



City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 285-1141 FAX. (310) 858-5966

Planning Commission Report

-
- Meeting Date:** May 12, 2016
- Subject:** **9360 Wilshire Boulevard (Sixty Beverly Hills, formerly the Thompson Hotel)**
Conditional Use Permit and Extended Hours Permit to allow operation of hotel rooftop facilities and to allow operation of the rooftop space during extended hours in a commercial – residential transition area.
- Project Applicant:** Mitchell J. Dawson
- Recommendation:** Staff recommends that the Planning Commission adopt a resolution conditionally approving the new Conditional Use Permit and Extended Hours Permit, and find the project exempt from the California Environmental Quality Act.
-

REPORT SUMMARY

The proposed project involves a request for a Conditional Use Permit and Extended Hours Permit to allow operation of the Sixty Beverly Hills Hotel's rooftop space. These entitlements would allow use of the rooftop facilities until 2:00 a.m. on Fridays and Saturdays and until 1:00 a.m. Sunday through Thursday. In addition, it would allow up to 12 rooftop events per year, but no more than 2 per month, to operate until 2:00 a.m. on a day other than a Friday or Saturday. The most recent renewal/approval was granted by the Planning Commission on July 24, 2014, was effective for an 18-month period, and expired on January 24, 2016. The applicant seeks approval of the Conditional Use Permit and Extended Hours Permit in order to re-establish the rooftop operations that were allowed under previous approvals.

This report analyzes the proposed approval, with specific focus on past incidents associated with the hotel's previous rooftop operations. Based on this assessment, the hotel appears to have operated in a manner consistent with past approvals and conditions. Accordingly, staff recommends approval of the Conditional Use Permit and Extended Hours Permit with substantially the same conditions that were placed on prior entitlements to reduce negative effects on adjacent residential neighbors.

- Attachment(s):
- A. Required findings
 - B. Draft Resolution
 - C. Calls for Service
 - D. Public Notice
 - E. Relevant Planning Commission Resolutions (Nos. 1418, 1581, 1628, 1649, 1661, 1723)

Report Author and Contact Information:
Masa Alkire, AICP, Principal Planner
(310) 285-1135
malkire@beverlyhills.org



BACKGROUND

File Date	4/21/2016
Application Complete	4/21/2016
Subdivision Deadline	N/A
CEQA	
Recommendation	Class 1 Categorical Exemption
CEQA Deadline	60 days from determination of Exemption
Permit Streamlining	
Applicant(s)	Mitchell J. Dawson, Dawson Tilem & Gole
Owner(s)	Beverly Pavilion, LLC.
Representative(s)	Mitchell J. Dawson, Dawson Tilem & Gole
Prior PC Action	<u>Reso. 1418</u> (3/30/06) – Granting the CUP and Development Plan Review <u>Reso. 1581</u> (7/8/10) – Renewing and modifying the existing CUP, DPR, Extended Hours Permit and Variance <u>Reso. 1628</u> (1/12/12) – Renewing the CUP and Development Plan Review, and modifying existing Extended Hours Permit <u>Reso. 1649</u> (7/12/12) – Modifying existing CUP and Extended Hours Permit to increase rooftop capacity <u>Reso. 1661</u> (11/19/12) – Renewing the CUP and Extended Hours Permit <u>Reso. 1723</u> (7/24/14) – Renewing the CUP and Extended Hours Permit
Prior Council Action	Reso. 3013 (2/7/61) – Granting variance

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9360 Wilshire Boulevard
Legal Description	Tract # 6380 Lot 1717 and Lot 1718
Zoning District	C-3
General Plan	Commercial — Low Density General
Existing Land Use(s)	Commercial
Lot Area	16,440 SF (.38 acres)
Year Built	1962 (existing hotel)
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	M-PD-2 — Mixed Use Planned Development Overlay
South	R-4 — Multi-family residential
East	C-3 — Commercial
West	C-3 — Commercial



Circulation and Parking

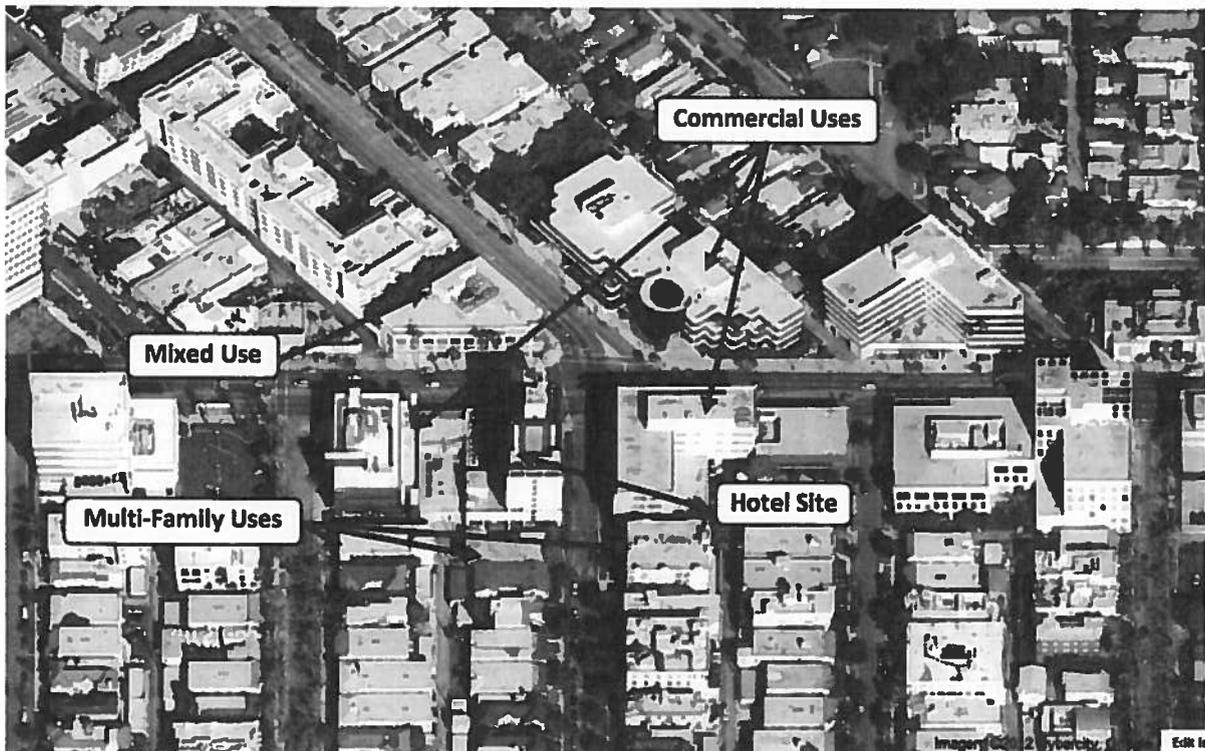
Adjacent Street(s)	Wilshire Boulevard and Crescent Drive
Adjacent Alleys	Alley along the south side of the property
Parkways & Sidewalks	15'-0" northern (Wilshire) parkway, 12'-6" eastern (Crescent) parkway
Parking Restrictions	Wilshire Boulevard — no parking; Crescent Drive — no parking (directly adjacent to site).

Nearest Intersection

Circulation Element	Wilshire Boulevard and Crescent Drive
	Wilshire Boulevard serves as an arterial street, and Crescent Drive serves as a local street.

Neighborhood Character

The subject site is located on the south side of Wilshire Boulevard, immediately outside the Business Triangle, in the City's C-3 commercial zone. The site area consists of 16,440 square feet and is currently developed with an eight-story hotel (three levels are used for vehicle parking) that is approved for up to 119 guestrooms. The site is surrounded by commercial properties along Wilshire Boulevard, a mixed use (residential/commercial use) directly north across Wilshire Boulevard, and multi-family residential properties immediately to the south. The multi-family residential properties typically vary between two and four stories in height, and are generally separated from the commercial uses along Wilshire Boulevard by a 15-20 foot alley.





PROJECT DESCRIPTION

The hotel rooftop includes a pool, bar, cabanas, and dining space that are open to the public. The proposed project consists of a request for a Conditional Use Permit and Extended Hours Permit that would authorize the following:

- Rooftop operations until 2:00 a.m. on Friday and Saturday nights
- Rooftop operations until 1:00 a.m. Sunday night through Thursday night
- Up to 12 rooftop events per year that could operate until 2:00 a.m. on a night other than a Friday or Saturday
- Maximum rooftop occupancy of up to 165 persons (excluding hotel staff)

GENERAL PLAN¹ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some of the policies relevant to the Planning Commission's review of the project include:

- **Policy ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- **Policy LU 9.1 Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- **Policy LU 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 15.1 Economic Vitality and Business Revenue.** Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines², and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines for minor alterations and operational changes of an existing commercial structure.

¹ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>.

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



PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	5/6/2016	6 Days
Newspaper Notice	10 Days	5/2/2016	4/29/2016	13 Days
Mailed Notice (Owners & Residents - 500' Radius + blockface)	10 Days	5/2/2016	5/2/2016	10 Days
Property Posting	10 Days	5/2/2016	5/2/2016	10 Days
Website	N/A	N/A	5/6/2016	6 Days

Public Comment

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

ANALYSIS³

Approval of the Conditional Use Permit and Extended Hours Permit is based on specific findings (set forth in Attachment A) for each entitlement. Draft findings are provided in Attachment B (Draft Resolution) and the following staff analysis may be used to help guide the Commission's deliberations:

Previous Approvals. Multiple entitlements have been granted to the subject property over the years to allow rooftop operations and other changes to the hotel. The most recent approvals were granted on July 24, 2014, which renewed a Conditional Use Permit and Extended Hours Permit for rooftop operations. The current request would grant substantially the same entitlements as previously approved and would not modify the rooftop operations from those that were in effect until entitlements expired on January 24, 2016.

Police Calls for Service. Staff has reviewed the Police Department's calls for service at the subject property between March 12, 2014 and March 12, 2016, to determine whether the rooftop use has resulted in adverse impacts to surrounding properties (Attachment C). During this period, there were a total of 69 calls for service. Of all the calls for service, a total of four calls related to the rooftop operations of the hotel. The calls were logged on Sunday 6/1/2014 (1:03 AM), Thursday 10/16/2014 (9:49 PM), Friday 5/29/2015 (10:18 PM), and Sunday 11/1/2015 (2:04 PM). Based on the information provided by the Police Department, it would appear that on at least two occasions (6/01/2014 and 5/29/2015), the hotel was not in compliance with the requirements of the Extended Hours Permit pertaining to music not being audible beyond the property. Additionally, the two incidents that occurred before 10:00 p.m. (10/16/2014 and 11/1/2015) raise some concern as to whether music was being played above an acceptable noise level at times not considered extended hours. While the number of

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



incidents appear to be limited in frequency (with the calls occurring several months apart from each other), the Commission may wish to discuss whether changes to the conditions or hours of operation are merited. Additionally, Staff is not recommending adoption of a penalty schedule for violations, similar to the schedule recently adopted for the L'Ermitage Hotel, given the low number of possible violations identified. The Commission may wish to consider if inclusion of a formal penalty schedule in the Project's conditions of approval is warranted at this time.

Term of Entitlements and Renewal Process. The previously granted entitlements were valid for a period of 18 months before requiring renewal. While the applicant has not requested a specific review interval for future reviews, staff would recommend that any entitlements granted for rooftop uses be valid for a maximum of 12 months, particularly given previous reports of music coming from the rooftop. The Commission has previously discussed allowing future reviews to be conducted by the Director of Community Development if the hotel is found to be in compliance with all conditions; however, based on the Police Department's calls for service, staff recommends that the Planning Commission serve as the reviewing authority for this permit period.

Rooftop Events. Under the hotel's entitlements that expired on January 24, 2016, the hotel had been allowed up to 12 rooftop events per year, with a maximum of two per month. For these purposes, a rooftop event is considered to be rooftop operations between 1:00 a.m. and 2:00 a.m. on a night other than a Friday or Saturday. Based on the number of calls for service, staff recommends that the Planning Commission approve up to 12 rooftop events per year. The hotel's entitlements would expire and require review after 12 months, at which time staff and the Planning Commission can appropriately analyze the impact (if any) of such events.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving renewal of the Conditional Use Permit and Extended Hours 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 the applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



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



Attachment A
Required Findings

Conditional Use Permit:

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

Extended Hours Permit:

1. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of any of the following:
 - a. The accumulation of garbage, litter, or other waste, both on and off of the subject site;
 - b. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;
 - c. Light and glare;
 - d. Odors and noxious fumes;
 - e. Pedestrian queuing;
 - f. Crime or peril to personal safety and security;
 - g. Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;
 - h. Effects on traffic volumes and congestion on local residential streets; and
 - i. Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.



Planning Commission Report
9360 Wilshire Boulevard (Sixty Hotel)
May 12, 2016

Attachment B
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT AND EXTENDED HOURS PERMIT ASSOCIATED WITH ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD (SIXTY BEVERLY HILLS HOTEL).

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

Section 1. Beverly Pavilion, LLC, (the Property Owner), through its agent Mitchell J. Dawson (collectively, the “Applicant”), has submitted an application for a Conditional Use Permit and Extended Hours Permit to re-establish entitlements associated with hotel rooftop activities. The subject entitlements allow use of the rooftop facilities until 2:00 a.m. on Fridays and Saturdays and until 1:00 a.m. Sunday through Thursday, and allow up to 12 rooftop events per year to operate until 2:00 a.m. on a day other than a Friday or Saturday. The most recent renewal/approval was granted by the Planning Commission on July 24, 2014, which was effective for an 18-month period and expired due to non-renewal on January 24, 2016. (Resolution No. 1723). The Applicant seeks approval of substantially the same entitlements as those approved on July 24, 2014, in order to reconvene rooftop operations (the “Project”).

Section 2. The subject property was developed in the early 1960s. Although ownership has changed several times over the years, the property has always been used as a hotel. On February 7, 1961, the City Council approved development of the property pursuant to issuance of a variance for increased height and floor area, and this development included a restaurant and rooftop pool. On March 6, 2006, the Planning Commission granted a Conditional Use Permit and Development Plan Review permit to allow expanded rooftop uses including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room

(Resolution No. 1418). As a condition of approval, and to prevent detriment to the surrounding residential properties, rooftop occupancy was limited to 92 persons (excluding hotel staff) and rooftop hours were limited to 1:00 a.m..

On July 8, 2010, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit; it also approved modifications to the hotel development and operations granted to allow additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine level of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 2:00 a.m., and an increased rooftop occupancy of 125 persons, excluding hotel staff (Resolution No. 1581).

On January 12, 2012, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review, denied a requested modification to the Conditional Use Permit for increased occupancy within the rooftop area, and modified the Extended Hours Permit to reduce operating hours to until 12:00 a.m. Sunday through Thursday (Resolution No. 1628).

On July 12, 2012, the Planning Commission approved a modification to the existing Conditional Use Permit and Extended Hours Permit to allow increased rooftop occupancy to a maximum of 150 persons and to allow up to 12 rooftop events within the rooftop area per 12-month period (Resolution No. 1649).

On November 19, 2012, the Planning Commission renewed and approved modifications to the existing Conditional Use Permit and Extended Hours Permit to allow increased rooftop occupancy to 165 persons, extended hours to until 1:00 a.m. Sunday through Thursday, and an increase in hotel rooms from 114 to 119 (Resolution No. 1661).

On July 24, 2014, the Planning Commission renewed for an additional 18 months the existing Conditional Use Permit and Extended Hours Permit for rooftop activities without

modification (Resolution No. 1723). The renewed Conditional Use Permit and Extended Hours Permit expired on January 24, 1016.

On April 21, 2016, the Applicant submitted an application for a new Conditional Use Permit and Extended Hours Permit for the Project to re-establish the rooftop operations, the approvals for which expired on January 24, 2016.

Section 3. The subject site is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject site is zoned C-3 (Commercial) and is located immediately outside of the City's Business Triangle. The site area consists of 16,440 square feet, and is developed with an eight-story hotel, of which three levels are used for vehicle parking. The hotel is approved for up to 119 guestrooms. Commercial properties surround the subject property along Wilshire Boulevard to the east and west; multi-family residential properties are located to the north and south of the property. The surrounding multi-family properties to the south range in height between two and four stories, and are separated from the commercial uses on Wilshire Boulevard, and the Sixty Beverly Hills Hotel, by a 15' alley.

Section 4. The Project consists of a request for a Conditional Use Permit and Extended Hours Permit to allow for operation of the hotel's rooftop facilities as follows:

- Rooftop operations until 2:00 a.m. on Friday and Saturday nights
- Rooftop operations until 1:00 a.m. Sunday night through Thursday night
- Up to 12 rooftop events per year that could operate until 2:00 a.m. on a night other than a Friday or Saturday
- Maximum rooftop occupancy of up to 165 persons (excluding hotel staff).

Section 5. The request to continue rooftop operations as described in Section 4 of this Resolution results in the need for specific entitlements as follows:

1. Conditional Use Permit: The subject site is located in the Commercial (C-3) Zone. Beverly Hills Municipal Code Section 10-3-2862 requires a Conditional Use Permit whenever existing uses within a hotel are modified or expanded. The hotel's previous Conditional Use Permit for the rooftop operations was most recently renewed on July 24, 2014 (Resolution No. 1723) and has expired due to non-renewal. Therefore, a new Conditional Use Permit is required to allow rooftop operations at the subject site.

2. Extended Hours Permit: The subject site is located in a Commercial-Residential Transition Area. It is therefore subject to the operational restrictions for these areas identified in Beverly Hills Municipal Code Section 10-3-1958. In order for rooftop facilities to operate before 7:00 a.m. or after 10:00 p.m., an Extended Hours Permit is required.

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"), and the City's environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable for minor alterations and operational changes of an existing commercial structure that would not result in a significant environmental impact.

Section 7. Notice of the Project and public hearing was posted in two newspapers of local circulation, the Beverly Hills Courier and Beverly Hills Weekly, and was mailed on May 2, 2016 to all property owners and residential occupants within a 500-foot radius of the property, plus blockface. Notice of the Project and public hearing was also posted on the property on May 2, 2016.

Section 8. In considering the request for 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.

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

1. Approval of the Conditional Use Permit for rooftop occupancy up to 165 persons, as conditioned, will result in hotel operations that are consistent with existing and previously approved hotel operations. Based on the operating history of the hotel, rooftop operations have periodically generated noise that has resulted in complaints from adjacent properties. However, with the previously imposed conditions of approval, noise disruptions to adjacent properties have been greatly reduced. Further, the conditions of approval require reassessment of the subject property 18 months from the approval date to ensure that substantial adverse impacts have not resulted from the Project. Accordingly, the Project will not result in detriment to adjacent property or the public welfare.

Section 10. In considering the request for an Extended Hours Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of the accumulation of garbage, litter, or other waste, both on and off the subject site;

2. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of noise created by the extended hours operation or by employees or visitors entering or existing the extended hours operation;

3. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of light and glare;

4. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of odors and noxious fumes;

5. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of pedestrian queuing;

6. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of crime or peril to personal safety and security;

7. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;

8. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of effects on traffic volumes and congestion on local residential streets; and

9. The extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

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

1. The request for Extended Hours is related to rooftop uses only. As conditioned, collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of the rooftop areas. Based on hotel operations under previous approvals, the Extended Hours Permit is not anticipated to result in the accumulation of garbage, litter, or other waste. For these reasons, as conditioned, operation of the hotel during extended hours will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of the accumulation of garbage, trash, or other waste, on or off the Project site.

2. Noise complaints related to late-night rooftop operations at the hotel have remained low over the past several years. The hotel has implemented operational and physical changes to the rooftop area and valet services to minimize noise generation. It is likely that the low level of noise-related complaints can be attributed to noise-mitigation improvements implemented by the hotel. Consequently, continued rooftop operations will not result in substantial adverse impacts.

3. Approval of the Extended Hours Permit would not result in added light and glare beyond what exists at the subject property. Until expiration of the previous Extended Hours Permit, rooftop operations occurred on the property during the same hours; the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, allowing rooftop hours of operation until 2:00 a.m. on Friday and Saturday, and until 1:00 a.m. Sunday through Thursday will not create adverse impacts related to light and glare.

4. Approval of the Extended Hours Permit would not result in any added odors or noxious fumes beyond what exists at the subject property. Until expiration of a previous Extended Hours Permit, rooftop operations occurred on the property during the same hours; the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, allowing rooftop hours of operation until 2:00 a.m. on Friday and Saturday, and until 1:00 a.m. Sunday through Thursday will not create adverse impacts related odors and noxious fumes.

5. Approval of the Extended Hours Permit relates only to rooftop uses and rooftop occupancy would be the same as under permits that recently expired. Because the request is related to rooftop activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the Project.

6. Approval of the Extended Hours Permit is related to rooftop uses only and rooftop occupancy would be the same as under previous entitlements that recently expired. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as

parking on the residential streets is regulated by permits. Furthermore, noise complaints for the hotel have generally remained low over the past few years as a result of noise-mitigation improvements implemented by the hotel. Because patrons are typically contained within the subject property and there had been few noise complaints under recent operations, re-establishment of the rooftop will not result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than the restricted residential streets. Further, parking information presented by the hotel indicates that sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the Project will not result in adverse parking impacts and intrusion into residential areas.

8. Approval of the Extended Hours Permit will re-establish previous hotel operations or capacities on the rooftop and does not otherwise expand operations. The time period when the Extended Hours Permit is in effect (late night and early morning) typically has lower traffic volumes (as compared to peak hours). Therefore, approval of the Extended Hours Permit will not adversely impact traffic volumes and congestion on local residential streets.

9. The location of the subject property is along the Wilshire Boulevard commercial corridor. The corridor is primarily comprised of office buildings and retail stores that

generally do not operate beyond 10:00 p.m.. Therefore, the Project will not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 12. Based on the foregoing, the Planning Commission hereby grants approval of the Conditional Use Permit and Extended Hours Permit. The following conditions encompass all relevant conditions of approval for the same rooftop operations that were previously imposed on the subject site in Resolution Nos. 3013, 1418, 1581, 1628, 1649, 1661, and 1723. Those previous approvals have expired. Therefore, those Resolutions are no longer in effect and this Resolution governs the Project. The Project is subject to the following conditions:

1. The Project shall be in substantial conformance with the plans as conditioned and approved by the Planning Commission on November 19, 2012 (Resolution No. 1661).

2. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

3. The total number of hotel guest rooms on the subject property shall not exceed 119.

4. The subject property shall be required to maintain a minimum of 114 on-site parking spaces at all times.

5. Use of all unenclosed rooftop areas shall be prohibited between the hours of 1:00 a.m. and 5:00 a.m., Sunday through Thursday, and between the hours of 2:00 a.m. and 5:00 a.m., Friday and Saturday. This condition shall remain in full force and effect unless and until the Planning Commission modifies this restriction at a future public hearing.

6. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 165 persons unless and until the Planning Commission modifies this restriction at a future hearing.

7. The hotel shall be allowed up to twelve (12) Rooftop Events per 12-month period in the hotel's rooftop area provided that the following criteria are met:

a. The Rooftop Event shall not operate later than 2:00 a.m.; and

b. The frequency of such Rooftop Events shall not exceed two (2) per month.

c. Request for Rooftop Events shall be submitted to the Director of Community Development at least seven (7) days prior to such event.

8. The total height of said building shall not exceed eight (8) stories or 100 feet, whichever is less, measured and defined as specified by the [Beverly Hills Municipal] Code, except for the construction of a penthouse as allowed by said Code. (Carried forward from Resolution No. 3013.)

9. That the total gross floor area of all buildings on Lots 1717 and 1718, excluding basement, mezzanine, penthouse, and off-street automobile parking areas, shall not exceed three and one-half times the buildable area of said Lots 1717 and 1718. (Carried forward from Resolution No. 3013.)

10. That the floor area devoted to dining and bar use shall not exceed 1,500 square feet. (Carried forward from Resolution No. 3013.)

11. That two loading spaces shall be provided and maintained in accordance with the requirements of [the Beverly Hills Municipal] Code. (Carried forward from Resolution No. 3013.)

12. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for required space for any building or use not situated on said Lots 1717 and 1718. (Carried forward from Resolution No. 3013.)

13. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for other than automobile parking purposes and the loading and unloading of passengers and merchandise, and specifically, but without limiting the generality of the foregoing, no portion thereof shall be used for storage, warehousing, workshops, or the sale or storage of gasoline, automobile products, or other merchandise. (Carried forward from Resolution No. 3013.)

14. That no sign shall be constructed, erected or maintained above the top story of any structure constructed on said Lots 1717 and 1718, except on the side of a penthouse. (Carried forward from Resolution No. 3013.)

15. No live entertainment shall be allowed on the rooftop area at any time. (Carried forward from Resolution Nos. 1418, 1581 and 1628.)

16. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area, provided the volume level conforms to the City's noise level standards and is not audible beyond the hotel's property lines. (Carried forward from Resolution No. 1418.)

17. The glass wind screens surrounding the perimeter of the upper and lower rooftop shall be comprised of clear glass. (Carried forward from Resolution No. 1418.)

18. Free parking shall be provided to hotel employees, including any consultants or agents retained by the operator of the subject hotel in connection with the operation of said facility, at all times. (Carried forward from Resolution Nos. 1418, 1581, 1628 and 1661.)

19. Valet parking shall be provided at all times. Restaurant patrons and non-hotel rooftop guests shall be charged reduced parking rates for said valet parking with validation. The parking rates charged for said valet parking shall not exceed the average of rates charged for valet parking within a one-half mile radius of the Project. (Carried forward from Resolution No. 1418.)

20. The access to restaurant spaces located at the Crescent Drive elevation shall be used for emergency egress only and shall not be used to provide entry to the restaurant at any time. (Carried forward from Resolution No. 1418.)

21. Keycard access shall be required for all elevators to restrict access to the rooftop to hotel guests and their invitees and authorized members of the general public only. (Carried forward from Resolution No. 1418.)

22. Use of the rooftop gymnasium facility shall be restricted to the hotel guests and hotel employees. (Carried forward from Resolution No. 1418.)

23. The city expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having

unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issue merits review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a notice public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense. (Carried forward from Resolution No. 1418.)

24. After 12:00 midnight daily, all vehicles shall exit onto Wilshire Boulevard. No access onto Crescent Drive shall be permitted after midnight. (Carried forward from Resolution No. 1418.)

25. At time of any request for renewal of these permits, an attestation that the conditions of approval are being met shall be submitted to the City. (Carried forward from Resolution No. 1418.)

26. Hotel personnel shall be stationed on the ground-floor of the hotel's valet parking area, adjacent to the alley, and shall prevent patrons from entering the alley after 10:00 p.m.. Patrons shall instead be directed to use the Wilshire Boulevard access points. (Carried forward from Resolution Nos. 1581 and 1628.)

27. Hotel personnel shall be stationed at the rooftop elevator lobby to ensure that the maximum occupancy, excluding hotel staff, does not exceed 165 persons at any time. (Carried forward from Resolution No. 1518.)

28. A temporary barrier shall be installed within the hotel's parking area each night to prevent vehicles from entering or exiting the hotel's parking area through the alley after 10:00 p.m.. (Carried forward from Resolution No. 1581.)

29. Outdoor dining areas located on the public right-of-way shall be limited to the north side of the building, which fronts on Wilshire Boulevard. Outdoor dining on the public right-of-way shall not be permitted to take place on the east side of the building, which fronts on South Crescent Drive. (Carried forward from Resolution No. 1581.)

30. The playing of live or prerecorded music within the outdoor dining area located within the public right-of-way along Wilshire Boulevard shall be prohibited. (Carried forward from Resolution Nos. 1581 and 1628.)

31. Outdoor dining along Wilshire Boulevard shall be set back a minimum of five feet (5') from the easternmost property line of the hotel, which fronts on South Crescent Drive. (Carried forward from Resolution No. 1581.)

32. The property owner of 9360 Wilshire Boulevard shall maintain a minimum of 40 off-site parking spaces. The parking spaces shall be secured through a lease agreement, and be located within 500 feet of the hotel. The parking spaces shall be reserved for the exclusive use of the hotel between the hours of 6:00 p.m. and 2:00 a.m., seven days per week. The property owner shall maintain such a lease agreement throughout the life of the Project, and a copy of the agreement shall be furnished to the City annually. (Carried forward from Resolution No. 1581.)

33. All speakers located on the rooftop areas shall be installed at the base of the perimeter wall around the deck areas. Further, no speakers shall be permitted to be installed on the rooftop cabanas. (Carried forward from Resolution No. 1581.)

34. All speakers within the premises shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being plainly audible beyond the property line. Further, the sound levels shall be balanced with an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls. (Carried forward from Resolution No. 1581.)

35. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls. (Carried forward from Resolution No. 1581.)

36. The Applicant shall investigate additional noise attenuation measures and implement such measures where feasible.

37. The Applicant shall mail or otherwise distribute Sixty Beverly Hills Hotel management contact information, City of Beverly Hills contact information, and 24-hour contact information for dedicated security personnel to all property owners and residential occupants within 500 feet of the hotel. (Carried forward from Resolution Nos. 1581 and 1628.)

38. There shall be no dancing allowed on the rooftop area at any time, as dancing constitutes a “nightclub” under the City’s codes, and nightclubs are not permitted to operate outside the Business Triangle. (Carried forward from Resolution Nos. 1581 and 1628.)

39. The Director of Community Development shall review requests for all Rooftop Events at the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare. (Carried forward from Resolution No. 1649.)

40. For all Rooftop Events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise, emanating from the Rooftop Event, in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer. (Carried forward from Resolution No. 1649.)

41. The hotel operator shall pay for all costs related to police calls for service that occur as a result of a Rooftop Event that results in a violation of the Special Events Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer. (Carried forward from Resolution No. 1649.)

42. The hotel shall provide access to Fire Department, Law Enforcement, and/or Community Development Department staff at any time. (Carried forward from Resolution No. 1518.)

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

44. The Director of Community Development, or his or her designee, may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.

45. EXPIRATION AND RENEWAL. The Conditional Use Permit and Extended Hours Permit shall expire twelve (12) months from the date of this approval. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits 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. Upon the filing of an extension request, permits shall remain valid until such a time as a decision is determined by the Planning Commission. Permits shall remain valid until such a time as a decision on a timely filed extension application is made by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said extension requests.

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 his or her designee, at their discretion, may require the Applicant to return the Project 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.

46. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

47. RECORDATION. This Resolution approving the Conditional Use Permit and Extended Hours Permit shall become effective immediately upon adoption of this resolution. The Owner of the Project shall deliver to the Department of Community Development an executed covenant accepting the conditions of approval set forth in this resolution within thirty (30) days of receiving such covenant from the City. The covenant shall be satisfactory in form and content to the City Attorney. The covenant shall include a copy of this resolution as an exhibit. 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 thirty (30) 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 thirty (30) 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.

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

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: May 12, 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



Planning Commission Report
9360 Wilshire Boulevard (Sixty Hotel)
May 12, 2016

Attachment C
Calls for Service

Dispo Code	Dispo Description
=====	=====
ADV	ADVISED
ALMA	ALARM-UNKNOWN CAUSE
ALMB	ALARM-HUMAN ERROR
ALMC	ALARM-SYSTEM FAILURE
ALMZ	ALARM-OTHER
AQA	ALL QUIET ON ARRIVAL
ARR	ARRESTED
AST	ASSISTED
BROADC	BROADCAST TO UNITS
CANCEL	CALL CANCELED
CIT	CITED
CIV	CIVIL MATTER
CKOK	CHECKS OK
CMP	COMPLETED
CRP	CANCELED BY RP
EMR	EMERGENCY
EX	EXCHANGE OF INFORMATION
FALSE	FALSE ALARM
FI	FI'D
FIRE	FIRE
GOA	GONE ON ARRIVAL
IMP	IMPOUND
IRPT	INCIDENT REPORT
NEC	NO EVIDENCE OF CRIME
NPA	NO POLICE ACTION
NRD	NO REPORT DESIRED
PUSH	VEHICLE PUSHED
REF	REFERRED
RES	RESCUE
RPT	REPORT TAKEN
SC	SERVICE CALL
SOW	SENT ON WAY
SPEED	SPEED
TAG	VEHICLE TAGGED
UNF	UNFOUNDED
UTL	UNABLE TO LOCATE
WRN	WARNED

Sixty BH Hotel

INCIDENT SEARCH

Print Date/Time: 3/12/2016 4:14:00 PM

Incident Number	Call Date/Time	Dispositions	Location	Incident Type
2016-00012597	03/09/2016 12:57:24	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PARKING CALL
2016-00007056	02/09/2016 11:01:45	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PARKING CALL
2016-00003808	01/22/2016 00:30:52	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2016-00002972	01/17/2016 22:33:56	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	911 CALL
2016-00000213	01/02/2016 15:04:53	UTL - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	314 PC- INDECENT EXPOSE
2016-00000052	01/01/2016 09:49:28	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2015-00067394	12/29/2015 11:58:17	UTL - 1, ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	CODE 5
2015-00067080	12/27/2015 10:45:26	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	SUSPICIOUS CIRCUMSTANCES
2015-00066699	12/24/2015 11:17:15	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	MISC FRAUD CRIME
2015-00064400	12/11/2015 12:12:16	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2015-00063334	12/05/2015 22:05:49	SOW - 1, ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00061579	11/24/2015 19:10:40	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00058948	11/10/2015 07:19:33	GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PARKING CALL
2015-00057357	11/01/2015 14:04:38	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00049296	09/20/2015 22:17:40	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00048713	09/17/2015 15:41:09	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	COUNTER REPORT
2015-00046950	09/08/2015 08:29:59	GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PARKING CALL
2015-00052488	08/29/2015 18:00:00		9360 WILSHIRE BLVD, BEVERLY HILLS	261 PC- RAPE
2015-00037066	07/22/2015 20:26:24	NEC - 1, AST - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PROPERTY (LOST OR FOUND)
2015-00034370	07/07/2015 18:01:57	CIV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00033731	07/03/2015 23:18:53	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2015-00029134	06/08/2015 20:57:23	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00028821	06/07/2015 05:11:30	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00027274	05/29/2015 22:18:45	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	DISTURBING THE PEACE
2015-00024024	05/12/2015 13:33:16	UTL - 1, GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00012306	03/09/2015 17:57:06	AST - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00011069	03/03/2015 01:51:42	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00010497	02/27/2015 10:31:45	SOW - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00008822	02/18/2015 15:45:01	RES - 1, NPA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FALL ON CITY PROPERTY
2015-00008581	02/17/2015 16:13:06	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	537 PC- DEFRAUD INNKEEPER
2015-00007749	02/12/2015 16:11:50	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	537 PC- DEFRAUD INNKEEPER
2015-00005435	02/01/2015 01:58:15	SOW - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2015-00005429	02/01/2015 00:14:41	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2015-00002963	01/19/2015 00:40:00	ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00055724	12/31/2014 10:01:10	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	COUNTER REPORT
2014-00052656	12/11/2014 17:08:54	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	911 CALL
2014-00052142	12/09/2014 06:38:25	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	911 CALL
2014-00050835	12/01/2014 09:19:53	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	PARKING CALL
2014-00050783	11/30/2014 20:39:41	RES - 1, RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2014-00050514	11/28/2014 12:07:12	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	537 PC- DEFRAUD INNKEEPER
2014-00050243	11/26/2014 02:37:20	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2014-00047741	11/11/2014 20:04:11	ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2014-00047715	11/11/2014 16:46:11	UTL - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00047636	11/11/2014 08:17:01	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2014-00047455	11/10/2014 10:07:28	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	SUSPICIOUS CIRCUMSTANCES
2014-00046529	11/04/2014 18:33:19	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	SUSPICIOUS CIRCUMSTANCES
2014-00046170	11/02/2014 12:39:06	SOW - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2014-00046117	11/01/2014 20:18:46	ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00044819	10/25/2014 18:06:13	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2014-00043320	10/16/2014 21:49:49	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	DISTURBING THE PEACE
2014-00041785	10/08/2014 08:08:45	UTL - 1, GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	SUSPICIOUS PERSON
2014-00039745	09/25/2014 08:12:28	AST - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	ASSIST THE CITIZEN
2014-00039017	09/20/2014 13:53:02	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2014-00038808	09/19/2014 05:24:59	CIV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	484 PC- PETTY THEFT
2014-00036927	09/07/2014 14:10:45	CKOK - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	OTHER
2014-00036501	09/04/2014 16:22:13	CIV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2014-00027190	07/05/2014 08:09:52	GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2014-00026988	07/03/2014 11:08:22	NPA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	470 PC- FORGERY
2014-00025955	06/27/2014 12:41:57	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	487 PC- GRAND THEFT

2014-00025787	06/26/2014 15:51:11	ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	242 PC- BATTERY
2014-00023059	06/08/2014 02:19:50	CIV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE
2014-00022308	06/03/2014 13:42:31	CMP - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2014-00021969	06/01/2014 01:03:23	ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	DISTURBING THE PEACE
2014-00021867	05/30/2014 23:59:01	GOA - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	602(L) PC- TRESPASSING
2014-00016579	04/26/2014 20:43:29	WRN - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	TRAFFIC STOP
2014-00014755	04/15/2014 09:51:04	RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	FOLLOW-UP
2014-00011696	03/24/2014 22:02:13	NPA - 1, RPT - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2014-00011049	03/20/2014 11:28:33	REF - 1, ADV - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2014-00009636	03/11/2014 01:46:29	ARR - 1	9360 WILSHIRE BLVD, BEVERLY HILLS	KEEP THE PEACE

Total Rows: 69



Incident Report

Print Date/Time: 05/01/2016 01:21

BEVERLY HILLS POLICE DEPARTMENT

Login ID: egarner

ORI Number: CA0191000

Incident: 2014-00021969

Incident Date/Time: 6/1/2014 1:03:23 AM
 Location: 9360 WILSHIRE BLVD
 BEVERLY HILLS CA 90212
 Phone Number:
 Report Required: No
 Prior Hazards: No
 LE Case Number:

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

Unit/Personnel

Unit	Personnel
4A51	04267-CUDWORTH 03840-DUNCAN

Person(s)

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

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
ADV	1

Property

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

RELEASED A. SAHAKIAN BH PLING ed

CAD Narrative

06/01/2014 01:04:17 Maitland, Erica Narrative: Nature Of Call: ROOF

06/01/2014 01:07:01 Duncan, Alexander Narrative: Dispatch received by unit 4A51

RELEASED A. SAHAKIAN BH PLING eg



Incident Report

Print Date/Time: 05/01/2016 01:30
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2015-00057357

Incident Date/Time: 11/1/2015 2:04:38 PM
Location: 9360 WILSHIRE BLVD
BEVERLY HILLS CA 90212
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

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

Unit/Personnel

Unit	Personnel
2L71	02936-HYON
K1	02840-RUDY

Person(s)

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

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State

Disposition(s)

Disposition	Count
ADV	1

Property

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

RELEASED A. SAHAKIAN BH PLING eg

CAD Narrative

11/01/2015 14:06:39 vward Narrative: 5-10 PEOPLE CAME FOR A FREE EVENT POSTED ONLINE FOR POOL AREA. REFUSING TO LEAVE ROOFTOP POOL POSTED AS FREE POOL PARTY DIGITAL LA POOL PARTY

11/01/2015 14:07:28 ehyon Narrative: Dispatch received by unit 2L71

11/01/2015 14:08:05 drudy Narrative: Dispatch received by unit K1

11/01/2015 14:21:08 narriaga Narrative: SUBJ MOVED TO ANOTHER AREA OK PER MANAGER

RELEASED A. SAHAKIAN BH PLING eg



Incident Report

Print Date/Time: 05/01/2016 01:28
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2015-00027274

Incident Date/Time: 5/29/2015 10:18:45 PM
Location: 9360 WILSHIRE BLVD
BEVERLY HILLS CA 90212
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

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

Unit/Personnel

Unit	Personnel
4A10	04292-FAIR 04141-FRIAS
4L91	04405-DIBBLE
4L92	04119-DIAMOND

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
	CALLER/RP	REFUSED, LOCAL NEIGHBOR	<UNKNOWN>				

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
ADV	1

Property

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

SAHAKIAN BH PLMS eg
RELEASED A.

CAD Narrative

05/29/2015 22:19:13 kgarner Narrative: Nature Of Call: ON THE ROOF
05/29/2015 22:28:31 sdibble Narrative: Dispatch received by unit 4L91
05/29/2015 22:28:36 ldiamond Narrative: Dispatch received by unit 4L92
05/29/2015 22:29:02 sfrias Narrative: Dispatch received by unit 4A10

RELEASED A. SAHAKIAN BH PLNG eg



Incident Report

Print Date/Time: 05/01/2016 01:23
Login ID: egarner

BEVERLY HILLS POLICE DEPARTMENT
ORI Number: CA0191000

Incident: 2014-00043320

Incident Date/Time: 10/16/2014 9:49:49 PM
Location: 9360 WILSHIRE BLVD
BEVERLY HILLS CA 90212
Phone Number:
Report Required: No
Prior Hazards: No
LE Case Number:

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

Unit/Personnel

Unit	Personnel
4L91	04169-DIAMOND
K4	03461-ORTH

Person(s)

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

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
ADV	1

Property

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

RELEASED A. SAKAKIAN BH PLING eg

CAD Narrative

10/16/2014 21:49:59 emaitland Narrative: Nature Of Call: ROOF TOP

10/16/2014 22:53:12 korth Narrative: Dispatch received by unit K4

10/16/2014 22:53:13 tdiamond Narrative: Dispatch received by unit 4L91

RELEASED A. SAHAKIAN BH PLNG eg



Planning Commission Report
9360 Wilshire Boulevard (Sixty Hotel)
May 12, 2016

Attachment D
Public Notice



NOTICE OF PUBLIC HEARING

DATE: May 12, 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, May 12, 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 for a Conditional use Permit and Extended Hours Permit for the property located at **9360 Wilshire Boulevard (Sixty Hotel)**. The Applicant was previously granted a Conditional Use Permit and Extended Hours Permit to allow the following rooftop operations at the hotel:

- Use of the rooftop area until 1:00 AM Sunday through Thursday
- Use of the rooftop area until 2:00 AM Friday and Saturday
- Allowance for up to 12 rooftop events per year in which the rooftop can be occupied until 2:00 AM on a day other than a Friday or Saturday
- Maximum rooftop occupancy of 165 persons (excluding hotel staff)

The entitlements have since expired, and the Applicant is requesting a new Conditional Use Permit and Extended Hours Permit to allow the same rooftop operations as previously granted.

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. Upon review, the project appears to qualify for exemption from CEQA. Accordingly, the Planning Commission will consider a recommendation to find the project exempt from the environmental review requirements of CEQA as a Class 1 Categorical Exemption (minor alterations to an existing facility) or Class 32 Categorical Exemption (in-fill development) pursuant to Sections 15301 and 15332 of Title 14 of the California Code of Regulations.

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 application and associated project 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:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Andre Sahakian, Associate Planner

Mailed: May 2, 2016



Planning Commission Report
9360 Wilshire Boulevard (Sixty Hotel)
May 12, 2016

Attachment E

Relevant Planning Commission Resolutions (No. 1418, 1581, 1628, 1649, 1661, 1723)

RESOLUTION NO. 1418

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY ISSUING A CONDITIONAL USE PERMIT FOR ROOFTOP USES AND A DEVELOPMENT PLAN REVIEW PERMIT FOR OPEN AIR DINING FOR AN EXISTING HOTEL AT PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD (BEVERLY PAVILION HOTEL)

THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS

HEREBY FINDS AND RESOLVES AS FOLLOWS:

Section 1. Pomeranc Group, LLC, owner ("Applicant"), has applied for the following discretionary approvals for an existing eight-story hotel located at 9360 Wilshire Boulevard (Beverly Pavilion Hotel) (the "Project"):

(1) A Conditional Use Permit ("CUP") to allow construction of a new 1,817 square foot rooftop gymnasium and associated restroom facilities, a 2,000 square foot extension of the existing rooftop pool deck area, and the addition of two trellis structures that intersect a forty-five degree height envelope for rooftop uses.

(2) A Development Plan Review ("DPR") to allow eight tables and 32 chairs to be located on private property at the northeast corner of the ground floor level of the hotel, which is currently enclosed. The exterior walls of the dining portion of the hotel, facing Wilshire Boulevard will be removed and set back 12 feet, in order to allow for open air dining with a covered roof.

Beverly Hills Municipal Code ("BHMC") Section 10-3-3109 permits rooftop gymnasiums to exceed the height, story and density limitations established by the BHMC

provided the proposed gymnasium meets certain criteria and is authorized by the Planning Commission through a DPR. In addition, BHMC Section 10-3-3801 expressly provides that the height and area requirements set forth in other provisions of the BHMC shall not apply to conditional uses for which a CUP is granted. The proposed rooftop gymnasium meets all of the criteria imposed by the BHMC except that it will exceed the 45-degree height envelope, measured from the roof's edge. However, the Planning Commission may approve the additional height through the DPR and CUP provided the Commission makes certain findings.

Beverly Hills Municipal Code Section 10-3-3100 permits open air dining for more than two tables or seating for more than eight persons on a site located within 170 feet of a residential zone provided the proposed open air dining area meets certain criteria and is authorized by the Planning Commission pursuant to a DPR. Although the open air dining portion of the hotel is surrounded by the commercial zone to the west, east, and north, and oriented to the commercial zone facing Wilshire Boulevard, the R-4 zone is directly to the south of the hotel site, and therefore, a DPR is required.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 3. The Planning Commission conducted duly noticed public hearings on the Project on January 25, 2006, and February 23, 2006, at which times oral and documentary evidence was received concerning the application.

Section 4. A 1961 variance authorized the current 79-foot high, eight-story hotel. The hotel is comprised of a ground floor lobby, a mezzanine level with a portion of the garage parking at the second level, garage parking on the third level and hotel rooms on levels four through eight. The roof currently has an accessible terrace, mechanical equipment room, elevator and stair shaft, as well as a pool and deck which is raised eight feet (8') above the roof terrace level. The 1961 variance imposed various conditions on the hotel which run with the land, including the following height and density limitations: (1) The maximum height of the building shall not exceed 100 feet; and (2) the floor area for all development on the site – excluding basement, mezzanine, penthouse, and parking areas of the building – shall not exceed a maximum FAR of 3.5 to 1 (for a total of 57,000 square feet of useable floor area). The hotel is currently in compliance with these conditions. The building height, including the raised pool and deck, is under the 100-foot height limit, and the aggregate floor area of the building is at the 57,000 square-foot limit. It should be noted that the proposed rooftop addition will cause the hotel to exceed the 57,000 square-foot density cap imposed by the 1961 variance. However, the Planning Commission may approve the additional density through the DPR and CUP provided the Commission makes certain findings.

The Project proposes the construction of a 1,817 square-foot addition to the lower roof level, comprised of a gym, men's and women's restroom facilities, and a service/prep room.

These facilities will essentially wrap around the existing pool structure (upper roof level), on the east, south and west sides. The building addition will be set back four feet (4') from the edge of the roof at the east and west sides of the building and seven and one-half feet (7.5') from the edge of the roof at the south side of the building. The service/prep room will be located on the east side of the lower rooftop level and will support the new bar grill that will be located at the north portion of the lower roof level. Two new stairways will flank the existing elevator shaft and provide access to the upper level pool area.

The unenclosed trellised roof shade structures will be located on each side of the water cooler enclosure. New gas fireplaces will be built into the side walls. An eight-foot tall continuous glass windscreen wall will enclose the entire perimeter of the north portion of the lower roof level. With the expansion of the lower level gym, service/prep room, and restroom facilities, the pool deck on the upper level will also expand in size, as it will be the "roof" for these facilities. The upper roof level will include chaise lounge seating, tables and chairs, and private cabana spaces (covered by canvas material) along the south side of the deck. As with the lower level, an eight-foot tall continuous glass windscreen wall will enclose the entire perimeter of the upper level. A continuous landscape planter will run the length of the windscreen walls and will cover the lower half of the glass walls. With these proposed improvements, the unenclosed area of the lower roof level will increase from the currently existing 1,810 square feet to a proposed 2,500 square feet. The usable area of the upper roof level, surrounding the pool, will increase from an existing 1,000 square feet, to a proposed 3,000 square feet. This represents an aggregate net increase of 2,690 square feet of unenclosed roof area. In accordance with

BHMC Section 10-3-2864, the proposed new improvements to the rooftop expand the maximum allowable capacity on rooftop to 92 persons, excluding hotel employees.

In accordance with the requirements of BHMC Section 10-3-2862, a CUP is required for the proposed improvements to permit the rooftop improvements to expand the building envelope of an existing hotel, to create a new outdoor dining area for the existing restaurant, and to permit the rooftop trellises to intersect the 45 degree height envelope from the building roof edge.

The DPR application includes remodeling the existing ground floor dining area, to include eight tables and 32 chairs to be located in a 420 square foot, partially enclosed area (ceiling only) at the northeast portion of the hotel ground floor. The existing shutter doors of the restaurant space, facing Wilshire Boulevard and Crescent Drive at the northeast corner, will be removed and set back 12 feet, to provide the open air dining area. The open air dining will also extend to the west along the Wilshire frontage of the hotel. The open air dining area will be located entirely on private property, and no portion will encroach into the public right-of-way. Planter walls will fully enclose the dining area and separate it from the public sidewalk. The remaining interior dining area will be retained in the same location as currently exists in the ground floor space of the hotel. The total capacity of dining, both open air and interior areas will be 102 persons in a total area of 1,495 square feet. The new floor area devoted to dining and bar area will comply with the 1,500 square-foot limit imposed by the 1961 Variance.

Section 5. In accordance with Beverly Hills Municipal Code Section 10-3-3800, the Planning Commission may authorize the proposed rooftop addition to the existing

hotel, provided the Commission finds that the proposed location of the rooftop addition will not be detrimental to adjacent property or the public welfare. The Planning Commission may impose such conditions as are deemed necessary to preserve the integrity and character of the district, the utility and value of adjacent property, and the general welfare of the neighborhood.

Section 6. As conditioned, proposed Project will aesthetically enhance the existing rooftop of the hotel. The proposed uses on the rooftop constitute amenities commonly provided by a first-class hotel, make the hotel more attractive to hotel guests and visitors to the City, and contribute to the City's tax base. The rooftop additions and the proposed uses will not impair any views or create any shade and shadow impacts to neighboring structures. Further, the proposed improvements will not add height to the building – the existing elevator/stair shaft will remain the highest element of the building. All activity on the rooftop will comply with the City's noise ordinance. As part of the overall remodel of the hotel by the new operator, Thompson Hotel, exterior improvements will include additional façade upgrades beyond the rooftop elements, and all upgrades will be reviewed by the Architectural Commission.

As required by Beverly Hills Municipal Code Section 10-3-3109, use of the rooftop gymnasium will be restricted solely to registered hotel guests and hotel employees, and no admittance or use fees shall be charged for the use of the rooftop gymnasium. Therefore, the expansion of this function room and amenities, ancillary to the hotel operation will not create any additional traffic or parking impacts to the adjacent commercial or residential streets. The 1961 Variance for this site does not include any conditions which prohibit service of food and beverage at the terrace and pool deck area to hotel guests. There will be no food service

provided in the new gymnasium, pursuant to Section 10-3-3109(4). However, food and beverage service at the terrace and pool deck would be part of the hotel's normal service operation as is provided for room service, provided there is no designated area. As conditioned by this resolution, the CUP will expire one year after the issuance of the certificate of occupancy for the Project improvements, with a renewal hearing to determine that the use of the rooftop is operating in a manner substantially the same as described and approved by the Planning Commission, and is not creating an adverse impact on the surrounding area.

Section 7. Pursuant to Beverly Hills Municipal Code Section 10-3-3503, a DPR is required to permit the newly constructed outdoor dining area and for the proposed rooftop gymnasium. In considering the application for the DPR, the Planning Commission considered the following issues:

- (a) Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;
- (b) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area;
- (c) Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards;
- (d) Whether the proposed plan will be detrimental to the public health, safety or general welfare; and

(e) Whether the nature, configuration, location, density, height and manner of operation of the commercial development proposed by the plans will significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

(f) Whether the proposed plan will create any significantly adverse parking impacts as a result of employee or patron parking demand.

(g) Whether the proposed plan will significantly and adversely affect neighboring properties due to:

- (1) The accumulation of garbage, trash or other waste;
- (2) Noise created by operation of the dining area or by employees or visitors entering or exiting the site;
- (3) Light and glare;
- (4) Odors or noxious fumes.

Section 8. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds with respect to the DPR:

8.1 The proposed improvements are consistent with the General Plan and any specific plans adopted for the area. The proposed open air dining is located in a commercial zone and is permitted in conjunction with a restaurant with the issuance of a DPR. The proposed open air dining area will contribute to the pedestrian atmosphere along Wilshire Boulevard, will create lively activity at the street level, and, as proposed, is a use consistent with the General Plan adopted for the area. The proposed rooftop gymnasium is permitted in the C-3 Zone provided its use is restricted to registered hotel guests and hotel employees. The proposed rooftop

gymnasium allows the hotel to provide an amenity expected of a first-class hotel and is a use consistent with the General Plan adopted for the area.

8.2 The proposed improvements will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The new restaurant dining and bar area will remain the same size (1,500 square feet maximum) that has existed at the site for the past 43 years. The only physical change to the hotel will be to the front portion of the dining area façade, oriented towards Wilshire Boulevard, which will be replaced with shutter doors and set back 12 feet to create the open air dining area. The remaining interior dining area will be reconfigured in order to comply with the 1,500 square foot limit. The open air dining use will be similar to many open air dining uses along the Wilshire Boulevard streetscape. Therefore, the proposed open air dining will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The rooftop gymnasium will be designed to prevent impacts to adjacent development and use will be limited to registered hotel guests and hotel employees only. Therefore, proposed rooftop gymnasium will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

8.3 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. The proposed open air dining area will face the commercial zone, towards Wilshire Boulevard and be located at the northeast corner of Crescent Drive. The nearest residential parcel to the south is located over 125 feet away from the proposed open air dining.

The hotel building itself will act as a separation of the open air dining activity or buffer of any potential noise generated by the open air dining. Access to restaurant space from the Crescent Drive elevation shall be used for emergency exit only. In addition, both the BHMC and this resolution impose adequate controls on the rooftop gymnasium to ensure that its use will not interfere with the use and enjoyment of adjacent residential properties. Therefore, 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.

8.4 The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards. Access to the dining area will be from the interior of the hotel, and there will be no entrance or exit directly from the Wilshire Boulevard façade. The open air dining area will be fully enclosed from the sidewalk area by planter walls. Patrons of the restaurant will use the same hotel driveway that is used by hotel guests, which will remove any queuing of cars off Wilshire Boulevard and onto the hotel driveway. The hotel driveway is 25 feet wide, and runs the entire 150-foot length of the hotel site, which will provide queuing space for cars. There will be one exit door of the restaurant facing Crescent Drive, but this door will be used for emergency egress only. The location of the proposed rooftop gymnasium ensures that no pedestrian-vehicle conflicts or pedestrian safety hazards will arise. Moreover, use of the proposed rooftop gymnasium is restricted to registered hotel guests and hotel employees only, thereby ensuring that no additional traffic impacts are created. Therefore, the Project will not create any significantly adverse traffic impacts, traffic safety impacts, pedestrian-vehicle conflicts, or pedestrian safety hazards.

8.5 The proposed plan will not be detrimental to the public health, safety or general welfare. For the reasons set forth in this Section 8, the proposed plan will not be detrimental to the health, safety or general welfare.

8.6 The proposed plan will not create any significantly adverse parking impacts as a result of employee or patron parking demand. The hotel has a full valet parking operation of 120 spaces, and can accommodate up to 140 spaces with tandem/stacked parking. In addition, use of the proposed rooftop gymnasium is restricted to registered hotel guests and hotel employees only. Although a car elevator is necessary to access all 120 parking spaces, the Applicant will be required to implement a parking management plan that will provide for sufficient staffing to ensure that operation of the parking area will not adversely impact parking on the site or in the vicinity of the Project. With the inclusion of conditions that the Applicant shall submit evidence satisfactory to the Director attesting to the availability of sufficient parking, including off-site parking, to meet the parking needs for the hotel and restaurant, and free parking to hotel employees and reduced-rate parking for restaurant patrons, the proposed plan will not create any significantly adverse parking impacts as a result of employee or patron parking demand.

8.7 The proposed plan will not create any significantly adverse impacts on neighboring properties as a result of:

(1) Accumulation of garbage, trash or other waste. As stated above, the proposed open air dining and the rooftop gymnasium will be contained and enclosed within the hotel premises, and restaurant management will properly dispose of garbage.

(2) Noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant. The proposed open air dining area will face Wilshire Boulevard and will be oriented towards the commercial zone. The nearest residential parcel to the south will be over 125 feet from the open air dining area. Employees and visitors will enter from the main entry off Wilshire Boulevard, and the exit door facing Crescent Drive will be used only for emergency egress only. Further, the restaurant is subject to the provisions of the transitional use ordinance. The Applicant has provided an acoustical analysis that concludes the expected sound levels will be below the measured ambient levels, and the sound levels on the rooftop will be inaudible at the alley directly south of the hotel and at six multi-family residences in close proximity to the hotel. In addition, the hours of operation of the rooftop are restricted by this resolution, and use of the rooftop gymnasium is limited to registered hotel guests and hotel employees only. Therefore, the location of the proposed Project will not create any significantly adverse impacts on neighboring properties as a result of noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant.

(3) Light and glare. There will be no light or glare impacts resulting from the proposed open air dining or the proposed rooftop gymnasium. All lighting installed will be required to comply with the BHMC provisions requiring shielding and appropriate placement to direct light and glare away from adjacent uses.

(4) Odors or noxious fumes. The existing restaurant space within the hotel site has an adequate ventilation system that directs odors resulting from the kitchen facilities away from the residential zone to the south. No odors should be associated with the operation of the rooftop gymnasium.

Section 9. Based upon the evidence presented, the Planning Commission hereby conditionally approves the CUP and the DPR, subject to the following mitigation measures and conditions:

1. Except as otherwise provided by these conditions, the Project shall be constructed and operated in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of February 23, 2006.
2. The aggregate total number of persons on the rooftop, including both the upper and lower levels, at any given time shall not exceed 92 persons (excluding staff). The hotel management shall install and maintain at all times signage on the rooftop area satisfactory in form and quantity to the Director of Community Development displaying the 92 maximum occupancy limit.
3. No live entertainment shall be allowed on the rooftop area at any time.
4. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area, provided the volume level conforms to the City's noise level standard and is not audible beyond the hotel's property lines.
5. The glass wind screens surrounding the perimeter of the upper and lower rooftop shall be comprised of clear glass.
6. Free parking shall be provided to hotel employees, including any consultants or agents retained by the operator of the subject hotel in connection with the operation of said facility, at all times.
7. Valet parking shall be provided at all times. Restaurant patrons and non-hotel rooftop guests shall be charged reduced parking rates for said valet parking with validation. The

parking rates charged for said valet parking shall not exceed the average of rates charged for valet parking within a one-half mile radius of the Project.

8. In accordance with the provisions of BHMC Section 10-3-2861, no direct entry into the restaurant shall be allowed from either Wilshire Boulevard or Crescent Drive.
9. The restaurant may replace the existing nonconforming restaurant signage at the site with signs of similar size and quantity. No additional external signage or displays for the restaurant that are visible from any public street shall be permitted.
10. The access to restaurant space located at the Crescent Drive elevation shall be used for emergency egress only and shall not be used to provide entry to the restaurant at any time.
11. The CUP for rooftop uses (gymnasium, restrooms, service/prep room, and trellis structures) and DPR for the open air dining and rooftop gymnasium shall expire after one year from date of the issuance of a certificate of occupancy for the Project. Upon application by the Applicant at least 60 days prior to the expiration of the CUP and DPR (collectively, the "Permits") the City may extend the Permits for additional one-year terms if the reviewing authority determines that the open air dining and the rooftop uses are operating in a manner substantially the same as described to the Planning Commission and approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating an adverse impact on the surrounding area. The initial annual renewal hearing shall be conducted by the Planning Commission. The Planning Commission may, in its sole discretion, delegate the annual renewal hearing for subsequent years to the Director of Community Development (the "Director"), and the Director shall conduct all subsequent annual review hearings thereafter.

For any review conducted by the Director, the Director may extend the Permit if the Director determines that the open air dining and rooftop uses are operating in a manner substantially the same as described to the Planning Commission and approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating an adverse impact on the surrounding area. Any decision by the Director pursuant to this paragraph may be appealed to the Planning Commission by filing a notice of appeal with the Director within ten days after the Director has issued the decision. Notice of the Director's decision shall be mailed to any person who submits to the Director a written request for such notice. If the matter is appealed to the Planning Commission, the Planning Commission shall hold a noticed public hearing on the matter in accordance with the hearing procedures set forth in Article 38 of Chapter 3, Title 10 of the Beverly Hills Municipal Code.

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

Any application for an extension of the Permits shall be subject to the application fees established by resolution of the City Council. In considering any application for an

extension of the Permits, the Planning Commission or the Director may impose additional conditions of approval on the Project to ensure that the Project does not adversely impact adjacent uses or create significant environmental impacts on the community within the meaning of the California Environmental Quality Act.

12. Keycard access shall be required for all elevators to restrict access to the rooftop to hotel guests and their invitees and authorized members of the general public only.
13. No member of the general public shall be permitted to reserve any portion of the rooftop for meal service at any time unless and until the Applicant or its successor in interest applies for and is granted an amendment to the 1961 Variance removing the 1,500 square-foot limit imposed on floor area devoted to dining and bar area.
14. No use of the rooftop pool area and/or gymnasium shall be permitted between the hours of 1:00 a.m. and 5:30 a.m. daily. The hotel operator shall implement provisions satisfactory to the Director of Community Development to ensure that the rooftop area is emptied by or before 1:00 a.m. daily.
15. Use of the rooftop gymnasium facilities shall be restricted to the hotel guests and hotel employees.
16. Subject to the review and approval of the Architectural Commission, the Applicant shall provide landscaping around the perimeter of outdoor dining areas to create a physical buffer between the open air dining area and the public right-of-way.
17. Subject to the review and approval of the Architectural Commission, the Applicant shall provide landscaping around the perimeter of the rooftop (both upper and lower levels).

18. This Resolution shall not become effective unless and until the Applicant prepares and implements and the Director of Community Development with consultation by the Director of Public Works and Transportation approves a parking management plan. Said parking management plan shall provide, at a minimum, for all of the following:
- (a) proof satisfactory to the Director of Community Development of the availability of off-site parking supply to accommodate overflow parking needs;
 - (b) a description of the valet operations, including, but not limited to, staging, traffic flow, staffing, vehicle storage, queuing on Wilshire Boulevard, special event parking, how overflow demand is covered, and elevator operation;
 - (c) a description of how patrons and hotel guests will be notified of valet and off-site parking and any proposed signage;
 - (d) a loading and delivery management plan; and
 - (e) an employee parking program.
19. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any

unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

20. After 12:00 midnight daily, all vehicles shall exit the site onto Wilshire Boulevard. No access onto Crescent Drive shall be permitted after midnight.
21. An annual attestation that the conditions of approval are being met shall be submitted to the City.
22. In order to ensure that the Applicant pays an equitable share of the cost of mitigating future transportation improvements and programs made necessary by the Project, the Applicant shall pay a transportation facilities and programs development fee in accordance with Title 3, Chapter 1, Article 9 of the Beverly Hills Municipal Code as amended. If the amount of such fee has not been established at the time that the fee would be due and payable, the Applicant shall pay such fee within thirty days after the amount of the fee has been established by resolution of the City Council. If the amount of the fee has not been established before occupancy of the Project, then the Applicant's obligation to pay such fee shall expire.
23. A cash deposit of \$10,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work

notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

24. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving a CUP and DPR (together, the "Permits") 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 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

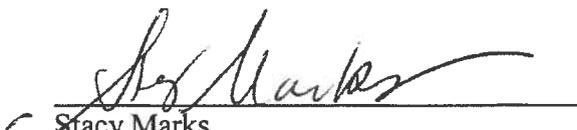
the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Permits shall be **null and void** and of **no further effect**.

Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Permits.

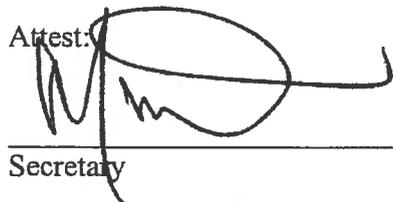
25. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution and the Applicant shall comply with all such modified or additional conditions.

Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: March 30, 2006

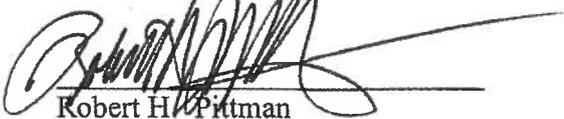

Stacy Marks
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:


Secretary

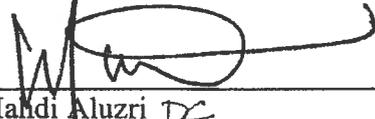
[Signatures continue]

Approved as to form:

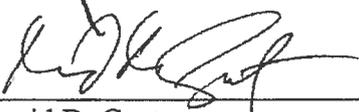


Robert H. Pittman
Assistant City Attorney

Approved as to content:



Mahdi Aluzri
Director of Community Development



David D. Gustavson
Director of Public Works

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

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1418 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on March 30, 2006, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Furie, Reims, Krasne, Melamed, and Marks.
NOES: None.
ABSTAIN: None.



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

RESOLUTION NO. 1581

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING RENEWAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW PERMIT, AND CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT, DEVELOPMENT PLAN REVIEW PERMIT, EXTENDED HOURS PERMIT, AND VARIANCE TO ALLOW MODIFICATIONS TO HOTEL DINING AND ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD.

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

Section 1. Thompson Hotels, (the Property Owner), through its agent Mitch Dawson, has submitted an application to renew existing entitlements associated with hotel dining and rooftop activities (Conditional Use Permit and Development Plan Review Permit), and a request to expand upon and modify the hotel dining and rooftop operations. The proposal includes added outdoor dining along Wilshire Boulevard (36 additional seats), added indoor dining at the first floor and mezzanine levels of the hotel (26 additional seats), increased rooftop occupancy from 92 persons to 185 persons, expanded rooftop hours from 1:00 AM to 2:00 AM, and a new stove within an existing rooftop food preparation room. These proposed changes result in the need for a Zone Text Amendment, a Conditional Use Permit, an Extended Hours Permit, and modification of a previously issued Variance for the property located at 9360 Wilshire Boulevard (the "Project").

Approval of the Project, specifically increased restaurant seating capacity, requires amendment of the City's Zoning Code to allow for increased restaurant seating capacity beyond

what is currently allowed under the Zoning Code. Current Zoning Code provisions allow for one restaurant seat per each hotel guestroom, which allows for a maximum of 114 restaurant seats within the subject hotel. The Project includes 156 restaurant seats, which does not comply with the Zoning Code. Concurrently with review of the Project, the Planning Commission considered an Applicant-initiated amendment to Section 10-3-2868 of the Municipal Code to allow one and one-half (1.5) restaurant seats per each hotel guestroom, rather than the current restriction of one restaurant seat per each guestroom (the "Amendment"). This Amendment would allow the proposed 156 restaurant seats. Pursuant to Planning Commission Resolution No. 1580, the Planning Commission has recommended that the City Council adopt the proposed Zone Text Amendment.

Section 2. The subject property was developed in the early 1960s, and although ownership has changed several times over the years, the property has always been used as a hotel. Development of the property was approved by the City Council pursuant to the issuance of a variance for increased height and floor area, and this development included a restaurant and rooftop pool. A condition of the original variance limits the maximum floor area of restaurant and bar area to 1,500 square feet; however, this restriction is eliminated by this Resolution. In 2006 a Conditional Use Permit and Development Plan Review permit was granted by the Planning Commission (Resolution No. 1418) to allow expanded rooftop uses including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. As a condition of approval, and to prevent detriment to the surrounding residential properties, rooftop occupancy was limited to 92 persons (excluding hotel staff) and rooftop hours were limited to 1:00 AM.

The work associated with these entitlements has been completed and is fully operational since summer of 2008. However, a condition of approval imposed by the Planning Commission in 2006 called for the Conditional Use Permit and Development Plan Review permit to expire one year after the original issuance, unless a renewal was applied for and granted. The purpose for the one-year expiration was to provide the Commission with an opportunity to re-review the entitlements and make any modifications that might be needed in order to ensure that the project would function as the Commission had originally intended. The one-year expiration has since passed, and renewal of the entitlements is needed in order for the hotel to continue current rooftop and outdoor dining operations.

Section 3. The subject site is located on the south side of Wilshire Boulevard, immediately outside the Business Triangle, in the City's C-3 commercial zone. The site area consists of 16,440 square feet, and is developed with an eight-story hotel (three levels are used for vehicle parking) that is approved for up to 114 guestrooms. The site is surrounded by commercial properties along Wilshire Boulevard, and multi-family residential properties are located immediately north and south of Wilshire Boulevard. The multi-family residential properties typically vary between three and four stories in height, and are generally separated from the commercial uses along Wilshire Boulevard by a 15-20 foot alley.

Section 4. The Project includes the following requests:

1. Renewal of the existing Conditional Use Permit and Development Plan Review Permit to allow for continued operation of the hotel's restaurant and rooftop facilities;
2. Modification of the existing restaurant area to allow a dedicated public entrance along Wilshire Boulevard;
3. Expansion of interior dining and bar areas at the first floor and mezzanine, resulting in 2,007 square feet of interior dining and bar area. Previous approvals allowed for up to 1,500 square feet;
4. Increasing the capacity of restaurant seating from 102 to 156 persons;
5. A 426 square foot expansion of the outdoor dining area along Wilshire Boulevard to provide a total of 926 square feet of outdoor dining area;
6. Installation of a stove within an existing rooftop food preparation room;
7. Increasing rooftop capacity from 92 persons to 185 persons; and
8. Extending rooftop operating hours from 1:00 AM daily to 2:00 AM daily.

Section 5. The requests to modify restaurant and rooftop operations as outlined above result in the need for specific entitlements as follows:

1. **Zone Text Amendment:** The Applicant requests an amendment to Section 10-3-2868 C.3 of the Beverly Hills Municipal Code. Current code provisions limit restaurant seating within hotels outside the Business Triangle to a capacity of not more than one seat per guestroom. The Applicant seeks to add additional seating beyond this restriction, and is therefore seeking to amend this provision to allow the number of restaurant seats to be set at one and one-half (1.5) seats per

guestroom. Specifically, the Zone Text Amendment would allow for the number of seats requested by the Applicant, and would also apply to other hotels outside the Business Triangle. The Zone Text Amendment is addressed separately under Planning Commission Resolution No.1580, and requires formal adoption by the City Council.

2. Conditional Use Permit: Pursuant to Section 10-3-2862 of the Beverly Hills Municipal Code, a Conditional Use Permit is required whenever existing uses within a hotel are modified/expanded, or if entrances to a hotel restaurant are modified. As a result, the Applicant seeks to modify the existing Conditional Use Permit to allow increased restaurant/lounge space, a new entrance on Wilshire Boulevard to provide direct access to the restaurant space, increased capacity on the rooftop pool-deck and bar area, and modifications to the rooftop food preparation room.

3. Development Plan Review: A Development Plan Review permit was previously granted by the Planning Commission in 2006 (resolution No. 1418) to allow outdoor dining areas along Wilshire Boulevard (on private property) and at the rooftop bar/lounge area, and also included approval of a rooftop gymnasium for hotel guests and employees. Pursuant to Condition 11 of Planning Commission Resolution No. 1418, the Development Plan Review permit expired one year from the date of issuance and must be renewed.

4. Extended Hours Permit: Because the hotel is located outside the Business Triangle, an Extended Hours Permit is required whenever business operations take place outside the hours of 7:00 AM to 10:00 PM. The hotel currently

provides service 24 hours per day; however, the rooftop pool-deck and bar area are currently prohibited from operating beyond 1:00 AM pursuant to Condition 14 of Planning Commission Resolution No. 1418, in order to prevent impacts to the surrounding residential neighborhoods. The Applicant requests that the Extended Hours Permit be modified to allow patrons within the rooftop pool-deck and bar area until 2:00 AM.

5. Variance: Construction of the subject property was originally approved under a Variance granted by the City Council in 1961 pursuant to Resolution No. 3013. The Variance allowed for increased height and floor area beyond what was permitted by-right at the time the project was constructed. One of the conditions of approval within the Variance states that “the total floor area devoted to dining and bar use shall not exceed 1,500 square feet.” The requested expansion will exceed 1,500 square feet and the Applicant seeks to strike this condition from the original Variance.

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”), and the City’s environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, and Section 15305, minor alterations in land use limitations, the Project qualifies for a Class 1(a) and Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to minor interior

modifications and operational changes within existing structures that would not result in a significant environmental impact, and the Class 5 exemption is applicable because the changes in land use limitations would result in minor modifications to the amount of restaurant space that could be provided within hotels. Further, any increase in restaurant space within hotels is subject to discretionary review and analysis on a case-by-case basis.

Section 7. Notice of the Project and public hearing was posted in two newspapers of local circulation and was mailed on May 29, 2010 to all property owners and residential tenants within a 300-foot radius of the property. Written and oral comments were received during the public hearing, both in support and opposition of the Project, and were made a part of the record.

Section 8. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

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

The renewal and amendment of the Conditional Use Permit, as conditioned, will result in hotel operations that are substantially similar to existing and previously approved hotel operations. Based on the operating history of the hotel, restaurant operations have not resulted in detriment to adjacent property or to the public welfare; however, rooftop uses have generated noise that has disrupted adjacent properties. As such, additional operational conditions have

been imposed on the Project in order to prevent detriment to the area. Further, the conditions of approval require reassessment of the subject property six months from the implementation of the added conditions of approval.

In regard to the requested amendments to the Conditional Use Permit, the proposed increase in rooftop occupancy to 185 persons (excluding hotel staff) is anticipated to be detrimental to the surrounding area, as such an increase in occupancy may result in increased noise levels. However, a maximum occupancy of 125 persons, when appropriately controlled with added conditions of approval, is not anticipated to be detrimental to the surrounding neighborhood. Additional conditions of approval include, but are not limited to, requiring appropriate placement of rooftop speakers, locking the volume controls of the sound system, and providing additional security personnel.

In regard to the expansion of interior restaurant uses and providing direct restaurant access on Wilshire Boulevard, the proposal would result in a 507 square foot increase in restaurant, bar and lounge floor area. This is a 34% increase over previously approved restaurant uses; however, the increase is limited to interior areas only, and restaurant uses have been a component of the hotel since its construction in the 1960s. Sufficient parking is provided to accommodate the requested increase, and a direct entrance to the restaurant on Wilshire Boulevard would be located along a commercial corridor. Because the proposed increase in restaurant uses is consistent with past operations and an access point would be provided along Wilshire Boulevard, rather than Crescent Drive, the proposed increase, as conditioned, is not anticipated to be detrimental to adjacent property or the public welfare.

In regard to the added outdoor dining areas along Wilshire Boulevard, the proposal would result in a 426 square foot increase over current outdoor dining. The outdoor dining would be enclosed by a railing-type barrier, and would be limited to the Wilshire Boulevard side of the hotel, which is a commercial corridor. The expanded outdoor dining area will help to enliven the streetscape, and is in the same general location as existing outdoor dining areas. Parking for the outdoor dining areas would be accommodated both on- and off-site. For the reasons stated above, the outdoor dining areas will not be detrimental to adjacent property or the public welfare.

In regard to the installation of a stove in the existing rooftop food preparation room, the proposal is substantially consistent with existing conditions and will not result in any added floor area or noticeable change to operations. Further, the food preparation room is fully enclosed. Therefore, the addition of a stove to the existing facilities will not be detrimental to adjacent property or the public welfare.

Section 10. In considering the request for Development Plan Review Permit, the Planning Commission may approve the Development Plan Review Permit if the Commission finds as follows:

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.

5. The proposed plan will not be detrimental to the public health, safety or general welfare, and will not result in:

- a. Any significantly adverse parking impacts as a result of employee or patron parking demand;
- b. Any significantly adverse impacts on neighboring properties as a result of the accumulation of garbage, trash, or other waste;
- c. Any significantly adverse impacts on neighboring properties as a result of noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;
- d. Any significantly adverse impacts on neighboring properties as a result of light and glare; and
- e. Any significantly adverse impacts on neighboring properties as a result of odors or noxious fumes.

Section 11. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Development Plan Review Permit:

1. The proposed plan was previously reviewed for consistency with the general plan and any specific plans adopted for the area, and was determined

to be in compliance. The proposal is for renewal of a previous approval, and does not change the previous findings.

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

3. The proposed plan was previously found to not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property. Noise complaints generated by rooftop uses at the subject property have interfered with the use and enjoyment of residential properties in the vicinity of the subject property. As a result, additional operational conditions are required in order to prevent adverse impacts to surrounding properties. This approval incorporates additional conditions, as well as a provision to reassess the subject property six months from the implementation of the added conditions. Therefore, the added conditions and future reassessment of the property ensure that the rooftop uses will not interfere with the enjoyment of residential properties.

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

5. The proposed plan was previously reviewed and determined to not create impacts related to parking, accumulation of garbage, noise, light and glare, or odors and fumes. Noise complaints generated by rooftop uses at the subject property have demonstrated that the hotel does generate impacts related to noise. As a result, additional operational conditions are required in order to prevent such noise-related impacts to surrounding properties. This approval for renewal incorporates additional conditions, as well as a provision to reassess the subject property six months from the implementation of the added conditions. Therefore, with the added operational conditions and future reassessment of the property, the project can be found to not adversely impact parking, accumulation of garbage, noise, light and glare, or odors and fumes.

Section 12. In considering the request for an Extended Hours Permit, the Planning Commission may approve the Extended Hours Permit if the Commission finds that issuance of said permit will not result in any of the following:

1. The accumulation of garbage, litter, or other waste, both on and off of the subject site.
2. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation.
3. Light and glare.
4. Odors and noxious fumes.
5. Pedestrian queuing.
6. Crime or peril to personal safety and security.

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

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

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

Section 13. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Extended Hours Permit:

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

2. Noise complaints have been reported by surrounding property owners and residential occupants. The noise complaints are a result of improper management of the rooftop area, as well as insufficient conditions of approval associated with previous approvals. Added conditions of approval such as locking volume controls to the sound system and properly locating and equalizing speakers, as well as changes in the management of the rooftop area will correct past issues associated with noise, and ensure that continued rooftop operations will not result in significant noise impacts. Further, the conditions of approval allow rooftop operations until 2:00 AM on Fridays and Saturdays only, and re-review by the Planning Commission is required six months from the date all

new conditions are implemented in order to ensure that all conditions have been successful in preventing noise impacts.

3. The Extended Hours Permit would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by one hour is not anticipated to create any adverse impacts related to light and glare.

4. The Extended Hours Permit would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by one hour is not anticipated to create any adverse impacts related odors and noxious fumes.

5. The Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. Because the request is related to rooftop activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. The Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Because patrons are typically contained within

the subject property and the request is for a one hour increase, the proposal is not anticipated to result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, the parking demand analysis prepared in conjunction with the Project indicates that sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the Project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. The Extended Hours Permit does not modify existing hotel floor area or capacities. The Extended Hours Permit would provide for an additional hour of operation until 2:00 AM. This time period (early AM) typically has lower traffic volumes (as compared to peak hours). Therefore, an operational increase of one hour is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

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

Section 14. In considering the request for a Variance, the Planning Commission may approve the Variance if the Commission finds as follows:

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 15. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Variance:

1. The findings for the Variance were previously made by the City Council pursuant to Resolution No. 3013. The Variance was granted for the purposes of increased height and floor area, and not for the purposes of allowing restaurant and bar space. Modifying the condition of approval regarding restrictions on restaurant and bar floor area does not alter the basis by which the findings were previously made for increased height and floor area. As such, the findings to allow increased height and floor area on the subject property can continue to be made and are unaffected by changes to restaurant and bar floor area.

2. The Variance approved by the City Council pursuant to Resolution No. 3013 was previously determined to not constitute a grant of special privileges. The Variance was granted for the purposes of increased height and floor area, and not for the

purposes of allowing restaurant and bar space. Modifying the condition of approval regarding restrictions on restaurant and bar floor area does not alter the basis by which the findings were previously made for increased height and floor area. As such, the findings to allow increased height and floor area on the subject property can continue to be made and are unaffected by changes to restaurant and bar floor area.

Section 16. Based on the foregoing, the Planning Commission hereby grants the requested entitlements, subject to the following conditions:

1. Expansion of the hotel restaurant capacity beyond 114 persons shall not become effective unless and until the proposed Zone Text Amendment regarding the capacity of restaurants in hotels outside the Business Triangle has been adopted by the City Council and has taken effect.

2. Condition d. of City Council Resolution No. 3013, which limits the total floor area of dining and bar uses on the subject property to a maximum of 1,500 square feet, shall be deleted in its entirety. Expansion of restaurant and bar floor area shall instead be controlled by the parking requirements contained in the Beverly Hills Municipal Code, and subject to review in accordance with the City's Conditional Use Permit processing standards.

3. Unless specifically modified by this Resolution, all conditions of approval contained in City Council Resolution No. 3013 shall remain in full force and effect throughout the life of the project.

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

5. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 125 persons unless and until the Planning Commission modifies this restriction at a future hearing.

6. Hotel personnel shall be stationed at the rooftop elevator lobby to ensure that the maximum occupancy, excluding hotel staff, does not exceed 125 persons at any time.

7. Hotel personnel shall be stationed on the ground-floor of the hotel's valet parking area, adjacent to the alley, and shall prevent patrons from entering the alley after 10:00 PM. Patrons shall instead be directed to use the Wilshire Boulevard access points.

8. A temporary barrier shall be installed within the hotel's parking area each night to prevent vehicles from entering or exiting the hotel's parking area through the alley after 10:00 PM.

9. Use of all unenclosed rooftop areas shall be prohibited between the hours of 1:00 AM and 5:00 AM, Sunday through Thursday, and between the hours of 2:00 AM and 5:00 AM, Friday and Saturday. This condition shall remain in full force and effect unless and until the Planning Commission modifies this restriction at a future public hearing.

10. Outdoor dining areas located on the public right-of-way shall be limited to the north side of the building, which fronts on Wilshire Boulevard. Outdoor dining on

the public right-of-way shall not be permitted to take place on the east side of the building, which fronts on South Crescent Drive.

11. The playing of live or prerecorded music within the outdoor dining area located within the public right-of-way along Wilshire Boulevard shall be prohibited.

12. Outdoor dining along Wilshire Boulevard shall be set back a minimum of five feet (5') from the easternmost property line of the hotel, which fronts on South Crescent Drive.

13. The property owner of 9360 Wilshire Boulevard shall maintain a minimum of 40 off-site parking spaces. The parking spaces shall be secured through a lease agreement, and be located within 500 feet of the hotel. The parking spaces shall be reserved for the exclusive use of the hotel between the hours of 6:00 PM and 2:00 AM, seven days per week. The property owner shall maintain such a lease agreement throughout the life of the Project, and a copy of the agreement shall be furnished to the City annually.

14. The subject property shall be required to maintain a minimum of 129 on-site parking spaces at all times.

15. All speakers located on the rooftop areas shall be installed at the base of the perimeter wall around the deck areas. Further, no speakers shall be permitted to be installed on the rooftop cabanas.

16. All speakers within the premises shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being plainly audible beyond the property line. Further, the sound levels shall be balanced with

an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls.

17. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls.

18. The Applicant shall set up an initial sound demonstration for review by City staff once all modifications to the sound system have occurred to demonstrate compliance with all conditions of approval.

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

20. No live entertainment shall be permitted on the rooftop area at any time.

21. There shall be no dancing allowed on the rooftop area at any time, as dancing constitutes a “nightclub” under the City’s codes, and nightclubs are not permitted to operate outside the Business Triangle.

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

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

24. Once all conditions of this Resolution have been implemented, the Applicant shall, at his sole expense, conduct a new noise study to assess whether the

rooftop operations are occurring in a manner that does not impact the surrounding neighborhood. Said study shall include noise measurements taken between the hours of 10:00 PM and 2:00 AM, on a Thursday, Friday, and Saturday.

25. The Planning Commission shall re-review this permit six months from the date of implementation of all conditions of approval to determine if the conditions contained in this approval are adequately minimizing disturbances to the adjacent residential properties. Additionally, during the Commission's re-review of this permit, the applicant may request that the Commission revisit the requested increases in rooftop operating hours and maximum capacity limitations. The Applicant shall file all necessary applications and pay all applicable fees associated with said review.

26. Free parking shall be provided to hotel employees, including any consultants or agents retained by the hotel operator in connection with the operation of said facility, at all times.

27. The project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on July 8, 2010.

28. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

29. This resolution granting the requested Conditional Use Permit, Development Plan Review Permit, Extended Hours Permit, and Variance 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 Property Owner shall deliver the executed covenant to the Department of Planning &

Community Development **within 60 days** of any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner 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 Property Owner, 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.

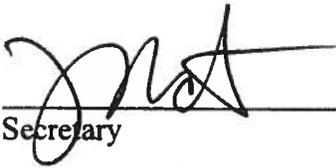
Section 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: JULY 8, 2010



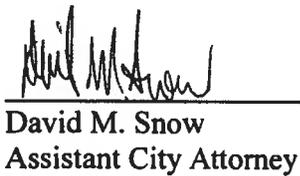
Lili Bosse, Chair of the Planning
Commission of the City of Beverly Hills,
California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1581 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 8, 2010, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Cole, Corman, Furie, Vice Chair Yukelson, and
 Chair Bosse.

NOES: None.

ABSTAIN: None.

ABSENT: None.



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

RESOLUTION NO. 1628

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING RENEWAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT PLAN REVIEW PERMIT, DENYING THE REQUESTED MODIFICATION OF THE EXISTING CONDITIONAL USE PERMIT TO ALLOW INCREASED ROOFTOP OCCUPANCY, AND DENYING THE REQUESTED MODIFICATION OF AN EXISTING EXTENDED HOURS PERMIT FOR ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD.

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

Section 1. Beverly Pavilion Associates, LLC, (the Property Owner), through its agent Mitch Dawson, has submitted an application to renew existing entitlements associated with hotel dining and rooftop activities (Conditional Use Permit and Development Plan Review Permit), and a request to expand upon and modify rooftop operations. The proposal includes increased rooftop occupancy from 125 persons to 185 persons and expanded rooftop hours from 1:00 AM to 2:00 AM, seven days a week. These proposed changes result in the need for a modification to an existing Conditional Use Permit and modification to an existing Extended Hours Permit for the property located at 9360 Wilshire Boulevard (the "Project").

Section 2. The subject property was developed in the early 1960s, and has been continuously operated as a hotel since that time. The City Council approved development of the property pursuant to the issuance of a variance for increased height and floor area; this development included a restaurant and rooftop pool. In 2006, a Conditional Use Permit and Development Plan Review Permit, granted by the Planning Commission (Resolution No. 1418),

allowed the expansion of rooftop uses, including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. At that time, conditions were included that limited the rooftop occupancy to 92 persons, excluding hotel staff, and limited rooftop hours until 1:00 AM, seven days a week.

In 2010, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit. Modifications to the hotel development and operation, granted by the Commission, included additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine level of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 2:00 AM, and an increased rooftop occupancy to a maximum of 125 persons, excluding hotel staff (Resolution No. 1581).

The work associated with these entitlements has been completed and is fully operational, with the exception of the open air dining element. However, a condition of approval imposed by the Planning Commission in 2010 called for the existing entitlements to be re-reviewed six months from the date of implementation of the approval to determine if the conditions contained in that approval were adequately minimizing the disturbances to the adjacent residential properties. The purpose for the six month re-review was to provide the Commission with an opportunity to re-review the entitlements and make any modifications that might be needed in order to ensure that the project would function as the Commission had originally intended.

Section 3. The subject site is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject site is zoned C-3 (Commercial) and is located immediately outside of the City's Business Triangle. The site area consists of 16,440

square feet, and is developed with an eight-story hotel, of which three levels are used for vehicle parking. The hotel is approved for up to 114 guestrooms. Commercial properties surround the subject property along Wilshire Boulevard to the east and west; multi-family residential properties are located to the north and south of the property. The surrounding multi-family properties to the south range in height between two and four stories, and are separated from the commercial uses on Wilshire Boulevard, and the Thompson Hotel, by a 15' alley.

Section 4. The Project includes the following requests:

1. Renewal of the existing Conditional Use Permit and Development Plan Review Permit to allow for continued operation of the hotel's restaurant and rooftop facilities;
2. Increasing rooftop capacity from 125 persons to 185 persons; and
3. Extending rooftop operating hours until 2:00 AM daily.

Section 5. The requests to modify restaurant and rooftop operations as outlined above result in the need for specific entitlements as follows:

1. Conditional Use Permit: Pursuant to Section 10-3-2862 of the Beverly Hills Municipal Code, a Conditional Use Permit is required whenever existing uses within a hotel are modified/expanded. As a result, the Applicant seeks to modify the existing Conditional Use Permit to allow increased capacity on the rooftop pool-deck and bar area.

2. **Development Plan Review:** A Development Plan Review permit was previously granted by the Planning Commission in 2006 and 2010 (Resolution No. 1418 and 1581) to allow outdoor dining areas along Wilshire Boulevard (on private property) and at the rooftop bar/lounge area, and also included approval of a rooftop gymnasium for hotel guests and employees. Pursuant to Condition 11 of Planning Commission Resolution No. 1418, and reaffirmed in Planning Commission Resolution No. 1581, the Development Plan Review permit expired one year from the date of issuance and must be renewed.

3. **Extended Hours Permit:** Because the hotel is located outside the Business Triangle, an Extended Hours Permit is required whenever business operations take place outside the hours of 7:00 AM to 10:00 PM. The hotel currently provides service 24 hours per day; however, the rooftop pool-deck and bar area are currently prohibited from operating beyond 1:00 AM, Sunday through Thursday, and beyond 2:00 AM, Friday and Saturday, pursuant to Condition 9 of Planning Commission Resolution No. 1581, in order to prevent impacts to the surrounding residential neighborhoods. The Applicant requests that the Extended Hours Permit be modified to allow patrons within the rooftop pool-deck and bar area until 2:00 AM, seven days a week.

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(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to operational changes within existing structures that would not result in a significant environmental impact.

Section 7. Notice of the Project and public hearing was posted in two newspapers of local circulation and was mailed on December 8, 2011 to all property owners and residential tenants within a 300-foot radius of the property. Written and oral comments were received during the public hearing, primarily in opposition of the Project, and were made a part of the record.

Section 8. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

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

The renewal and amendment of the Conditional Use Permit, as conditioned, will result in hotel operations that are substantially similar to existing and previously approved hotel operations. Based on the operating history of the hotel, restaurant operations have not resulted in detriment to adjacent property or to the public welfare; however, rooftop uses have generated noise that has disrupted adjacent properties. As such, additional operational conditions have

been imposed on the Project in order to prevent detriment to the area. Further, the conditions of approval require reassessment of the subject property twelve months from the implementation of the added conditions of approval.

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

Section 10. In considering the request for Development Plan Review Permit, the Planning Commission may approve the Development Plan Review Permit if the Commission finds as follows:

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.

5. The proposed plan will not be detrimental to the public health, safety or general welfare, and will not result in:

- a. Any significantly adverse parking impacts as a result of employee or patron parking demand;
- b. Any significantly adverse impacts on neighboring properties as a result of the accumulation of garbage, trash, or other waste;
- c. Any significantly adverse impacts on neighboring properties as a result of noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;
- d. Any significantly adverse impacts on neighboring properties as a result of light and glare; and
- e. Any significantly adverse impacts on neighboring properties as a result of odors or noxious fumes.

Section 11. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Development Plan Review Permit:

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

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

3. Based on neighborhood complaints, noise generated by rooftop uses at the subject property has interfered with the use and enjoyment of residential properties in the vicinity of the subject property. As a result, additional operational conditions are required in order to prevent adverse impacts to surrounding properties. This approval incorporates additional conditions, as well as a provision to reassess the subject property twelve months from the implementation of the added conditions. With the added operational conditions and future reassessment of the property, the project can be found not to interfere with the enjoyment of residential properties.

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

5. The proposed plan was previously reviewed and determined to not create impacts related to parking, accumulation of garbage, noise, light and glare, or odors and fumes. Noise complaints generated by rooftop uses at the subject property have demonstrated that the hotel does generate impacts related to noise. As a result, additional operational conditions are required in order to prevent such

noise-related impacts to surrounding properties. This approval for renewal incorporates additional conditions, as well as a provision to reassess the subject property twelve months from the implementation of the added conditions. With the added operational conditions and future reassessment of the property, the project can be found to not adversely impact parking, accumulation of garbage, noise, light and glare, or odors and fumes.

Section 12. In considering the request for an Extended Hours Permit, the Planning Commission may approve the Extended Hours Permit if the Commission finds that issuance of said permit will not result in any of the following:

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

Section 13. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Extended Hours Permit:

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

2. Complaints have been received by the City regarding noise between the months of July 2010 and October 2011, reported by surrounding property owners and residential occupants. While previous conditions have been implemented in an effort to reduce noise impacts, noise continues to adversely affect the surrounding neighborhood and the findings cannot be made to support increased operating hours at the rooftop. However, the conditions of approval to maintain rooftop operations until 2:00 AM on Fridays and Saturdays only, to reduce rooftop operations from 1:00 AM to midnight from Sunday through Thursday, and to re-review by the Planning Commission twelve months from the date all new conditions are implemented will ensure that there are no adverse impacts to the surrounding neighborhood.

3. The Extended Hours Permit would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by one hour, Sunday

through Thursday, is not anticipated to create any adverse impacts related to light and glare, as conditioned.

4. The Extended Hours Permit would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by one hour is not anticipated to create any adverse impacts related odors and noxious fumes.

5. The Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. Because the request is related to rooftop activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project, as conditioned.

6. The Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Because patrons are typically contained within the subject property and the request is for a one hour increase, the proposal is not anticipated to result in added crime or peril to personal safety and security, as conditioned.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is

immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, the parking demand analysis prepared in conjunction with the Project indicates that sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the Project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. The Extended Hours Permit does not modify existing hotel floor area or capacities. The Extended Hours Permit would provide for an additional hour of operation until 2:00 AM, seven days a week. This time period (early AM) typically has lower traffic volumes (as compared to peak hours). Therefore, an operational increase of one hour is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

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

Section 14. Based on the foregoing, the Planning Commission hereby denies the requested modification to the Conditional Use Permit to allow increased occupancy at the rooftop and the requested modification to the Extended Hours Permit to extend the rooftop operating hours until 2:00 AM, seven days a week.

Section 15. Based on the foregoing, the Planning Commission hereby grants the extension of the Conditional Use Permit and Development Plan Review Permit and modifies the Extended Hours Permit, subject to the following conditions:

1. Unless specifically modified by this Resolution, all conditions of approval contained in City Council Resolution No. 3013 shall remain in full force and effect throughout the life of the project.

2. Unless specifically modified by this Resolution, all conditions of approval contained in Planning Commission Resolution No. 1418 and Planning Commission Resolution No. 1581 shall remain in full force and effect throughout the life of the project.

3. Use of all unenclosed rooftop areas shall be prohibited between the hours of 12:00 AM and 5:00 AM, Monday through Friday, and between the hours of 2:00 AM and 5:00 AM, Saturday and Sunday. This condition shall remain in full force and effect unless and until the Planning Commission modifies this restriction at a future public hearing.

4. The City, or an independent consultant retained by the City, shall conduct, at minimum, a quarterly monitoring of noise generated by the hotel rooftop uses to ensure there is no significant adverse impact to nearby properties. All costs incurred by the City to conduct such monitoring shall be reimbursed by the applicant.

5. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 125 persons unless and until the Planning Commission modifies this restriction at a future hearing.

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

7. Hotel personnel shall be stationed at the rooftop elevator lobby to ensure that the maximum occupancy, excluding hotel staff, does not exceed 125 persons at any time.

8. Hotel personnel shall be stationed on the ground-floor of the hotel's valet parking area, adjacent to the alley, and shall prevent patrons from entering the alley after 10:00 PM. Patrons shall instead be directed to use the Wilshire Boulevard access points.

9. The playing of live or prerecorded music within the outdoor dining area located within the public right-of-way along Wilshire Boulevard shall be prohibited.

10. No live entertainment shall be permitted on the rooftop area at any time.

11. There shall be no dancing allowed on the rooftop area at any time, as dancing constitutes a "nightclub" under the City's codes, and nightclubs are not permitted to operate outside the Business Triangle.

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

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

14. The Conditional Use Permit, Development Plan Review Permit, and Extended Hours Permit shall expire after one year from the date of approval by the

Planning Commission. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits 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. During the Commission's re-review of this permit, the applicant may request that the Commission revisit the requested increases in rooftop operating hours and maximum capacity limitations. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review.

15. Free parking shall be provided to hotel employees, including any consultants or agents retained by the hotel operator in connection with the operation of said facility, at all times, subject to approval by the Director.

16. The project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on January 12, 2012.

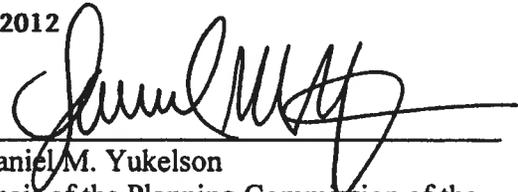
17. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

18. This resolution granting the renewal of the existing Conditional Use Permit and Development Plan Review Permit, denying the requested modification of the existing Conditional Use Permit, and denying the requested modification of the existing Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of

this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner fails to deliver the executed covenant and necessary fees 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 Property Owner, 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.

Section 16. 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: January 12, 2012



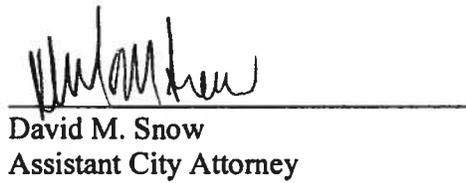
Daniel M. Yukelson
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1628 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on January 12, 2012, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Fisher, Rosenstein, Cole, Vice Chair Corman, and Chair Yukelson.
NOES: None.
ABSTAIN: None.
ABSENT: None.



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

RESOLUTION NO. 1649

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING MODIFICATION OF A CONDITIONAL USE PERMIT AND MODIFICATION OF AN EXTENDED HOURS PERMIT FOR ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD.

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

Section 1. Beverly Pavilion Associates, LLC, (the Property Owner), through its agent Mitch Dawson, has submitted an application to modify existing entitlements associated with rooftop activities (Conditional Use Permit and Extended Hours Permit). The proposal includes allowing six (6) special events permits to occur during extended hours, and increased rooftop occupancy from 125 persons to 150 persons. These proposed changes result in the need for a modification to an existing Conditional Use Permit and modification to an existing Extended Hours Permit for the property located at 9360 Wilshire Boulevard (the "Project").

Section 2. The subject property was developed in the early 1960s, and has been continuously operated as a hotel since that time. The City Council approved development of the property pursuant to the issuance of a variance for increased height and floor area; this development included a restaurant and rooftop pool. In 2006, a Conditional Use Permit and Development Plan Review Permit, granted by the Planning Commission (Resolution No. 1418), allowed the expansion of rooftop uses, including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. At that time, conditions were included that

limited the rooftop occupancy to 92 persons, excluding hotel staff, and limited rooftop hours until 1:00 AM, seven days a week.

In 2010, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit. Modifications to the hotel development and operation, granted by the Commission, included additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine level of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 2:00 AM, and an increased rooftop occupancy to a maximum of 125 persons, excluding hotel staff (Resolution No. 1581).

In 2012, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review, denied the requested modification to the existing Conditional Use Permit, and modified the existing Extended Hours Permit. The Planning Commission denied the request for increased occupancy within the rooftop area and modified the Extended Hours Permit to reduce operating hours, Sunday through Thursday, until 12:00 AM.

Section 3. The subject site is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject site is zoned C-3 (Commercial) and is located immediately outside of the City's Business Triangle. The site area consists of 16,440 square feet, and is developed with an eight-story hotel, of which three levels are used for vehicle parking. The hotel is approved for up to 114 guestrooms. Commercial properties surround the subject property along Wilshire Boulevard to the east and west; multi-family residential properties are located to the north and south of the property. The surrounding multi-family

properties to the south range in height between two and four stories, and are separated from the commercial uses on Wilshire Boulevard, and the Thompson Hotel, by a 15' alley.

Section 4. The Project includes the following requests:

1. Modification of the existing Conditional Use Permit to allow a limited number of special events to occur within the rooftop areas;
2. Modification of the existing Extended Hours Permit to allow special events located on the rooftop to operate until 2:00 AM; and
3. Modification of the existing Conditional Use Permit to increasing rooftop capacity from 125 persons to 150 persons.

Section 5. The requests to modify restaurant and rooftop operations as outlined above result in the need for specific entitlements as follows:

1. Conditional Use Permit: Pursuant to Section 10-3-2862 of the Beverly Hills Municipal Code, a Conditional Use Permit is required whenever existing uses within a hotel are modified/expanded. As a result, the Applicant seeks to modify the existing Conditional Use Permit to allow increased capacity on the rooftop pool-deck and bar area.
2. Extended Hours Permit: Because the hotel is located outside the Business Triangle, an Extended Hours Permit is required whenever business operations take place outside the hours of 7:00 AM to 10:00 PM. The hotel currently provides service 24 hours per day; however, the rooftop pool-deck and bar area

are currently prohibited from operating beyond 12:00 AM, Sunday through Thursday, and beyond 2:00 AM, Friday and Saturday, pursuant to Condition 3 of Planning Commission Resolution No. 1628, in order to prevent impacts to the surrounding residential neighborhoods. The Applicant requests that the Extended Hours Permit be modified to allow special events to occur until 2:00 AM on certain days that are otherwise limited to 12:00 AM.

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(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to operational changes within existing structures that would not result in a significant environmental impact.

Section 7. Notice of the Project and public hearing was posted in one newspaper of local circulation and was mailed on June 28, 2012 to all property owners and residential tenants within a 300-foot radius of the property. Written and oral comments were received during the public hearing and were made a part of the record.

Section 8. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

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

The applicant has provided documentation of operational and physical changes to the hotel to reduce noise-related impacts to the surrounding residential neighborhoods. As a result, the number of noise-related complaints that have been registered with the Beverly Hills Police Department has decreased. As such, staff anticipates that allowing a limited number of special events to occur within the rooftop area will not be detrimental to the nearby residential neighborhoods or the public welfare. Additionally, in regard to the requested increase in rooftop occupancy to 150 persons, excluding hotel staff, it is not anticipated that such increase will have a substantial adverse impact to the surrounding area. The hotel has demonstrated efforts to reduce noise-related impacts and the 20% increase in rooftop occupancy is not anticipated to result in increased impacts. Furthermore, special conditions of approval are proposed to ensure that the limited number of special events throughout the year, and the increased occupancy, will not have substantial adverse impacts to the surrounding neighborhood.

Section 10. In considering the request for an Extended Hours Permit, the Planning Commission may approve the Extended Hours Permit if the Commission finds that issuance of said permit will not result in any of the following:

1. The accumulation of garbage, litter, or other waste, both on and off of the subject site.

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

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

1. The request for Extended Hours is related to rooftop uses only. Collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of the rooftop areas. An increase in operating hours during special events can be accommodated by existing resources and staff, and the proposal is not anticipated to result in the accumulation of garbage, litter, or other waste.
2. Noise complaints identified by staff related to late-night rooftop operations at the hotel have decreased since the last Planning Commission review in early 2012. Six noise-related complaints have been received by the City between the months

of December 2011 and May 2012; two-thirds of which were received in January and February. Recent months have seen a decrease in the number of complaints. The hotel has implemented operational and physical changes to the hotel property, including within the rooftop area and with valet services. Staff attributes the decrease in noise-related complaints to these changes. As such, it is not anticipated that allowing a limited number of special events throughout the year during extended hours, within the rooftop area, would result in substantial adverse impacts.

3. The Extended Hours Permit would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by two hours, on Thursdays and Sundays prior to a Monday holiday, during special events, is not anticipated to create any adverse impacts related to light and glare, as conditioned.

4. The Extended Hours Permit would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, extending the rooftop hours of operation by two hours, on Thursdays and Sundays prior to a Monday holiday, during special events, is not anticipated to create any adverse impacts related odors and noxious fumes.

5. The Extended Hours Permit is related to rooftop uses only, and the request is for two additional hour beyond current operations, on Thursdays and Sundays prior to a Monday holiday, during special events. Because the request is related to rooftop

activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project, as conditioned.

6. The Extended Hours Permit is related to rooftop uses only, and the request is for two additional hours beyond current operations, on Thursdays and Sundays prior to a Monday holiday, during special events. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Because patrons are typically contained within the subject property and the request is for a two hour increase, the proposal is not anticipated to result in added crime or peril to personal safety and security, as conditioned.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Therefore, the Project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. The Extended Hours Permit does not modify existing hotel floor area or capacities. The Extended Hours Permit would provide for two additional hours of operation until 2:00 AM, on Thursdays and Sundays prior to a Monday holiday, during special events. This time period (early AM) typically has lower traffic volumes (as compared to peak hours). Therefore, an operational increase of two hours is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

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

Section 12. Based on the foregoing, the Planning Commission hereby grants the modification of the Conditional Use Permit and the modification of the Extended Hours Permit, subject to the following conditions:

1. Unless specifically modified by this Resolution, all conditions of approval contained in City Council Resolution No. 3013 shall remain in full force and effect throughout the life of the project.

2. Unless specifically modified by this Resolution, all conditions of approval contained in Planning Commission Resolution Nos. 1418, 1581, and 1628 shall remain in full force and effect throughout the life of the project.

3. Special Event Permits may be issued to the hotel in accordance with the provisions of Beverly Hills Municipal Code Section 4-8, provided that such Special Event Permits shall not exceed the approved hours of operation for the hotel's rooftop area, nor the approved occupancy limits for the hotel's rooftop area.

Notwithstanding the foregoing, up to twelve (12) Special Event Permits per 12-month period may be issued to the hotel for the purpose of exceeding the approved hours of operation for the hotel's rooftop area, provided that all of the following criteria are met:

- a. The Special Event shall not operate later than 2:00 AM; and
 - b. The frequency of such Special Event Permits shall not exceed two (2) per month.
4. Use of all unenclosed rooftop areas shall be prohibited between the hours of 12:00 AM and 5:00 AM, Monday through Friday, and between the hours of 2:00 AM and 5:00 AM, Saturday and Sunday. During City-approved special events that occur Sunday through Thursday, all unenclosed rooftop areas shall be prohibited between the hours of 2:00 AM and 5:00 AM.
5. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 150 persons unless and until the Planning Commission modifies this restriction at a future hearing.
6. The Director of Community Development shall review requests for all special events at the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare.
7. For all special events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise, emanating from the special event, in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.
8. The hotel operator shall pay for all costs related to police calls for service that occur as a result of a special event that results in a violation of the Special Events

Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer.

9. The Director of Community Services or their designee may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.

10. EXPIRATION AND RENEWAL. The Conditional Use Permit and Extended Hours Permit shall expire at the same time as the entitlements granted through Planning Commission Resolution No. 1628. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits 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.

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

Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

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

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

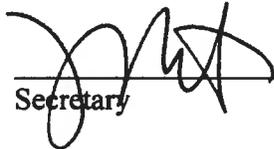
Section 13. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: July 12, 2012



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

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Michele McGrath
Acting City Planner

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1649 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 12, 2012, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Fisher, Yukelson, Cole, Vice Chair Rosenstein, and Chair Corman.
NOES: None.
ABSTAIN: None.
ABSENT: None.



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

RESOLUTION NO. 1661

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING RENEWAL OF A CONDITIONAL USE PERMIT AND EXTENDED HOURS PERMIT, AND CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT, EXTENDED HOURS PERMIT, AND VARIANCE TO ALLOW MODIFICATIONS TO THE HOTEL AND ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD (THOMPSON HOTEL).

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

Section 1. Thompson Hotels, (the Property Owner), through its agent Mitchell J. Dawson, has submitted an application to renew existing entitlements associated with hotel rooftop activities (Conditional Use Permit and Extended Hours Permit), and to expand upon and modify the hotel occupancy, parking, and rooftop operations. The proposal includes added hotel guest rooms (12 new rooms), reduced parking requirements (7% reduction), expanded rooftop occupancy from 150 persons to 165 persons, and extended rooftop hours from 12:00 AM to 1:00 AM Sunday through Thursday. These proposed changes result in the need for a Conditional Use Permit, an Extended Hours Permit, and modification of a previously issued Variance for the property located at 9360 Wilshire Boulevard (the "Project").

Section 2. The subject property was developed in the early 1960s, and although ownership has changed several times over the years, the property has always been used as a hotel. Development of the property was approved by the City Council pursuant to the issuance of a variance for increased height and floor area, and this development included a restaurant and rooftop pool. A condition of the original variance limits the total number of hotel guests rooms

to 114; however, this restriction is eliminated by this Resolution. In 2006 a Conditional Use Permit and Development Plan Review permit was granted by the Planning Commission (Resolution No. 1418) to allow expanded rooftop uses including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. As a condition of approval, and to prevent detriment to the surrounding residential properties, rooftop occupancy was limited to 92 persons (excluding hotel staff) and rooftop hours were limited to 1:00 AM.

In 2010, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit. Modifications to the hotel development and operation granted by the Commission included additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine level of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 2:00 AM, and an increased rooftop occupancy of 125 persons, excluding hotel staff (Resolution No. 1581).

In January 2012, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review, denied a requested modification to the existing Conditional Use Permit, and modified the existing Extended Hours Permit. The Planning Commission denied the request for increased occupancy within the rooftop area and modified the Extended Hours Permit to reduce operating hours, Sunday through Thursday, until 12:00 AM (Resolution No. 1628).

In July 2012, the Planning Commission approved a modification to the existing Conditional Use Permit and Extended Hours Permit to allow increased rooftop occupancy to a maximum of 150 persons and up to twelve (12) Special Events Permits within the rooftop area per 12-month period (Resolution No. 1649).

Section 3. The subject site is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject site is zoned C-3 (Commercial) and

is located immediately outside of the City's Business Triangle. The site area consists of 16,440 square feet, and is developed with an eight-story hotel, of which three levels are used for vehicle parking. The hotel is approved for up to 114 guestrooms. Commercial properties surround the subject property along Wilshire Boulevard to the east and west; multi-family residential properties are located to the north and south of the property. The surrounding multi-family properties to the south range in height between two and four stories, and are separated from the commercial uses on Wilshire Boulevard, and the Thompson Hotel, by a 15' alley.

Section 4. The Project includes the following requests:

1. Renewal of the existing Conditional Use Permit and Extended Hours Permit to allow for continued operation of the hotel's rooftop facilities;
2. Amendment of an existing Variance to increase the maximum number of hotel guests rooms from 114 to 119 rooms;
3. A reduction in the restaurant floor area and a 7% reduction in the required onsite parking spaces associated with the new hotel guest rooms (114 total parking spaces proposed);
4. Increased the rooftop occupancy from 150 to 165 persons;
5. Extended rooftop operating hours from 12:00 midnight to 1:00 AM Thursday through Sunday;

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

1. **Conditional Use Permit:** Pursuant to Section 10-3-2862 of the Beverly Hills Municipal Code, a Conditional Use Permit is required whenever existing uses within a hotel are modified/expanded. As a result, the Applicant seeks a Conditional Use Permit to allow increased capacity on the rooftop pool-deck and bar area and to allow the increase in hotel guest rooms. Pursuant to Beverly Hills Municipal Code Section 10-3-2866(I) a hotel may request up to a 15% reduction in required parking spaces for a hotel with the approval of a Conditional Use Permit. The Applicant seeks a 7% reduction in the total number of required parking spaces (123 parking spaces would be required and a total of 114 parking spaces are proposed) and therefore, a Conditional Use Permit is required.

2. **Extended Hours Permit:** Because the hotel is located outside the Business Triangle, an Extended Hours Permit is required whenever business operations take place outside the hours of 7:00 AM to 10:00 PM. The hotel currently provides service 24 hours per day; however, the rooftop pool-deck and bar area are currently prohibited from operating beyond 12:00 AM, Sunday through Thursday, and beyond 2:00 AM, Friday and Saturday, pursuant to Condition 4 of Planning Commission Resolution No. 1649, in order to prevent impacts to the surrounding residential neighborhood. The Applicant requests that the Extended Hours Permit be modified to allow operating hours to occur until 1:00 AM, Sunday through Thursday.

3. **Variance:** Construction of the subject property was originally approved under a Variance granted by the City Council in 1961 pursuant to Resolution No. 3013. The Variance allowed for increased height and floor area beyond what was

permitted by-right at the time the Project was constructed. One of the conditions of approval within the Variance states that “the total number of hotel guest rooms on said Lots 1717 and 1718 shall not exceed 114.” The requested room expansion will exceed the 114 rooms and the Applicant seeks to amend the Variance to allow for a maximum of 119 rooms.

4. **Renewal of Conditional Use Permit and Extended Hours Permit:** On July 12, 2012 the Planning Commission approved Resolution No. 1649 permitting a CUP for rooftop operations, twelve (12) Rooftop Events per 12-month period, and an Extended Hours Permit to extend rooftop hours of operation until 2:00 AM on Fridays and Saturdays. This approval is set to expire on January 12, 2013 unless a renewal is granted by the Planning Commission.

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”), and the City’s environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable to minor interior modifications and operational changes within existing structures that would not result in a significant environmental impact.

Section 7. Notice of the Project and public hearing was posted in two newspapers of local circulation, and was mailed on November 9, 2012 to all property owners and residential occupants within a 300-foot radius of the property. Written and oral comments were received during the public hearing, both in support and opposition of the Project, and were made a part of the record.

Section 8. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

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

1. Approval of the Conditional Use Permit to increase the number of hotel guest rooms and reduce the required onsite parking as conditioned, will result in hotel operations that are substantially similar to existing operations. The hotel guest rooms and parking modification will be entirely internal modifications that will not result in any vehicular overspill or noise disruption to the adjacent properties. As proposed, the increase in hotel rooms coincides with a reduction of restaurant dining area. This reduction in restaurant dining area would result in an overall reduced demand for parking for the site. Furthermore, the recommended conditions of approval require assessment of the modifications eighteen months from the approval date to ensure that substantial adverse impacts have not resulted from the project.

The renewal and amendment of the Conditional Use Permit for rooftop occupancy up to 165 persons, as conditioned, will result in hotel operations that are substantially similar to existing and previously approved hotel operations. Based on the operating history of the hotel, rooftop operations have periodically generated noise that has resulted in complaints from adjacent properties. With recent noise mitigation measures implemented by the Thompson Hotel, noise disruptions to adjacent properties have been greatly reduced, and no noise complaints directly attributable to the rooftop have been reported in the last four months. Additionally, specific operational conditions imposed on the subject property as a part of this review will prevent future detriment to the area. Further, the conditions of approval require reassessment of the subject property eighteen months from the approval date to ensure that substantial adverse impacts have not resulted from the project.

Section 10. In considering the request for an Extended Hours Permit, the Planning Commission may approve the Extended Hours Permit if the Commission finds that issuance of said permit will not result in any of the following:

1. The accumulation of garbage, litter, or other waste, both on and off of the subject site.
2. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation.
3. Light and glare.
4. Odors and noxious fumes.
5. Pedestrian queuing.

6. Crime or peril to personal safety and security.
7. Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area.
8. Effects on traffic volumes and congestion on local residential streets.
9. Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

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

1. The request for Extended Hours is related to rooftop uses only. Collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of the rooftop areas. An increase in operating hours can be accommodated by existing resources and staff, and the proposal is not anticipated to result in the accumulation of garbage, litter, or other waste.
2. Noise complaints related to late-night rooftop operations at the hotel have decreased since the last Planning Commission review. No rooftop-related noise complaints have been received by the City between the months of July and October of 2012. The hotel has implemented operational and physical changes to the hotel property, including changes to the rooftop area and valet services. It is likely that the reduction in noise-related complaints can be attributed to recent noise-mitigation improvements implemented by the hotel. Consequently, the increase in rooftop hours is not anticipated to result in substantial adverse impacts.

3. The proposed Extended Hours would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, allowing continued rooftop hours of operation until 2:00 AM on Friday and Saturday, and a modification of rooftop hours until 1:00 AM Sunday through Thursday is not anticipated to create adverse impacts related to light and glare.

4. The proposed Extended Hours would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, allowing continued rooftop hours of operation until 2:00 AM on Friday and Saturday, and a modification of rooftop hours until 1:00 AM Sunday through Thursday is not anticipated to create adverse impacts related odors and noxious fumes.

5. The requested Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. Because the request is related to rooftop activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. The requested Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Furthermore, noise complaints for the hotel have greatly decreased over the past four months as a result of noise-mitigation

improvements implemented by the hotel. Because patrons are typically contained within the subject property and noise related complaints have decreased over the past four months, the request for a one hour increase in rooftop operating hours is not anticipated to result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, the parking information for the hotel indicates that sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the proposed project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. The request for Extended Hours does not modify existing hotel operations or capacities. Further, the Extended Hours Permit would provide for an additional hour of operation until 1:00 AM, Sunday through Thursday. This time period (early AM) typically has lower traffic volumes (as compared to peak hours). Therefore, an operational increase of one hour is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

9. The location of the subject property is along the Wilshire Boulevard commercial corridor. The corridor is primarily comprised of office buildings and retail stores that generally do not operate beyond 10:00 PM. Therefore, the proposed project

would not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 12. In considering the request for a Variance, the Planning Commission may approve the Variance if the Commission finds as follows:

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 13. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Variance:

1. The findings for the Variance were previously made by the City Council pursuant to Resolution No. 3013. The Variance was granted for the purposes of increased height and floor area, and not for the purpose of allowing hotel guest rooms. The proposal to modify the condition of approval regarding restrictions on the number of guest rooms does not alter the basis by which the findings were previously made for increased height and floor area. As such, the findings to allow increased height and floor area on the subject property can continue to be made and are unaffected by changes to the number of hotel guest rooms.

2. The Variance approved by the City Council pursuant to Resolution No. 3013 was previously determined to not constitute a grant of special privileges. The Variance was granted for the purposes of increased height and floor area, and not for the purpose of allowing hotel guest rooms. The proposal to modify the condition of approval regarding restrictions on the number of hotel guest rooms does not alter the basis by which the findings were previously made for increased height and floor area. As such, the findings to allow increased height and floor area on the subject property can continue to be made and are unaffected by changes to the number of hotel guest rooms.

Section 14. Based on the foregoing, the Planning Commission hereby grants the requested entitlements. The following conditions encompass all relevant conditions of approval previously imposed on the subject site in Resolution Nos. 3013, 1418, 1581, 1628 and 1649. Therefore, the previously approved Resolutions shall be superseded by this Resolution. The Project is subject to the following conditions:

1. The Project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on November 19, 2012.
2. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
3. The total number of hotel guest rooms on the subject property shall not exceed 119.
4. The subject property shall be required to maintain a minimum of 114 on-site parking spaces at all times.

5. Use of all unenclosed rooftop areas shall be prohibited between the hours of 1:00 AM and 5:00 AM, Sunday through Thursday, and between the hours of 2:00 AM and 5:00 AM, Friday and Saturday. This condition shall remain in full force and effect unless and until the Planning Commission modifies this restriction at a future public hearing.

6. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 165 persons unless and until the Planning Commission modifies this restriction at a future hearing.

7. The hotel shall be allowed up to twelve (12) Rooftop Events per 12-month period in the hotel's rooftop area provided that the following criteria are met:

- a. The Rooftop Event shall not operate later than 2:00 AM; and
- b. The frequency of such Rooftop Events shall not exceed two (2) per month.
- c. Request for Rooftop Events shall be submitted to the Director of Community Development at least seven (7) days prior to such event.

8. The total height of said building shall not exceed eight (8) stories or 100 feet, whichever is less, measured and defined as specified by said Code, except for the construction of a penthouse as allowed by said Code. (Carried over from Resolution No. 3013.)

9. That the total gross floor area of all buildings on said Lots 1717 and 1718, excluding basement, mezzanine, penthouse, and off-street automobile parking areas, shall not exceed three and one-half times the buildable area of said Lots 1717 and 1718. (Carried over from Resolution No. 3013.)

10. That the floor area devoted to dining and bar use shall not exceed 1,500 square feet. (Carried over from Resolution No. 3013.)

11. That two loading spaces shall be provided and maintained in accordance with the requirements of said Code. (Carried over from Resolution No. 3013.)

12. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for required space for any building or use not situated on said Lots 1717 and 1718. (Carried over from Resolution No. 3013.)

13. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for other than automobile parking purposes and the loading and unloading of passengers and merchandise, and specifically, but without limiting the generality of the foregoing, no portion thereof shall be used for storage, warehousing, workshops, or the sale or storage of gasoline, automobile products, or other merchandise. (Carried over from Resolution No. 3013.)

14. That no sign shall be constructed, erected or maintained above the top story of any structure constructed on said Lots 1717 and 1718, except on the side of a penthouse. (Carried over from Resolution No. 3013.)

15. No live entertainment shall be allowed on the rooftop area at any time. (Carried over from Resolution Nos. 1418, 1581 and 1628)

16. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area, provided the volume level conforms to the City's noise level standard and is not audible beyond the hotel's property lines. (Carried over from Resolution No. 1418.)

17. The glass wind screens surrounding the perimeter of the upper and lower rooftop shall be comprised of clear glass. (Carried over from Resolution No. 1418.)

18. Free parking shall be provided to hotel employees, including any consultants or agents retained by the operator of the subject hotel in connection with the operation of said facility, at all times. (Carried over from Resolution Nos. 1418 and 1581.)

19. Valet parking shall be provided at all times. Restaurant patrons and non-hotel rooftop guests shall be charged reduced parking rates for said valet parking with validation. The parking rates charged for said valet parking shall not exceed the average of rates charged for valet parking within a one-half mile radius of the Project. (Carried over from Resolution No. 1418.)

20. The access to restaurant spaces located at the Crescent Drive elevation shall be used for emergency egress only and shall not be used to provide entry to the restaurant at any time. (Carried over from Resolution No. 1418.)

21. Keycard access shall be required for all elevators to restrict access to the rooftop to hotel guests and their invitees and authorized members of the general public only. (Carried over from Resolution No. 1418.)

22. Use of the rooftop gymnasium facility shall be restricted to the hotel guests and hotel employees. (Carried over from Resolution No. 1418.)

23. The city expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the

opinion of the Directory, the parking and traffic issue merits review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a notice public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense. (Carried over from Resolution No. 1418.)

24. After 12:00 midnight daily, all vehicles shall exit onto Wilshire Boulevard. No access onto Crescent Drive shall be permitted after midnight. (Carried over from Resolution No. 1418.)

25. An annual attestation that the conditions of approval are being met shall be submitted to the City. (Carried over from Resolution No. 1418.)

26. Hotel personnel shall be stationed on the ground-floor of the hotel's valet parking area, adjacent to the alley, and shall prevent patrons from entering the alley after 10:00 PM. Patrons shall instead be directed to use the Wilshire Boulevard access points. (Carried over from Resolution Nos. 1581 and 1628.)

27. Hotel personnel shall be stationed at the rooftop elevator lobby to ensure that the maximum occupancy, excluding hotel staff, does not exceed 165 persons at any time. (Carried over from Resolution No. 1518.)

28. A temporary barrier shall be installed within the hotel's parking area each night to prevent vehicles from entering or exiting the hotel's parking area through the alley after 10:00 PM. (Carried over from Resolution No. 1581.)

29. Outdoor dining areas located on the public right-of-way shall be limited to the north side of the building, which fronts on Wilshire Boulevard. Outdoor dining on the public right-of-way shall not be permitted to take place on the east side of the building, which fronts on South Crescent Drive. (Carried over from Resolution No. 1581.)

30. The playing of live or prerecorded music within the outdoor dining area located within the public right-of-way along Wilshire Boulevard shall be prohibited. (Carried over from Resolution Nos. 1581 and 1628.)

31. Outdoor dining along Wilshire Boulevard shall be set back a minimum of five feet (5') from the easternmost property line of the hotel, which fronts on South Crescent Drive. (Carried over from Resolution No. 1581.)

32. The property owner of 9360 Wilshire Boulevard shall maintain a minimum of 40 off-site parking spaces. The parking spaces shall be secured through a lease agreement, and be located within 500 feet of the hotel. The parking spaces shall be reserved for the exclusive use of the hotel between the hours of 6:00 PM and 2:00 AM, seven days per week. The property owner shall maintain such a lease agreement throughout the life of the Project, and a copy of the agreement shall be furnished to the City annually. (Carried over from Resolution No. 1581.)

33. All speakers located on the rooftop areas shall be installed at the base of the perimeter wall around the deck areas. Further, no speakers shall be permitted to be installed on the rooftop cabanas. (Carried over from Resolution No. 1581.)

34. All speakers within the premises shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being

plainly audible beyond the property line. Further, the sound levels shall be balanced with an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls. (Carried over from Resolution No. 1581.)

35. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls. (Carried over from Resolution No. 1581.)

36. The applicant shall mail or otherwise distribute Thompson Hotel management contact information, City of Beverly Hills contact information, and 24-hour contact information for dedicated security personnel to all property owners and residential occupants within 500 feet of the hotel. (Carried over from Resolution Nos. 1581 and 1628.)

37. There shall be no dancing allowed on the rooftop area at any time, as dancing constitutes a “nightclub” under the City’s codes, and nightclubs are not permitted to operate outside the Business Triangle. (Carried over from Resolution Nos. 1581 and 1628.)

38. Free parking shall be provided to hotel employees, including any consultants or agents retained by the hotel operator in connection with the operation of said facility, at all times. (Carried over from Resolution Nos. 1581 and 1628.)

39. The Director of Community Development shall review requests for all Rooftop Events at the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare. (Carried over from Resolution No. 1649.)

40. For all Rooftop Events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise, emanating from the Rooftop Event, in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer. (Carried over from Resolution No. 1649.)

41. The hotel operator shall pay for all costs related to police calls for service that occur as a result of a Rooftop Event that results in a violation of the Special Events Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer. (Carried over from Resolution No. 1649.)

42. The hotel shall provide access to Fire Department, Law Enforcement, and/or Code Enforcement Officers at any time. (Carried over from Resolution No. 1518.)

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

44. The Director of Community Development or their designee may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or

other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.

45. **EXPIRATION AND RENEWAL.** The Conditional Use Permit and Extended Hours Permit shall expire eighteen (18) months from the date of this approval. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits 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 entitlements granted herein result in a material number of noise related complaints, 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.

46. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

47. **RECORDATION.** The resolution approving the renewal of the existing Conditional Use Permit and Extended Hours Permit shall not become effective until the

owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

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

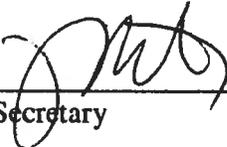
Section 15. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: November 19, 2012



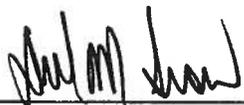
Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



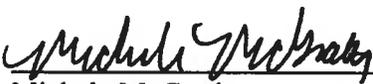
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Michele McGrath
Acting City Planner

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1661 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on November 19, 2012, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of four (4) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Fisher, Vice Chair Rosenstein, Chair Corman.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Yukelson.



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

RESOLUTION NO. 1723

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING RENEWAL OF A CONDITIONAL USE PERMIT AND EXTENDED HOURS PERMIT ASSOCIATED WITH ROOFTOP USES ON THE PROPERTY LOCATED AT 9360 WILSHIRE BOULEVARD (SIXTY BEVERLY HILLS HOTEL).

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

Section 1. Beverly Pavilion, LLC, (the Property Owner), through its agent Mitchell J. Dawson, has submitted an application to renew existing entitlements associated with hotel rooftop activities (Conditional Use Permit and Extended Hours Permit). The subject entitlements allow use of the rooftop facilities until 2:00 AM on Fridays and Saturdays and until 1:00 AM Sunday through Thursday, and allow up to 12 rooftop events per year to operate until 2:00 AM on a day other than a Friday or Saturday. The most recent renewal/approval was granted by the Planning Commission on November 19, 2012, and was effective for an 18-month period. No changes to the rooftop operations are proposed at this time, and the applicant seeks renewal of the entitlements in order to continue rooftop operations. (the "Project").

Section 2. The subject property was developed in the early 1960s, and although ownership has changed several times over the years, the property has always been used as a hotel. Development of the property was approved by the City Council pursuant to the issuance of a variance for increased height and floor area, and this development included a restaurant and rooftop pool. In 2006 a Conditional Use Permit and Development Plan Review permit was granted by the Planning Commission (Resolution No. 1418) to allow expanded rooftop uses

including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. As a condition of approval, and to prevent detriment to the surrounding residential properties, rooftop occupancy was limited to 92 persons (excluding hotel staff) and rooftop hours were limited to 1:00 AM.

In 2010, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit. Modifications to the hotel development and operation granted by the Commission included additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine level of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 2:00 AM, and an increased rooftop occupancy of 125 persons, excluding hotel staff (Resolution No. 1581).

In January 2012, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review, denied a requested modification to the existing Conditional Use Permit, and modified the existing Extended Hours Permit. The Planning Commission denied the request for increased occupancy within the rooftop area and modified the Extended Hours Permit to reduce operating hours, Sunday through Thursday, until 12:00 AM (Resolution No. 1628).

In July 2012, the Planning Commission approved a modification to the existing Conditional Use Permit and Extended Hours Permit to allow increased rooftop occupancy to a maximum of 150 persons and up to twelve (12) rooftop events within the rooftop area per 12-month period (Resolution No. 1649).

On November 19, 2012, the Planning Commission renewed the existing Conditional Use Permit and Extended Hours Permit for rooftop activities (Resolution No. 1661), increased rooftop occupancy to 165 persons, increased nighttime hours until 1:00 AM Sunday through Thursday, and approved an increase in hotel rooms from 114 to 119.

Section 3. The subject site is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject site is zoned C-3 (Commercial) and is located immediately outside of the City's Business Triangle. The site area consists of 16,440 square feet, and is developed with an eight-story hotel, of which three levels are used for vehicle parking. The hotel is approved for up to 119 guestrooms. Commercial properties surround the subject property along Wilshire Boulevard to the east and west; multi-family residential properties are located to the north and south of the property. The surrounding multi-family properties to the south range in height between two and four stories, and are separated from the commercial uses on Wilshire Boulevard, and the Sixty Beverly Hills Hotel, by a 15' alley.

Section 4. The Project consists of renewal of the existing Conditional Use Permit and Extended Hours Permit to allow for continued operation of the hotel's rooftop facilities as follows:

- Rooftop operations until 2:00 AM on Friday and Saturday nights
- Rooftop operations until 1:00 AM Sunday night through Thursday night
- Up to 12 rooftop events per year that could operate until 2:00 AM on a night other than a Friday or Saturday
- Maximum rooftop occupancy of up to 165 persons (excluding hotel staff)

Section 5. 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"), and the City's environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable for continued operation of an existing commercial structure that would not result in a significant environmental impact.

Section 6. Notice of the Project and public hearing was posted in two newspapers of local circulation, the *Beverly Hills Courier* and *Beverly Hills Weekly*, and was mailed on July 14, 2014 to all property owners and residential occupants within a 300-foot radius of the property. Written and oral comments were received during the public hearing, both in support and opposition of the Project, and were made a part of the record.

Section 7. In considering the request for a Conditional Use Permit, the Planning Commission may approve the Conditional Use Permit if the Commission finds as follows:

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

Section 8. 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 for rooftop occupancy up to 165 persons, as conditioned, will result in hotel operations that are consistent with existing and previously approved hotel operations. Based on the operating history of the hotel,

rooftop operations have periodically generated noise that has resulted in complaints from adjacent properties. However, with the previously imposed conditions of approval, noise disruptions to adjacent properties have been greatly reduced. Further, the conditions of approval require reassessment of the subject property 18 months from the approval date to ensure that substantial adverse impacts have not resulted from the project. Accordingly, the Project will not result in detriment to adjacent property or the public welfare.

Section 9. In considering the request for an Extended Hours Permit, the Planning Commission may approve the Extended Hours Permit if the Commission finds that issuance of said permit will not result in any of the following:

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

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

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

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

2. Noise complaints related to late-night rooftop operations at the hotel have decreased over the past several years. The hotel has implemented operational and physical changes to the hotel property, including changes to the rooftop area and valet services. It is likely that the reduction in noise-related complaints can be attributed to recent noise-mitigation improvements implemented by the hotel. Consequently, continued rooftop operations will not result in substantial adverse impacts.

3. Renewal of the Extended Hours Permit would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, allowing continued rooftop hours of operation until 2:00 AM on Friday and Saturday, and until 1:00 AM Sunday through Thursday will not create adverse impacts related to light and glare.

4. Renewal of the Extended Hours Permit would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, allowing continued rooftop hours of operation until 2:00 AM on Friday and Saturday, and until 1:00 AM Sunday through Thursday will not create adverse impacts related odors and noxious fumes.

5. Renewal of the Extended Hours Permit is related to rooftop uses only, and no changes to rooftop occupancy are proposed. Because the request is related to rooftop activities, rather than ground-floor activities, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the Project.

6. Renewal of the Extended Hours Permit is related to rooftop uses only, and no changes to rooftop occupancy are proposed. The request is related to rooftop activities, rather than ground-floor activities, and patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Furthermore, noise complaints for the hotel have greatly decreased over the past few years as a result of noise-mitigation improvements implemented by the hotel. Because patrons are typically contained within the subject property and noise related complaints have decreased over the past few years, continued operation of the rooftop will not result in added crime or peril to personal safety and security.

7. Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits, which prevents patrons from parking in these areas. Because the subject property is

immediately adjacent to the Business Triangle, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, parking information presented by the hotel during prior approvals indicates that sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the Project will not result in adverse parking impacts and intrusion into residential areas.

8. Renewal of the Extended Hours Permit does not modify existing hotel operations or capacities. The time period that the Extended Hours Permit is in effect (late night and early morning) typically has lower traffic volumes (as compared to peak hours). Therefore, renewal of the Extended Hours Permit will not adversely impact traffic volumes and congestion on local residential streets.

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

Section 11. Based on the foregoing, the Planning Commission hereby grants renewal of the Conditional Use Permit and Extended Hours Permit. The following conditions encompass all relevant conditions of approval previously imposed on the subject site in Resolution Nos. 3013, 1418, 1581, 1628, 1649, and 1661. Therefore, the previously approved Resolutions shall be superseded by this Resolution. The Project is subject to the following conditions:

1. The Project shall be built in substantial conformance with the plans as conditioned and approved by the Planning Commission on November 19, 2012.
2. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
3. The total number of hotel guest rooms on the subject property shall not exceed 119.
4. The subject property shall be required to maintain a minimum of 114 on-site parking spaces at all times.
5. Use of all unenclosed rooftop areas shall be prohibited between the hours of 1:00 AM and 5:00 AM, Sunday through Thursday, and between the hours of 2:00 AM and 5:00 AM, Friday and Saturday. This condition shall remain in full force and effect unless and until the Planning Commission modifies this restriction at a future public hearing.
6. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 165 persons unless and until the Planning Commission modifies this restriction at a future hearing.
7. The hotel shall be allowed up to twelve (12) Rooftop Events per 12-month period in the hotel's rooftop area provided that the following criteria are met:
 - a. The Rooftop Event shall not operate later than 2:00 AM; and
 - b. The frequency of such Rooftop Events shall not exceed two (2) per month.
 - c. Request for Rooftop Events shall be submitted to the Director of Community Development at least seven (7) days prior to such event.

8. The total height of said building shall not exceed eight (8) stories or 100 feet, whichever is less, measured and defined as specified by said Code, except for the construction of a penthouse as allowed by said Code. (Carried over from Resolution No. 3013.)

9. That the total gross floor area of all buildings on said Lots 1717 and 1718, excluding basement, mezzanine, penthouse, and off-street automobile parking areas, shall not exceed three and one-half times the buildable area of said Lots 1717 and 1718. (Carried over from Resolution No. 3013.)

10. That the floor area devoted to dining and bar use shall not exceed 1,500 square feet. (Carried over from Resolution No. 3013.)

11. That two loading spaces shall be provided and maintained in accordance with the requirements of said Code. (Carried over from Resolution No. 3013.)

12. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for required space for any building or use not situated on said Lots 1717 and 1718. (Carried over from Resolution No. 3013.)

13. That no portion of the parking and loading space required to be provided and maintained hereunder shall be used for other than automobile parking purposes and the loading and unloading of passengers and merchandise, and specifically, but without limiting the generality of the foregoing, no portion thereof shall be used for storage, warehousing, workshops, or the sale or storage of gasoline, automobile products, or other merchandise. (Carried over from Resolution No. 3013.)

14. That no sign shall be constructed, erected or maintained above the top story of any structure constructed on said Lots 1717 and 1718, except on the side of a penthouse. (Carried over from Resolution No. 3013.)

15. No live entertainment shall be allowed on the rooftop area at any time. (Carried over from Resolution Nos. 1418, 1581 and 1628)

16. Pre-recorded, background music which does not interfere with normal speech communication may be played on the rooftop area, provided the volume level conforms to the City's noise level standard and is not audible beyond the hotel's property lines. (Carried over from Resolution No. 1418.)

17. The glass wind screens surrounding the perimeter of the upper and lower rooftop shall be comprised of clear glass. (Carried over from Resolution No. 1418.)

18. Free parking shall be provided to hotel employees, including any consultants or agents retained by the operator of the subject hotel in connection with the operation of said facility, at all times. (Carried over from Resolution Nos. 1418, 1581, 1628 and 1661.)

19. Valet parking shall be provided at all times. Restaurant patrons and non-hotel rooftop guests shall be charged reduced parking rates for said valet parking with validation. The parking rates charged for said valet parking shall not exceed the average of rates charged for valet parking within a one-half mile radius of the Project. (Carried over from Resolution No. 1418.)

20. The access to restaurant spaces located at the Crescent Drive elevation shall be used for emergency egress only and shall not be used to provide entry to the restaurant at any time. (Carried over from Resolution No. 1418.)

21. Keycard access shall be required for all elevators to restrict access to the rooftop to hotel guests and their invitees and authorized members of the general public only. (Carried over from Resolution No. 1418.)

22. Use of the rooftop gymnasium facility shall be restricted to the hotel guests and hotel employees. (Carried over from Resolution No. 1418.)

23. The city expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Directory, the parking and traffic issue merits review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a notice public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense. (Carried over from Resolution No. 1418.)

24. After 12:00 midnight daily, all vehicles shall exit onto Wilshire Boulevard. No access onto Crescent Drive shall be permitted after midnight. (Carried over from Resolution No. 1418.)

25. At time of renewal, an attestation that the conditions of approval are being met shall be submitted to the City. (Carried over from Resolution No. 1418.)

26. Hotel personnel shall be stationed on the ground-floor of the hotel's valet parking area, adjacent to the alley, and shall prevent patrons from entering the alley after 10:00 PM. Patrons shall instead be directed to use the Wilshire Boulevard access points. (Carried over from Resolution Nos. 1581 and 1628.)

27. Hotel personnel shall be stationed at the rooftop elevator lobby to ensure that the maximum occupancy, excluding hotel staff, does not exceed 165 persons at any time. (Carried over from Resolution No. 1518.)

28. A temporary barrier shall be installed within the hotel's parking area each night to prevent vehicles from entering or exiting the hotel's parking area through the alley after 10:00 PM. (Carried over from Resolution No. 1581.)

29. Outdoor dining areas located on the public right-of-way shall be limited to the north side of the building, which fronts on Wilshire Boulevard. Outdoor dining on the public right-of-way shall not be permitted to take place on the east side of the building, which fronts on South Crescent Drive. (Carried over from Resolution No. 1581.)

30. The playing of live or prerecorded music within the outdoor dining area located within the public right-of-way along Wilshire Boulevard shall be prohibited. (Carried over from Resolution Nos. 1581 and 1628.)

31. Outdoor dining along Wilshire Boulevard shall be set back a minimum of five feet (5') from the easternmost property line of the hotel, which fronts on South Crescent Drive. (Carried over from Resolution No. 1581.)

32. The property owner of 9360 Wilshire Boulevard shall maintain a minimum of 40 off-site parking spaces. The parking spaces shall be secured through a

lease agreement, and be located within 500 feet of the hotel. The parking spaces shall be reserved for the exclusive use of the hotel between the hours of 6:00 PM and 2:00 AM, seven days per week. The property owner shall maintain such a lease agreement throughout the life of the Project, and a copy of the agreement shall be furnished to the City annually. (Carried over from Resolution No. 1581.)

33. All speakers located on the rooftop areas shall be installed at the base of the perimeter wall around the deck areas. Further, no speakers shall be permitted to be installed on the rooftop cabanas. (Carried over from Resolution No. 1581.)

34. All speakers within the premises shall be located in such a manner so as to direct all sound towards patrons and otherwise prevent the possibility of sound being plainly audible beyond the property line. Further, the sound levels shall be balanced with an equalizer that will allow for the attenuation of bass frequencies to limit noise from escaping beyond the perimeter walls. (Carried over from Resolution No. 1581.)

35. Volume controls for the sound system shall be fitted with a locked cover to prevent tampering with the volume levels. Additionally, only hotel management shall be provided with access to the volume controls. (Carried over from Resolution No. 1581.)

36. The applicant shall investigate additional noise attenuation measures and implement such measures where feasible.

37. The applicant shall mail or otherwise distribute Sixty Beverly Hills Hotel management contact information, City of Beverly Hills contact information, and 24-hour contact information for dedicated security personnel to all property owners and

residential occupants within 500 feet of the hotel. (Carried over from Resolution Nos. 1581 and 1628.)

38. There shall be no dancing allowed on the rooftop area at any time, as dancing constitutes a “nightclub” under the City’s codes, and nightclubs are not permitted to operate outside the Business Triangle. (Carried over from Resolution Nos. 1581 and 1628.)

39. The Director of Community Development shall review requests for all Rooftop Events at the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare. (Carried over from Resolution No. 1649.)

40. For all Rooftop Events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise, emanating from the Rooftop Event, in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer. (Carried over from Resolution No. 1649.)

41. The hotel operator shall pay for all costs related to police calls for service that occur as a result of a Rooftop Event that results in a violation of the Special Events Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer. (Carried over from Resolution No. 1649.)

42. The hotel shall provide access to Fire Department, Law Enforcement, and/or Community Development Department staff at any time. (Carried over from Resolution No. 1518.)

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

44. The Director of Community Development or their designee may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.

45. EXPIRATION AND RENEWAL. The Conditional Use Permit and Extended Hours Permit shall expire eighteen (18) months from the date of this approval. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits 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 entitlements granted herein result in a material number of noise related complaints, 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.

46. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

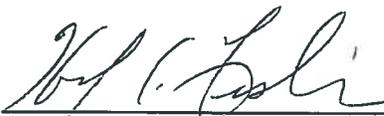
47. RECORDATION. The resolution approving the renewal of the existing Conditional Use Permit and Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth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

been no substantial changes to any federal, state or local law that would affect the Project.

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

Section 12. 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: July 24, 2014



Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1723 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 24, 2014, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

- AYES: Commissioner Shooshani, Vice Chair Block, Chair Fisher.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Commissioner Corman.
- RECUSED: Commissioner Rosenstein

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