



## Planning Commission Report

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- Meeting Date:** October 13, 2016
- Subject:** **469 North Doheny Drive (Beverly Terrace Hotel)**  
Request for a Conditional Use Permit, Development Plan Review, and Extended Hours Permit to allow operation of a restaurant open to the public in a hotel located in the R-4 zone; to allow an open air dining area to be served by the hotel's existing parking supply; and to allow operation of the hotel restaurant and open air dining area during extended hours in a Commercial-Residential transitional zone.
- Project Applicant:** Beverly Terrace, Inc.
- Recommendation:** Staff recommends that the Planning Commission adopt a resolution conditionally approving the Conditional Use Permit, Development Plan Review, and Extended Hours Permit and find the project exempt from the California Environmental Quality Act.
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### REPORT SUMMARY

The proposed project involves a request for a Conditional Use Permit, Development Plan Review, and Extended Hours Permit to allow the Beverly Terrace hotel's on-site restaurant, Café Amici, to be open to the public. The original Conditional Use Permit and Development Plan Review (Planning Commission Resolution 979) authorizing the hotel restaurant to be open to the public and permitting outdoor dining was approved by the Planning Commission on August 28, 1996. This approval was renewed by the Director of Community Development on August 27, 1998 for a 24-month period, and expired on August 28, 2000. The applicant is currently requesting a Conditional Use Permit, Development Plan Review and Extended Hours Permit to allow public restaurant operations and open air dining previously authorized under the lapsed approvals. The current request also includes modifications to the previously authorized restaurant hours of operation and an increase in the size of the open air dining area. Due to the property's proximity to residential uses, the project requires an Extended Hours Permit to allow the restaurant to accept patrons from 7 A.M. to 11 P.M. daily, closing at 12 midnight daily.

This report analyzes the proposed project, with a focus on the hotel restaurant's operation under previous approvals and specific analysis of the requested modifications to the restaurant's hours of operation and increased outdoor dining area. Staff's analysis, which includes review of city records, police reports, and parking enforcement information, concludes that the current

**Attachment(s):**

- A. Required findings
- B. Draft Resolution
- C. Police Calls for Service
- D. Public Notice
- E. Plans
- F. Relevant Planning Commission Resolutions (Nos. 979 and 1026)
- G. Correspondence from the Public

**Report Author and Contact Information:**

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proposal appears to be a reasonable request and, if properly conditioned, will not result in adverse impacts to the surrounding neighborhood. Accordingly, the recommendation in this report is for approval of the Conditional Use Permit, Development Plan Review, and Extended Hours Permit. The recommended conditions of approval include maintaining many of the conditions that were included in the hotel restaurant's prior entitlements.

## BACKGROUND

File Date	7/5/2016
Application Complete	9/14/2016
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 1 Categorical Exemption
Permit Streamlining	Take action 60 days from determination of Exemption
Applicant(s)	Murray D. Fischer
Owner(s)	Beverly Terrace, Inc.
Registered Legislative Advocate:	Murray D. Fischer
Prior Relevant PC Action	<u>Resolution 979</u> (1996) - Conditional Use Permit to allow a hotel dining facility to be open to the public and Development Plan Review Permit for open air dining. Plans on file indicate approximately 245 square feet of open air dining area. Valid until August 28, 1997. <u>Resolution 1026</u> (1997) – Renew Development Plan Review Permit for Open Air Dining and Conditional Use Permit to allow a hotel dining facility (Trattoria Amici) to continue to be open to the public. Valid until August 28, 1998.
Past Director's Decisions	Conditional Use Permit and Development Plan Review renewed by Director of Community Development on August 27, 1998, expired August 28, 2000.

## PROPERTY AND NEIGHBORHOOD SETTING

### Property Information

Address	469 North Doheny Drive
Legal Description	Lot 20 and Lot 21 in Block 1, of Tract No. 5647, in the City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 60 Page 99 of Maps, in the Office of the County Recorder of said County
Assessor's Parcel Number:	APN: 4342-036-001
Zoning District	R-4
General Plan	Multifamily Residential, High Density
Existing Land Use(s)	Commercial/ Hotel and Restaurant Use



Lot Area	16,377 square feet
Year Built	1956
Historic Resource	N/A
Protected Trees/Grove	N/A

#### Adjacent Zoning and Land Uses

North	T-1 — Transportation Use
South	R-4 — Multi-family residential
East	City Boundary with West Hollywood — Commercial Use to the east, across Doheny
West	R-4 — Multi-family residential

#### Circulation and Parking

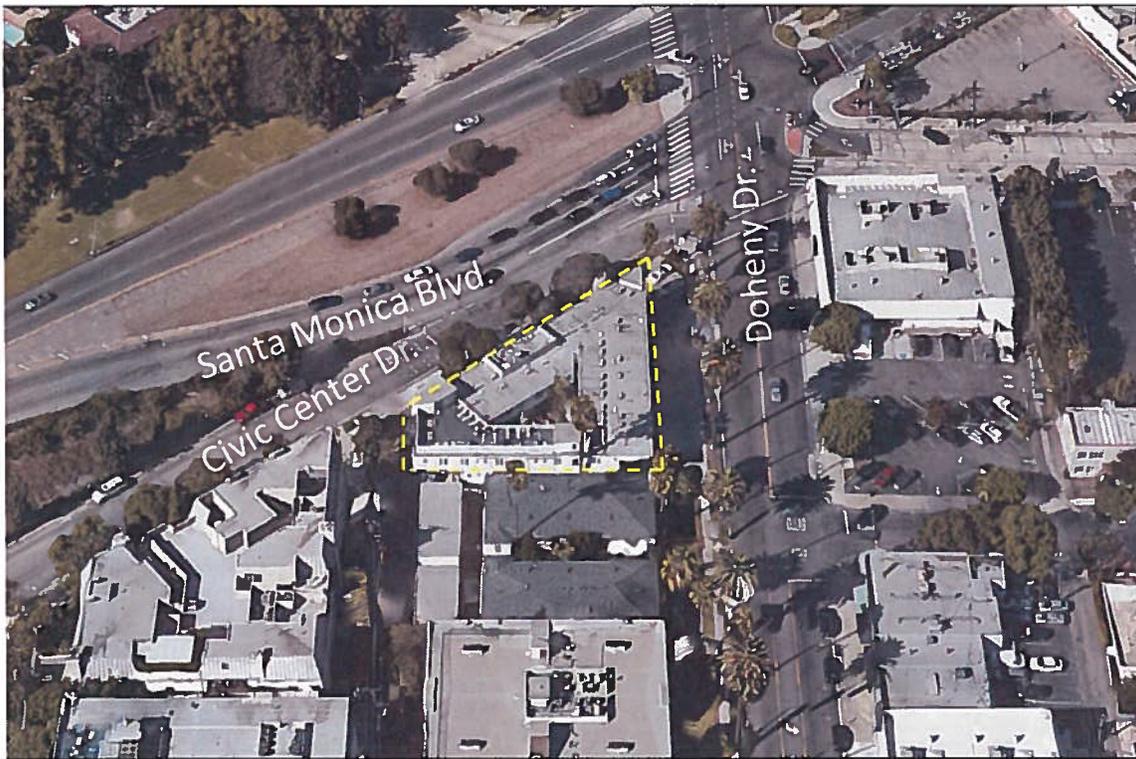
Adjacent Street(s)	Civic Center Drive and Doheny Drive
Adjacent Alleys	Alley along the west side of the property
Parkways & Sidewalks	12'6" northern parkway (Civic Center Drive), 20' parkway (Doheny Drive)
Parking Restrictions	No parking on Santa Monica Blvd. directly adjacent to site; Peak hour restrictions on Doheny Drive directly adjacent to site with 2-hour parking allowed Monday through Saturday.
Nearest Intersection	Santa Monica Boulevard and Doheny Drive and Melrose Boulevard
Circulation Element	Santa Monica Boulevard serves as an arterial street which carries regional traffic, while Civic Center Drive and Doheny Drive serve as local streets.

#### Neighborhood Character

The subject site is located on the southeast corner of the intersection of Doheny Drive and Civic Center Drive and is zoned multiple family residential (R-4). The 16,377 square foot project site is currently developed with a two-story hotel (29' in height) and associated surface parking.<sup>1</sup> The site is surrounded by residential properties to the south and west and it is located immediately adjacent to the City's boundary with West Hollywood. The uses located across Doheny Drive in West Hollywood are low rise commercial. Multiple family residential uses located within the City of Beverly Hills are located to the south. To the north of the project site is a lot zoned T-1, which is reserved for transportation-related uses; and further north, across Santa Monica Boulevard, is a portion of the City's Beverly Gardens linear park. The multi-family residential properties to the southwest are separated from the project site by a 20' wide alley and are developed with two to four story buildings.

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<sup>1</sup> Resolution 979 notes (on pages 4-5) that there was sufficient capacity to park up to 45 vehicles on site using a valet service. However, staff believes that this number is not feasible, as it appears that the maximum number of parking spaces that could reasonably fit on the site is 37, as shown on the currently submitted plans, including parking spaces located in the side and front setbacks.



Neighborhood context looking north

**PROJECT DESCRIPTION**

The subject property is developed with a 39-room hotel and a hotel restaurant with associated open air dining. Previously approved entitlements for the property allowed the hotel restaurant to be open to the public and authorized open air dining for the restaurant. These entitlements have expired and it is necessary for the applicant to re-apply for the entitlements as hotel restaurants located in the R-4 zone require a Conditional Use Permit to operate and a Development Plan Review to authorize outdoor dining. The applicant is seeking to re-authorize public use of the restaurant and allow the associated outdoor dining. In addition, the applicant's current request seeks changes in restaurant hours of operation from what were previously approved and an expansion in the size of the outdoor dining area in comparison to the previous approval. The applicant's request is summarized in the table below. The table includes a comparison of the approvals previously authorized in Planning Commission Resolution 979 as compared with the current proposal:

Entitlement	PC Reso. 979	Current proposal	Change
<b>Conditional Use Permit</b>	Restaurant open to public (include Sunday prohibition).	Restaurant open to public, addition of Sunday operation.	Removal of prohibition on Sunday operation, ft.
	Approved overall size of restaurant with 64 seats (40 indoor, 24 outdoor).	Approve overall size of restaurant with 74 total seats in 990 square feet of	Modify operating hours



	<p>dining area with 32 inside, 42 outside (increase of 10 total seats).</p>	<p>to match hours for hotel guests and members of the public.</p>	
	<p>Allowed seating of customers between 11:30 A.M. – 11 P.M., with prohibition on Sunday operation.</p>	<p>Modify operating hours to allow members of the public between 7 A.M. – 12 A.M. daily.</p>	
	<p>Parking requirements set to allocate 25 of on-site parking spaces to restaurant.</p>	<p>Have PC authorize existing parking supply as adequate for restaurant. Allocate 20 on-site parking to the restaurant.</p>	
<b>Development Plan Review</b>	<p>Outdoor dining with 24 seats.</p>	<p>Increase number of outdoor dining seats to 42 and size of outdoor dining area to 515 square feet.</p>	<p>Increase outdoor dining seats by 18. Expansion of size of dining by approx. 270 sq.</p>
<b>Extended Hours</b>	<p>Extended Hours permit not required at the time of original approval.</p> <p>Hours of operation open to public: 11:30 AM - 11 PM (last seating).</p>	<p>Modified proposed hours of operation:</p> <p>7 AM – 12 AM daily (with last seating at 11 PM).</p>	<p>Aligning morning hours of operation for hotel guests, extending nighttime hours to set closing time to 12 AM.</p>

**REQUIRED ENTITLEMENTS**

As proposed, the project requires the following entitlements in order to continue public restaurant and outdoor dining operations:

- **Conditional Use Permit.** The hotel restaurant on the ground floor requires a Conditional Use Permit (CUP) to be open to the general public, rather than just hotel guests and their guests.
- **Development Plan Review.** A Development Plan Review (DPR) is required for open air dining in nonconforming hotels in an R-4 Zone. The hotel is requesting an open air dining area located on private property directly adjacent to the public sidewalk on Civic Center Drive. The open air dining area is directly contiguous with the entrance to the hotel restaurant. The applicant is also requesting that the Planning Commission determine that the parking needs for the open air dining can be met with the hotel's existing parking supply and valet operations, and additional parking not be required for the open air dining area.



- **Extended Hours Permit.** The subject property is located in a commercial-residential transition area, and seeks to operate the restaurant and open air dining area during extended hours. Extended hours are considered any time after 10 P.M. and before 7 A.M. on weekdays and after 10 P.M. and before 9 A.M. on weekends and holidays.

## GENERAL PLAN<sup>2</sup> 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 10.1 Local-Serving Businesses.** Promote appropriate development of businesses that serve, are located in proximity to, and are accessible to adjoining residential neighborhoods, such as grocery stores, dry cleaners, and personal care businesses.
- **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<sup>3</sup>, 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.

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<sup>2</sup> Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>.

<sup>3</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>



## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	10/7/2016	6 Days
Newspaper Notice	10 Days	10/3/2016	9/29/2016	14 Days
Mailed Notice (Owners & Residents - 500' Radius + blockface)	10 Days	10/3/2016	10/3/2016	10 Days
Property Posting	10 Days	10/3/2016	10/3/2016	10 Days
Website	N/A	N/A	10/7/2016	6 Days

### Public Comment

As of the writing of this report, the City has received six comments regarding this Project in support of the project and no comments in opposition. The comments in support of the project generally come from residents in the surrounding neighborhood, who value Café Amici as a neighborhood-serving restaurant. All comments are provided in Attachment G.

### **ANALYSIS<sup>4</sup>**

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

**Previous Approvals.** Multiple approvals have been granted to the subject property over the years to allow the operation of the hotel restaurant and associated open air dining. The most recent approval by the Director of Community Development was granted on August 27, 1998 which renewed a Conditional Use Permit and Development Plan Review for the restaurant operations and expired on August 28, 2000.<sup>5</sup> The current request would grant substantially the same entitlements as were previously approved, with amendments to allow a larger area for the open air dining portion of the restaurant and the addition of an Extended Hours Permit. The amendments to previous approvals and the Extended Hours Permit would constitute relatively minor changes to the previously approved operations and would allow the hotel restaurant to align the dining services provided to hotel guests and to outside patrons: The previous approvals allowed the restaurant to seat hotel guests between the hours of 7 A.M. to 11 P.M. The current request identifies a set restaurant closing time of 12 A.M. and would allow the restaurant to serve members of the public during the same hours as guests of the hotel. The request would also allow the restaurant to operate on Sundays by removing the previous

<sup>4</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.

<sup>5</sup> A search of city records identified a letter dated August 3, 2000 requesting a director level renewal, however, there is no record of the renewal ever being granted. Given that 15 years have passed since the request, staff has determined that returning to the Planning Commission for new entitlements should be required.



prohibition on Sunday operation. In terms of overall capacity, the change would add 10 net new seats, as the number of seats in the interior of the restaurant have been reduced from the original approval.

**Police Calls for Service for Police.** Staff has reviewed the Police Department's calls for service at the subject property between May 6, 2014 and September 8, 2016, to determine whether the hotel restaurant use has resulted in adverse impacts to surrounding properties (Attachment C). During this period, there were a total of 30 calls for service. Of the calls for service, a total of 15 calls occurred during the general extended hours period (between 10 PM and 7 AM on weekdays, and 10 PM and 9 AM on weekends), but all of these calls appear to be unrelated to the restaurant operations. The calls during the extended hours period are shaded in gray in Attachment C. In fact, none of the police calls during the Extended Hours period relate to noise, as would be expected if night time activity at the restaurant were disturbing neighboring residents.

**Expansion of Open Air Dining.** The request to expand the open air dining area is a relatively minor change due to being well-screened from the nearest residential properties and due to the lack of complaints related to the operation of the hotel restaurant. The request proposes to increase the area of the open air dining from approximately 245 square feet to approximately 515 square feet in area, and to increase the number of outdoor seats from 24 to 42 seats (an increase of 18 seats). However, the area of indoor dining has been reconfigured and the number of seats inside has been reduced from the previously approved 40 seats to 32, which means that the net increase of capacity at the restaurant after the proposed expansion would be 10 seats. Due to the configuration of the property and location of the property line, this increase would occur entirely on private property and would not encroach into the public right-of-way. The restaurant uses planters as a barrier between the dining area and the public right-of-way, which provides the benefit of dampening noise from the open air dining area and shielding restaurant patrons from the noise from traffic on the adjacent streets.

**Parking Requirements.** The hotel and interior hotel dining area are considered legally non-conforming with regard to parking. The applicant's request is for a new approval for the 515 square foot expanded open air dining area located adjacent to Civic Center Drive. Approximately 245 square feet of open air dining was previously approved under PC Resolution 979. The past approval notes that the parking needs for the restaurant and open air dining area could be met using the existing parking supply for the hotel through allocation of 25 of the hotel's valet spaces. The current proposal will increase the size of the outdoor dining area by 270 square feet. Since the past entitlements that approved the open air dining area have expired, the current request for open air dining is subject to the municipal code parking requirement, which would require two parking spaces (1 space per 350 square feet for a restaurant with less than 1,000 square feet of dining area) for the outdoor dining area.

As the increase in size of the outdoor dining area is relatively small and the increase in number of seats in the hotel restaurant is also relatively minor (10 seats) staff recommends that the parking needs for the outdoor dining can be met using the hotel's existing parking supply. Additionally, if the parking waiver is granted for the two required spaces, the Planning Commission can ensure the parking needs of the hotel are met by conditioning the project to allocate a certain number of spaces in the hotel to the restaurant, as was required in previous



approvals for this restaurant. The previous approval required the allocation of 25 spaces to the restaurant. Allocating 25 spaces to the restaurant results in a very high parking ratio for the approximately 720 square feet of dining area authorized under the previous approval (a rate of 1 space per 29 square feet of dining). Staff recommends a condition allocating 20 spaces to the restaurant (a rate of 1 space per 49.5 square feet of dining area), which exceeds the code required parking rate of 1 space per 350 square feet for a restaurant with less than 1,000 square feet of dining area.

### **NEXT STEPS**

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Masa Alkire".

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Masa Alkire, AICP  
Principal Planner

**ATTACHMENT A**  
**REQUIRED FINDINGS**

**Required Findings for Restaurant Conditional Use Permit (per BHMC § 10-3-1207C)**

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

**Required Findings for Development Plan Review (per BHMC § 10-3-3104):**

The reviewing authority shall approve a development plan review application only if it makes all of the following findings:

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

In approving a development plan application, the reviewing authority may impose such conditions as it deems appropriate to protect the public health, safety and general welfare.

**Required Findings for Extended Hours Permit (per BHMC § 10-3-1958(C)):**

The planning commission shall grant an extended hours permit if it 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; and
9. 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 A CONDITIONAL USE PERMIT TO ALLOW A PUBLIC DINING FACILITY IN A NONCONFORMING HOTEL, A DEVELOPMENT PLAN REVIEW ALLOWING AN OPEN AIR DINING AREA SERVED BY EXISTING PARKING SUPPLY AND VALET OPERATIONS, AND AN EXTENDED HOURS PERMIT TO ALLOW RESTAURANT AND OPEN AIR DINING OPERATIONS DURING EXTENDED HOURS AT 469 NORTH DOHENY DRIVE (BEVERLY TERRACE HOTEL).

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

Section 1. Beverly Pavilion, LLC, (the Property Owner), through its agent Murray D. Fischer (collectively, the “Applicant”), has submitted an application to re-establish entitlements associated with the existing hotel restaurant and open air dining. The Applicant seeks approval of a Conditional Use Permit (CUP) to allow a dining facility in a non-conforming hotel to be open to the public, a Development Plan Review (DPR) to operate an open air dining area on a nonconforming hotel site that would be served by existing parking supply, and an Extended Hours Permit to allow public operation of the restaurant between 7 A.M. and 11 P.M. daily (the “Project”).

Section 2. The subject property was developed as a hotel in 1956, prior to the Beverly Hills Municipal Code requirement for a CUP for hotel uses in residential zones. Although ownership has changed several times over the years, the property has always been used as a hotel. On August 28, 1996, the Planning Commission approved a Conditional Use Permit and Development Plan Review to allow a restaurant open to the public at the legally nonconforming hotel and conditioned the approval to expire in one year (Resolution No. 979).

On August 27, 1997, the Planning Commission renewed the existing Conditional Use Permit and Development Plan Review Permit for a one year period (Resolution No. 1026).

On August 27, 1998, the Director of Community Development renewed the existing Conditional Use Permit and Development Plan Review for a two year period (until August 28, 2000).

On July 5, 2016, the Applicant submitted an application for a new Conditional Use Permit and Development Plan Review for the Project to allow continued public use of the restaurant and open air dining uses. Included in the request were amendments to the previously permitted operations granted in prior entitlements for the project site. The amendments included a request to expand the open air dining by 18 seats, to allow Sunday operation of the restaurant, and to amend the hours that members of the public may access the restaurant to align with the hours the restaurant is open to hotel guests. In addition, the Applicant submitted a request for an Extended Hours Permit so that the allowed hours of operation for members of the public align with those for hotel guests; the proposed hours of operation are 7 A.M. to 11 P.M. daily. The previously issued approvals expired August 28, 2000.

Section 3. The subject site is located on the southwest corner of the intersection of Doheny Drive and Civic Center Drive. The subject site is zoned R-4 (Multifamily Residential) and is located on the east side of the City, immediately adjacent to the City's border with the City of West Hollywood. The site area consists of 16,337 square feet, and is developed with a two-story hotel with 39 guest rooms and surface parking located on-site. Multi-family residential properties are located to the west and south of the property. The surrounding multi-family properties range in height between two and four stories, and the properties to the west are separated from the hotel to by a north-south 20' alley.

Section 4. The Project includes a request for a Conditional Use Permit to allow the hotel restaurant to be open to the public, a Development Plan Review to allow the establishment of an open air dining area that would be served by existing parking supply, and an Extended Hours Permit to allow the hotel restaurant and open air dining area to operate during extended hours in a Commercial-Residential Transition Area. The Conditional Use Permit and Development Plan Review were previously granted pursuant to Planning Commission Resolution No. 979 and renewed by Planning Commission Resolution No. 1026 and by a decision of the Director of Community Development. These entitlements expired because timely renewal did not occur, and this Project is a request for new entitlements for the hotel restaurant and open air dining area. The request being considered includes amendments to the previously issued entitlements with the addition of an Extended Hours Permit in order to allow the restaurant and associated outdoor dining area to be open daily between 7 A.M. and 11 P.M.

The Project proposal includes the following:

- Operation of a hotel restaurant (including an outdoor dining area) that is open to the public and may receive patrons between the hours of 7 A.M. and 11 P.M. daily, with all patrons leaving the restaurant by 12 midnight;
- Expansion of open air dining associated with the hotel restaurant from 24 to 42 seats and to determine that the parking demand for the expanded open air dining area can be met with the existing parking supply and valet operations, and additional parking is not required to be provided;
- To allow the restaurant to be open to the public on Sundays; and
- To allow the restaurant and outdoor dining area to be open to the public beyond the standard hours of operation for a property located in a commercial-residential

transition area and beyond the hours previously approved by the original Development Plan Review and Conditional Use Permit for the site. An Extended Hours Permit is requested to allow the hours of operation to be expanded to accept members of the public (not only hotel guests) between the hours of 7 A.M. to 11 P.M. daily.

**Section 5.** The request to allow an open air dining area and a public hotel restaurant as outlined above result in the need for specific entitlements as follows:

1. **Conditional Use Permit:** A Conditional Use Permit was previously granted by the Planning Commission pursuant to Resolution No. 979 to allow the hotel restaurant to be open to the public, and was subsequently renewed by the Planning Commission pursuant to Resolution No. 1026 and a subsequent renewal by the Director of Community Development. These approvals expired due to non-renewal. Therefore, a new Conditional Use Permit is required to allow the hotel restaurant to be open to the public.

2. **Development Plan Review:** A Development Plan Review was granted by the City Council pursuant to Resolution No. 979 to allow an open air dining area consisting of 4 tables and 24 chairs on private property, and was renewed by the Planning Commission pursuant to Resolution No. 1026 and a subsequent renewal by the Director of Community Development. These approvals expired due to non-renewal. The request includes a change that would allow an increase in the overall number of tables and chairs on the property. Therefore, a new Development Plan Review Permit is required to expand the open air dining area and to waive the requirement for additional parking for the outdoor dining area.

3. Extended Hours Permit: The subject site is located in a Commercial-Residential Transition Area, and is therefore subject to the operational restrictions for these areas identified in BHMC Article 19.5. In order for the hotel restaurant and open air dining area to be open to the public before 9:00 a.m. on weekends and after 10:00 p.m. daily, an Extended Hours Permit is required.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines. Pursuant to the State CEQA Guidelines Section 15301, existing facilities, the Project qualifies for a Class 1(a) Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 1(a) exemption is applicable for minor alterations and operational changes of an existing commercial structure that would not result in a significant environmental impact.

Section 5. Notice of the Project and public hearing was posted in two newspapers of local circulation, the Beverly Hills Courier and Beverly Hills Weekly, and was mailed on October 3, 2016 to all property owners and residential occupants within a 500-foot radius of the property, plus blockface. Notice of the Project and public hearing was also posted on the property on October 3, 2016.

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

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

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

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

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

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

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

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

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Conditional Use Permit:

1. Granting the Conditional Use Permit and establishing the conditions of approval to allow for the restaurant to be open to the public will result in operations that are similar to previously approved operations. The open air dining will increase by approximately 270 square feet of area on private property and by 18 seats. However, due to a reduction in seats

in the interior of the restaurant, the net increase in number of seats for both indoor and outdoor restaurant operations is 10. The expanded open air dining would be located entirely on private property. The project will not result in any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Nor will the project, as conditioned, have a significant parking impact. The expanded open air dining area will be screened by the hedges and planters in a configuration that is larger than the original approval, and does not encroach into the public right of way. Conditions of approval intended to prevent any impacts related to noise are included. The hotel has sufficient parking available on-site, and valet operations are provided from Civic Center Drive and Doheny Drive. As conditioned, granting the Conditional Use Permit will not be detrimental to adjacent property or the public welfare.

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

3. The hotel restaurant faces Civic Center Drive and is completely enclosed, but for the outdoor dining area. As required by the zoning code and as conditioned, banquets or similar private receptions or parties are prohibited in the restaurant. The open air dining area is being expanded toward the east, further from the nearest adjacent residential building, and as conditioned, patrons of the open air dining area will be accepted until 11 p.m, with operations of the restaurant and open air dining area ending by 12 midnight. Neither live entertainment nor amplified music will be allowed at any time in the open air dining area. Additionally, the main

entrance to the restaurant is located on the north side of the building, which provides a buffer from the residential properties to the south. Additionally, customers that arrive at the hotel in a private vehicle would arrive at the valet stand on the north side of the property and enter the restaurant on the north side, as well. The orientation of the open air dining to the north of the hotel ensures a substantial buffer for the properties to the south and the alley to the west provides a buffer from the residential properties in that direction. The restaurant is located on the ground floor, is fully enclosed, and is separated from neighboring residential properties by walls and a courtyard.

4. The open air dining area is located on the north side of the hotel building, is generally enclosed by planters, and no lighting will be directed toward the residential properties to the south and west. For these reasons, as conditioned, the restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to light and glare.

5. The restaurant kitchen is located inside the hotel, and cooking will not be performed outdoors. Approval of the project will not alter the current venting of the kitchen and the City has received no evidence that the restaurant or associated open air dining area currently create any odors or noxious fumes. For these reasons, the restaurant area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to odors or noxious fumes.

6. Past approvals (Resolutions 979 and 1026) determined that the hotel has adequate parking for the proposed uses, and can accommodate the required parking demand through the use of valet parking. A review of police and parking enforcement records indicates that there is not currently a problem with parking due to the operations at the hotel. Further,

conditions have been imposed that require provision of free parking for employees of the hotel on-site and a requirement that employees must use this allocated parking. These conditions prevent employee parking impacts to on-street parking in the vicinity of the project. For these reasons, as conditioned, the restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to parking demand created by the restaurant, including parking demand created by employees.

7. The increase in the number of tables and chairs is relatively minor. The restaurant/hotel owners, along with several residents that submitted comments, attest that many customers walk to the restaurant. Thus, approval of the project does not constitute a substantial intensification of the past uses of the restaurant. Additionally, the project fronts on Civic Center Drive, which runs parallel and adjacent to Santa Monica Boulevard, and it also fronts on Doheny Drive. Both Santa Monica Boulevard and Doheny Drive can accommodate any potential increases in traffic flow for the continued use of the hotel restaurant area. For these reasons, as conditioned, the restaurant and open air dining area will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to traffic.

Section 8. In considering the request for a Development Plan Review, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed plan is consistent with the general plan and any specific plans adopted for the area;
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;

4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and

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

Section 9. Based on the foregoing, the Planning Commission hereby finds and determines as follows regarding the Development Plan Review:

1. The general plan encourages compatibility of uses between residential zones and commercial uses. There are very few restaurants in this part of the City and many comments made in support of the Project suggest that the restaurant provides an important service to the neighborhood. As conditioned, expansion of the open air dining facility would complement the restaurant and would generally be consistent with the general plan.

2. The expansion of the open air dining area is relatively minor (an increase of 270 square feet), it is well screened from adjacent properties, and it is located entirely on private property. Conditions have been imposed that limit the operations of the open air dining area. For these reasons, as conditioned, the Development Plan Review to allow operation of the open air dining area will not adversely affect existing and anticipated development in the vicinity.

3. The Development Plan Review to allow operation of the expanded open air dining area will not materially alter the nature, density, or height of the project. The expansion of the open air dining area will result in the open air dining area being located approximately 70 feet away from the neighboring residential building to the west, and will reduce the likelihood of noise impacts. Conditions have been imposed in order to mitigate any other potential impacts to neighboring residential properties, including but not limited to prohibiting live entertainment and amplified music, and prohibiting queuing of patrons outside. For these reasons, as conditioned, the nature, configuration, location, density, height and manner of operation of the relocated open air dining area will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. The proposed open air dining facility will be similar to the configuration and operations that it has been operating under since 1996. The proposed open air dining expansion adds approximately 270 square feet of area and 18 seats on private property. However, due to a reduction in seats in the interior of the restaurant, the net increase in number of seats for interior and exterior restaurant operations is 10, which is a relatively minor addition to a restaurant with 64 seats in its existing configuration. Additionally, the proposed expanded open air dining area will be located entirely on private property, leaving a 5' wide clear path on the adjacent public sidewalk. For these reasons, as conditioned, allowing operation of the expanded open air dining area through the Development Plan Review permit will not result in significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

5. Approval of the Development Plan Review permit to allow operation of the expanded open air dining area will result in operations that are similar to existing and

previously approved restaurant operations. The project will not result in any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Nor will the project, as conditioned, have a significant parking impact. The open air dining area will be located entirely on private property, and does not encroach into the public right of way. Conditions of approval intended to prevent any impacts related to noise are included. The project has sufficient parking available within the hotel's on-site parking, and valet operations as well as entry to the hotel are provided from Civic Center Drive and Doheny Drive. Conditions of approval limiting the hours of operation have been included to prevent impacts from evening functions. For these reasons, as conditioned, approval of the Development Plan Review permit to allow operation of the open air dining area is not anticipated to be detrimental to public health, safety, or general welfare.

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

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

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

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

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

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

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

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

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

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

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

1. As conditioned, the applicant is required to maintain the subject area in a clean and sanitary condition. There are on-site trash storage areas and conditions have been included to ensure that trash is disposed of only during the times of day when it would not disrupt peace and quiet of adjacent residential properties. For these reasons, as conditioned, 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 past and current operations of the hotel restaurant have been substantially similar to the proposed project, given that hotel guests currently may access the hotel restaurant during the proposed morning and night hours of operation. Previous entitlements allowed hotel guests to access the hotel restaurant at the proposed hours of operation (7 A.M. to 11 P.M.) and allowed taking food orders as late as 11:00 P.M. on Monday through Saturday. The proposal would simply allow members of the public to access the restaurant at the same times as it currently operates, with the addition of Sunday operations. Additionally, access to the restaurant entrance is located on the north side of the building, oriented toward the street. The location of the entrance at the north side of the building is near to the valet stand; this location helps to minimize any possibility of noise or disruption to the nearby residential buildings due to visitors arriving at or leaving the restaurant by providing a buffer and minimizing the distance between the parking and the restaurant. Finally, a review of Beverly Hills Police Department records over the past two years raises no concerns over the operation of the restaurant and open air dining at the existing hours. For these reasons, the project will not disrupt peace and quiet due to employees or visitors arriving or leaving.

3. The restaurant is fully enclosed and the open air dining area is located on the north side of the hotel building, is generally enclosed by planters, and no lighting will be directed toward the residential properties to the south and west. For these reasons, as conditioned, the hotel restaurant's operation during Extended Hours will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to light and glare.

4. The restaurant kitchen is located inside the hotel, and cooking will not be performed outdoors. Approval of the Project will not alter the current venting of the kitchen and the City has received no evidence that the restaurant or associated open air dining area currently create any odors or noxious fumes. For these reasons, the restaurant area and associated Extended Hours operations will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to odors or noxious fumes.

5. The hotel restaurant is expected to operate in generally the same manner as it has for the past several years, with patrons being seated shortly after arrival at the restaurant. Additionally, there would be ample room within the screened open air dining area for any patrons to wait within the open air dining area on private property. Therefore, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. Calls for police services at the subject property during the Extended Hours period over the past two and a half years do not appear to be related to restaurant operations and it is not anticipated that the expansion of the open air dining area, nor allowing members of the public to access the restaurant during the Extended Hours period would result in added crime or peril to personal safety and security.

7. The hotel restaurant offers valet parking on-site and includes enough parking to accommodate the existing and proposed uses. Additionally, the south side of Civic Center Drive to the west of the subject property has permit parking restrictions after 6 P.M. adjacent to the nearest multifamily buildings. For these reasons, the operation of the hotel restaurant during the Extended Hours period is not expected to cause adverse impacts due to patrons parking in adjacent neighborhoods.

8. Business operations during Extended Hours would primarily generate vehicle trips on commercial streets. Furthermore, given that many note that the hotel restaurant serves as a neighborhood amenity, it is conceivable that some members of the public would arrive at the project site on foot. The Extended Hours permit would expand access to the restaurant for members of the public to morning hours before 11:30 A.M. on weekends and after 10 P.M. at night, periods of time when traffic volumes are generally low. The City's streets can accommodate the relatively minor expansion of the use during the Extended Hours period without impacts on traffic volumes and congestion on local residential streets. Therefore, the project will not result in negative effects on traffic volumes or congestion on local residential streets.

9. Given that the project site is located in a residential zone and there are no other businesses in the City of Beverly Hills in the adjacent neighborhood, approval of the proposed project is not expected to cause adverse impacts due to concentration of extended hours permits in the area.

Section 12. Based on the foregoing, the Planning Commission hereby grants approval of the Conditional Use Permit, Development Plan Review, and Extended Hours Permit. The following conditions encompass relevant conditions of approval for the public restaurant and outdoor dining operations that were previously imposed on the subject site in Resolution Nos. 979 and 1026. Those previous approvals have expired. Therefore, those Resolutions are no longer in effect and this Resolution governs the Project. The Project is subject to the following conditions:

1. The Project shall be in substantial conformance with the plans and shall operate as conditioned and approved by the Planning Commission on October 13, 2016.

2. The open air dining area shall be limited to approximately 515 square feet of dining area and seating for no more than 42 persons.

3. The tables and chairs shall be located in the patio area adjacent to the existing building as shown on the plans submitted to the Planning Commission and shall not at any time be permitted to encroach into the public right-of-way.

4. Pre-recorded, background music which does not interfere with normal speech communication may be played in the restaurant, provided the volume level conforms to the City's noise level standards and is not audible beyond the hotel's property lines. No live entertainment or amplified sound shall be played in the open air dining area.

5. No banquets or similar private receptions or parties shall be held at the restaurant. A banquet or similar private reception or party shall mean any banquet, party,

reception or other event during which the restaurant, or a substantial portion of the restaurant, is closed to the public except by invitation or advanced reservation.

6. The approved operating hours are as follows: the restaurant and associated open air dining area may accept hotel guests and members of the public during the hours of 7 A.M. to 11 P.M. daily. The restaurant shall not seat patrons after 11 P.M. daily and shall close by 12 A.M. daily.

7. All deliveries to the restaurant shall be made between the hours of 11:00 A.M. and 12:30 P.M., Monday through Friday and 9 A.M. to 3 P.M. on Saturday. No deliveries shall be accepted at any other time. Furthermore, all deliveries shall be made from Civic Center Drive. No delivery shall be accepted from any other location.

8. The subject property shall maintain a minimum of 37 on-site parking spaces at all times. Of these 37 spaces, 20 shall be available for use by restaurant patrons at all times.

9. Free parking shall be provided on-site to hotel employees, including any consultants or agents retained by the operator of the subject hotel in connection with the operation of said facility, at all times. Employees who drive to work must use on-site parking.

10. No refuse bin shall be moved between 10 PM and 9 AM within any right-of-way or other area separating the restaurant and residential uses.

11. All commercial refuse bins shall be equipped with non-metallic lids.

12. The applicant shall maintain the subject area in a clean and sanitary condition. All refuse bins located outside the restaurant shall be sanitized daily. Additionally, the bins shall be replaced with clean bins on a sufficiently regular basis to avoid odor impacts to surrounding properties.

13. Employees, agents, associates and contractors of the restaurant shall not be permitted to congregate in any right-of-way or other area separating the restaurant and a residential use.

14. All doors to the restaurant facing a residential zone shall remain closed at all times between the hours of 10:00 PM and 9:00 AM except for the immediate purpose of ingress or egress. Additionally, all food preparation area windows that face a residential zone shall remain closed between those hours.

15. The applicant shall post in a conspicuous place on the exterior of the restaurant, the name and telephone number of a restaurant manager or other person with authority to address operational problems of the restaurant during operating hours.

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

17. No less than one (1) valet parking attendant shall be assigned to the restaurant during all hours of operation, unless the Director of Transportation determines that valet parking is unnecessary. The applicant shall increase the number of valet attendants if requested to do so by the Director of Transportation.

18. The applicant shall ensure that valet parking attendants park all vehicles left with the valet service at the Project site. The vehicles shall be delivered to the designated parking area in accordance with a City approved valet parking route map. Additionally, all vehicles owned by valet parking attendants shall be parked at the Project site. Valet parking attendants shall not park restaurant patron vehicles on any street or alley.

19. The applicant shall ensure that valet parking attendants do not load or unload passengers in any location except an approved valet parking loading zone.

20. The applicant shall ensure that valet parking attendants do not drive any vehicle over the sidewalk adjacent to the restaurant.

21. The applicant shall maintain a four (4) inch wide white line to separate the sidewalk from the parking route area between the two driveways adjacent to the restaurant and the hotel.

22. The applicant shall ensure that the valet parking attendants observe all laws of the City of Beverly Hills and the State of California.

23. No signage may be placed within the public right-of-way, except as specifically permitted in accordance with the Beverly Hills Municipal Code.

24. The floor area devoted to dining and bar use shall not exceed 1,000 square feet.

25. Except as otherwise required by the Health Code, the applicant shall be prohibited from depositing trash in the alley dumpsters after 11 P.M.. Glass can only be deposited up until 10 PM daily.

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

27. The city expressly reserves jurisdiction relative to noise, traffic, and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issue merits review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

28. At time of any request for renewal of these permits, an attestation that the conditions of approval are being met shall be submitted to the City.

29. The hotel shall provide access to Fire Department, Law Enforcement, and/or Community Development Department staff at any time.

30. 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 these approvals.

31. EXPIRATION AND RENEWAL. The Conditional Use Permit, Development Plan Review, and 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 permits, the Planning Commission may extend the Permits for additional twelve (12) month periods if the Planning 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. Upon the filing of an extension request, permits shall remain valid until such a time as a decision is determined by the Planning Commission. Permits shall remain valid until such a time as a decision on a timely filed extension application is made by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said extension requests.

Furthermore, in the event the Planning Commission or the Director of Community Development at any time 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.

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

33. RECORDATION. This Resolution approving the Conditional Use Permit, Development Plan Review, and Extended Hours Permit shall become effective immediately upon adoption of this resolution. The Owner of the Project shall deliver to the Department of Community Development an executed covenant accepting the conditions of approval set forth in this resolution within sixty (60) 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 sixty (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 sixty (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.

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

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

Adopted: October 13, 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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Ryan Gohlich, AICP  
Secretary of the Planning Commission

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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

**ATTACHMENT C**  
**POLICE CALLS FOR SERVICE**

**Police Reports at 469 N. Doheny Dr., 5/6/14 – 9/8/16 (beginning with most recent)**

<b>Date</b> (beginning with most recent)	<b>Day of Week</b> (determines when Extended Hours begin)	<b>Time</b> <b>*gray shaded rows indicate Extended Hours period</b>	<b>Type of Call</b>	<b>Notes</b>
9/8/2016	Thursday	5:53 AM	Transient Complaint	Gone on arrival
8/12/2016	Friday	2:03 AM	911 call	Checks OK, Accidental call
6/24/2016	Friday	7:00 PM	Disturbance	Arrested
5/27/2016	Friday	10:19 PM	Man down	Rescued, checks OK
5/21/2016	Saturday	12:25 PM	Suspicious Circumstances	Checks OK
5/21/2016	Saturday	3:37 AM	Transient Complaint	Sent on Way
5/6/2016	Friday	12:59 PM	Transient Complaint	Sent on Way
4/26/2016	Tuesday	1:58 PM	Keep the Peace	Referred
4/16/16	Saturday	4:19 AM	Trespassing	Cancelled by Reporting Person
4/12/16	Tuesday	11:12 AM	Welfare Check	Checks OK
4/10/16	Sunday	10:32 PM	Traffic Stop	Advised
4/5/16	Tuesday	4:54 AM	Petty Theft	No Report Desired
3/8/16	Tuesday	2:47 AM	911 Call	Checks OK
2/15/16	Monday	9:34 AM	Transient Complaint	Sent on Way
11/1/15	Sunday	4:37 PM	Corporal Injury / Spousal	No Report Desired
10/30/15	Friday	1:29 PM	Traffic Accident	Rescued, Assisted
10/21/15	Wednesday	11:01 PM	Disturbance	Checks OK
9/14/15	Monday	12:48 AM	Battery	Rescued & Referred
7/3/15	Friday	9:02 PM	911 Call	Checks OK
5/18/15	Monday	1:36 PM	Traffic Stop	Citation
3/24/15	Tuesday	6:26 AM	Battery	Rescued & Cancelled
3/11/15	Wednesday	2:35 AM	Trespassing	Checks OK
3/5/15	Thursday	4:37 AM	Drunk/Drugs	Referred
2/7/15	Saturday	2:12 AM	Battery	No Report Desired
7/29/14	Tuesday	4:11 AM	Suspicious Person	Arrested
7/18/14	Friday	6:05 PM	Disturbance	Gone on Arrival
7/6/14	Sunday	1:25 PM	911 Call	Checks OK
6/28/14	Saturday	9:53 PM	Advised	Disturbing the Peace
5/25/14	Sunday	2:18 AM	Drunk/Drugs	No detailed report provided
5/6/14	Tuesday	4:01 PM	Traffic Stop	Advised

15 total calls during Extended Hours period

# **ATTACHMENT D**

## **PUBLIC NOTICE**



## NOTICE OF PUBLIC HEARING

**HEARING DATE:** October 13, 2016  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Planning Commission Meeting Room 280-A  
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, October 13, 2016, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for a **Conditional Use Permit, a Development Plan Review, and an Extended Hours Permit** for the property located at **469 N. Doheny Drive (Beverly Terrace)**. The Applicant was previously granted a Conditional Use Permit and Development Plan Review to allow the following operations at the hotel:

- Operation of a restaurant within the hotel that is open to the public; and
- Operation of open air dining associated with the hotel restaurant.

The previously granted entitlements have expired, and the Applicant is requesting a new Conditional Use Permit and Development Plan Review to allow the same operations as previously granted, with amendments to allow the following:

- An expanded open air dining area (increasing total outdoor seats from 24 to 42) and to determine that the parking demand for the expanded open air dining area can be met with the existing parking supply and valet operations, and additional parking is not required to be provided;
- To allow the restaurant to be open to the public on Sundays; and
- To allow the restaurant to be open to the public beyond the standard hours of operation for a property located in a commercial-residential transition area and beyond those hours previously approved by the original Development Plan Review and Conditional Use Permit. An Extended Hours Permit is requested to allow the hours of operation to be expanded to accept members of the public (not only hotel guests) between the hours of 7 A.M. to 11 P.M. daily.

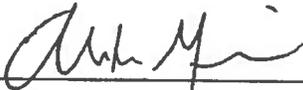
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Upon review, the project appears to qualify for exemption from CEQA. Accordingly, the Planning 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) pursuant to Sections 15301 of Title 14 of the California Code of Regulations.

-- over --

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. Any written comments received prior to or during the public hearing will be considered as part of the public record.

If there are any questions regarding this notice, please contact **Alek Miller, Assistant Planner** in the Planning Division at (310) 285-1196, or by email at [amiller@beverlyhills.org](mailto:amiller@beverlyhills.org). Copies of the application and associated project materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely,



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Alek Miller, Assistant Planner

Mailed: October 3, 2016

# **ATTACHMENT E**

## **PLANS**

# Hotel Beverly Terrace page 1 of 6 Satellite Overview

**ZIMAS**

Search Font: A A

316 S DOHERTY DR

Address/Legal: 316 S DOHERTY DR  
 Site Address: 316 S DOHERTY DR  
 ZIP Code: 90401  
 PIN Number: 1988182\_008  
 Lot/Parcel Area (Circ/Acre): 5,809.2 (Ac. 8)  
 Thomas Brothers Corp  
 Thomas Brothers Corp  
 Thomas Parcel No. (PIN): 1988182\_008  
 Parcel Area: 5,809.2  
 Map Information: M.B. 05-1917  
 Block: None  
 U.S. (Lat/Long) (Degrees): 32.99  
 Map Sheet: 1988182

- ▶ Jurisdiction
- ▶ Planning and Zoning
- ▶ Assessor
- ▶ Case Numbers
- ▶ Citywide/Code Amendment Cases
- ▶ Additional
- ▶ Seismic Hazards
- ▶ Economic Development Areas
- ▶ Public Utility

Public

Help

News

Resources

Reports

0.02 Miles  
80 Feet

LAUNCE 2014 Color-Ortho

Terms & Conditions

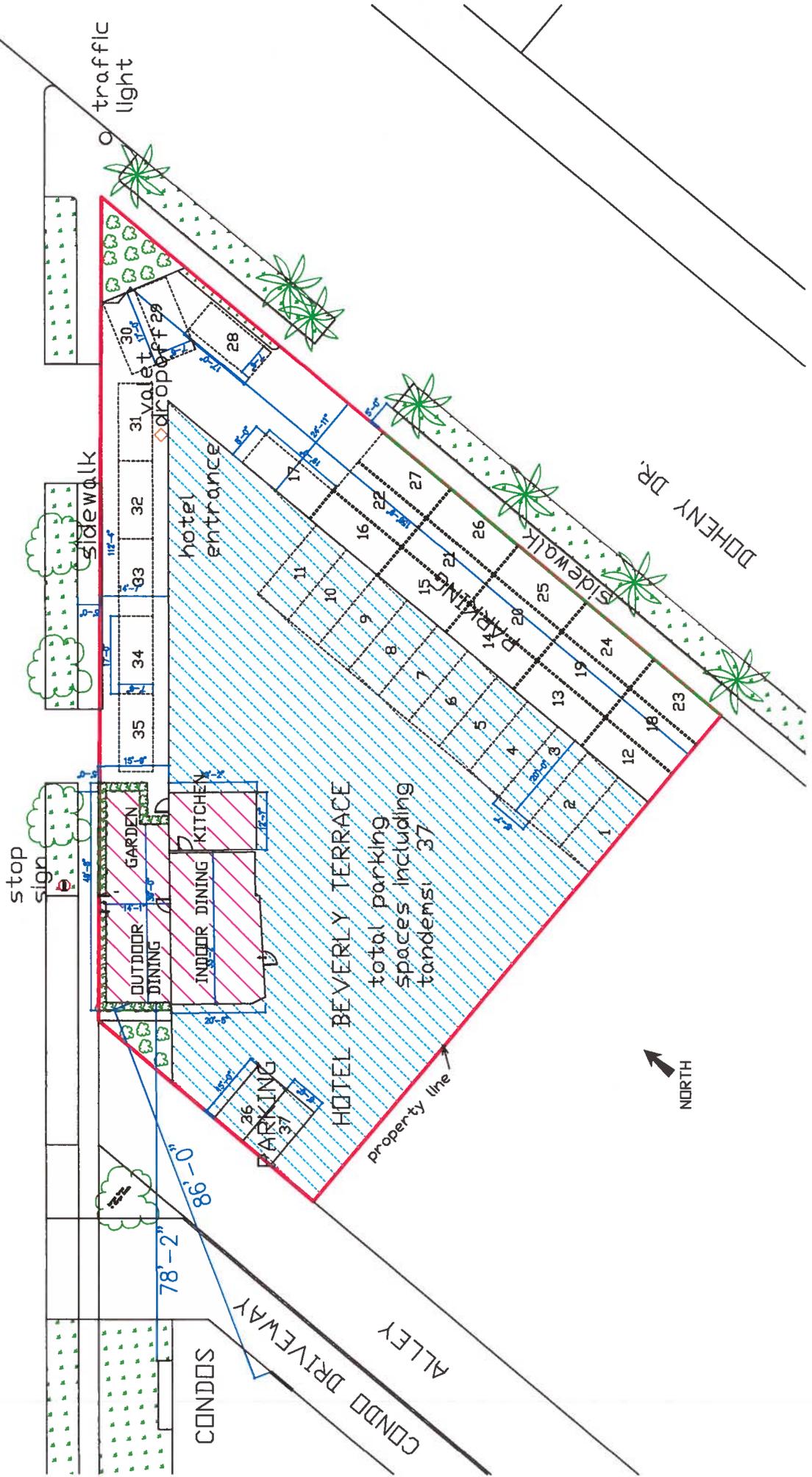
Background Map Display Layer

- Generalized Zoning
- General Plan Land Use
- 500 Ft. School/Park Zone
- Coastal Zones
- 2001 Digital Ortho Photos
- 2005 Digital Color-Ortho
- 2008 Digital Color-Ortho
- Station Fire Area
- 2011 Digital Color-Ortho
- 2014 Digital Color-Ortho



**Hotel Beverly Terrace page 3 of 6  
Hotel and Parking Overview**

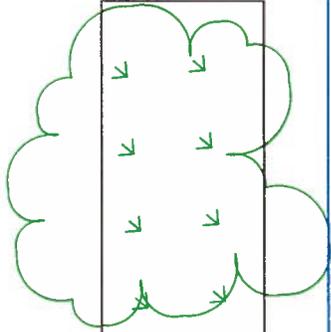
CIVIC CENTER DR.



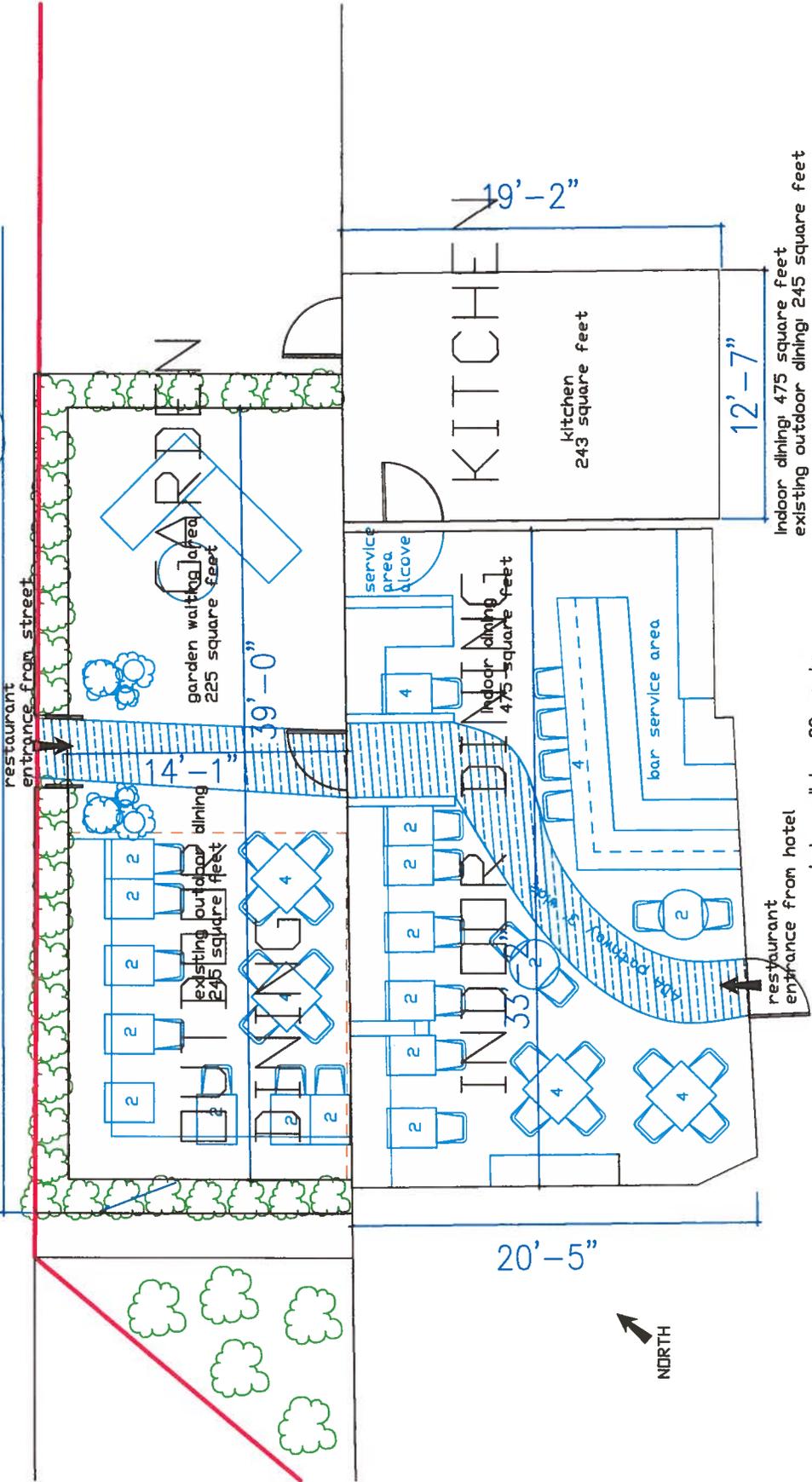
# Hotel Beverly Terrace page 4 of 6 Existing Restaurant Plan

STOP

SIGN



## INDOOR/OUTDOOR SEATING PLAN 49'-8"



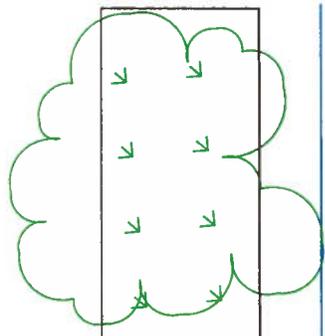
Indoor dining 475 square feet  
 existing outdoor dining 245 square feet  
 total for indoor & outdoor dining 700 square feet  
 total for hotel 12,877 square feet  
 total for site 16,377 square feet  
 total units for hotel 39 rooms

restaurant entrance from hotel  
 indoor dining 32 seats  
 existing outdoor dining 24 seats

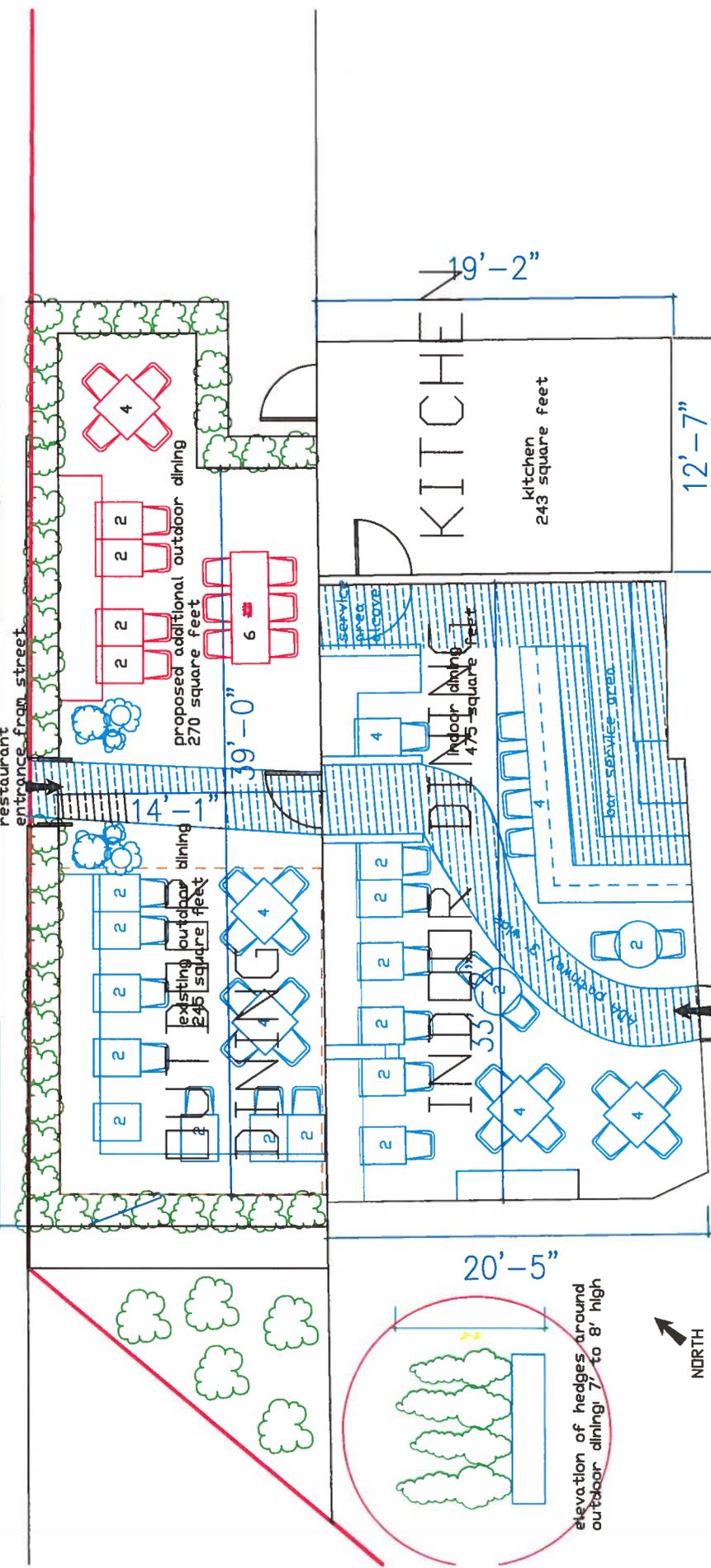
# Hotel Beverly Terrace page 5 of 6 Proposed Restaurant Plan

stop

sign



INDOOR/OUTDOOR SEATING PLAN 49'-8"



Indoor dining: 475 square feet  
 outdoor dining: 245 square feet  
 proposed outdoor dining: 515 square feet  
 total for indoor & proposed outdoor dining: 990 square feet  
 total for hotel: 12,877 square feet  
 total for site: 16,377 square feet  
 total units for hotel: 39 rooms

originally approved total seats: 64  
 existing outdoor dining: 24 seats  
 difference: 18 seats  
 proposed outdoor dining: 42 seats  
 difference: 10 seats

elevation of hedges around outdoor dining: 7' to 8' high





**HOTEL BEVERLY TERRACE- 469 NORTH DOHENY DRIVE – RESTAURANT**

**Current Outdoor Seating – 24 seats**



**Proposed additional Outdoor Seating – additional 18 seats**



**HOTEL BEVERLY TERRACE- 469 NORTH DOHENY DRIVE – RESTAURANT**

Indoor Seating – 30 seats



Exterior Privacy Hedge – tall ficus



**HOTEL BEVERLY TERRACE- 469 NORTH DOHENY DRIVE – PARKING & EXTERIOR**



**ATTACHMENT F**  
**PLANNING COMMISSION RESOLUTIONS**  
**(Nos. 979 AND 1026)**

RESOLUTION NO. 979

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY ISSUING A DEVELOPMENT PLAN REVIEW PERMIT FOR OPEN AIR DINING AND GRANTING A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC AT PROPERTY LOCATED AT 469 NORTH DOHENY DRIVE (TRATTORIA AMICI)

Section 1. Tancredi De Luca (hereafter "applicant") has submitted an application for a Conditional Use Permit and Development Plan Review Permit to allow a public restaurant and signage within a nonconforming hotel and to allow open air dining at property located at 469 North Doheny Drive (hereafter "Project"). Title 10, Chapter 3, Article 12 of the Beverly Hills Municipal Code provides that a public restaurant may be permitted within a nonconforming hotel in a multiple-family residential zone if the Planning Commission issues a Conditional Use Permit (hereafter "C.U.P.") for the restaurant. Furthermore, the Municipal Code provides that open air dining may be permitted within 170 feet of a multiple-family residential zone if the Planning Commission issues a Development Plan Review Permit (hereafter "D.P.R.") to allow the open air dining.

Section 2. The proposal has been environmentally reviewed and a Categorical Exemption has been issued in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City's environmental guidelines.

Section 3. On June 19 and July 24, 1996, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. In considering the application for the Development Plan Review Permit, the Planning Commission considered the following issues:

1. Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;
2. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area;
3. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards;
4. Whether the proposed plan will be detrimental to the public health, safety or general welfare; and
5. Whether the nature, configuration, location, density, height and manner of operation of the proposed commercial development will significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property.
6. Whether the proposed plan will create any significantly adverse parking impacts as a result of employee or patron parking demand.

7. Whether the proposed plan will significantly and adversely affect neighboring properties due to:
- a. The accumulation of garbage, trash or other waste;
  - b. Noise created by operation of the dining area or by employees or visitors entering or exiting the site;
  - c. Light and glare;
  - d. Odors or noxious fumes.

Section 5. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds:

1. The proposed Project is consistent with the General Plan of the City. The General Plan encourages stability in the land use pattern of the City. The Project will allow a long standing non-conforming dining use to continue at the Project site.

2. As conditioned, the proposed Project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards. Nor will the proposed Project have a significant parking impact. The Project is limited to fourteen (14) tables with seating for sixty four (64) persons. The outdoor dining area is limited to four (4) tables with seating for twenty four (24) persons and does not encroach into the public right-of-way. Also, the Project site has sufficient space to accommodate forty five (45) cars parked by valet attendants and the City has issued

a valet parking permit to the restaurant valet operator to allow forty five (4525) cars to be parked at the site.

Due to the small size of the dining area, the Project's location on a major arterial street and the availability of on-site parking, the Project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, pedestrian safety hazards, or parking impacts.

3. As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity, will promote harmonious development of the area and will not be detrimental to the public health, safety and welfare. The subject property is on the west side of Doheny Drive, directly south of Civic Center Drive. The proposed Project faces Civic Center Drive and is completely enclosed by a white picket fence and hedge that extends five feet above the level of the adjacent sidewalk and blocks the view of restaurant patrons from the street and the residential properties located in proximity to the project. Also, operation of the open air dining area will cease at 11:00 p.m. and both live entertainment and amplified music will be prohibited at all times in the open air dining area. Finally, the proposed Project is compatible with surrounding developments because it will provide an open air dining facility to be used by the surrounding commercial and residential area and will not alter the scale or height of the existing building.

4. As conditioned, the nature, configuration, location, density, height and manner of operation of the proposed

Project will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property. The proposed Project faces Civic Center Drive and is completely enclosed by a white picket fence and hedge that extends five feet above the level of the adjacent sidewalk and blocks the view of restaurant patrons from the street and the residential properties located in proximity to the project. Also, operation of the open air dining area will cease at 11:00 p.m. and live entertainment and amplified music will be prohibited at all times in the open air dining area. Therefore, the Project will not interfere with the enjoyment of residential properties in the vicinity of the Project.

5. As conditioned, no garbage, trash or other waste from the Project will adversely impact neighboring properties. The applicant is required to maintain the subject area in a clean and sanitary condition. After 10:00 p.m., refuse shall not be deposited into a bin located outside of an enclosed structure unless the refuse is sealed in a bag. Additionally, after 10:00 p.m., no refuse bin shall be moved in any area separating the restaurant and a residential use. Finally, all commercial refuse bins shall be equipped with non-metallic lids.

6. As conditioned, little noise impact will be created by the Project or by employees or visitors entering or exiting the Project. The restaurant will close at 11:00 p.m.. Additionally, trash pick up will occur after 9:00 a.m. to reduce any disturbance to surrounding properties. No deliveries to the restaurant will be allowed from the right of way adjacent to

residential properties, and all deliveries to the restaurant shall occur between the hours of 11:30 a.m. and 12:30 p.m., Monday through Friday. Finally, employees shall not be allowed to congregate in the right of way or in any open area separating the restaurant and a residential use.

7. Due to the nature of the proposed Project, no light or glare from the Project will impact neighboring properties. The open air dining area faces Civic Center Drive and no lighting will be directed toward residential properties.

8. Due to the nature of the proposed Project, no odors or noxious fumes will result from the Project. Cooking will not be performed in the open air dining area. Approval of the project will not alter the current venting of the kitchen and the Commission has received no evidence that the restaurant currently creates odors or noxious fumes.

Section 6. In considering the application for the C.U.P., the Planning Commission considered whether the restaurant will be detrimental to adjacent property or the public welfare or will have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to:

- (1) the accumulation of garbage, trash, or other waste;
- (2) noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;

- (3) light and glare;
- (4) odors or noxious fumes;
- (5) parking demand created by the restaurant, including parking demand created by employees; or
- (6) traffic.

For the reasons set forth in Section 5 of this resolution, the Planning Commission has determined that the Project will not have an adverse impact on residential properties due to the accumulation of garbage, or due to noise, light and glare, odors or noxious fumes, parking demand, or traffic. Furthermore, for the reasons set forth in Section 5, the Project will not have an adverse impact on adjacent properties or the public welfare.

Section 7. Based upon the foregoing, the Planning Commission hereby issues a C.U.P. to permit the operation of a public restaurant at the Project site and the placement of an approximately eight square foot oval sign identifying the restaurant. The Planning Commission also hereby issues a D.P.R. for open air dining at the Project site as shown on the plans submitted to the Commission. These permits are subject to the following conditions:

1. The open air dining shall be limited to four (4) tables and twenty-four (24) chairs.
2. The tables and chairs shall be located in the patio area adjacent to the existing building as shown on the

plans submitted to the Planning Commission and shall not at any time be permitted to encroach into the public right-of-way.

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

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

5. The restaurant shall be closed on Sundays. Additionally, no patron of the restaurant shall be seated after 11:00 p.m. on any other day and no food orders shall be accepted from patrons after 11:00 p.m. The restaurant shall not be open to patrons before 11:30 a.m.

6. All deliveries to the restaurant shall be made between the hours of 11:00 a.m. and 12:30 p.m., Monday through Friday. No deliveries shall be accepted at any other time. Furthermore, all deliveries shall be made from Civic Center Drive. No delivery shall be accepted from any other location.

7. Neither the C.U.P. nor the D.P.R. shall become effective until the applicant has presented the City Attorney with an agreement that demonstrates, to the satisfaction of the City Attorney, that the applicant possess the right to park twenty five (25) restaurant patron vehicles on the Project site. Additionally, the applicant shall annually submit to the

Department of Planning and Community Development an affidavit, signed by the owner of the Project site and the hotel manager, which attests to the fact that twenty five (25) parking spaces are available to the restaurant use at the Project site.

8. Off street parking shall be provided free of charge to employees.

9. No refuse bin shall be moved between 10:00 p.m. and 9:00 a.m. within any right-of-way or other area separating the restaurant and residential uses.

10. All commercial refuse bins shall be equipped with non-metallic lids.

11. The applicant shall maintain the subject area in a clean and sanitary condition. All refuse bins located outside the restaurant shall be sanitized daily. Additionally, the bins shall be replaced with clean bins on a sufficiently regular basis to avoid odor impacts to surrounding properties.

12. Refuse shall not be picked up from the Project site before 9:00 a.m.

13. All refuse shall be bundled and/or wrapped and placed in locked refuse bins. Bottles shall be wrapped in plastic and placed in outdoor refuse bins only between the hours of 9:00 a.m. and 6:00 p.m.

14. Employees, agents, associates and contractors of the restaurant shall not be permitted to congregate in any right-of-way or other area separating the restaurant and a residential use.

15. All doors to the restaurant facing a residential zone shall remain closed at all times between the hours of 10:00 p.m. and 9:00 a.m. except for the immediate purpose of ingress or egress. Additionally, all food preparation area windows that face a residential zone shall remain closed between those hours.

16. The applicant shall post in a conspicuous place on the exterior of the restaurant, the name and telephone number of a restaurant manager or other person with authority to address operational problems of the restaurant during operating hours.

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

18. No less than one (1) valet parking attendant shall be assigned to the restaurant during all hours of operation, unless the Director of Transportation determines that valet parking is unnecessary. The applicant shall increase the number of valet attendants if requested to do so by the Director of Transportation.

19. The applicant shall ensure that valet parking attendants park all vehicles left with the valet service at the Project site. The vehicles shall be delivered to the designated parking area in accordance with a City approved valet parking route map. Additionally, all vehicles owned by valet parking attendants shall be parked at the Project site. Valet parking attendants shall not park restaurant patron vehicles on any street or alley.

20. The applicant shall ensure that valet parking attendants do not load or unload passengers in any location except an approved valet parking loading zone.

21. The applicant shall ensure that valet parking attendants do not drive any vehicle over the sidewalk adjacent to the restaurant.

22. The applicant shall maintain a four (4) inch wide white line to separate the sidewalk from the parking route area between the two driveways adjacent to the restaurant and the hotel.

23. The applicant shall ensure that the valet parking attendants observe all laws of the City of Beverly Hills and the State of California.

24. No signage may be placed within the public right-of-way, except as specifically permitted in accordance with the Beverly Hills Municipal Code.

25. This C.U.P. and D.P.R. shall expire one year after the date of adoption of this resolution. Unless the C.U.P. and D.P.R. are renewed, or a new C.U.P. and D.P.R. are issued, the applicant shall immediately cease operation of the restaurant, including the outdoor dining area. The applicant shall have no right to renewal of the C.U.P. or D.P.R.. Any application for renewal of the C.U.P. and D.P.R. must be filed at least sixty days prior to the expiration of these approvals.

26. The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the restaurant.

27. Within thirty (30) days after the adoption of this Resolution, the applicant shall present to the City a signed covenant, signed by the applicant and the property owner and satisfactory to the City Attorney, and in a form recordable by the Los Angeles County Recorder, accepting these conditions of approval.

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

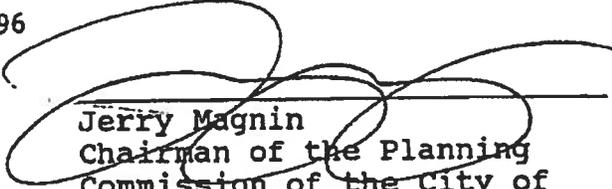
At the time that the applicant delivers the covenant to the City, the applicant shall also provide the City with all fees necessary to record the document with the County Recorder.

Section 8. Nothing in this resolution shall be interpreted to limit the authority of the City to impose conditions on the approval of any valet parking permit application.

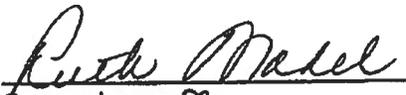
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Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Planning Commission of the City.

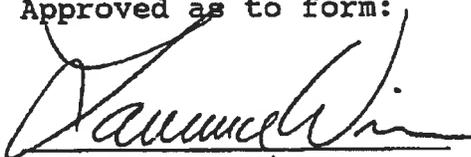
Adopted: August 28, 1996

  
Jerry Magnin  
Chairman of the Planning  
Commission of the City of  
Beverly Hills, California

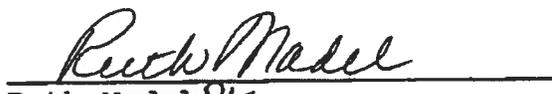
ATTEST:

  
Secretary of

Approved as to form:

  
Laurence S. Wiener  
Assistant City Attorney

Approved as to content:

  
Ruth Nadel of  
Director of Planning &  
Community Development

9/04/96

RESOLUTION NO. 1026

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RENEWING A DEVELOPMENT PLAN REVIEW PERMIT FOR OPEN AIR DINING AND A CONDITIONAL USE PERMIT TO ALLOW A HOTEL DINING FACILITY (TRATTORIA AMICI) AT 469 NORTH DOHENY DRIVE TO CONTINUE TO BE OPEN TO THE PUBLIC

THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS DOES HEREBY FIND, RESOLVE, AND DETERMINE AS FOLLOWS:

Section 1. On August 28, 1996 the Planning Commission approved Resolution No. 979 issuing a development plan review ("D.P.R.") permit for open air dining and granting a conditional use permit ("C.U.P.") to Tancredi de Luca (hereafter "applicant") to allow a hotel dining facility to be open to the public, at 469 North Doheny Drive for Trattori Amici, a restaurant. The Planning Commission's decision was subject to 27 conditions to minimize impacts of the project on neighboring residential properties.

Section 2. Condition No. 25 of Resolution No. 979 states that the C.U.P. and D.P.R. shall expire one year after the date of adoption of Resolution No. 979, unless the C.U.P. and D.P.R. are renewed. The expiration date of these approvals is August 28, 1997.

On June 11, 1997, Murray Fischer, on behalf of the applicant, submitted an application to renew these approvals.

Section 3. On August 27, 1997, the Planning Commission held a duly noticed public hearing to consider the application for renewal. Evidence, both written and oral, was presented at said hearing.

Section 4. Based upon the foregoing, the Planning Commission hereby finds that operation of the restaurant and outdoor dining has not had an adverse impact on the surrounding neighborhood, there have been no violations of the conditions of the D.P.R. or the C.U.P., and there have been no violations of the Beverly Hills Municipal Code. Therefore, the Planning Commission hereby readopts the findings set forth in resolution No. 979 and renews the C.U.P. and D.P.R., subject to the modification below.

As part of this renewal, the Planning Commission hereby revises condition No. 25 set forth in Resolution No. 979 to read as follows:

25. This C.U.P. and D.P.R. shall expire on August 28, 1998. Upon application by the Applicant, the Director of Planning may extend the Permits if the Director determines that the restaurant is operating in a manner substantially the same as described to the Planning Commission and approved by the Planning Commission, is abiding by the conditions imposed by the Planning Commission, and is not creating an adverse impact on the surrounding area.

Any decision by the Director pursuant to this paragraph No. 25 may be appealed to the Planning Commission by filing a notice of appeal with the Director within ten days after the Director has issued the decision. Notice of the Director's decision shall be mailed to any person who submits to the Director a written request for such notice. If the matter is appealed to the Planning Commission, the Planning Commission shall hold a noticed public hearing on the matter.

If the Director of Planning or the Planning Commission does not extend the C.U.P. and D.P.R., the Permits shall expire and all rights possessed by the Applicant under the Permits shall be terminated. Provided, however, that if the Applicant files an application for an extension, any existing Permit shall be extended until the City takes final action on the application.

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

Upon expiration of the extension and any future extension, the Applicant may apply for further extensions pursuant to the procedures set forth above. The length of the further extensions shall be governed by the provisions of the Beverly Hills Municipal Code.

Section 5. Except as specifically modified by this resolution, the project shall comply with each condition set forth in Resolution No. 979. In no event shall the project vary from the Beverly Hills Municipal Code.

Section 6. If this resolution is invalidated for any reason, all provisions of Resolution No. 979, as originally approved, shall remain in full force and effect.

Section 7. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Planning Commission of the City.

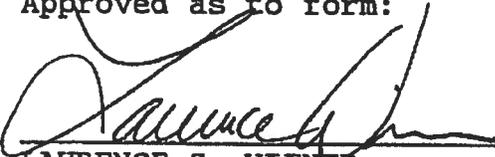
Adopted: August 27, 1997

  
\_\_\_\_\_  
JULIE OLIVER KAHN  
Chairman of the Planning  
Commission for the City of  
Beverly Hills

ATTEST:

  
\_\_\_\_\_  
Secretary *JH*

Approved as to form:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
Assistant City Attorney

Approved as to content:

  
\_\_\_\_\_  
RUTH NADEL *JK*  
Director of Planning &  
Community Development

**ATTACHMENT G**  
**CORRESPONDENCE FROM THE PUBLIC**

450 N Oakhurst Drive  
Apartment 202,  
Beverly Hills CA 90210  
August, 11, 2016.

City of Beverly Hills,  
Zoning/Conditional Use Department.

To whom it may concern:

My family and I live on Oakhurst Drive, around the corner from The Beverly Terrace Hotel and Café Amici. We are very frequent guests of the restaurant. We enjoy the convenience of its location (an easy walk from home), its ambience and friendly service, and its food! It has a wonderful outdoor patio area that is very reminiscent of European cafés with its garden like setting, in the middle of the hub-bub of a big city! It is a respite for the weary!

Whenever we have family and friends visit us we go to the restaurant to show off its quaint "small town" feel in a large city setting. It is truly one of those special places that should be supported and encouraged to keep doing what they do so well. The outdoor patio area in particular should be preserved and enhanced wherever possible.

If you require any further information, feel free to call me on my cell at 757-439-2540 or write me at the above address.

  
Gerald Divaris.

Michael Sobel  
431 N. Doheny Dr. No. 4  
Beverly Hills, CA 90210  
310-276-0249

August 11, 2016

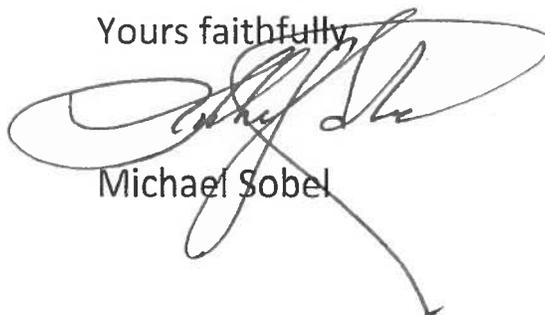
Re: Cafe Amici at The Beverly Terrace Hotel

To The City of Beverly Hills,

My wife, Sheila and I have visited Cafe Amici numerous times for both lunch and dinner. We have always enjoyed the ambience, service and not least of all, the food. But, Cafe Amici has another quality that we value. In a city with numerous restaurants, Cafe Amici is a "neighborhood restaurant" with the familiarity of a "hands on" manager, recognizable wait staff and support employees that contribute to the attraction of the restaurant. Other restaurants in the commercial areas of Beverly Hills are enjoyable, but few can contribute the sense of belonging that comes with a neighborhood restaurant.

It is our hope that whatever issues exist between the City of Beverly Hills and Cafe Amici, that they be resolved favorably so that Cafe Amici can continue creating a unique experience for diners in Beverly Hills.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Michael Sobel', with a large, sweeping flourish extending downwards and to the right.

Michael Sobel

August 16, 2006

Hi, my name is JARED Sagal. I've been a resident of Beverly Hills for 16 years and live just around the corner from Cafe Amici. ( 449 N. OAKHURST DR ) I'm writing this letter to show my support for one of my favorite spots in town and to help Amici out any way possible. From the food to the entire staff, Amici has always been a spot my family and I can count on to have an enjoyable evening and feel like we are dining amongst family. If there is anything else you need from me or my family please let us know.

My Contact info:

JARED SAGAL  
310-580-3741

email: jared@rockwell.com

Andrew Schreiber  
454 N. Oakhurst Dr., #204  
Beverly Hills, CA 90210

August 16, 2016

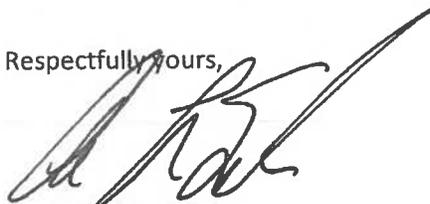
Re: Café Amici at The Beverly Terrace Hotel

To The City of Beverly Hills:

I have been a regular patron of Café Amici for a number of years, and recently, after moving back into the area after an absence of several years, have begun coming much more frequently. It is truly an exceptional establishment, and I find myself bringing friends and family to expose them to it. Nowhere else in the area have I found a restaurant that feels so "familiar" and warm, and that makes its patrons feel so totally at home. The quality of the food is exceptional, and the ambience is uniquely relaxed and yet elegant. The staff and management add greatly to the enjoyment, as they are both professional and familiar.

Perhaps one of the most enjoyable aspects of Café Amici is its beautiful outdoor dining area. Even though it's so close to the busy intersection of Santa Monica and Doheny, it feels as if you are dining in a quaint European countryside café. Since they have recently started a breakfast service, I now regularly enjoy both breakfast and dinners there, and hope to continue doing so for a long time to come, both in the interior room and in the beautiful garden.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Andrew Schreiber', written over the typed name below.

Andrew Schreiber

Gabor + Cindy Kovacs  
458 N. Oakhurst Dr.  
#201

8/22/2016

Beverly Hills, CA 90210

RE: CAFE Amici At Beverly Terrace  
Hotel

City of Beverly Hills,

My husband + I are frequent  
Guests to the restaurant, we love  
the food, the service + food is  
amazing. We also love the patio  
to eat on, its quiet, lovely and  
a place we call second home when  
we choose not to cook at home.  
Cafe Amici is wonderful staple  
in our neighborhood, everyone we  
know that lives on Oakhurst, one  
block away goes to Cafe Amici.  
Its located right behind our  
building. Very quiet, clean +  
its one reason of, many why we  
love where we live.

Thank you,

Cindy

Gabor Kovacs

Barbara A. Zelle  
458 N Oakhurst Dr.  
Unit 304  
Beverly Hills, CA 90210

To Whom It May Concern:

Re: Conditional Use Permit renewal for Beverly Terrace and Cafe Amici  
Restaurant

This is a letter in support of renewing the above referenced Use Permit. This location has been a consistent and relevant establishment for many years.

We frequent the restaurant almost weekly and would be deprived of the great food and ease of location. While there are many restaurants within the neighborhood few are within walking distance. There is so much new construction scheduled for the intersection of Doheny and Santa Monica over the next few years, there is no reason to create another area of inconvenience, especially when unnecessary,

It is very comfortable to have a long established restaurant and lodging in our own back yard making entertaining and housing guests a breeze. Not to mention the fact that every block is inundated with new stores going in and out, maintaining a sense of classic Beverly Hills would be welcomed.

We ask you to please renew this Conditional Use Permit, without hesitation. Should you have further questions, we may be reached at: 310-271-4642

Respectfully,



Barbara A. Zelle



Richard M Zelle