| 1) Name | <u>Javous Enayati</u> | Signature | <u>[Signature]</u> |
| Address | <u>307 N Elm Dr</u> | Email | |
| | <u>Beverly Hills, CA 90210</u> | | |
| 2) Name | <u>Nahush Israeli</u> | Signature | <u>[Signature]</u> |
| Address | <u>307 North Elm Dr.</u> | Email | |
| | <u>B.H. CA. 90210</u> | | |

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

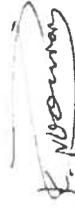
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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name KOUROSH NOOKMAND
Address 309 N. ELM DR

Signature 
Email KOUSHNOOKMAND@GMAIL.COM

2) Name MINA ZAILCHI
Address 309 N. ELM DR

Signature 
Email _____

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name ZONA JELIBO
Address 305 N. Elm Dr

Signature Zona Jelibo
Email Baraw@2010@aol.com

2) Name Chloe Jelibo
Address 305 N Elm Dr

Signature [Signature]
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Michael Cohen
Address 315 N. Elm Dr
Beverly Hills CA 90210

Signature 
Email michaelc@vpl.com

2) Name Dan Bazini
Address 315 N Elm Dr
BH 90210

Signature Dan B
Email bazinifamily@yahoo.com

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Jeanine Cohen Signature J Cohen
Address 315 N. Elm Dr. Email jeanine.cb@aol.com
Beverly Hills CA 90210

2) Name _____ Signature _____
Address _____ Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

I, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and residents and their families.

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I/we Implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name

Address

Signature

Email

2) Name

Address

Signature

Email

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Joseph Reiko
Address 301 N. Elm St. BH 90210

Signature Joseph Reiko
Email ERIKO31@gmail.com

2) Name _____
Address _____

Signature _____
Email _____

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

We, the undersigned, oppose any renovations that includes modifications by L'Ermitage Hotel (at 9291 Burton Way, Beverly Hills, California) to its rooftop venue and interior spaces that involves additional and extended hours of activity and increased frequency of events, because this change will cause significant increased traffic, noise, air quality, loss of privacy and environment impacts to the immediate neighborhood and the residents and their families.

L'Ermitage Hotel's request to the Planning Commission includes running events up to 2AM on the roof top and within the hotel, involving noise with no consideration of the detrimental effect to the residential neighborhood environment. Furthermore, the modification includes external elevators exposed to the street for direct access of the partygoers numbering 300-500 persons or higher. We currently have to deal with many problems that these events will create concerns with the valet parking, cars parking directly in the residential neighborhood area and increase levels of noise from guests waiting outside for their vehicles or retrieving their own cars from in front of our homes late into the night, disturbing our sleep and quiet enjoyment of our homes.

WE REQUEST THE CITY TO STOP L'ERMITAGE HOTEL FROM EXPANDING THEIR CONDITIONAL USE PERMIT AND TO DENY THEM THE ADDITION OF STREET EXPOSED ELEVATORS, ANY EVENTS LATE INTO THE NIGHT FROM THE ROOFTOP AND WITHIN THE HOTEL, AS THEY ARE RIGHT IN THE MIDDLE OF OUR RESIDENTIAL AREA.

We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Daniel Stell
Address 370 N. Sinaloa Blvd. #1010

Signature [Signature]
Email D.Stell@l'Ermitage.com

2) Name _____
Address _____

Signature _____
Email _____

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Bijan Fazeli Signature [Signature]
Address 314 N. Elm Dr. Beverly Hills, CA 90210 Email bijan.fazeli@msn.com

2) Name Marijeh Lotfi Signature [Signature]
Address 314 N. Elm Dr. Beverly Hills, CA 90210 Email marijehlotfi@msn.com

SIGN TO:
X Red. FLM NR
218

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name J.P.A. Kopp
Address 307 N. Maple Dr

Signature [Signature]
Email _____

2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

- 1) Name Afsaneh Sadik
Address 29 North Elm Dr.
BH Ca 90210

Signature 
Email _____

- 2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name Sarah Sadik
Address 219 N. Elm Dr

Beverly Hills, Ca. 90210

2) Name SARAH SADIK
Address 219 N ELM DR

BH Ca 90210

Sarah Sadik

Signature _____
Email _____

Sarah Sadik

Signature _____
Email _____

Sarah Sadik

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
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Petition from:

- | | | | |
|---------|------------------------|-----------|---|
| 1) Name | <u>MIKIE REFOA</u> | Signature |  |
| Address | <u>219 N. FLEM AVE</u> | Email | <u>18MAY20@gmail.com</u> |
| | <u>B.H. 90210</u> | | |
| 2) Name | <u>Eliot Szedik</u> | Signature |  |
| Address | <u>218 N Elm St</u> | Email | _____ |
| | <u>B.H. Ca. 90210</u> | | |

**PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND
DAILY EVENTS IN A RESIDENTIAL ZONE**

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

- 1) Name SHAHNAZ CKHIVAT Signature SHAHNAZ CKHIVAT
Address 312 N FELIX DR. Email _____
Beverly Hills 90210

- 2) Name _____ Signature _____
Address _____ Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name MARILENE DAVID OKHOT Signature [Signature]

Address 312 N FLEMING Email _____

Beverly Hills CA 90216

2) Name _____ Signature _____

Address _____ Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND

DAILY EVENTS IN A RESIDENTIAL ZONE

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We implore the City Planning Commission and City Council to deny any extension of permitted use and protect the integrity of our neighborhood.

Petition from:

1) Name ELIE MUNDER
Address 1111 N. ALAN DR
BEVERLY HILLS CA 90210

Signature [Signature]
Email _____

2) Name _____
Address _____

Signature _____
Email _____

PETITION TO STOP L'ERMITAGE FROM EXPANDING NOISE AND DAILY EVENTS IN A RESIDENTIAL ZONE

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Petition from:

- | | | | |
|----|---|-----------------------------------|--|
| 1) | Name <u>Elvira Hernandez</u>
Address <u>215 N Elm Dr</u>
<u>Beverly Hills, CA</u> | Signature <u>Elvira Hernandez</u> | Email <u>elvirahernandez@gmail.com</u> |
| 2) | Name <u>Elvira Hernandez</u>
Address <u>215 N Elm Dr</u>
<u>Beverly Hills, CA 90210</u> | Signature <u>Elvira Hernandez</u> | Email <u>elvirahernandez@gmail.com</u> |



Attachment D
Police Reports

INCIDENT SEARCH
 Print Date/Time: 3/12/2016 4:12:47 PM

Incident Number	Call Date/Time	Dispositions	Location	Incident Type
2016-00012301	03/08/2016 06:55:34	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2016-00011455	03/03/2016 10:25:48	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00011446	03/03/2016 09:51:50	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00010430	02/26/2016 12:56:53	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00009994	02/24/2016 11:19:27	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	KEEP THE PEACE
2016-00009884	02/23/2016 20:35:37	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00009263	02/20/2016 12:39:42	CIT - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2016-00009259	02/20/2016 12:08:21	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2016-00007866	02/12/2016 20:53:49	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2016-00007827	02/12/2016 19:23:58	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2016-00007793	02/12/2016 15:19:40	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00007519	02/12/2016 14:31:12	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00007308	02/11/2016 11:15:09	CIT - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00007199	02/10/2016 12:45:11	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00005282	01/30/2016 10:49:54	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2016-00004966	01/28/2016 13:28:59	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00004760	01/27/2016 11:02:16	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00004601	01/26/2016 10:05:00	RPT - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00004477	01/25/2016 21:13:24	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PROPERTY (LOST OR FOUND)
2016-00003466	01/20/2016 10:53:13	CMP - 1	9291 BURTON WAY, BEVERLY HILLS	911 CALL
2016-00003308	01/18/2016 13:12:35	NPA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00002773	01/16/2016 14:04:53	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2016-00001551	01/10/2016 09:58:02	NPA - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2016-00001237	01/08/2016 10:04:00	RPT - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2016-00000591	01/04/2016 22:44:45	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	MISSING PERSON
2016-00000348	01/03/2016 12:34:34	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	911 CALL
2015-00065856	12/19/2015 07:32:08	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00064903	12/14/2015 09:07:58	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00063242	12/05/2015 10:22:46	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00060996	11/21/2015 13:13:33	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00055940	10/25/2015 22:51:35	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00054015	10/15/2015 10:25:57	AST - 1	9291 BURTON WAY, BEVERLY HILLS	ASSIST OTHER POLICE DEPT
2015-00053184	10/10/2015 15:36:02	CMP - 1	9291 BURTON WAY, BEVERLY HILLS	OTHER REPORT
2015-00052035	10/04/2015 22:34:00	AQA - 1, ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00051996	10/04/2015 16:25:00	COKK - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00051967	10/04/2015 11:47:24	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00050401	09/26/2015 06:51:51	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00050279	09/25/2015 13:26:07	CMP - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00050178	09/24/2015 23:09:00	AQA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00049552	09/22/2015 06:39:24	NEC - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00048712	09/12/2015 20:16:00	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00047778	09/12/2015 08:21:25	CMP - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00047767	09/12/2015 07:24:13	NPA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00047406	09/10/2015 10:03:50	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00046963	09/08/2015 10:01:43	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00046730	09/06/2015 20:47:00	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00046492	09/05/2015 12:54:00	COKK - 1, CRP - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2015-00045557	09/01/2015 13:17:00	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00040361	08/09/2015 10:34:00	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00039740	08/06/2015 10:49:00	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00039511	08/05/2015 11:36:50	CMP - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00039140	07/31/2015 14:57:04	NPA - 1	9291 BURTON WAY, BEVERLY HILLS	KEEP THE PEACE
2015-00038594	07/31/2015 11:56:00	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	OTHER
2015-00037149	07/23/2015 13:18:00	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00037112	07/23/2015 09:55:00	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00036761	07/21/2015 11:36:00	GOA - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL
2015-00036162	07/17/2015 12:58:48	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	PARKING CALL

L'Ermitage Hotel

2015-00036160	07/17/2015	12:37:49	NPA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00036110	07/17/2015	08:15:46	SOW - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00035472	07/13/2015	21:07:39	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	SPECIAL WATCH
2015-00035324	07/13/2015	09:33:14	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00035317	07/13/2015	09:13:58	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00034973	07/10/2015	22:59:38	NPA - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2015-00034887	07/10/2015	13:33:22	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-000334867	07/10/2015	11:55:56	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00033172	07/01/2015	07:39:00	UTL - 1	9291	BURTON WAY,	BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00032321	06/26/2015	07:43:06	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00032174	06/25/2015	13:04:22	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00032016	06/24/2015	15:51:38	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00031360	06/20/2015	17:58:27	ARR - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00030716	06/17/2015	09:20:11	NPA - 1	9291	BURTON WAY,	BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2015-00030327	06/15/2015	10:37:50	CIV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00030285	06/15/2015	07:02:01	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	594 PC- VANDALISM
2015-00029638	06/11/2015	11:45:32	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00029189	06/09/2015	09:52:33	CMP - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00028049	06/03/2015	09:38:00	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00027613	06/01/2015	09:00:46	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00026712	05/27/2015	11:12:16	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00025672	05/21/2015	10:24:54	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00025484	05/20/2015	13:07:23	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00025374	05/20/2015	07:04:08	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00024560	05/15/2015	11:54:45	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00024357	05/14/2015	09:26:50	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00024331	05/14/2015	07:11:22	REF - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00024175	05/13/2015	12:54:31	AST - 1	9291	BURTON WAY,	BEVERLY HILLS	ASSIST OTHER CITY EMPLOYEE
2015-00024174	05/13/2015	12:45:43	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00024020	05/12/2015	13:13:07	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00024006	05/12/2015	12:24:55	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023788	05/11/2015	10:30:14	CMP - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023560	05/11/2015	08:01:04	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023559	05/09/2015	13:47:59	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023542	05/09/2015	11:33:40	CMP - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023521	05/09/2015	09:30:56	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023515	05/09/2015	07:14:04	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023323	05/08/2015	09:17:59	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023217	05/07/2015	16:22:55	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00023126	05/07/2015	09:29:09	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00022962	05/06/2015	13:14:57	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00022958	05/06/2015	12:51:07	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00022897	05/06/2015	08:45:07	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00021136	04/26/2015	16:19:00	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00013214	03/14/2015	01:49:20	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2015-00010919	03/02/2015	10:20:11	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00010843	03/01/2015	20:01:01	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	911 CALL
2015-00010817	03/01/2015	15:06:21	CRP - 1	9291	BURTON WAY,	BEVERLY HILLS	KEEP THE PEACE
2015-00010726	02/28/2015	18:31:14	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	ASSIST OTHER CITY EMPLOYEE
2015-00009690	02/23/2015	11:10:46	CRP - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-0000785	02/12/2015	21:03:09	AST - 1	9291	BURTON WAY,	BEVERLY HILLS	ASSIST THE CITIZEN
2015-00007028	02/09/2015	12:18:23	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2015-00006399	02/05/2015	22:09:48	ADV - 2	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2015-00004147	01/25/2015	20:59:18	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2015-00004141	01/25/2015	20:17:14	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	KEEP THE PEACE
2014-00054679	12/23/2014	17:56:26	ARR - 1	9291	BURTON WAY,	BEVERLY HILLS	415 PC- DISTURBANCE
2014-00054545	12/22/2014	21:51:13	SOW - 1	9291	BURTON WAY,	BEVERLY HILLS	487 PC- GRAND THEFT
2014-00054520	12/22/2014	18:55:00	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	SUBJECT STOP
2014-00052706	12/15/2014	20:23:24	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2014-00053365	12/11/2014	22:18:17	CKOK - 1	9291	BURTON WAY,	BEVERLY HILLS	JUVENILE COMPLAINT
2014-00050593	11/29/2014	03:38:01	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	PARKING CALL
2014-00049337	11/20/2014	15:41:06	CIT - 1	9291	BURTON WAY,	BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2014-00047745	11/11/2014	20:17:19	GOA - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE
2014-00047256	11/08/2014	21:38:19	ADV - 1	9291	BURTON WAY,	BEVERLY HILLS	DISTURBING THE PEACE

2014-00043303	10/16/2014	19:20:04	ARR - 1	9291 BURTON WAY, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00043087	10/15/2014	20:11:30	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00041029	10/03/2014	09:38:16	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	TRAFFIC HAZARD
2014-00040859	10/02/2014	12:10:11	EX - 1	9291 BURTON WAY, BEVERLY HILLS	FOLLOW
2014-00039151	09/21/2014	21:11:31	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00039146	09/21/2014	19:15:50	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00035242	08/27/2014	05:22:39	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	TRAFFIC STOP
2014-00031819	08/05/2014	12:52:45	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	911 CALL
2014-00029535	07/21/2014	01:23:24	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	SUSPICIOUS VEHICLE
2014-00027062	07/04/2014	00:28:34	ALMB - 1	9291 BURTON WAY, BEVERLY HILLS	ALARM
2014-00025222	06/22/2014	21:22:33	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00025212	06/22/2014	20:07:52	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00025085	06/21/2014	21:46:18	ADV - 1	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00025078	06/21/2014	21:01:16	ADV - 2	9291 BURTON WAY, BEVERLY HILLS	DISTURBING THE PEACE
2014-00020241	05/20/2014	10:20:46	ALMB - 1	9291 BURTON WAY, BEVERLY HILLS	ALARM
2014-00018931	05/11/2014	23:24:51	UTL - 2	9291 BURTON WAY, BEVERLY HILLS	UNKNOWN TROUBLE
2014-00014703	04/14/2014	20:47:32	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	FB
2014-00014697	04/14/2014	20:13:00	CRK - 1	9291 BURTON WAY, BEVERLY HILLS	FB
2014-00009261	03/07/2014	19:42:43	ALMB - 1	9291 BURTON WAY, BEVERLY HILLS	ALARM

Total Rows: 142



Planning Commission Report

9291 Burton Way (L'Ermitage Hotel)

April 14, 2016

Attachment E
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RENEWING AND AMENDING A DEVELOPMENT PLAN REVIEW PERMIT TO ALLOW OPERATION OF A RELOCATED OPEN AIR DINING AREA AND A CONDITIONAL USE PERMIT FOR ROOFTOP USES AND TO ALLOW A HOTEL DINING FACILITY (L'ERMITAGE HOTEL) AT 9291 BURTON WAY TO CONTINUE TO BE OPEN TO THE PUBLIC

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

Section 1. LBH Real Estate LLC, owner of the L'Ermitage Hotel, through its agent Mitchell J. Dawson (collectively the "Applicant"), has obtained a Development Plan Review (DPR) for open air dining and a Conditional Use Permit (CUP) for rooftop uses and to allow a hotel dining facility to be open to the public at 9291 Burton Way for the L'Ermitage Hotel (the "Project").

Section 2. The hotel use was originally constructed in 1976, prior to the requirement for a CUP for hotel uses. The Project was granted a DPR to allow open air dining and a CUP for rooftop uses and to allow the hotel restaurant to be open to the public pursuant to Planning Commission Resolution No. 1094. Upon appeal, the approval of the DPR and CUP was upheld by the City Council pursuant to City Council Resolution 99-R-10211, and the entitlements were subsequently renewed by the Planning Commission pursuant to Planning Commission Resolutions 1138 and 1191. These entitlements established the operational standards for the hotel, including the size, hours, and manner of operation of the open air dining

area; the number and frequency of events allowed on the rooftop; access and use restrictions to the hotel restaurant; the manner in which deliveries could be made to the hotel; employee and visitor parking; and the process for renewal of the entitlements. Condition 2 of Resolution No. 1911 states that “This CUP and DPR (collectively the “Permits”) shall expire one year after the date of adoption of this resolution and all rights granted by these Permits shall terminate at that time. Unless the Permits are renewed as provided hereafter, or a new CUP and DPR are granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area, and the Applicant shall have no further right to renewal of the Permits. Upon application by the Applicant, the Director of Planning and Community Development (the “Director”) may extend the Permits if the Director determines that the public restaurant and outdoor dining area are operating in a manner substantially the same as described to and approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating any adverse impact on the surrounding area. Any application for a renewal of the Permits shall be filed at least sixty days prior to the expiration of these renewals. ” A request was submitted to the Director to renew the DPR and CUP on February 24, 2009. The renewal was granted for three additional years, until February 25, 2012. On March 2, 2015, the Applicant submitted an application for renewal of the DPR and CUP.

Section 3. The subject site area consists of 31,200 square feet, and is currently developed with an eight-story hotel with 119 guestrooms, a lounge and restaurant in the lobby, an open air dining area, and a rooftop pool and event space. The subject site is located along Burton Way, a major east-west thoroughfare with primarily one- and two-story residential development along the south side, and higher density multi-family residential development along

the north side. The project site is abutted by a three-story multi-family residential building to the west. Immediately adjacent to the subject property to the east a new five-story condominium project is currently under construction. To the north is a commercial area consisting of former industrial sites that have over time developed into a cluster of corporate offices for media/entertainment companies. The project site is separated from this commercial area by a two-way alley that connects Maple Drive and Foothill Road. The alley provides pedestrian and vehicle access to the rear of the buildings along Burton Way.

Section 4. The Project includes a request for renewal of a Development Plan Review to allow an open air dining area and a Conditional Use Permit for rooftop uses and to allow the hotel restaurant to be open to the public. These entitlements were granted pursuant to City Council Resolution No. 99-R-10211, and renewed by Planning Commission Resolution Nos. 1138 and 1191, with conditions of approval being carried through each subsequent resolution. As part of this renewal request, the applicant has requested the following amendments to the conditions of approval contained in City Council Resolution No. 99-R-10211:

1. Condition No. 4: Clarify definition of banquet such that “a substantial portion of the restaurant” would mean more than half of the restaurant.
2. Condition No. 5: Amend such that seating of patrons shall not occur after 9:30 p.m. daily and that all diners shall have exited the outdoor dining area no later than 11:00 p.m.
3. Condition No. 9: Clarify language to be consistent with relocated open air dining area further east, such that food service to the new open air dining area shall occur from the doors immediately adjacent to the open air dining area.

4. Condition No. 10: Amend such that the applicant shall have the right to submit a request to the Director to allow an amendment to the monthly list of evening functions on the rooftop in less than 48 hours for a “last minute” evening function. Amend such that the applicant shall have the right to request for the Director to allow one additional evening function on the rooftop within a particular week during the awards season (traditionally January through March), and such additional event shall be counted as one of the 52 evening functions allowed per calendar year on the rooftop. Amend such that the applicant shall have the right to request for the Director to allow one evening function on the rooftop during the year to operate until 1:00 a.m., and such evening function shall be counted as one of the 52 events allowed per calendar year.

5. Condition No. 11: Eliminate this condition as it made reference to retrofitting dual-glazed glass to the windows to an adjacent building which was accomplished many years ago and is not in effect at this point, as the offer to do so by the applicant was rejected by the adjacent building owners.

6. Amend the CUP to allow access to the restaurant and new open air dining area by the new steps/stairs which are located on private property and adjacent to the lobby entrance, subject to conditions intended to eliminate queuing at the reservation check-in stand and directing patrons inside the hotel as they wait for seating in the restaurant and open air dining area.

Section 5. The request to continue the open air dining area, hotel restaurant, and rooftop operations as outlined above result in the need for specific entitlements as follows:

1. Renewal of Development Plan Review: A Development Plan Review permit was granted by the City Council pursuant to Resolution No. 99-R-10211 to allow the open air dining area on private property, and subsequently renewed by the Planning Commission pursuant to Resolution Nos. 1138 and 1191. Continued operation of the open air dining area requires renewal consistent with Condition No. 2 of Planning Commission Resolution 1191.

2. Renewal of Conditional Use Permit: A Conditional Use Permit was granted by the City Council pursuant to Resolution No. 99-R-10211 to allow the hotel restaurant to be open to the public, and was subsequently renewed by the Planning Commission pursuant to Resolution Nos. 1138 and 1191. Continued operation of the hotel restaurant and rooftop as open to the public requires renewal consistent with Condition No. 2 of Planning Commission Resolution No. 1191.

Section 6. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1 Categorical Exemption and is not anticipated to have a significant environmental impact. The Class 1 exemption is applicable for minor operational changes associated with a commercial structure.

Section 7. Notice of the Project and public hearing was published in two newspapers of local circulation, and was mailed on April 1, 2016 to all property owners and

residential occupants within a 500-foot radius of the property plus block face. Notice of the Project and public hearing was also posted on the property on March 31, 2016.

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

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

2. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to the accumulation of garbage, trash, or other waste;

3. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;

4. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to light and glare;

5. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to odors or noxious fumes;

6. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to parking demand created by the restaurant, including parking demand created by employees; and

7. The restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to traffic.

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

1. Renewal of the Conditional Use Permit and amendments to the conditions of approval to allow for the restaurant and rooftop to be open to the public will result in hotel operations that are substantially similar to existing and previously approved hotel operations, but with more clear and enforceable conditions and penalties for violations. The project will not result in any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Nor will the project, as conditioned, have a significant parking impact. The open air dining area will maintain the previously approved 7 tables and 20 chairs, and does not encroach into the public right of way. Conditions of approval intended to prevent any impacts related to noise are included. The hotel has sufficient parking available within the hotel's on-site parking garage, and valet operations as well as entry to the hotel are provided from Burton Way. Conditions of approval relating to the frequency and hours of rooftop activities have been included to prevent impacts from evening functions. As conditioned, renewal to the Conditional Use Permit is not anticipated to be detrimental to adjacent property or the public welfare.

2. As conditioned, the applicant is required to maintain the subject area in a clean and sanitary condition. There is an on-site trash compactor and trash storage areas, completely enclosed in the subterranean garage. For these reasons, as conditioned, the restaurant and rooftop will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to the accumulation of garbage, trash, or other waste.

3. The hotel restaurant faces Burton way and is completely enclosed. As conditioned, banquets or similar private receptions or parties are also prohibited in the restaurant. The open air dining area has been relocated to an area that is approximately 120 feet from the neighboring residential building to the west, and as conditioned, operation of the open air dining area will cease at 10:30 p.m. Both live entertainment and amplified music will be prohibited at all times in the open air dining area. The new stairway access to the open air dining area is located on private property directly adjacent to the main hotel entrance, and conditions have been imposed to prohibit patrons from queuing outside. As conditioned, evening functions on the rooftop are limited to twice per week unless authorized by the Director of Community Development, and such functions are limited to a total of 52 per calendar year. As conditioned, all rooftop functions will cease by 11:00 p.m. on Sundays through Thursdays, and by 12:00 a.m. midnight on Fridays, Saturdays, and evenings preceding holidays. For these reasons, as conditioned, the restaurant and rooftop area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant.

4. The restaurant is located on the ground floor, is fully enclosed, and is separated from neighboring residential properties by walls and a courtyard. The rooftop area is located on the east side of the hotel building, and no lighting will be directed toward the residential property to the east. For these reasons, as conditioned, the restaurant and rooftop area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to light and glare;

5. The restaurant kitchen is located inside the hotel, and cooking will not be performed outdoors. Approval of the project will not alter the current venting of the kitchen and

the City has received no evidence that the restaurant or rooftop currently create any odors or noxious fumes. For these reasons, the restaurant and rooftop area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to odors or noxious fumes;

6. Past parking analyses have determined that the hotel has adequate parking for the proposed uses, and can accommodate the required parking demand through the use of valet parking. Conditions have been imposed that require provision of free parking for employees of the hotel to avoid the potential for employee parking to impact on-street parking in the vicinity of the project. In order to further reduce the potential for parking impacts, conditions have been imposed requiring the hotel to provide free valet parking for restaurant patrons. However, because it is impossible to require patrons of the restaurant to use valet parking, and because such patrons may impact the adjacent residential neighborhoods by using available street parking in the area, the project has been further conditioned to prohibit the use of the hotel rooftop for more than two evening functions per week that involve more than 25 attendees other than hotel guests. Additionally, no more than 52 such functions are permitted during any calendar year. This condition will ensure that the potential increase in parking impacts to the neighboring residential streets generated by opening the restaurant to the public is counterbalanced with limitations placed upon other potential parking impacts from the hotel's existing operation. A traffic and parking plan is also required to be submitted in connection with any rooftop function involving more than 25 attendees who are not hotel guests. This condition will further ensure that the project will not have a substantial and adverse impact on neighboring properties due to the occurrence of other events at the hotel that might place a strain on available parking and valet resources to be used by the project. For these reasons, as conditioned, the

restaurant and rooftop area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to parking demand created by the restaurant, including parking demand created by employees.

7. The project will maintain the same number of tables and chairs in the relocated open air dining area as previously approved. As conditioned, no additional events on the rooftop are allowed per calendar year beyond what was previously approved. Thus, renewal of the entitlements for the project as well as the relocation of the open air dining area does not constitute any intensification of the past uses of the restaurant and rooftop. Additionally, the project is located on Burton Way, which is a major arterial street that can accommodate any potential increases in traffic flow for the continued use of the hotel restaurant and rooftop area. should not create any other significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards. For these reasons, as conditioned, the restaurant and rooftop area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to traffic.

Section 10. In considering the request for renewal of a Development Plan Review Permit, 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 11. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Development Plan Review Permit:

1. The General Plan encourages accommodation of hotel uses that attract customers from the region and provide a quality experience for national and international uses. (Policy LU 9.1) The General Plan also encourages retention and improvement of priority businesses, including high-end hotels. (Policy LU 15.2; Policy ES 1.4) Other policies in the General Plan call for maintaining compatible relationships between commercial uses and adjoining residential neighborhoods, limiting hours of commercial and entertainment operations adjacent to residential neighborhoods, and limiting hours of truck deliveries to commercial uses abutting residential neighborhoods. (Policies LU 12, LU 12.1, N 1.3, and N 1.4) Recognizing the need to balance retention of high-end hotels with the desire to maintain compatibility of uses and minimize noise impacts to residential uses, conditions have been imposed that limit the operations of the open air dining area, and mechanisms have been developed to enable efficient enforcement of all conditions of approval. For these reasons, as conditioned, renewal and

amendment of the Development Plan Review permit to allow operation of the relocated open air dining area is consistent with the General Plan.

2. Renewal and amendment of the Development Plan Review to allow operation of the relocated open air dining area will not result in an increase in traffic or parking demand. The number of tables and chairs will not increase beyond what has been previously approved. Conditions have been imposed that limit the operations of the open air dining area. For these reasons, as conditioned, renewal and amendment of the Development Plan Review to allow operation of the relocated open air dining area will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area

3. Renewal and amendment of the Development Plan Review to allow operation of the relocated open air dining area will not materially alter the nature, density, or height of the project. The relocation and reconfiguration will result in the open air dining area being located approximately 120 feet away from the neighboring residential building to the west, and will reduce the likelihood of noise impacts. Conditions have been imposed in order to mitigate any other potential impacts to neighboring residential properties, including but not limited to restrictions on the hours of operation of the open air dining area, prohibiting live entertainment and amplified music, and prohibiting queuing of patrons outside. For these reasons, as conditioned, the nature, configuration, location, density, height and manner of operation of the relocated open air dining area will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. Past parking analyses have determined that the hotel has adequate parking for the proposed uses, and can accommodate the required parking demand through the use of valet parking. Conditions have been imposed that require provision of free parking for

employees of the hotel to avoid the potential for employee parking to impact on-street parking in the vicinity of the project. In order to further reduce the potential for parking impacts, conditions have been imposed requiring the hotel to provide free valet parking for restaurant patrons. However, because it is impossible to require patrons of the restaurant to use valet parking, and because such patrons may impact the adjacent residential neighborhoods by using available street parking in the area, the project has been further conditioned to prohibit the use of the hotel rooftop for more than two evening functions per week that involve more than twenty-five attendees other than hotel guests. Additionally, no more than fifty-two such functions are permitted during any calendar year. This condition will ensure that the potential increase in parking impacts to the neighboring residential streets generated by opening the restaurant to the public is counterbalanced with limitations placed upon other potential parking impacts from the hotel's existing operation. A traffic and parking plan is also required to be submitted in connection with any rooftop function involving more than 25 attendees who are not hotel guests. This condition will further ensure that the project will not have a substantial and adverse impact on neighboring properties due to the occurrence of other events at the hotel that might place a strain on available parking and valet resources to be used by the project. For these reasons, as conditioned, renewal and amendment of the Development Plan Review permit to allow operation of the relocated open air dining area will not result in significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. Renewal and amendment of the Development Plan Review permit to allow operation of the relocated open air dining area will result in hotel operations that are substantially similar to existing and previously approved hotel operations, but with more clear and enforceable conditions and penalties for violations. The project will not result in any significantly adverse

traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Nor will the project, as conditioned, have a significant parking impact. The open air dining area will maintain the previously approved 7 tables and 20 chairs, and does not encroach into the public right of way. Conditions of approval intended to prevent any impacts related to noise are included. The hotel has sufficient parking available within the hotel's on-site parking garage, and valet operations as well as entry to the hotel are provided from Burton Way. Conditions of approval relating to the frequency and hours of rooftop activities have been included to prevent impacts from evening functions. For these reasons, as conditioned, renewal and amendment of the Development Plan Review permit to allow operation of the relocated open air dining area is not anticipated to be detrimental to public health, safety, or general welfare

Section 12. Based on the foregoing, the Planning Commission hereby renews the requested entitlements. The following conditions encompass all relevant conditions of approval previously imposed on the subject site in City Council Resolution No. 99-7-10211 and Planning Commission Resolutions 1094, 1138, and 1191. Therefore, the previously approved Resolutions shall be superseded by this Resolution. The Project is subject to the following conditions:

Hotel Restaurant and Open Air Dining Area

1. The open air dining area shall be limited to seven (7) tables and twenty (20) chairs.
2. The tables and chairs in the open air dining area shall be located in the patio area adjacent to the hotel entrance along Burton Way, as shown on the plans submitted to the Planning Commission, and shall not at any time be permitted to encroach into the public right-of-way.

3. No live entertainment or amplified sound shall be allowed in the open air dining area.

4. No banquets or similar private receptions or parties shall be held at the restaurant. For the purposes of the condition, a banquet or similar private reception or party shall mean any banquet, party, reception or other event during which more than half of the restaurant is closed to the public except by invitation or advanced reservation.

5. The restaurant shall not seat any patron indoors before 6:30 a.m. or after 11:00 p.m. daily. Additionally, the open air dining patio operations of the restaurant, including any movement of tables and chairs or the setting of dishes and silverware, shall commence no earlier than 8:00 a.m. and the restaurant shall not seat patrons in the open air dining area before 8:00 a.m. or after 9:00 p.m. daily. All diners shall have exited the outdoor dining area no later than 10:30 p.m.

6. The fountain in the courtyard area adjacent to the rotunda shall commence operation each morning at 7:30 a.m. seven days per week. The fountain shall cease operation each day when the last diner in the open air dining patio along Burton Way finishes dining and exits the patio. The last patron shall not be presumed to have exited the patio at any time before 9:00 p.m. In addition, whether or not diners remain in the patio area, the fountain shall cease operation at 10:30 p.m. each night and all remaining diners shall exit the patio at that time. No open air dining activity shall occur when the fountain in the courtyard area adjacent to the rotunda is not in operation.

7. At the time that a reservation is accepted for dining at the restaurant, the holder of the reservation shall be informed that valet parking is available and offered free of

charge to the restaurant patrons. The holder of the reservation shall also be asked to use the valet parking as a courtesy to the residential neighbors of the hotel.

8. Off street parking shall be provided free of charge to employees. Valet parking shall be provide free of charge to patrons of the restaurant.

9. All exterior doors to the restaurant, including the exterior doors closest to the adjacent residence to the west of the hotel shall only be used for emergency ingress and egress. However, the doors immediately adjacent to the open air dining area may be used by patrons to access the open air dining area from within the hotel restaurant, but shall not be held, propped, or otherwise kept open. Additionally, all food service to the open air dining area shall occur from the doors immediately adjacent to the open air dining area.

10. The applicant shall maintain a landscape buffer of sufficient height and density, satisfactory to the Director of Community Development or his/her designee (“Director”), to prevent the spilling over of light and to reasonably protect the privacy of the neighbors along the western property line of the hotel immediately adjacent to the restaurant. Such landscape buffer shall be maintained at all times during the operation of the open air dining area.

11. No queuing shall occur outside for the open air dining area. In cases where patrons cannot immediately be seated, patrons shall be directed to enter the hotel lobby to await seating.

12. The hotel shall not accept any deliveries except during the hours of 8:00 a.m. through 9:00 p.m., Monday through Friday, 9:00 a.m. through 9:00 p.m. on Saturday, and 9:00 a.m. through 8:00 p.m. on Sunday.

13. Delivery trucks shall be prohibited from blocking the alley, including the areas providing access to neighboring properties' parking garages. In addition, the Director of Community Development may impose additional conditions on loading operations and/or the location of loading to achieve the greatest level of neighborhood compatibility. In no event shall the permitted hours of loading be extended beyond those set forth in Condition No. 12 above.

14. The applicant shall not instruct or otherwise encourage, directly or indirectly, any driver of any taxi or limousine to park on any residential street in the vicinity of the hotel, including but expressly not limited to, the south side of Burton Way. When the topic arises, hotel staff shall be instructed to encourage drivers of taxis and/or limousines not to park on any residential street in the vicinity of the hotel, including but expressly not limited to, the south side of Burton Way. The applicant shall also attempt to clearly identify, through the use of a special vehicle tag or other similar means, those limousines that are contracted to the hotel in order to provide an adequate enforcement tool to insure that these vehicles do not park on any residential streets in the vicinity of the hotel.

15. The applicant shall maintain all restaurant areas as well as the public right of way directly adjacent to the subject property in a clean and sanitary condition at all times.

Rooftop Events

16. Evening functions on the rooftop of the hotel involving more than 25 attendees, excluding persons residing at the hotel, shall not occur more than fifty-two (52) times during any calendar year. For the purposes of this condition, "evening function" shall mean any function which does not conclude before 6:00 p.m.

17. Evening functions on the rooftop of the hotel shall not occur more than twice during any week (Monday through Sunday). However, the applicant may submit a request

to the Director of Community Development or his/her designee ("Director") to allow one additional event, for a total of three events within a single week, during the months of January through March. Any additional events granted pursuant to this request shall be counted toward the maximum of fifty-two (52) events during the calendar year. For the purposes of this condition, "evening function" shall mean any function which does not conclude before 6:00 p.m.

18. Prior to any evening function, the Applicant shall submit a traffic and parking plan for the evening function to the Director of Community Development or his/her designee ("Director") for approval. No such function shall take place until such traffic and parking plan is approved by the Director. The Director may, without limitation, require the traffic and parking plan to address limousine parking and to include free off-site parking for employees and the provision of adequate valet parking attendants so that, in the Director's judgment, adequate parking and valet service will be available at the site to prevent parking, traffic, and noise impacts from intruding into the adjacent neighborhood. For the purposes of this condition, "evening function" shall mean any function which does not conclude before 6:00 p.m.

19. The applicant shall file with the Director of Community Development or his/her designee ("Director") on the last day of each month a written schedule of the dates and times of each evening function of 25 or more attendees, excluding persons residing at the hotel, planned for the following month. The applicant shall provide the Director with a written amendment to that schedule at any time that a new function is added to the schedule or there is a change in the date or time of any originally listed function. Any such amendment shall be provided at least 48 hours before commencement of the function that is the subject of the amendment. Notwithstanding this condition, the applicant shall have the right to submit a request to the Director for an amendment to the schedule of functions less than 48 hours before

commencement of the function. For the purposes of this condition, “evening function” shall mean any function which does not conclude before 6:00 p.m.

20. All rooftop events, including associated live entertainment and amplified sound, shall conclude no later than 10:00 p.m., and all rooftop event attendees shall have vacated the rooftop by 11:00 p.m. Sundays through Thursdays. All rooftop events, including associated live entertainment and amplified sound, shall conclude no later than 11:00 p.m., and all rooftop event attendees shall have vacated the rooftop by 12:00 a.m. midnight on Fridays, Saturdays, and evenings preceding a holiday.

21. Deliveries, setup, and/or breakdown for any rooftop functions shall not occur except during the hours of 8:00 a.m. through 9:00 p.m., Monday through Friday, 9:00 a.m. through 9:00 p.m. on Saturday, and 9:00 a.m. through 8:00 p.m. on Sunday.

22. At all times the hotel shall operate in compliance with the City’s noise ordinance.

Penalties for Violations

23. The applicant shall submit to the City a deposit of \$20,000 for the purpose of creating an escrow account from which to draw financial penalties in case of any violations of the conditions of approval. If and when the escrow account balance reaches \$10,000 or less, the applicant shall submit to the City within five (5) business days additional funds in an amount sufficient to bring the account balance back to \$20,000.

24. Upon verification of evidence that one (1) violation of any condition of approval contained herein has occurred within a single calendar year, \$500 shall be withdrawn from the escrow account for the first violation.

25. Upon verification of evidence that two (2) violations of any conditions of approval contained herein have occurred within a single calendar year, \$1,000 shall be withdrawn from the escrow account for the second violation. This penalty shall be in addition to any penalties withdrawn for prior violations within the same calendar year.

26. Upon verification of evidence that three (3) violations of any conditions of approval contained herein have occurred within a single calendar year, \$5,000 shall be withdrawn from the escrow account for the third violation. This penalty shall be in addition to any penalties withdrawn for prior violations within the same calendar year.

27. Upon verification of evidence that four (4) violations of any conditions of approval contained herein have occurred within a single calendar year, \$10,000 shall be withdrawn from the escrow account for the fourth violation. This penalty shall be in addition to any penalties withdrawn for prior violations within the same calendar year.

28. Upon verification of evidence that five (5) violations of any conditions of approval contained herein have occurred within a single calendar year, \$10,000 shall be withdrawn from the escrow account for the fifth violation. This penalty shall be in addition to any penalties withdrawn for prior violations within the same calendar year.

29. Upon verification of evidence that six (6) or more violations of any conditions of approval contained herein have occurred within a single calendar year, \$10,000 shall be withdrawn from the escrow account for the sixth violation. This penalty shall be in addition to any penalties withdrawn for prior violations within the same calendar year. Furthermore, upon verification of evidence that six (6) or more violations of any conditions of approval contained herein have occurred within a single calendar year, the entitlements shall be

referred to the Planning Commission for further review, and possible revocation. All costs associated with such hearing shall be fully borne by the Applicant.

30. Within thirty (30) days after the adoption of this resolution, the applicant shall submit to the City a deposit of \$10,000 for the purpose of offsetting the costs of Code Enforcement activities associated with the project.

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

32. APPROVAL RUNS WITH LAND. The approvals and conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the permits.

33. EXPIRATION AND RENEWAL. The DPR and CUP shall expire twelve (12) months from the date of this approval. Upon application by the Applicant at least 30 days

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

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

Adopted: April 14, 2016

Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary
Ryan Gohlich, AICP
City Planner / Assistant Director
of Community Development

Approved as to form:

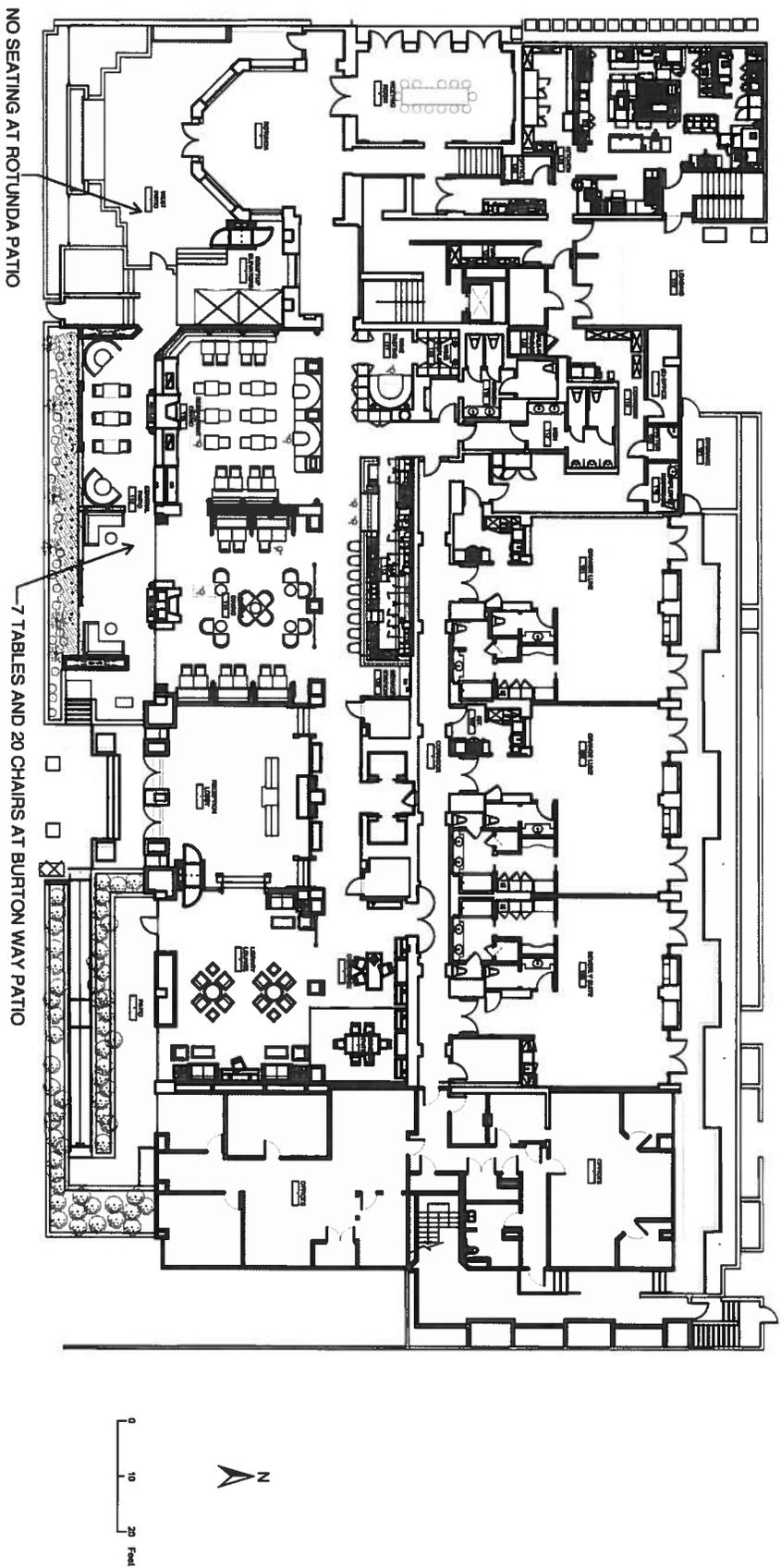
Approved as to content:

David M. Snow
Assistant City Attorney

Ryan Gohlich, AICP
City Planner / Assistant Director
of Community Development



Attachment F
Architectural Plans



Proposed Ground-Floor Hotel
Restaurant Seating Plan