



Planning Commission Report

Meeting Date: May 27, 2021

Subject: **9360 WILSHIRE BOULEVARD (SIXTY HOTEL)
Renewal of a Conditional Use Permit and Extended Hours Permit
(PL1900518)**

Request for renewal of a Conditional Use Permit and Extended Hours Permit to allow operation of hotel rooftop facilities and to allow operations of the rooftop space during extended hours in a commercial-residential transition area. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider finding the project exempt from further review under CEQA.

Project Applicant: Beverly Pavilion, LLC and LJJM Beverly, LLC

Project Representative: Michael Bridges, Hotel Area Managing Director

Recommendation: Staff recommends that the Planning Commission conduct a public hearing, receive testimony on the project, and **provide direction** to prepare a resolution memorializing the Commission's findings.

REPORT SUMMARY

A request has been made to renew a Conditional Use Permit (CUP) and Extended Hours Permit (EHP) associated with the rooftop operations of the Sixty Beverly Hills (Sixty Hotel) located at 9360 Wilshire Boulevard. On April 27, 2017, the Planning Commission approved the renewal of a CUP and EHP for the hotel's rooftop uses by Resolution No. 1805, which would expire after a period of 36 months unless renewed by the Planning Commission. **The applicant has filed a timely application to renew the entitlements and no modifications are proposed.** The requested renewal would continue to allow the following rooftop operations at the hotel:

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

Attachment(s):

- A. Required Findings
- B. Applicable BHMC Sections
- C. April 27, 2017 Planning Commission Staff Report (without attachments)
- D. Planning Commission Resolution No. 1805
- E. Notice of Public Hearing
- F. Public Correspondence
- G. Condition Compliance Attestation
- H. Condition Compliance Supporting Documentation
- I. BHPD Calls for Service
- J. City Prosecutor Letter

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This report analyzes the request to renew the previously approved entitlements with a specific focus on the hotel's rooftop operations, compliance with conditions of approval, Police calls for service, and Community Preservation violations. Staff's analysis concludes that the hotel's rooftop use appears to have operated in a manner consistent with past approvals. However, records show that the hotel's rooftop use may not have been in compliance with the requirements of the Extended Hours Permit pertaining to music not being audible beyond the property.

BACKGROUND

File Date	12/17/2019
Application Complete	4/12/2021
CEQA Determination	Class 1 Categorical Exemption (Existing Facilities)
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	60 days from Determination of CEQA Exemption
Applicant(s)	Beverly Pavilion, LLC and LJJM Beverly, LLC
Owner(s)	Beverly Pavilion, LLC and LJJM Beverly, LLC
Representative(s) ¹	Michael Bridges, Hotel Area Managing Director

Prior Planning Commission Action Resolution No. 1418 (3/30/06) – Conditionally approved a CUP to allow construction of a new 1,817 SF rooftop gymnasium and associated restroom facilities, a 2,000 SF extension of the existing rooftop pool deck area, and the addition of two trellis structures, a Development Plan Review (DPR) to allow expanded rooftop uses including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room.

Resolution No. 1581 (7/8/10) – Renewed the CUP and DPR and conditionally approved a CUP, EHP, and Variance to allow outdoor dining along Wilshire Boulevard, added indoor dining at the first floor and mezzanine levels of the hotel, increased rooftop occupancy from 92 persons to 185 persons, and allowed a new stove within an existing rooftop food preparation room. Rooftop operations were allowed between 6:00 AM – 1:00 AM, Sunday through Thursday, and between 6:00 AM – 2:00 AM, Friday and Saturday.

Resolution No. 1628 (1/12/12) – Renewed the CUP and DPR, denied a requested modification to the CUP for an increase in occupancy within the rooftop area, and modified the existing EHP to reduce rooftop operations to until 12:00 AM

¹ All project representatives listed have been confirmed as registered legislative advocates in the City's database.



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Monday through Thursday and to until 2:00 AM, Saturday and Sunday.

Resolution No. 1649 (7/12/12) – Modified existing CUP and EHP to increase rooftop capacity to a maximum of 150 persons and to allow up to 12 rooftop events within the rooftop area per 12-month period. The rooftop events were allowed to operate to until 2:00 AM. Rooftop operations were allowed to until 12:00 AM, Monday through Friday, and to until 2:00 AM Saturday and Sunday.

Resolution No. 1661 (11/19/12) – Renewed the CUP and EHP Permit and conditionally approved a CUP, EHP, and Variance to allow an increase in hotel rooms from 114 to 119, reduced parking requirements, expanded rooftop occupancy to 165 persons, and extended rooftop hours to until 1:00 AM Sunday through Thursday and to until 2:00 AM Friday and Saturday.

Resolution No. 1723 (7/24/14) – Renewed the CUP and EHP Permit associated with rooftop uses for the Sixty Beverly Hills Hotel for an additional 18 months. No modifications were made to the rooftop operating hours.

Resolution No. 1774 (5/12/16) – Allowed the re-establishment of a CUP and EHP associated with rooftop uses for the Sixty Beverly Hills Hotel to allow for Sunday through Thursday rooftop operations until 12:00 AM and until 2:00 AM on Friday and Saturday. A 12-month time-period before the rooftop operations returned to the Planning Commission for renewal was approved.

Resolution No. 1805 (4/27/17) (Attachment D) Renewed the CUP and EHP associated with rooftop uses for the Sixty Beverly Hills Hotel to allow for Sunday through Thursday rooftop operations to until 12:00 AM and to until 2:00 AM Friday and Saturday. A 36-month time-period before the rooftop operations returned to the Planning Commission for renewal was also approved.

Prior City Council Action

Resolution No. 3013 (2/7/61) – Granting a Variance from the height limit and floor area requirements on appeal from decision of the Planning Commission denying a Variance.



PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9360 Wilshire Boulevard
Assessor's ID No.	4331-008-025
Zoning District	C-3 – Commercial
General Plan	Commercial – Low Density General
Existing Land Use(s)	Commercial (Hotel and Restaurant Use)
Lot Dimensions & Area	16,440 SF (.38 acres)
Year Built	1962
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	Zone: M-PD-2 – Mixed Use Planned Development Overally Land Use: Office and residential uses
South	Zone: R-4 – Multi-Family Residential Land Use: Multi-family residential uses
West	Zone: C-3 – Commercial Land Use: Retail and office uses
East	Zone: C-3 Commercial Land Use: Office uses

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard and South Crescent Drive
Adjacent Alleys	15'-wide, one way west-east alley at rear
Parkways & Sidewalks	Wilshire Boulevard: 15' from face of curb to property line South Crescent Drive: 12'-6" from face of curb to property line
Parking Restrictions	Wilshire Boulevard (directly adjacent to site): Red curb (no parking) South Crescent Drive (between Wilshire Boulevard and alley): Red curb (no parking)



South Crescent Drive (south of alley): 1 hour parking 8 AM – 2:30 AM. Preferential parking permits required for overnight parking.

Nearest Intersection

Wilshire Boulevard and South Crescent Drive

Circulation Element

Wilshire Boulevard – Arterial Street

South Crescent Drive – Local Street

Neighborhood Character

Commercial development in the vicinity consists mostly of general office uses and retail along Wilshire Boulevard. Directly north across Wilshire Boulevard is a mixed use building and directly south of the project site are multi-family residential properties. The multi-family residential properties vary between two and four stories in height, and are separated from the commercial uses along Wilshire Boulevard by a 15-foot alley.

Project Site

The project site is located on the south side of Wilshire Boulevard, immediately outside the Business Triangle, in the City's C-3 commercial zone. The project site is developed with an eight-story hotel that was constructed in 1962. The hotel provides a total of 119 guestrooms and parking is provided in one level of subterranean and two levels above grade. Access to the parking is provided off of Wilshire Boulevard and from the alley located at the rear of the project site. Vehicle elevators are used by the valet staff to move vehicles between the various parking levels.

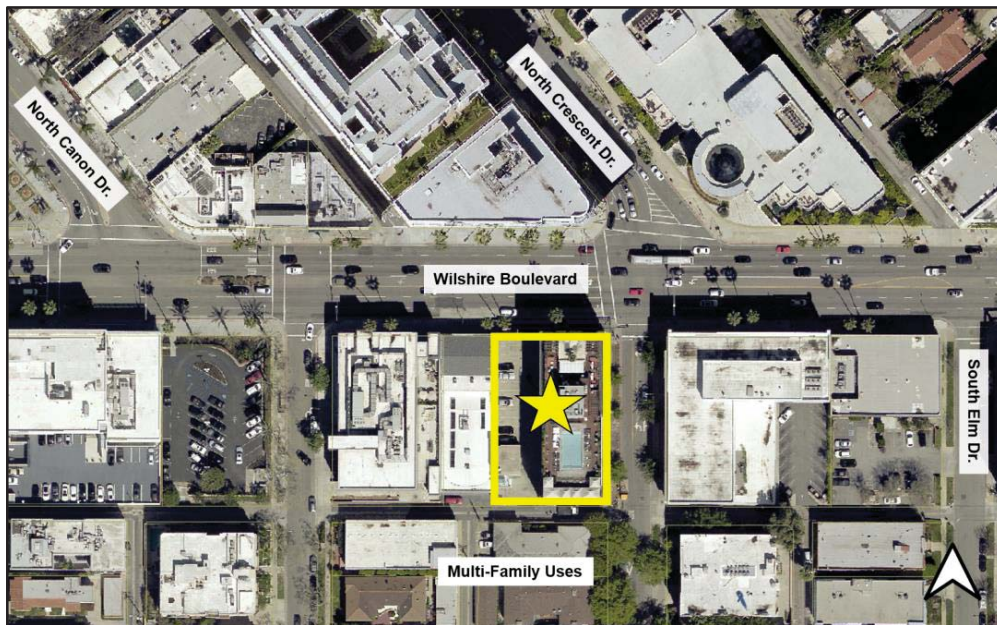


Fig. 1 – Aerial View of Project Site

Source: City's GIS



PROJECT DESCRIPTION

The proposed project involves the renewal of a previously approved CUP and EHP to allow operation of the Sixty Hotel's rooftop facilities. The hotel rooftop includes a pool, bar, cabanas, and dining space that are open to the public. The requested renewal would continue to allow the following rooftop operations at the hotel:

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

BACKGROUND

The project site has been operating as a hotel since the early 1960s and has received several entitlements from the Planning Commission and City Council as summarized on pages 2-3 of this report. Most recently, in 2017, the Planning Commission renewed the CUP and EHP to allow substantially the same rooftop operations approved under the previous approvals (Attachment C). The approval (Resolution No. 1805, Attachment D) included a 36-month expiration and required the rooftop operations to be renewed at the end of that period.

REQUIRED ENTITLEMENTS

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

- **Conditional Use Permit.**
Pursuant to BHMC §10-3-2862, a CUP is required whenever existing uses within a hotel are modified or expanded. The hotel's previous CUP Permit for the rooftop operations was most recently approved on April 27, 2017 (Resolution No. 1805). Condition No. 45 of the resolution requires renewal of the CUP within 36 months to allow rooftop operations to continue at the subject site.
- **Extended Hours Permit.**
Pursuant to BHMC §10-3-1958, an EHP is required in order to allow rooftop facilities to operate before 7:00 AM (weekdays) or 9:00 AM (weekends) and after 10:00 PM (weekdays/weekends) because the subject site is located in a Commercial Residential Transition Area. Commercial properties within this transition area are subject to operational restrictions. The hotel was most recently granted an EHP on April 27, 2017 to allow rooftop operations beyond 10:00 PM. Condition No. 45 of Resolution No. 1774 requires renewal of the EHP within 36 months to allow the rooftop to operate during extended hours.

GENERAL PLAN POLICIES

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



- **Policy ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- **Policy LU 9.1 Uses for Diverse Customers.** Accommodate retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists.
- **Policy LU 12 Business Districts Adjoining Residential Neighborhoods.** Compatible relationships between commercial districts and corridors and adjoining residential neighborhoods, assuring that the integrity, character and quality of both commercial and residential areas are protected and public safety and quality of life are maintained.
- **Policy LU 12.1 Functional and Operational Compatibility.** Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pickup and other similar business activities.
- **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.
- **Policy LU 15.2 – Priority Businesses.** Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail and fashion, restaurant, hotel, technology, and supporting uses.
- **Policy N 1.3 Limit Hours of Commercial and Entertainment Operations.** Limit hours of commercial and entertainment operations adjacent to residential neighborhoods and other noise-sensitive receptors in order to minimize exposure to excessive noise.



ENVIRONMENTAL ASSESSMENT

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the environmental regulations of the City. The project appears to qualify for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301, of the state CEQA Guidelines. This exemption is applicable to permitting or minor alterations of existing structures involving negligible or no expansion of use. The proposed project involves renewing previously approved entitlements that do not involve any modifications. As such, the project is not expected to result in any significant environmental impacts. Accordingly, staff recommends that the Planning Commission find the project exempt from further review under CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Actual Period	Required Date	Actual Date
Notice of Pending Application (Owners & Occupants – 1,000' Radius + blockface)	45 days from submittal	482 days from submittal	1/31/2020	4/12/2021
Adjacent Neighbors Notice (Owners & Occupants – 100' Radius)	45 days from submittal	482 days from submittal	1/31/2020	4/12/2021
Notice of Public Hearing (Owners & Occupants – 1,000' Radius + blockface)	20 Days	20 Days	5/7/2021	5/7/2021
Newspaper Notice	20 Days	20 Days	5/7/2021	5/7/2021
Property Posting	20 Days	20 Days	5/7/2021	5/7/2021
Agenda Posting	72 Hours	7 Days	5/24/2021	5/20/2021
Website (Agenda)	72 Hours	7 Days	5/24/2021	5/20/2021

Applicant Outreach Efforts

The applicant held the required virtual community meeting on March 10, 2021.

Public Comments

As of this writing of this report, staff received public comments from six members of the public expressing concerns regarding noise disturbances from hotel patrons and employees, noise disturbances from loud music, and disturbances from hotel deliveries. Staff also received music incident logs, photographs, and audio recordings from a member of the public. One public comment expressing support for the proposed project describing it as a community amenity was received. All public correspondence, incident logs, and photographs are included as Attachment F.



ANALYSIS²

Project approval, conditional approval, or denial is based upon specific findings for the requested entitlement renewals, which are outlined in Condition No. 45 of Resolution No. 1805. The specific findings that must be made in order to renew the entitlements are outlined below and may be used to guide the Planning Commission's deliberation on the subject project.

Required Findings. Pursuant to Condition No. 45 of Resolution No. 1805, the Planning Commission may renew the CUP and EHP for an additional thirty-six (36) month period if the Planning Commission determines that the uses are:

- Operating in a manner approved by the Planning Commission;
- Abiding by the Conditions imposed by the Planning Commission; and
- Not creating significant adverse impacts on the surrounding neighborhood.

Hotel Rooftop Operations/Condition Compliance. The project site is located in a Commercial Residential Transition area as it is located within 170' of residentially zoned property. The hotel's rooftop area includes a pool, bar, cabanas, and dining area that are open to the public. Generally, without the approval of an Extended Hours Permit, the hotel's rooftop operations would be limited to 10:00 PM because the property is located in the Commercial Residential Transition area. However, the hotel was granted an EHP in 2010 (Resolution No. 1581) which allowed for rooftop operations until 1:00 AM, Sunday through Thursday, and to until 2:00 AM, Friday and Saturday. Most recently, the Planning Commission granted an Extended Hours Permit (Resolution No. 1805) in 2017 that allowed rooftop operations until 12:00 AM Sunday through Thursday and until 2:00 AM on Friday and Saturday nights.

Condition No. 25 of Resolution No. 1805 requires the applicant to submit an attestation that the conditions of approval are being met with a request to renew the CUP and EHP. The applicant submitted the required attestation, which is included as Attachment G to this report. In addition to the attestation, the applicant submitted supportive documentation as evidence to demonstrate that the hotel is abiding by the conditions of approval outlined in Resolution No. 1805. The applicant has submitted photographs, copies of parking lease agreements, and valet parking contracts, which have been included as Attachment H to this report. In addition, staff conducted a site visit on January 15, 2020, which confirmed that the conditions of approval were being met.

Under the hotel's entitlements that were granted in 2017, the hotel has been allowed up to 12 rooftop events per 12-month period in the hotel's rooftop area on nights other than a Friday or Saturday until 2:00 AM, with a maximum of two per month. According to the applicant, there have not been any such events during the three-year period.

Surrounding Neighborhood. As previously stated, the project site is located in the Commercial Residential Transition area as it is located less than 170' from a multiple-family residential zoned property. Immediately to the south of the project site are multi-family residential buildings that

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



have a zoning designation of R-4 (Multiple Family Residential). In order to determine if the hotel's rooftop operations were creating a significant adverse impact on the surrounding neighborhood, staff reviewed police calls for service associated with the project address and code enforcement activity at the subject site.

Police Calls

Staff has reviewed the Beverly Hills Police Department's (BHPD) calls for service and incident reports documented (Attachment I) at the subject property from April 28, 2017 through April 25, 2021 to determine whether the hotel's rooftop operations have resulted in adverse impacts to surrounding properties and to determine if any violations of the conditions of approval have occurred. During this period, a total of 39 calls were received for three incident types and are summarized below in Table 1. Of the 39 calls received, 16 were received during extended hours.

Type of Call	Total # of Calls	# of Calls During Extended Hours	% of Calls During Extended Hours
Disturbing the Peace	24	15	63%
Keep the Peace	13	1	8%
Municipal Code Violation	2	0	0%

Based on the narrative reports provided by the BHPD, it would appear that of the 39 calls for service, a total of 18 calls were related to hotel rooftop operations. Of the 18 calls that appear to be related to the hotel's rooftop operations, a total of 12 calls were received during extended hours and were directly related to music or noise coming from the hotel's rooftop. Of these 12 calls, nine were substantiated by the Police during their response and the Police was unable to identify any violations for the remaining three calls.

These types of calls occurred throughout the three-year review period with the most recent calls occurring in 2019 and no calls were received in 2020 or 2021 for rooftop disturbances at the hotel. Based on this information, it would appear that during these occasions the hotel may not have been in compliance with the requirements of the EHP pertaining to music not being audible beyond the property (Condition No. 16 of Resolution No. 1805). The prior renewal period consisted of 11 months and a total of 36 calls were received related to the hotel. During this 11 month renewal period, a total of two calls were received that were directly related to the rooftop operations of the hotel.

Community Preservation Cases

Staff has reviewed the City's Community Preservation records associated with the Sixty Hotel from April 2017 through May 2021. A total of six noise complaints were received by the Community Preservation Division and are summarized below. Of the noise complaints received, five of the six were directly related to the Sixty Hotel's rooftop operation and were regarding amplified noise from the rooftop. As a part of the February 10, 2018, noise



complaint, Code Enforcement Officers received footage of music being audible beyond the hotel’s property. As a part of the June 25, 2019 noise complaint, after multiple requests from BHPD to assist with noise complaints, the City Prosecutor became involved and issued a letter (Attachment J) to the hotel management and property owner. A conference was scheduled with the hotel management and City staff and the case was ultimately resolved without further action.

Date	Type of Complaint	Action Taken	Status
5/23/2017	Noise – Amplified noise from rooftop	Code Enforcement Officer (CEO) issued a verbal warning to Hotel & noise was turned off	Closed
1/10/2018	Noise – Mechanical equipment/exhaust fan	CEO initiated – mechanical equipment was replaced	Closed
2/27/2018	Noise – Amplified noise from rooftop	CEO assisted BHPD and CEO issued a warning letter	Closed
4/3/2019	Noise – Amplified Sound	CEO contacted Reporting Party (RP) but did not return call	Closed
6/25/2019	Noise – Rooftop Music	City Prosecutor issued letter and meeting was held at City Hall w/ownership group	Closed
7/2/2019	Noise – Rooftop Music	CEO asked hotel staff to turn down the volume of music	Closed

Terms of Entitlements and Renewal Process. The Planning Commission had granted prior entitlements for the project with a renewal period of 36 months. Condition No. 45 of Resolution No. 1805 states that the Planning Commission may renew the permits for an additional 36 months 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. Should the Planning Commission vote to renew the CUP and EHP, the permits would expire 36 months after April 27, 2020, which is the date that the original entitlements would have expired, unless otherwise extended by the Planning Commission. The new expiration date would be April 27, 2023 and an application for renewal would need to be submitted no later than 30 days prior to the expiration date. The project would continue to be subject to all conditions of approval set forth in Resolution No. 1805.

Based on the concerns received by neighboring residents, police calls for service, and community preservation cases, it appears as though the rooftop uses may not have been in compliance with the requirements of the EHP pertaining to music not being audible beyond the property. More recently, operations do not appear to have resulted in any disturbances; however, that may be attributable to the pandemic and an overall reduction in hotel and rooftop utilization. Although the requested renewal does not propose any modifications and hotel rooftop operations would remain the same, the Commission may wish to consider whether additional or modified conditions are



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necessary in order to reduce impacts to the surrounding neighborhood, such as a shorter renewal period or a reduction to the extended hours operation.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing, discuss the merits of the project, and provide direction to prepare a resolution memorializing the Commission's findings.

Report Reviewed By:

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

Ryan Gohlich, AICP
Director of Community Development