



## Planning Commission Report

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**Meeting Date:** May 12, 2016

**Subject:** **9882 South Santa Monica Boulevard (The Peninsula Hotel)**  
Request for an Extended Hours Permit to allow operation of hotel rooftop and outdoor ground-floor dining areas in a Commercial-Residential Transition Area.

**Project Applicant:** Mitchell J. Dawson

**Recommendation:** Staff recommends that the Planning Commission adopt a resolution conditionally approving the Extended Hours Permit, and finding the project exempt from the California Environmental Quality Act.

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### REPORT SUMMARY

The proposed project involves a request for an Extended Hours Permit to allow operation of the Peninsula Hotel's outdoor rooftop and the ground-floor veranda and dining terrace. The Extended Hours Permit would allow use of these areas until 2:00 a.m. on Fridays and Saturdays and until 12:00 midnight 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. Sunday through Thursday.

The most recent renewal/approval was granted by the Planning Commission on November 13, 2014, was effective for a 12-month period, and expired on November 13, 2015. The applicant seeks approval of a new Extended Hours Permit in order to re-establish the same rooftop operations that were allowed under the expired permit. The previous Extended Hours Permit had allowed operations in the same areas (the hotel rooftop and the ground-floor veranda and dining terrace), for the same hours (until 2:00 a.m. on Fridays and Saturdays and until 12:00 a.m. Sunday through Thursday), and subject to the same conditions as the proposed permit.

This report analyzes the proposed project in conjunction with the hotel's operations under its previous Extended Hours Permit. Staff's analysis concludes that the permit will allow the hotel to remain competitive within the City and surrounding area and will not result in adverse impacts to the surrounding neighborhood. Accordingly, the recommendation in this report is for approval of the Extended Hours Permit.

**Attachment(s):**

- A. Required findings
- B. Draft Resolution
- C. Calls for Service
- D. Public Notice
- E. Relevant Planning Commission Resolutions (No. 1735, 1720 and 1675)

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**BACKGROUND**

File Date 4/21/2016  
Application Complete 4/21/2016  
Subdivision Deadline N/A  
CEQA Deadline 60 days from CEQA Determination  
CEQA Determination Class 1 categorical exemption for minor alterations  
Permit Streamlining 60 days from CEQA Determination

Applicant(s) The Peninsula Hotel  
Owner(s) The Belvedere Hotel Partnership  
Representative(s) Mitchell J. Dawson

Prior PC Action Reso. 417 (4/22/85) – Approving the CUP for a hotel development  
Reso. 1545 (1/15/09) – Amending the CUP to allow increase in retail square footage and expansion of operational facilities  
Reso. 1675 (2/28/13) – Amending the CUP to allow modifications to hotel outdoor dining and rooftop pool and dining uses and an extended hours permit on the property  
Reso. 1720 (5/22/14) – Amending the CUP and Extended Hours Permit  
Reso. 1735 (11/13/14) – Amending the CUP and Extended Hours Permit

**PROPERTY AND NEIGHBORHOOD SETTING**

Property Information

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

Adjacent Zoning and Land Uses

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



Circulation and Parking

Adjacent Street(s)

Adjacent Alleys

South Santa Monica Boulevard, Lasky Drive, Durant Drive, and Charleville Boulevard

Parkways & Sidewalks

No alley immediately adjacent to the property

Parking Restrictions

10' South Santa Monica Boulevard, 10' Durant Drive, 10' Lasky Drive, 10' Charleville Boulevard

Nearest Major

Intersection

South Santa Monica Boulevard, Lasky Drive, Charleville Boulevard, non-residential Durant Drive – metered street parking; Durant Drive (multi-family residential) – Permit Zone “J”<sup>1</sup>

Circulation Element

Wilshire Boulevard and South Santa Monica Boulevard

South Santa Monica Boulevard serves as an arterial street, and Lasky Drive, Durant Drive, and Charleville Boulevard all serve as local streets.

Neighborhood Character

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

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



### PROJECT DESCRIPTION

The proposed project consists of a request for an Extended Hours Permit that would authorize the following:

- Hotel rooftop and outdoor dining area operations until 2:00 a.m. on Fridays and Saturdays;
- Hotel rooftop and outdoor dining area operations until 12:00 midnight Sundays through Thursdays;
- Up to 12 rooftop events per year that could operate until 2:00 a.m. on a night other than a Friday or Saturday.

This proposed project would establish similar conditions as those applied to the hotel's previous Extended Hours Permit for a new 12-month period.

### GENERAL PLAN 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 Guidelines, 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.

#### **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	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 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	7 Days

#### Public Comment

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



## **ANALYSIS<sup>2</sup>**

Approval of an Extended Hours Permit is based on specific findings as set forth in Attachment A and the following staff analysis may be used to help guide the Commission's deliberations:

**Previous Approval.** A previous Extended Hours Permit had allowed the hotel to use its outdoor rooftop and dining areas until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. Friday and Saturday evenings. In addition, the hotel was allowed up to 12 rooftop events per year, but not more than 2 in a month, for operations until 2:00 a.m. on an evening other than a Friday or Saturday. That previous permit expired on November 13, 2015 due to non-renewal. The current request seeks a new Extended Hours Permit establishing the same operational hours for the same areas of the hotel.

**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 extended hours resulted in any adverse impacts to surrounding properties. During that period, there were a total of 83 calls for service. Of all the calls for service, a total of four calls occurred during extended hours. Two of these calls were related to 'Disturbing/Keeping the Peace', which occurred at 2:16 AM and 11:11 PM. Additionally, one call that was logged at 12:33 AM resulted in an arrest related to alcohol/drugs, and another call occurred at 1:03 AM related to 'Suspicious Circumstances.' At the time of the writing of this report, detailed incident reports were not available for staff's review. Therefore, it is unclear whether these calls were in any way related to the rooftop patio or outdoor dining areas that are the subject of this application.

Based on the information provided by the Police Department regarding "disturbing/keeping the peace" incidents, it appears that on potentially two occasions the hotel may have violated conditions of approval related to operating hours and noise. However, the potential violations could not be verified at the time of the writing of this report because detailed incident reports were not available for Staff review. Staff will be able to summarize details about the two incidents at the May 12, 2016 hearing as it is expected that the detailed incident reports will be available in time for the hearing. Based on the additional information from the incident reports, the Commission may wish to discuss whether changes to the conditions or hours of operation are merited due to the number and nature of calls logged over the two-year period. Additionally, Staff is not recommending adoption of a penalty schedule for violations, similar to the schedule recently adopted for the L'Hermitage 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 Permit and Review Process.** While the applicant has not requested a specific review interval for future review, Staff would recommend that the Extended Hours Permit be valid for 12 months. The Planning Commission's most recent resolution modifying the

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<sup>2</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.



applicant's Extended Hours Permit was valid for 12 months in part because that resolution also approved facility modifications through a Conditional Use Permit. The 12-month review interval provides the City with a period to assess any impacts on the surrounding area.

The applicant has requested that future renewals of the extended hours permit be extended by the Director of Community Development. Based on the limited number of Police Department incidents, Staff would recommend allowing future reviews to be conducted by the Director of Community Development. The Director would be authorized to extend the Extended Hours Permit if the hotel's operations are in compliance with all imposed conditions, are conducted in the manner approved by the Planning Commission, and are not creating significant adverse impacts on the surrounding neighborhood. Alternatively, the Commission may wish to require a Commission-level review at the next interval due to the lapse in the prior approval.

**Events.** Under the hotel's previous Extended Hours Permit, the hotel was permitted to conduct up to 12 rooftop and ground-floor outdoor events per year, with a maximum of two per month, in the hotel's rooftop and ground-floor outdoor dining areas. For these purposes, an event is considered to be operations in those areas between 12:00 midnight and 2:00 a.m. on a night other than a Friday or Saturday. Based on the lack of Police Department incidents, staff recommends that up to 12 events be allowed for a new 12-month period, at which time staff or the Planning Commission can again analyze the impacts of these events.

#### **NEXT STEPS**

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

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

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



**Attachment A**  
**Required Findings**

**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.



**Attachment B**  
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN EXTENDED HOURS PERMIT FOR THE PROPERTY LOCATED AT 9882 SOUTH SANTA MONICA BOULEVARD (PENINSULA HOTEL).

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

Section 1. The Belvedere Hotel Partnership (the Property Owner), through its agent Mitchell J. Dawson (collectively, the “Applicant”), has submitted an application for an Extended Hours Permit to allow for operation of the hotel’s rooftop facilities and ground-floor veranda and dining terrace (the “Project Areas”) during extended hours. The subject entitlements would allow use of the Project Areas until 2:00 a.m. on Fridays and Saturdays and until 12:00 midnight 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 of an Extended Hours Permit was granted by the Planning Commission on November 13, 2014, which was effective for a 12-month period and expired on November 13, 2015 (Resolution No. 1735). The Applicant seeks approval of substantially the same extended hours as those that were previously approved in order to reconvene operations in the Project Areas during the extended hours (the “Project”).

Section 2. The hotel use was originally permitted for the site on April 22, 1985, through a Conditional Use Permit approved by the Planning Commission and affirmed by the City Council on appeal on January 21, 1986. The Conditional Use Permit established the development standards for the site, including floor area, number of guest rooms, retail space and

parking requirements. In addition, the CUP regulates various aspects of the hotel's operations, including hours for rooftop pool uses, parking, and loading operations. Since the hotel's construction, the Planning Commission has adopted subsequent resolutions (Resolution Nos. 1545, 1675, and 1720) modifying the hotel's operation and conditions of approval.

On January 15, 2009, the Planning Commission amended the Conditional Use Permit to allow an increase in retail square footage and expansion of operational facilities (Resolution No. 1545). On February 28, 2013, the Planning Commission amended the Conditional Use Permit to allow modifications to hotel outdoor dining and rooftop pool, and granted an Extended Hours Permit to allow extended hours until 2:00 a.m. on Fridays and Saturdays and until 12:00 midnight Sunday through Thursday, and to allow up to 12 rooftop events per year to operate until 2:00 a.m. on a day other than a Friday or Saturday. On May 22, 2014, the Planning Commission renewed the existing Conditional Use Permit and Extended Hours permit (Resolution No. 1720).

On November 13, 2014, the Planning Commission approved a modification to the existing Conditional Use Permit to allow changes to the Project Areas and approved an Extended Hours Permit to allow the same extended hours within the modified Project Areas (Resolution No. 1735). The Extended Hours Permit, but not the Conditional Use Permit, expired on November 13, 2015.

On April 21, 2016, the Applicant submitted an application for a new Extended Hours Permit. The Applicant seeks these entitlements to re-establish operations in the Project Areas during the same hours as were previously approved.

The subject site is located on the southeast side of South Santa Monica Boulevard, and is bordered by Lasky Drive to the east, Durant Drive to the southeast side, and

Charleville Boulevard to the southwest. The site area consists of 2.19 acres and is currently developed with a four-story hotel with 194 guestrooms and a rooftop pool and café. The subject site is zoned C-3 (Commercial). The site is surrounded by commercial properties along South Santa Monica Boulevard, Lasky Drive, and Charleville Boulevard, with multi-family residential units on Durant Drive. To the east on Lasky Drive is Maison 140, which is a small hotel with 43 guest rooms. The multi-family residential properties on Durant Drive typically vary between two and four stories in height, and are generally separated from the commercial uses by Charleville Boulevard. The nearest residential property is located at 9901 Durant Drive and is approximately 104 feet from the rooftop pool area of the Peninsula Hotel.

Section 3. The Project consists of a request for an Extended Hours Permit to allow operations of the Project Areas as follows:

- Rooftop and ground floor outdoor dining area operations until 2:00 a.m. on Friday and Saturday nights.
- Rooftop operations and ground floor outdoor dining area until 12:00 midnight Sunday night through Thursday night.
- Up to 12 rooftop and ground floor outdoor dining area events per year that could operate until 2:00 a.m. on a night other than a Friday or Saturday.

Section 4. The request to continue operations in the Project Areas during the extended hours results in the need for specific entitlements as follows:

1. 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 and ground

floor outdoor dining facilities to operate before 7:00 a.m. or after 10:00 p.m., an Extended Hours Permit is required. Although an Extended Hours Permit was previously granted for Project Areas, a new Extended Hours Permit is required because the previous permit has expired.

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

Section 6. Notice of the Project and public hearing was published in two newspapers of local circulation and was mailed on May 2, 2016 to all property owners and residential occupants within a 500-foot radius of the property plus block face. Notice of the Project and public hearing was also posted on the property on May 2, 2016.

Section 7. 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 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Extended Hours Permit:

1. The Extended Hours Permit is related to rooftop and outdoor dining areas. As conditioned, collection of garbage, litter, and other waste is carried out by hotel staff during regular operation of these areas. Moreover, the Applicant's proposed operating hours were previously approved and in effect until November 13, 2015. Based on previous hotel operations, the Extended Hours Permit is not anticipated to result in the accumulation of garbage, litter, or other waste. For these reasons, operation of the Project Areas during extended hours would 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. The City's Police Department and Code Enforcement records for the past two years demonstrate that there have been a very limited number of complaints related to noise from the hotel's operations. Approval of the Extended Hours Permit would allow operations in the same Project Areas and during the same extended that were permitted during that time period. Therefore, continued use of the Extended Hours Permit in a manner consistent with past approvals will not result in new noise impacts. The outdoor Project Area closest to the nearest residential neighbors is the rooftop outdoor dining and pool area, which at the closest point is separated by a public street and is approximately 104 feet to the nearest residential neighbor. This appears to be a sufficient distance and buffer from the residential neighbors, along with the conditions of approval limiting music, dancing and noise in the outdoor areas, to prevent adverse noise impacts. Therefore, it is not anticipated that the extended hours within the Project Areas would substantially disrupt the peace and quiet of the adjacent neighborhood.

3. The approval of extended hours would not result in any added light and glare beyond what currently exists at the subject property. Moreover, the City has not received any complaints that would suggest that light and glare have impacted the surrounding neighborhood during similar operating hours within the Project Areas. Therefore, approval of extended hours in the Project Areas is not anticipated to create an adverse impact related to light and glare.

4. Approval of extended hours would not result in any added odors or noxious fumes beyond what currently exist at the subject property. The City has not received any complaints that would suggest that odors and noxious fumes have impacted the surrounding neighborhood during similar operating hours within the Project Areas. Therefore, approval of extended hours in the Project Areas is not anticipated to create an adverse impact related to odors and noxious fumes.

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

6. The Extended Hours Permit is related to rooftop uses and outdoor dining uses within the premises of the hotel. Patrons of the hotel typically utilize the hotel's valet parking operation or park within the surrounding commercial area, as parking on the residential streets is regulated by permits. Moreover, patrons are typically contained within the subject property. Therefore, approval of the extended hours within the Project Areas 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. No parking is permitted on the nearest residential street (Durant Drive) in the evenings, which prevents patrons from parking in these areas. Since the subject property is immediately adjacent to commercial uses, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets rather than residential streets. Further, the hotel provides sufficient parking that is able to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the approved operation of the Project Areas during extended hours is not anticipated to substantially disrupt the peace and quiet of the adjacent neighborhood as a result of parking impacts or intrusion into residential areas.

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

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

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Extended Hours Permit subject to the following conditions:

Project Specific Conditions

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

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

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

- a. The event shall not operate later than 2:00 a.m.; and
- b. The frequency of such events shall not exceed two (2) per month
- c. Forty-eight (48) hours prior to the hosting of an extended hours event in either the outdoor dining areas or the rooftop pool and dining areas, the Applicant shall notify the Director of Community Development.

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

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

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

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

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

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

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

11. For all extended hours rooftop or ground floor outdoor dining area events conducted pursuant to Condition No. 3 above, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, including internal security staff of the Applicant, to monitor noise, emanating from the rooftop event toward the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The Applicant shall pay the cost of assigning the public safety officer.

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

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

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

15. This Resolution approving the 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 five (5) 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 five (5) 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 five (5) 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.

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

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

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

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

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

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

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

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

24. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

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

26. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

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

Adopted: May 12, 2016

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

Attest:

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

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

---

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



**Attachment C**  
Police Department 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

# Peninsula Hotel

## INCIDENT SEARCH

Print Date/Time: 3/12/2016 4:13:17 PM

Incident Number	Call Date/Time	Dispositions	Location	Incident Type
2016-00012466	03/08/2016 17:00:16	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC HAZARD
2016-00009406	02/21/2016 12:08:18	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC HAZARD
2016-00002940	01/17/2016 19:02:49	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2016-00002198	01/13/2016 14:59:29	RES - 1, CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	MAN DOWN
2016-00001997	01/12/2016 16:39:45	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	PARKING CALL
2016-00000418	01/04/2016 00:32:01	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2015-00067389	12/29/2015 11:40:56	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	PARKING CALL
2015-00066850	12/25/2015 14:00:50	CIV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	537 PC- DEFRAUD INNKEEPER
2015-00065216	12/16/2015 00:33:40	ARR - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2015-00059135	11/11/2015 05:53:28	RES - 1, RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00055272	10/22/2015 07:20:10	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ANIMAL COMPLAINT
2015-00048089	09/14/2015 09:58:24	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2015-00045106	08/30/2015 13:38:55	CRP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	911 CALL
2015-00044275	08/26/2015 13:54:06	ALMA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ALARM
2015-00043732	08/24/2015 15:13:58	REF - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2015-00043205	08/21/2015 14:33:00	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2015-00042963	08/20/2015 12:48:39	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	911 CALL
2015-00042549	08/19/2015 02:16:45	ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	KEEP THE PEACE
2015-00039405	08/04/2015 22:23:03	REF - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ALARM
2015-00039406	08/04/2015 22:21:34	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2015-00038789	08/01/2015 12:22:22	RES - 1, RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2015-00036883	07/22/2015 00:05:09	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2015-00035845	07/15/2015 14:08:18	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	OTHER
2015-00035810	07/15/2015 11:59:08	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	OTHER
2015-00035032	07/11/2015 09:46:54	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2015-00034952	07/10/2015 19:41:41	CKOK - 1, AST - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2015-00034680	07/09/2015 14:26:40	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FOLLOW-UP
2015-00034185	07/06/2015 18:22:37	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2015-00033901	07/05/2015 07:39:43	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	PROPERTY (LOST OR FOUND)
2015-00033845	07/04/2015 20:29:01	CRP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2015-00033774	07/04/2015 08:54:04	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	470 PC- FORGERY
2015-00033354	07/01/2015 19:51:00	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2015-00029719	06/11/2015 21:25:49	ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	647(F) PC- DRUNK/DRUGS
2015-00028149	06/03/2015 17:11:02	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2015-00025599	05/20/2015 20:12:08	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2015-00025314	05/19/2015 15:59:15	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	JUVENILE COMPLAINT
2015-00023314	05/08/2015 08:40:16	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SIGNS
2015-00022263	05/02/2015 12:47:08	WRN - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	602(L) PC- TRESPASSING
2015-00021870	04/30/2015 15:03:15	EX - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2015-00021017	04/25/2015 18:30:26	AST - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	COUNTER REPORT
2015-00019277	04/16/2015 17:03:22	NRD - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2015-00013752	03/17/2015 13:58:00		9882 S SANTA MONICA BLVD, BEVERLY HILLS	THREATS
2015-00012562	03/11/2015 01:12:00	NPA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	537 PC- DEFRAUD INNKEEPER
2015-00012413	03/10/2015 10:41:42	UTL - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	PARKING CALL
2015-00011791	03/06/2015 11:50:50	SOW - 1, ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2015-00010617	02/27/2015 21:41:00	ARR - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	242 PC- BATTERY
2015-00010336	02/26/2015 13:00:16	RES - 1, RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FALL ON CITY PROPERTY
2015-00009514	02/21/2015 21:05:49	RES - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ASSIST BHF
2015-00007786	02/12/2015 21:09:53	NRD - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2015-00004293	01/26/2015 18:23:35	EX - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2015-00003103	01/19/2015 20:16:10	ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	DISTURBING THE PEACE
2015-00001736	01/11/2015 21:04:35	ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	MUNICIPAL CODE VIOLATION
2015-00000014	01/01/2015 01:03:58	AST - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SUSPICIOUS CIRCUMSTANCES
2014-00054700	12/23/2014 20:33:39	CMP - 1, ARR - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00053588	12/17/2014 09:08:59	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	COUNTER REPORT
2014-00053457	12/16/2014 11:02:51	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	415 PC- DISTURBANCE
2014-00050328	11/26/2014 14:50:29	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SIGNS
2014-00050122	11/25/2014 10:31:00	IMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	IMPOUND
2014-00043438	10/17/2014 14:14:32	AST - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ANIMAL COMPLAINT

2014-00043409	10/17/2014 11:59:57	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SIGNS
2014-00043251	10/16/2014 14:49:57	ALMA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ALARM
2014-00042956	10/15/2014 07:51:51	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SIGNS
2014-00040281	09/29/2014 10:54:07	CIT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC STOP
2014-00040235	09/28/2014 23:11:16	ADV - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	DISTURBING THE PEACE
2014-00039313	09/22/2014 18:53:58	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	MISC FRAUD CRIME
2014-00037862	09/13/2014 01:36:21	ALMA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ALARM
2014-00037094	09/08/2014 18:36:02	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	487 PC- GRAND THEFT
2014-00036357	09/03/2014 17:54:26	RPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SUSPICIOUS CIRCUMSTANCES
2014-00035914	08/31/2014 18:47:26	IRPT - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	273A PC- CHILD ABUSE
2014-00032531	08/10/2014 14:19:17	SOW - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2014-00029546	07/21/2014 07:36:48	EX - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2014-00028963	07/16/2014 20:20:02	UTL - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRANSIENT COMPLAINT
2014-00028155	07/11/2014 17:05:07	RPT - 1, NRD - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	242 PC- BATTERY
2014-00026881	07/02/2014 21:06:41	NRD - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	602(L) PC- TRESPASSING
2014-00025887	06/27/2014 04:22:53	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2014-00024277	06/16/2014 16:22:16	CMP - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SIGNS
2014-00022707	06/05/2014 19:22:17	ALMA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	ALARM
2014-00018710	05/10/2014 12:45:35	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SPECIAL WATCH
2014-00018704	05/10/2014 12:01:44	NPA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	MEDIA COMPLAINT
2014-00018690	05/10/2014 09:55:56	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	FB
2014-00015383	04/18/2014 22:25:00	EX - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	TRAFFIC ACCIDENT
2014-00012188	03/28/2014 02:03:59	GOA - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	DUI
2014-00011569	03/24/2014 01:05:21	CKOK - 1	9882 S SANTA MONICA BLVD, BEVERLY HILLS	SUSPICIOUS VEHICLE

Total Rows: 83



**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 an Extended Hours Permit for the property located at **9882 South Santa Monica Boulevard (Peninsula Hotel)**. The entitlements are being requested as follows:

The Applicant was previously granted entitlements, including an Extended Hours Permit to allow uses on the rooftop as well as ground floor outdoor dining areas until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. on Friday and Saturday evenings and evenings preceding a holiday. In addition, the entitlements allowed for the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m., on days other than a Friday, Saturday or evenings preceding a holiday. The Extended Hours Permit has since expired, and the Applicant is requesting a new Extended Hours Permit for the same hours as previously approved.

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](mailto:asahakian@beverlyhills.org). Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:

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

Andre Sahakian, Associate Planner

Mailed: May 2, 2016



**Attachment E**  
Relevant Planning Commission Resolutions  
(Nos. 1735, 1720, and 1675)

RESOLUTION NO. 1735

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project Specific Conditions

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

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

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

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

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

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

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

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

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

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

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

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

11. For all extended hours rooftop events conducted pursuant to Condition No. 3 above, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, including internal security staff of the Applicant, to monitor noise, emanating from the rooftop event toward the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.

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

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

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

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

17. This resolution approving the Conditional Use Permit and Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community

Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

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

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

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

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

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

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

mitigation measures associated with the hotel, including a traffic signal if necessary, shall be borne by the Applicant.

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

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

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

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

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

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

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

31. The water system in the Project shall include measures to mitigate water consumption, including but not limited to the following: low-flush toilets; low-flow showers and faucets; insulation of hot water lines in water recirculating systems; to the extent feasible and

consistent with design standards water pressure shall be reduced to 50 psi or less by means of pressure valves; flush valve operated water closets at three gallons per flush; self-closing valves on any drinking fountains; thermostatically controlled mixing valves for bath/showers; appropriate posting of water conservation measures; water conserving washers; and water conserving dishwashers equipped with retrofitting spray emitters; and subject to approval of Architectural Commission, low-water-consuming plants and other exterior landscape methods and system to minimize water consumption shall be provided.

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

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

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

per hour; and fixed automatic fire extinguishing system for kitchen range vent hood exhaust systems.

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

#### Standard Conditions

36. The applicant shall submit a Construction Management Plan to the Departments of Building and Safety, Public Works, and Transportation for review and approval prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:

- a. Written information about the construction parking arrangements, and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Community Development Department.
- b. Information regarding the anticipated number of workers, the location of parking with respect to schedules of the construction period, the arrangements of deliveries, hauling activities, the length of time of operation, designation of construction staging areas and temporary use areas, and other pertaining information regarding construction related traffic.

- c. The proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

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

38. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

39. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

40. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

41. In the event that any parking meters are removed or temporarily obstructed as a result of the Project, the full cost of removal, replacement, and/or loss of revenues shall be calculated by the Director of Public Works and paid by the Applicant.

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

43. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

44. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

45. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

46. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the existing tree roots within the parkway area.

47. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

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

49. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional

Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

50. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

51. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

52. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

53. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

54. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

55. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, trailers, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.

56. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

57. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

58. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

59. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

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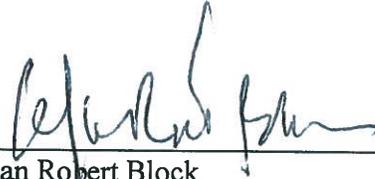
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Section 13. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission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

Adopted: November 13, 2014



Alan Robert Block  
Temporary 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:

  
Jay Trevino, AICP  
Interim City Planner

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

I, JAY TREVINO, Secretary of the Planning Commission and Interim City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1735 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on November 13, 2014, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES:           Commissioners Shooshani, Rosenstein, Corman, Vice Chair Block.  
NOES:           None.  
ABSTAIN:       None.  
ABSENT:        Chair Fisher.

  
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JAY TREVINO, AICP  
Secretary of the Planning Commission /  
Interim City Planner  
City of Beverly Hills, California

RESOLUTION NO. 1720

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”). Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1 Categorical Exemption and is not anticipated to have a significant environmental impact. The Class 1 exemption is applicable for minor operational changes associated with a commercial structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project Specific Conditions

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

Conditions incorporated from Resolution No. 1675

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

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

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

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

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

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

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

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

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

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

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

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

Conditions incorporated from Resolution No. 1545

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: May 22, 2014



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

Attest:



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Secretary

Approved as to form:



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David M. Snow  
Assistant City Attorney

Approved as to content:



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Jonathan Lait, AICP  
City Planner

AS

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1720 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on May 22, 2014, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES:           Commissioners Shooshani, Block, Corman, Vice Chair Fisher, Chair  
                    Rosenstein.

NOES:           None.

ABSTAIN:       None.

ABSENT:        None.

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

RESOLUTION NO. 1675

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

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

Section 1. The Belvedere Hotel Partnership, owner of the Peninsula Hotel, through its agent Mitchell J. Dawson (collectively the "Applicant"), has submitted an application for an amendment to an existing Conditional Use Permit and an Extended Hours Permit to allow use of the rooftop pool and dining areas, along with ground floor outdoor dining areas, until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. on Friday and Saturday evenings and evenings preceding a holiday. In addition, the Applicant requests the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday, or a day preceding a holiday. These proposed changes result in the need for an amendment to the previously issued Conditional Use Permit and an Extended Hours Permit for the property located at 9882 South Santa Monica Boulevard (the "Project").

Section 2. The hotel use was originally permitted for the site through a Conditional Use Permit (CUP) approved by the Planning Commission on April 22, 1985, and the Planning Commission decision was affirmed by the City Council on appeal on January 21, 1986.

The Conditional Use Permit established the development standards for the site, including floor area, number of guest rooms, retail space and parking requirements. In addition, the CUP regulates various aspects of the hotel's operations, including hours for rooftop pool uses, parking, and loading operations. In 2009, the Planning Commission amended the Conditional Use Permit to allow for increased retail space and expansion of operational facilities, and approved Resolution No. 1545 which incorporates the previous resolutions for the hotel.

Section 3. The subject site is located on the southeast side of South Santa Monica Boulevard, and is bordered by : Lasky Drive to the east, Durant Drive to the southeast side, and Charleville Boulevard to the southwest. The site area consists of 2.19 acres, and is currently developed with a four-story hotel with 195 guestrooms and a rooftop pool and café. The site is surrounded by commercial properties along South Santa Monica Boulevard, Lasky Drive, and Charleville Boulevard, with multi-family residential units on Durant Drive. To the east on Lasky Drive is Maison 140, which is a small hotel with 43 guest rooms. The multi-family residential properties on Durant Drive typically vary between two and four stories in height, and are generally separated from the commercial uses by Charleville Boulevard. The nearest residential property is located at 9901 Durant Drive and is approximately 104 feet from the rooftop pool area of the Peninsula Hotel.

Section 4. The Project includes a request for an amendment to Conditional Use Permit Resolution No. 1545, which incorporates Resolution No. 417 and City Council Resolution No. 86-R-7270, along with a request for an Extended Hours Permit to allow for later operating hours for the rooftop pool and dining areas and the ground floor dining areas.

Specifically, Condition No. 11 of Resolution No. 1545 states “Swimming pool and other outdoor activity areas shall not be used between the hours of 10:00 p.m. through 8:00 a.m.” The Applicant requests that the rooftop pool and dining area and ground floor outdoor dining areas be permitted to operate until 12:00 midnight Sunday through Thursday, and until 2:00 a.m. on Friday and Saturday evenings and evenings preceding a holiday. In addition, the Applicant requests the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday, or day preceding a holiday.

Section 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 an amendment to the Conditional Use Permit to allow the extended hours of operation for the outdoor dining and rooftop pool and dining areas.

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 outdoor dining areas and rooftop pool and dining area are currently prohibited from operating between the hours of 10:00 p.m. through 8:00 a.m., pursuant to Condition 11 of Planning Commission Resolution No. 1545, in order to prevent impacts to the surrounding residential neighborhood. The Applicant requests that the Extended Hours Permit be granted to allow operating hours to occur until 12:00 midnight Sunday through Thursday, 2:00 a.m. Friday

and Saturday evenings and evenings preceding a holiday. In addition the Applicant requests the ability to conduct up to twelve (12) rooftop and other outdoor area events per year until 2:00 a.m. on days other than a Friday, Saturday or evening preceding a holiday.

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

Section 7. Notice of the Project and public hearing was posted in two newspapers of local circulation, and was mailed on February 15, 2013 to all property owners and residential occupants within a 300-foot radius of the property and all single-family residential properties within 500 feet.

Section 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. The amendment of the Conditional Use Permit to allow for use of the rooftop pool area and other outdoor areas during extended hours will result in hotel operations that are substantially similar to existing and previously approved hotel operations. Based on the operating history of the hotel, rooftop operations have not resulted in detriment to adjacent property or to the public welfare. The hotel does not have any noise complaints on file with the City's Police Department or Code Enforcement, and the hotel has shown its ability to operate in a manner that does not negatively impact the adjacent uses. Conditions of approval intended to prevent any impacts related to noise are included. The hotel has sufficient parking available within the hotel's on-site parking garage, and car valet operations as well as all visitor entries to the hotel take place on South Santa Monica Boulevard. The hotel itself buffers these activities from the residential uses to the south. Conditions of approval relating to music and potential noise from outdoor and rooftop activities have been included to prevent impacts from the extended hours of operation for the outdoor and rooftop areas. Furthermore, extended hours operations will be reviewed after twelve (12) months, or sooner if deemed necessary by the Director of Community Development, to ensure that no unforeseen impacts have resulted from the project. As conditioned, the approval of the amendment to the Conditional Use Permit and approval of the Extended Hours Permit is not anticipated to be detrimental to adjacent property or the public welfare.

Section 10. In considering the request for an Extended Hours Permit, the Planning Commission shall approve the Extended Hours Permit if the Commission finds that the extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood as a result of 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 and outdoor dining areas. Collection of garbage, litter, and other waste is carried out by hotel staff during regular

operation of these areas. An increase in operating hours 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. The City's Police Department records for 2012 and Code Enforcement records for the past ten years for the Peninsula Hotel demonstrate that there have not been any complaints related to noise from the hotel. Police Department records for the past five years showed a limited number of complaints related to noise and none appear related to the outdoor activities. Based on the hotel's operating record, the hotel has operated in a manner that is not impactful to the adjacent neighborhood. All valet operations and visitor entries to the hotel occur on South Santa Monica Boulevard, with the hotel itself providing a buffer between these operations and the neighboring multi-family residential uses. The area of the hotel with outdoor uses closest to the nearest residential neighbors is the rooftop outdoor dining and pool area, which at the closest point is separated by a public street and is approximately 104 feet to the nearest residential neighbor. This appears to be a sufficient distance and buffer from the residential neighbors, along with the conditions of approval limiting music, dancing, and noise in the outdoor areas, to prevent adverse noise impacts. It is not anticipated that, as conditioned, allowing extended hours within the rooftop area or ground floor outdoor dining areas would substantially disrupt the peace and quiet of the adjacent neighborhood.

3. The 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, extending the outdoor hours of operation until 2:00 AM on Friday, Saturday, and

evenings preceding a holiday, and until 12:00 midnight Sunday through Thursday, is not anticipated to create an adverse impact related to light and glare.

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

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

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

7. Parking on residential streets in the vicinity of the subject property is regulated by permits, and no parking is permitted on the nearest residential street (Durant Drive) in the evenings., This effectively prevents patrons from parking in these areas. Because the subject property is immediately adjacent to commercial uses, it is more likely that patrons not utilizing the hotel's valet services would park on the City's commercial streets, which are not

subject to permit restrictions, rather than on the residential streets. Further, the hotel parking counts presented by the Applicant indicate that there is sufficient parking available to accommodate all uses within the subject property without causing overflow onto adjacent streets. Therefore, the proposed project is not anticipated to substantially disrupt the peace and quiet of the adjacent neighborhood as a result of parking impacts or intrusion into residential areas.

8. The additional operational hours that the Extended Hours Permit would allow are late at night and early in the morning, when traffic volumes are typically lower (as compared to peak hours). Therefore, an increase of operational hours during this time is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

9. The location of the subject property is along the South Santa Monica Boulevard commercial corridor. The corridor is primarily comprised of office buildings, small restaurants and retail stores that generally do not operate beyond 10:00 PM. Therefore, 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 requested entitlements. The following conditions encompass all relevant conditions of approval previously imposed on the subject site in Resolution No. 1545. Therefore, the previously approved Resolution shall be superseded by this Resolution. The Project is subject to the following conditions:

Project Specific Conditions

1. Use of all unenclosed rooftop pool and dining areas and ground floor dining areas shall be prohibited between the hours of 12:00 midnight and 8:00 a.m., Sunday

through Thursday, and between the hours of 2:00 a.m. and 8:00 a.m. Friday and Saturday and evenings preceding a holiday.

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

- a. The event shall not operate later than 2:00 AM; and
- b. The frequency of such events shall not exceed two (2) per month

3. Prior to the hosting of an extend hours event in either the outdoor dining areas or the rooftop pool and dining areas, the Applicant shall notify the Director of Community Development..

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

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

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

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

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

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

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

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

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

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

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

15. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of January 15, 2009 as part of the approval of Resolution Number 1545, and the plans submitted to and reviewed by the Planning Commission at its meeting of February 28, 2013.

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

17. This resolution approving the Conditional Use Permit amendment and Extended Hours Permit shall not become effective until the owner of the Project site records a

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

Conditions incorporated from Resolution No. 1545

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

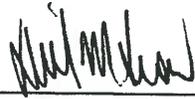
Adopted: February 28, 2013

  
\_\_\_\_\_  
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:

  
\_\_\_\_\_  
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. 1675 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on February 28, 2013, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES:           Commissioners Block, Fisher, Yukelson, Vice Chair Rosenstein, Chair Corman.

NOES:           None.

ABSTAIN:       None.

ABSENT:        None.

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