



Planning Commission Report

Meeting Date: September 26, 2016

Subject: **250-260 North Canon Drive
Zone Text Amendment, Conditional Use Permit, Open Air Dining
Permit, and Extended Hours Permit (PL1609328)**

Request for a Zone Text Amendment to allow alternative parking facilities that may use automobile elevators, mechanical lift parking, and aisle parking to provide required parking in commercial zones through a Conditional Use Permit. The proposed project includes a request for a Conditional Use Permit, Open Air Dining Permit, and Extended Hours Permit to allow a new restaurant with a 100% valet-operated alternative parking facility and joint use of parking facilities to be constructed and operate with open air dining and extended hours on the commercial property located at 250-260 North Canon Drive. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider adoption of a Categorical Exemption for this project.

Project Applicant: Murray D. Fischer, applicant representative

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt a resolution recommending the City Council adopt the proposed Zone Text Amendment creating a CUP for alternative parking facilities that provide required parking; and
3. Adopt a resolution conditionally approving the requested entitlements.

REPORT SUMMARY

The applicant seeks to construct a new, three-story restaurant with a subterranean parking garage on the southern portion (currently a surface parking lot) of the site located at 250-260 North Canon Drive. The proposed project involves a request for a Zone Text Amendment to allow an "alternative parking facility" (a valet-operated garage with automobile elevators and mechanical parking lifts) to provide the required parking with approval of a Conditional Use Permit (CUP). As proposed, the project would require City Council adoption of a Zone Text Amendment as well as Planning Commission approval of a Conditional Use Permit for an

Attachment(s):

- A. Zoning Compliance Table
- B. Required Findings
- C. Draft Resolution Recommending a Zone Text Amendment
- D. Draft Resolution Conditionally Approving a CUP, Open Air Dining, and Extended Hours
- E. Staff Report – Planning Commission meeting of 9/19/2016 (no attachments)
- F. Public Notice
- G. Public Comment
- H. CEQA Categorical Exemption Report, including Traffic Impact Analysis
- I. Architectural Plans (provided under separate cover)

Report Author and Contact Information:
Emily Gable, Assistant Planner
(310) 285-1192
egable@beverlyhills.org



alternative parking facility and joint parking, an Open Air Dining Permit, and an Extended Hours Permit. Any Conditional Use Permit approval would be effective only if the necessary Zone Text Amendments are approved by the City Council and take effect.

During the Planning Commission's special meeting on September 19, 2016, the Commission reviewed and conducted a public hearing on the subject project. The Commission directed staff to prepare resolutions that would approve the proposed project subject to specific conditions. This report documents the Commission's comments regarding the project on September 19th, and highlights remaining items to be discussed and key points of the attached draft resolutions. This report also summarizes the conclusions of the environmental assessment that is provided in Attachment H.

A detailed project description and analysis of the proposed project can be found in the staff report for the Planning Commission meeting on September 19, 2016 (Attachment E). The project plans and proposal remain unchanged since that report. Staff recommends that the Planning Commission adopt the resolutions recommending the Zone Text Amendment to the City Council and conditionally approving the project.

BACKGROUND

File Date	6/15/2016
Application Complete	8/11/2016
Subdivision Deadline	N/A
CEQA Recommendation, pending final analysis	Class 5 Categorical Exemption for minor changes in land use regulations. Class 32 Categorical Exemption for in-fill development projects.
Permit Streamlining	N/A

Applicant(s)	Murray D. Fischer, applicant representative
Owner(s)	Neu Investment Corporation
Architect(s)	Nadel Architects

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	250-260 North Canon Drive, Beverly Hills CA 90210
Assessor's Parcel No.	4343-006-002 (two lots, tied)
Zoning District	C-3
General Plan	Commercial – Low Density General
Existing Land Use(s)	Commercial (office and surface parking)
Lot Dimensions & Area	Approximately 100' x 142.5' (avg. width x avg. depth) = 14,275 sq. ft.
Year Built	1940 / 1957 (major addition & remodel)



Historic Resource None
Protected Trees/Grove No protected trees

Adjacent Zoning and Land Uses

On Same Site	C-3 Commercial Current 250 N. Canon Dr.: three stories, Hilton & Hyland
Northwest	C-3 Commercial 270 N. Canon Dr.: four stories, Zein Obagi
Northeast (across alley)	Multiple-Family Residential-Commercial Parking Zone (RMCP) 225-239 N. Crescent Dr.: four stories, Whole Foods Market, parking, and senior housing
Southeast	C-3 Commercial 238 N. Canon Dr.: three stories, Mastro's
Southwest (across Canon Dr.)	C-3 Commercial 251 N. Canon Dr.: three stories, under construction

Circulation and Parking

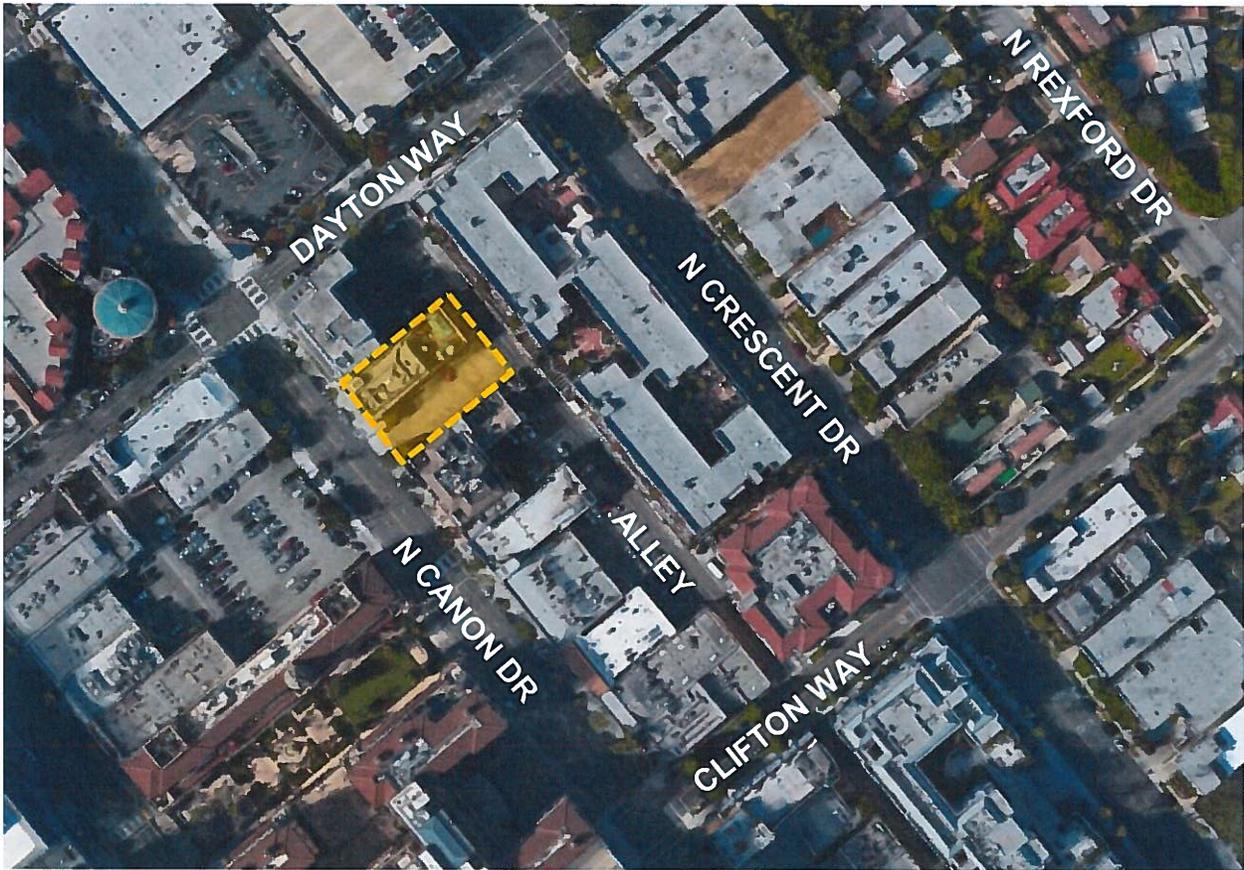
Adjacent Street(s)	N. Canon Dr.
Adjacent Alleys	20'-wide north-south alley to the east of N. Canon Dr. The alley runs between Dayton Way and Clifton Way and traffic is restricted to one- way southbound.
Parkways & Sidewalks	Approximately 15' sidewalk along N. Canon Dr.

Neighborhood Character

The project site is located on the northeast side of N. Canon Dr., between the intersections with Dayton Way and Clifton Way. The property has 100' of street frontage and is currently developed with a three-story commercial office building and a surface parking lot.

The project site is on the eastern edge of the Beverly Hills business triangle. To the west, as well as north and south along N. Canon Dr. is a large commercial area with buildings between one and ten stories in height. The majority of the commercial buildings in this area are two or three stories tall. Restaurants, retail, and commercial offices are the main uses in this area, and area restaurants typically have valet parking. A public park and hotel are located across N. Canon Dr. in the same block.

To the east of the project site is the Multiple-Family Residential-Commercial Parking (RMCP) zone, which allows a mix of multi-family residential, commercial, and parking uses. Behind the project site (immediately across the alley) is a four-story mixed-use building with a ground-floor grocery store and parking and three upper residential floors of senior housing. Farther to the east is a row of multiple-family residences (on the east side of N. Crescent Dr.) and to the east of that is a single-family residential area (on N. Rexford Dr. and east).



Project Site



View from N. Canon Dr. of project site: existing office building and surface parking lot



PROJECT DESCRIPTION

Required Approvals. As proposed, the project requires the following discretionary approvals from the Planning Commission in order to be constructed. In addition, the Zone Text Amendment must be adopted by the City Council:

1. Zone Text Amendment:

- To amend BHMC §10-3-100 (Definitions), BHMC §10-3-1604, BHMC §10-3-1702, §10-3-1802, and BHMC §10-3-2002 (Conditionally Permitted Uses in the C-3, C-3A, C-3B, and C-5 zones), and add BHMC §10-3-2730.4 (Alternative Parking Facility) to allow the use of automobile elevators and mechanical parking lifts to provide required parking in commercial zones through a Conditional Use Permit.

2. Conditional Use Permit:

- Contingent upon adoption of the above Zone Text Amendment, to permit use of a 100% valet-operated alternative parking facility that would include automobile elevators, mechanical parking lifts, and aisle parking, to provide 102 required parking spaces for the existing office building and new restaurant building.
- To permit the joint use of parking facilities, such that up to 50% of the parking facilities of a use considered to be primarily a daytime use (existing office building) may be used to satisfy the parking facilities required for a use considered to be primarily a nighttime use (restaurant). In this case staff supports joint use of 25% of the existing office building's parking facilities.

3. Open Air Dining:

- To permit a total of 6,257 square feet of open air dining (216 seats) on private property. The majority of this area (5,342 square feet) would be within the building that would have operable window systems on all three floors and a retractable roof. A smaller portion of this area (915 square feet) would be located in a courtyard with walls on four sides and no roof.

4. Extended Hours Permit:

- To permit the restaurant use, which is in a Commercial-Residential Transition Area, to receive patrons during Extended Hours (between 10:00 p.m. and 7:00 a.m. on the following weekday and 10:00 p.m. and 9:00 a.m. on the following weekend day or holiday). Specifically, the project requests to be allowed to receive patrons until 1:00 a.m. daily and to operate until 1:30 a.m. daily

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. A Categorical Exemption Report has been prepared by Rincon Consultants, Inc. for the City (Attachment H).



The project appears to qualify for a Class 5 Categorical Exemption pursuant to Section 15305 of the State CEQA Guidelines for minor changes in land use regulations, which states that a Class 5 Categorical Exemption may be applied to minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed Zone Text Amendment would allow an “alternative parking facility”—involving automobile elevators and/or mechanical parking lifts—to be used to provide required parking for commercial uses in commercial zones through approval of a Conditional Use Permit. Such facilities could currently be used to provide non-required parking. Both the city as a whole and the commercially-zoned areas of the city have an average slope of less than 20%. Therefore the project, and Zone Text Amendment in particular, appears to qualify for a Class 5 Categorical Exemption.

The project also appears to qualify for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines for in-fill development projects, which states that a Class 32 Categorical Exemption is allowed when:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

Additionally, State CEQA Guidelines Section 15300.2 states that a categorical exemption “shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.”

The attached Categorical Exemption Report analyzed each of the required areas and found that the proposed project appears to be consistent with applicable zoning and general plan designations and policies; occurs on a site that is less than five acres, is surrounded by urban uses, and has no value as habitat; would not result in significant impacts relating to traffic, noise, air quality, or water quality; can be adequately served by all required utilities and public services; and would not cause a substantial adverse change in the significance of a historical resource.

The Planning Commission will consider finding that the project is exempt from the provisions of CEQA.



PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	9/15/2016	4 Days
Newspaper Notice	10 Days	9/9/2016	9/9/2016 (Beverly Hills Courier) 9/15/2016 (Beverly Hills Weekly)	10 Days
Mailed Notice (Owners & Residential Occupants - 500' radius + block-face, commercial occupants within 50')	10 Days	9/9/2016	9/9/2016	10 Days
Property Posting	10 Days	9/9/2016	9/9/2016	10 Days
Website	N/A	N/A	9/15/2016	4 Days

The public hearing on September 19, 2016 was duly noticed. At that meeting, the Commission continued the public hearing to a date certain (September 26, 2016), so no further notice was required. If the Planning Commission recommends the Zone Text Amendment to the City Council, the hearing at which the City Council will consider the ordinance will be duly noticed.

Public Comment

As of the writing of this report, staff has spoken with and received a letter from one resident on N. Rexford Dr. who has concerns about noise, particularly amplified music, from the operation of the project. Additional public comments were presented by residents, property owners, and the applicant team at the public hearing on September 19, 2016. Comments included:

- A resident expressed concern about noise from mechanical equipment and people, particularly late at night. She also expressed concern about the impact of additional valet drop-off/pick-up spaces on that block of N. Canon Drive.
- The owner of the neighboring building to the south (Mastro's) expressed concern that the proposed building might negatively affect views from the third floor of Mastro's.
- A resident spoke in favor of the Zone Text Amendment and asserted that the first finding for the new CUP is too restrictive and that alternative parking facilities should not be constrained to those sites where it is physically too difficult to provide standard parking.

DISCUSSION AT SEPT. 19TH PLANNING COMMISSION MEETING

At the Planning Commission meeting on September 19, 2016, the following items and issues were discussed:

- Possible remedies if an alternative parking facility's mechanism(s) fails, or for some other reason the parking system does not operate according to the conditions of a CUP:
 - The CUP could be rescinded if a project fails to meet its conditions of approval. Any remedy—changing the machinery, changing the valet operation, purchasing in-lieu parking—could be studied and settled on at that time, based on the specific type of failure.



- Valet staffing: Commissioners discussed requiring a minimum of two (2) valet staff stationed on each level of the parking facility. Additional valet staff should be stationed in front and at the rear of the project site, and overall sufficient staff should be provided to manage and minimize queuing for the elevators and the curbside (on N. Canon Dr.) drop-off/pick-up spaces. Staff recommends that valets be required to be stationed on a level of the parking facility at any that level is in use.
- Parking space dimensions: Some commissioners expressed concern that the 7'-2" wide x 19' long x 6' tall dimensions of the proposed mechanical lift parking spaces would be too small for larger cars. It was also noted that the ceiling height could be constructed such that vehicles on the top level of the mechanical lifts would have additional headroom, and that the largest vehicles could be parked in the drive aisle parking spaces.
- Aisle parking: Commissioners expressed some concern about the dimensions and locations of the six (6) proposed aisle parking spaces on each level of the alternative parking facility. For the purpose of efficiency, aisle spaces would be used last, and commissioners did not suggest additional conditions or alterations to the plans.
- Back-up power and redundancies: The Applicant verified that there would be a generator to provide back-up power for the automobile elevators and mechanical parking lifts. The mechanical lifts can be manually lowered if necessary. Commissioners recommended the automobile elevators be conditioned to be independent systems, such that if one fails the other will continue working, and that a service contract be required.
- Fully-automated parking: Commissioners and a member of the public wondered whether this Zone Text Amendment could also create a CUP to allow fully-automated parking facilities.
 - The Zone Text Amendment has been drafted to allow a narrow set of technologies to provide required parking with a CUP. The applicant is requesting this narrow application and allowing use of fully automated parking facilities to provide required parking should be addressed in a separate process.

ITEMS FOR CONSIDERATION

Among the items the Planning Commission may wish to discuss are:

- Joint use of parking facilities: Staff recommends the Commission permit 25% of the office building's parking spaces to be jointly used by the restaurant (7 office parking spaces would be shared with the restaurant) because the two uses have different peak times of parking demand. The Commission may consider granting a greater (up to 50%) or smaller percentage.
- Pilot projects / sunset clause: There are various options for the proposed project or the associated Zone Text Amendment to act as a pilot project or a limited term amendment to the code as discussed at the prior meeting. Some possibilities are:
 - Adopt the Zone Text Amendment with no sunset clause and approve the proposed project. All future projects that wish to use an alternative parking facility to provide required parking must undergo the CUP process, which ensures oversight of each individual proposal. Include a condition of approval on the proposed project that the applicant shall submit a study of the parking operations to the City after one year of operation so the City can better understand and evaluate potential issues with alternative parking facilities in the future. Direct



staff to schedule a study session on the matter at the time the study is received. Staff recommends this option.

- Adopt the Zone Text Amendment with a clause that the added sections shall be repealed on a certain date (e.g. 1-2 years after adoption of the Amendment) and/or after a certain number (e.g. 2-3 CUPs) have been granted, unless the City Council takes action to extend the availability of the CUP.
- **Extended Hours:** The Commission recommended that the permitted hours match the operating hours of Mastro's, which is next door to the proposed restaurant. Based on the best information staff has at this time, the proposed hours are:
 - The entire restaurant, including open air dining, may accept patrons until 1:00 a.m. daily and operate until 1:30 a.m. daily.
 - The folding window systems on the third floor and the retractable roof shall be closed at or before 10:00 p.m. daily to reduce noise.

The Planning Commission may decide to permit different hours or regulate the closing of the folding window systems and retractable roof to a greater or lesser extent.

DRAFT CONDITIONS OF APPROVAL

Project-specific conditions of approval regulating the design, construction, and operation of the project are included in the draft resolution provided in Attachment D. The conditions include:

- **Extended Hours and Open Air Dining:**
 - Close the third floor windows and retractable roof and cease amplified music in the outdoor courtyard at 10:00 p.m. daily
 - During Extended Hours (after 10:00 p.m.), comply with all operational requirements of the commercial-residential transition area
- **Parking Configuration:**
 - The number of required parking spaces shall be calculated based on the final floor area of the proposed project
 - Six (6) aisle parking spaces are allowed on each of the three (3) levels of the parking facility
 - Dimensions of parking spaces in the alternative parking facility shall be the size shown on the approved plans or larger
- **Parking Operation:**
 - Provide valet parking for all patrons and employees of all uses on the site
 - Provide a minimum of two parking attendants on each level of the parking facility at any time a level is in use. Additional attendants shall be stationed at the ground level at the front and rear of the Project
 - Obtain a valet permit from Public Works
 - Reimburse the City for costs associated with restricting parking meter service to accommodate valet operations
 - Provide proof of lease for 13 parking spaces at 270 N. Canon Dr. in the evenings Monday through Friday and all day on Saturday and Sunday
 - Submit a study of the parking operation after one year of operation
- **Parking Facility Back-up Power, Redundancies, Service, and Inspections:**
 - Provide proof of back-up generator power
 - Automobile elevators and mechanical parking lifts shall be individually operable such that mechanical failure of one would not prevent use of the others
 - Provide proof of service contract(s)



- Maintenance inspection report(s) to be provided to the City upon request
- General Conditions:
 - Comply with the City's noise regulations at all times
 - The City reserves jurisdiction relative to traffic, parking, loading, and noise issues and reserves the right to impose additional conditions as necessary to mitigate any unanticipated impacts

NEXT STEPS

Staff recommends that the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt a resolution recommending the City Council adopt the proposed Zone Text Amendment creating a CUP for alternative parking facilities that provide required parking; and
3. Adopt a resolution conditionally approving the requested entitlements.

Report Reviewed By:

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

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



Attachment A
Zoning Compliance Tables

Zoning Analysis

A summary of the allowed development standards and the proposed project follows:

REGULATIONS	ALLOWED / REQUIRED	PROPOSED PROJECT	NOTES
Floor Area	28,550 SF	15,683 SF existing office 12,040 SF new restaurant 27,723 SF total on site	
Floor Area Ratio	2.0	1.94	Floor area ÷ land area
Building Height	Roof: 45' max. Parapet: 3'-9" max. Mechanical: 15' max.	Roof: 45' max. Parapet: 2-3' (47' total) Mechanical: TBD <15'	
Front Setback (Southwest, from N. Canon Dr.)	None	None	
Rear Setback (Northeast, from alley)	None	0' for all levels below grade 10' for the ground floor 0' for the 2 nd and 3 rd floors	
Side Setback (Northwest)	None	None	Existing building
Side Setback (Southeast)	None	None	
Parking	106 spaces (if joint parking request is approved by Planning Commission)	102 in alternative parking facility under new building 4 accessible spaces off alley behind existing office = 106 total	See table below regarding parking



Planning Commission Report

250-260 N. Canon Drive

September 26, 2016

A summary of the parking requirements follows:

REGULATIONS	FLOOR AREA	PARKING RATIO REQUIREMENT	PARKING SPACES REQUIRED	NOTES
Indoor & Outdoor Dining & Bar Areas	3,240 SF	1 space / 45 SF	72	
Non-Dining Restaurant Area: Circulation, Kitchen, Back-of-House, Restrooms	9,053 SF	1 space / 350 SF	26	
Existing Office	15,683 SF	Existing	28	
Parking reduction for dining & bar uses		$(26 + 28) * 25\%$	(-13)	25% of spaces required for commercial/non-dining uses may be applied toward the parking requirements for dining & bar uses. BHMC §10-3-2730(B)(9)
Joint use of parking facilities		$28 * 25\%$	(-7)	Up to 50% of spaces for a primarily daytime use (office) may be used to satisfy the parking requirements for a primarily nighttime use (restaurant) if approved by the Planning Commission. Staff recommends a 25% credit, which is calculated here. BHMC §10-3-2730(F)(2)
TOTAL REQUIRED*			106	*With Planning Commission approval of the joint use of parking facilities



Attachment B
Required Findings

Zone Text Amendment Findings

1. In considering the application for a Zone Text Amendment, the Planning Commission shall consider whether the Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.

Conditional Use Permit Findings

The following findings incorporate the language of the proposed Zone Text Amendment:

1. A conditional use permit shall only be issued for an alternative parking facility to provide required parking if the Planning Commission finds that:
 - a. The proposed location of the alternative parking facility will not be detrimental to adjacent property or to the public welfare;
 - b. Due to circumstances such as lot size, lot shape, lot location, or other existing conditions of the site, the applicant has demonstrated that an alternative parking facility is a reasonable method of providing code-required parking;
 - c. The use of an alternative parking facility enhances the design of the proposed project and does not result in a substantial adverse impact to the character of the surrounding area;
 - d. The proposed alternative parking facility and operation thereof will not create any significantly adverse traffic or parking impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
2. A conditional use permit for joint use of parking facilities may be authorized by the Planning Commission under the following conditions:
 - a. Up to fifty percent (50%) of the parking facilities of a use considered to be primarily a daytime use may be used to satisfy the parking facilities required by this article for a use considered to be primarily a nighttime use.
 - b. A covenant as described in section 10-3-2734 of this chapter shall be recorded in the office of the county recorder, which covenant may include such reasonable conditions as the planning commission may impose.



Open Air Dining Permit Findings

The reviewing authority shall approve an open air dining permit application if all of the following findings can be made:

1. The proposed open air dining use is consistent with the general plan and any specific plans adopted for the area.
2. The proposed open air dining use will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area.
3. The nature, configuration, location, density, and manner of operation of any open air dining use proposed 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 use will not create any significant traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will not impede the safe and orderly flow of pedestrians along the public right of way.
5. The proposed open air dining use will not create any significantly adverse parking impacts as a result of employee or patron parking demands.
6. The proposed open air dining use will not create any significantly adverse impacts on neighboring properties as a result of:
 - a. The accumulation of garbage, trash or other waste;
 - b. Noise created by operation of the restaurant or by employees or visitors entering or exiting the restaurant;
 - c. Light and glare; or
 - d. Odors and noxious fumes.
7. The proposed open air dining use will not be detrimental to the public health, safety, or general welfare.

Extended Hours Permit Findings

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.



Planning Commission Report

250-260 N. Canon Drive

September 26, 2016

Attachment C

Draft Resolution Recommending a Zone Text Amendment

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO CONDITIONALLY ALLOW ALTERNATIVE PARKING FACILITIES TO PROVIDE REQUIRED PARKING IN COMMERCIAL ZONES SUBJECT TO A CONDITIONAL USE PERMIT.

WHEREAS, the Planning Commission has considered proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the “Amendments”); and

WHEREAS, the Planning Commission conducted duly noticed public hearing on September 19, 2016, which was continued on September 26, 2016, at which time it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan; and

WHEREAS, the Planning Commission, at the September 26, 2016 hearing, also considered conditionally approving a Conditional Use Permit to permit use of an alternative parking facility to provide required parking on the property located at 250-260 North Canon Drive as would be permissible should the proposed zone text amendments be approved;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendments have been environmentally reviewed pursuant to the provisions of 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 Planning Commission finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15305 (Class 5) of Title 14 of the California Code of Regulations. The Class 5 exemption is applicable to the Amendments because the Amendments result in minor changes in land use limitations regarding the manner in which parking is provided, and applies only to properties with an average slope not exceeding 20%. Thus, the Planning Commission hereby finds that the Amendments are exempt from CEQA pursuant to CEQA Guidelines Section 15305.

Section 2. The Planning Commission does hereby find that the proposed Amendments are intended to provide flexibility for properties in commercial zones that wish to utilize mechanical parking lifts and/or automobile elevators to provide required parking. This is accomplished by allowing the Planning Commission, on a case-by-case basis, to issue a Conditional Use Permit to allow the establishment of an alternative parking facility that provides required parking, provided that the proposed alternative parking facility and the use(s) it serves are located in a commercial zone, is 100% valet-operated, and meets other specific criteria. For

these reasons, the Amendments serve to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council adoption of an ordinance amending the Municipal Code to incorporate provisions substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. 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:

Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved As To Form:

Approved As To Content:

David M. Snow
Assistant City Attorney

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



EXHIBIT A

5 pages excluding this cover

Amend BHMC §10-3-100: WORDS DEFINED to add the following in alphabetical order:

ALTERNATIVE PARKING FACILITY: An off-street parking facility in which vehicular storage is accomplished with mechanical parking lifts and/or automobile elevators that are operated by a valet or other driver. An alternative parking facility shall not be a fully automated parking facility that uses mechanical systems to hoist individual vehicles from receiving areas to separate automobile storage areas without a driver.

AUTOMOBILE ELEVATOR: An elevator used to move vehicles vertically into and between levels of a parking garage in lieu of the use of ramps.

MECHANICAL PARKING LIFT: An elevating device that enables the positioning of a vehicle above or below another parking space in a stacked (vertical tandem) fashion.

Amend BHMC §10-3-1604: CONDITIONALLY PERMITTED USES (C-3 zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-1702: CONDITIONALLY PERMITTED USES (C-3A zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-1802: CONDITIONALLY PERMITTED USES (C-3B zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Amend BHMC §10-3-2003: CONDITIONALLY PERMITTED USES (C-5 zone)

to add the following in alphabetical order:

Alternative parking facilities used to provide required parking for commercial uses, excluding medical uses, pursuant to section 10-3-2730.4

Add BHMC §10-3-2730.4 to Article 27 of Chapter 3 of Title 10 of the BHMC:

10-3-2730.4: ALTERNATIVE PARKING FACILITY

An alternative parking facility, as defined in section 10-3-100, may be used to meet the parking requirements of section 10-3-2730 provided the alternative parking facility and the use(s) for which it provides required parking are located in a commercial zone and do not include medical uses, and subject to the following:

- A. Conditional use permit required. A conditional use permit, issued pursuant to the provisions of article 38 of this chapter, shall be obtained prior to any alternative parking facility commencing provision of required parking spaces for any use.

- B. Standards. All alternative parking facilities authorized by a conditional use permit shall comply with the following standards:
 1. Except for required ingress and egress, all alternative parking facilities shall be fully enclosed. Alternative parking facilities and portions of buildings that contain alternative parking facilities shall be subject to Architectural Review;
 2. Staging and queuing of vehicles shall occur on private property and shall not impede travel and access within the public right-of-way;
 3. The alternative parking facility shall be operated by one or more parking attendants, as determined through the conditional use permit process, at all times during the hours of operation, so that it is valet-operated to service the use needs of the commercial facility for which it provides required parking;
 4. The design of the alternative parking facility shall meet all applicable California building codes, as approved by the community development department;
 5. An alternative parking facility shall comply with all applicable development standards, including those set forth in Article 16.5 of this chapter, and excluding the City's minimum parking standards if modifications to those standards are approved as part of the conditional use permit;
 - a. The reviewing authority may condition an alternative parking facility to modify standards relating to minimum parking stall size, minimum drive aisle width, and drive aisle parking spaces, provided the applicant demonstrates that the facility will accommodate a range of vehicle types

and will not have an adverse impact on the efficiency of the parking operation or the safety of people or property.

- C. Information required for application. Application submittals for an alternative parking facility conditional use permit shall include information that the director of community development deems to be necessary to determine whether the alternative parking facility can adequately meet the parking needs of the proposed development and determine that no substantial negative impacts will result from the facility. At a minimum, the following shall be provided as part of the conditional use permit application:
1. Site Plan: Submittal of a site plan prepared by a design professional indicating all structures; the alternative parking facility location; number of required parking stalls; site ingress and egress; proposed queuing location; and the identification of adjacent land uses;
 2. Operations Plan: Submittal of an alternative parking facility operations plan describing the broadest range of operating hours allowed for the commercial use(s) to be served by the alternative parking facility; the number of parking attendants and working hours; methods for automobile storage and retrieval during and outside of regular business hours; vehicle drop-off and pick-up location(s) for customers; vehicle circulation path; location of staging area for vehicles waiting to enter the alternative parking facility. The operations plan shall also describe, with regard to the mechanical parking lifts and automobile elevators: maintenance schedules and additional parts inventory requirements to maintain optimal operations;
 3. Technical Studies: Submittal of technical studies demonstrating that the proposed design and operation of the alternative parking facility will not be detrimental to surrounding uses and properties with regard to noise, visual impacts, area parking and circulation, and existing on-site improvements;
 4. Disabled Access Parking: Submittal of evidence that the parking provided will comply with all applicable disabled access requirements;
 5. Back-Up Power: Prior to issuance of building permits, the applicant shall provide documentation that the alternative parking facility will be equipped with back-up generators with sufficient capacity to allow operation of the parking system in the case of electrical failure. In an alternative parking facility with multiple automobile

elevators, mechanical lifts, or both, each elevator and lift shall be individually operable such that mechanical failure of one would not prevent use of the others.

D. Findings. In addition to the findings outlined in article 38 of this chapter, a conditional use permit shall only be issued if the planning commission finds that:

1. The proposed location of the alternative parking facility will not be detrimental to adjacent property or to the public welfare;
2. Due to circumstances such as lot size, lot shape, lot location, or other existing conditions of the site, the applicant has demonstrated that an alternative parking facility is a reasonable method of providing code-required parking;
3. The use of an alternative parking facility enhances the design of the proposed project and does not result in a substantial adverse impact to the character of the surrounding area;
4. The proposed alternative parking facility and operation thereof will not create any significantly adverse traffic or parking impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

E. Conditions of Approval. The reviewing authority may impose any conditions that are necessary to address any potential adverse impacts resulting from the construction and use of an alternative parking facility to provide required parking, including but not limited to:

1. Inspection Report: A maintenance inspection report for any alternative parking facility, prepared at the sole expense of the applicant, shall be submitted at any time upon request from the community development department for review by the city.
2. Service Contract: The owner of the alternative parking facility shall at all times maintain one of more contracts with an entity or entities that provides maintenance and 24-hour emergency service for the all aspects of the alternative parking facility, including but not limited to any automobile elevators and, mechanical parking lifts installed in the alternative parking facility.



Attachment D

Draft Resolution Conditionally Approving a CUP, Open Air Dining, and Extended Hours

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT FOR AN ALTERNATIVE PARKING FACILITY AND JOINT USE OF PARKING FACILITIES, AN OPEN AIR DINING PERMIT, AND AN EXTENDED HOURS PERMIT FOR THE PROPERTY LOCATED AT 250-260 NORTH CANON DRIVE.

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

Section 1. Murray D. Fischer, agent on behalf of Neu Investment Corporation (the “Applicant”), has submitted an application for a Conditional Use Permit to allow an Alternative Parking Facility to provide required parking, an application for an Open Air Dining Permit, and an application for an Extended Hours Permit associated with the construction of a new restaurant on the property located at 250-260 North Canon Drive (the “Project”). The Project does not meet all by-right development and operational standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Conditional Use Permit, Open Air Dining Permit, and Extended Hours Permit.

Section 2. The Project site is located on the eastern side of the City’s business triangle, on the east side of the 200 block of North Canon Drive, between Dayton Way and Clifton Way. The site consists of Lots 3 and 4 of Block 12 of Tract Beverly, which are tied together. The north portion of the overall site (Lot 3) is currently developed with an approximately 15,680-square-foot, three-story commercial office building originally permitted in

1940 with major alterations and additions in 1957. The south portion of the site (Lot 4) is currently a surface parking lot with 22 parking spaces serving the existing office building. An additional six (6) parking spaces exist at the rear of the existing building off the alley. A covenant dated December 12, 1956 stipulates that Lot 4 shall provide parking to serve the structure built on Lot 3 for the life of said structure.

The proposed Project consists of a new, three-story building with three levels of subterranean parking for a new restaurant located on the southern (Lot 4) portion of the project site. The Project would retain the existing office building on the north (Lot 3) portion of the site with some modifications to accommodate accessible paths to parking and the new adjacent building. The new restaurant would include the following elements:

- Maximum height of three stories and 45' as defined by the Beverly Hills Municipal Code (BHMC) §10-3-100.
- Floor area of approximately 12,000 square feet, with total floor area on the project site (existing building + new building) not to exceed 28,550 square feet or 2.0 FAR.
- Dining and bar areas that can accommodate approximately 216 patrons within the building and in an outdoor courtyard.
- Dining rooms and kitchens on each of the three above-ground levels. Bars on the ground floor and third floor. Folding window systems on each dining room level that create large openings onto the courtyard area, and a retractable roof over the third floor dining and bar area.

- Open air dining consisting of a ground floor courtyard, separated from the street and alley by building walls and open to the sky, and the dining rooms within the restaurant that can be opened to the outside due to the folding window systems and retractable roof. This requires approval of an Open Air Dining Permit.
- Proposed hours to accept patrons are:
 - Sunday to Thursday: 11:00 a.m. to 11:00 p.m.;
 - Friday and Saturday: 11:00 a.m. to 12:00 a.m. midnight; and
 - Daily – 3rd floor lounge only: 5:00 p.m. to 1:00 a.m.

This requires approval of an Extended Hours Permit to accept patrons after 10:00 p.m. daily. The restaurant is conditioned to cease operations at 1:30 a.m. daily.

- Parking:
 - 106 total on-site parking spaces, including 102 parking spaces in a three-level underground alternative parking facility and four (4) surface parking spaces behind the existing building off the alley.
 - A 100% valet-operated alternative parking facility with two automobile elevators used to enter the parking facility from the alley and three subterranean levels with mechanical parking lifts and aisle parking on each level. The alternative parking facility requires adoption of a Zone Text Amendment and approval of a Conditional Use Permit.

- Joint use of parking between a primarily daytime (office) and primarily nighttime (restaurant) use. Twenty-five percent (25%) of the office's required parking spaces are proposed to be jointly used by the restaurant. This joint use requires approval by the Planning Commission.
- The 28 parking spaces existing on the project site would continue to be provided within the 102-parking-space subterranean alternative parking facility and the four (4) accessible parking spaces at the rear of the existing building off the alley.

The requested Zone Text Amendment to allow an alternative parking facility to provide required parking with issuance of a Conditional Use Permit is separately addressed and recommended by Planning Commission Resolution No. ____ for approval by the City Council. Development of the Project is contingent on the City Council adopting an ordinance approving a Zone Text Amendment that is substantially similar to the language recommended by the Planning Commission, and that ordinance becomes effective.

Section 3. 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 qualifies for a Class 5 Categorical Exemption pursuant to Section 15305 of the State CEQA Guidelines for minor alterations in land use regulations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The proposed Zone Text Amendment would

allow an alternative parking facility—involving automobile elevators and/or mechanical parking lifts—to be used to provide required parking for commercial uses in commercial zones through approval of a Conditional Use Permit. Both the city as a whole and the commercially-zoned areas of the city have an average slope of less than 20%. The project also qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines for in-fill development projects, as it has been shown to meet all five requirements for in-fill development projects and would not cause a substantial adverse change in the significance of a historical resource. The Planning Commission finds that the project is exempt from the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on September 9, 2016 to all property owners and residential occupants within a 500-foot radius plus block-face of the property. On September 19, 2016 and September 26, 2016, the Planning Commission considered the application at duly noticed public meetings. Evidence, both written and oral, was presented at said meetings.

Section 5. In reviewing the request for a Conditional Use Permit for an alternative parking facility and joint use of parking facilities of a primarily daytime use by a primarily nighttime use, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed location of the alternative parking facility and joint use of parking facilities will not be detrimental to adjacent property or to the public welfare;

2. Due to circumstances such as lot size, lot shape, lot location, or other existing conditions of the site, the applicant has demonstrated that an alternative parking facility is a reasonable parking solution to provide code-required parking;

3. The use of an alternative parking facility enhances the design of the proposed project and does not result in a substantial adverse impact to the character of the surrounding area;

4. The proposed alternative parking facility and operation thereof will not create any significantly adverse traffic or parking impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Conditional Use Permit for an alternative parking facility and joint use of parking facilities of a primarily daytime use by a primarily nighttime use:

1. The alternative parking facility is proposed to be located on a commercial site that is surrounded by other commercial properties and separated by an alley from the Multiple-Family Residential-Commercial Parking (RMCP) zone. Parking will be 100% valet-operated, and restaurant patrons and office visitors will drop-off and pick-up vehicles on North Canon Drive in front of the proposed restaurant. Employees of the office and restaurant will drop-off and pick-up vehicles in the alley. The parking facility will be accessed from the alley. Potential issues regarding queuing and staging within the alley as vehicles wait to enter the automobile elevators are to be managed by leasing 13 surface parking spaces off the alley on the property located at 270 N. Canon Drive, where vehicles can be stored

temporarily during high-volume times (after 5:30 p.m. on weekdays and all day on weekend days). The Traffic Impact Study and environmental assessment demonstrate that traffic impacts in the alley and on surrounding streets due to the parking operations will not be significant. Noise and vibrations in the alley will result from vehicles being driven, however noise from the alternative parking facility mechanisms will not be significant because the garage is subterranean and fully enclosed. The location of the alternative parking facility will not be detrimental to adjacent properties, uses, or the public welfare.

2. The Project site consists of two tied lots, which total approximately 100' wide by 143' deep. The north lot is currently developed with a commercial office building that the Applicant intends to maintain. This leaves a 50' wide area (currently a surface parking lot) available for development. Subterranean or elevated parking with a standard ramp and parking space configuration is extremely difficult to fit in a space that is 50' wide. In particular, accommodating the 106 parking spaces required by the proposed Project in a space this size would require excavation to a depth that is not feasible. The use of an alternative parking facility that provides the Project's full parking requirement and includes two automobile elevators, mechanical parking lifts, aisle parking, and is 100% valet-operated is a reasonable solution given the site's physical constraints resulting from the available lot size, existing building, and quantity of required parking spaces.

3. The use of the proposed alternative parking facility allows almost all of the required parking to be provided in a subterranean garage, and specifically the use of automobile elevators results in a building that does not have to be designed

around large ramps. Both the alternative parking facility and the four (4) disabled access parking spaces will be accessed from the alley at the rear of the Project site. Surface parking is limited to that which is required to provide disabled accessibility, which enhances the urban form of the Project site and character of the surrounding area. Use of the alley will increase, however the alley already exclusively serves commercial and mixed-use buildings. The curb cut and driveway that exists on North Canon Drive in front of the Project site will be eliminated, creating a better pedestrian environment. Furthermore, the provision of all required parking on-site reduces the potential parking impacts of the Project on the surrounding neighborhood. Accordingly, the use of the proposed alternative parking facility thus enhances the design of the Project and will not result in substantial adverse impacts to the character of the surrounding area.

4. Providing all of the 106 required parking spaces on-site limits the distance valet operators will have to travel in vehicles to the parking location, thereby limiting the total miles traveled in the business triangle. It also reduces demand for public parking facilities by Project employees and patrons, because sufficient parking will be provided on-site. The valet circulation route is reasonable and efficient and consists of only right turns. It includes an area for temporarily staging vehicles in leased parking spaces at 270 N. Canon Drive at the north end of the alley to avoid vehicles queuing for the automobile elevators in the alley. The main opportunities for pedestrian-vehicle conflicts are at intersections of streets and alleys where the valets will be making right turns. Valet operators will need to be watchful for pedestrians as does any driver. The proposed alternative parking facility and operation thereof is not

anticipated to create any significantly adverse safety hazards or impacts to traffic, parking, or pedestrians.

Section 7. In reviewing the request for an Open Air Dining Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed open air dining use is consistent with the general plan and any specific plans adopted for the area.

2. The proposed open air dining use will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area.

3. The nature, configuration, location, density, and manner of operation of any open air dining use proposed 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 use will not create any significant traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will not impede the safe and orderly flow of pedestrians along the public right of way.

5. The proposed open air dining use will not create any significantly adverse parking impacts as a result of employee or patron parking demands.

6. The proposed open air dining use will not create any significantly adverse impacts on neighboring properties as a result of:

- a. The accumulation of garbage, trash or other waste;
- b. Noise created by operation of the restaurant or by employees or visitors entering or exiting the restaurant;
- c. Light and glare; or
- d. Odors and noxious fumes.

7. The proposed open air dining use will not be detrimental to the public health, safety, or general welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Open Air Dining Permit:

1. The proposed open air dining use is consistent with the general plan, and specifically promotes Policy LU 9.1 and Policy LU 11.3 of the general plan, which state:

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.

LU 11.3. Retail Street Frontages. Require that development and street frontages in districts containing retail uses be designed and developed to promote pedestrian activity including: (a) location and orientation of the building to the sidewalk; (b) transparency of and direct access to the ground floor elevation from the sidewalk; (c) articulation of street-facing elevations to promote interest and sense of quality; (d) inclusion of uses and public spaces that extend interior functions to the

sidewalk such as cafes and plazas; and (e) use of pedestrian oriented signage and lighting.

The proposed open air dining—both the courtyard and operable windows and roof of the building—is an integral part of the high-end dining experience the Applicant intends to provide. The design of the restaurant including the indoor-outdoor feel will help provide the type of unique experience that will attract patrons from the region as well as national and international tourists. In addition, although the open air dining areas do not occupy or open onto the public sidewalk, the transparency of the front façade and interior dining rooms that open into the courtyard will provide a quality, engaging pedestrian environment.

2. The proposed open air dining will be established on private property within the new restaurant building and in a courtyard surrounded by building walls. The open air dining will be fully contained on the southern portion of the Project site. As establishment of the restaurant and open air dining consists of replacing a surface parking lot with a new high-end commercial building, the open air dining will help to promote harmonious development of the area.

3. A mixed-use building with approximately 150 senior housing units is located to the east of the Project site across a 20'-wide alley. The open air dining areas will be located toward the west side of the Project site and shielded from the alley by the kitchen and back-of-house portions of the restaurant building. A condition of approval requires that the folding window systems on the third floor and retractable roof be closed at or before 10:00 p.m. daily. The open air dining will be separated from the residential uses by approximately 80' (rear of the restaurant

building, alley width, and residential setback) and sufficiently shielded by building walls such that noise from the open air dining will not significantly and adversely impact the residential properties in the vicinity.

4. The proposed open air dining will be located entirely on private property and shielded from the public right-of-way. The Project as a whole will have a 100% valet-operated parking system to manage the vehicles of employees and patrons of the Project. The Planning Commission has reviewed the proposed valet circulation route, plans for staging vehicles in leased parking spaces at 270 N. Canon Dr., plans for the alternative parking facility, and a Traffic Impact Study prepared by the Applicant and determined that the Project will not create significant traffic impacts or safety hazards. The valet operation will be required to obtain a valet permit from the City. Thus the open air dining will not create any significant impacts to traffic or pedestrians.

5. Because the proposed open air dining will be located on private property, the Project is required to provide parking for the open air dining in the same way parking is required for indoor uses. The Project is providing the code-required number of parking spaces on-site in a valet-operated alternative parking facility. Employees and patrons of the Project site may have their vehicles parked in the on-site parking facility; therefore the Project and the open air dining will not create significant adverse parking impacts in the surrounding area.

6. The proposed open air dining use must be operated in accordance with the City's commercial-residential transition area requirements. It is located within a commercial district that provides all necessary public services and also

contains other dining establishments, and will therefore not result in the accumulation of garbage, trash, or other waste. The folding window systems on the third floor and the retractable roof must be closed by 10:00 p.m. daily to mitigate any noise or light that could otherwise emanate from the restaurant. The kitchen and back-of-house areas will not have operable windows facing the adjacent RMCP zone. Therefore, it is not anticipated to result in significantly adverse impacts on neighboring properties related to trash, noise, light and glare, or odors.

7. The proposed open air dining use will be located entirely on private property and has been designed in accordance with, and is conditioned to comply with, applicable operational standards for the commercial-residential transition area. Therefore, the open air dining use is not anticipated to be detrimental to the public health, safety, or general welfare.

Section 9. In reviewing 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 Project would substantially disrupt the peace and quiet of the adjacent neighborhood as a result of any of the following:

- a. The accumulation of garbage, litter, or other waste, both on and off of the subject site;
- b. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;
- c. Light and glare;

- d. Odors and noxious fumes;
- e. Pedestrian queuing;
- f. Crime or peril to personal safety and security;
- g. Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;
- h. Effects on traffic volumes and congestion on local residential streets; and
- i. Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

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

1. The requested extended hours are related to the interior and open air dining and the Project's valet operation. Open air dining will be shielded from adjacent residential and commercial properties during extended hours by the building walls and roof. Project operations will comply with the commercial-residential transition area requirements, including the prohibition on employees congregating behind the buildings or in the alley. The extended hours are not expected to substantially disrupt the peace and quiet of the neighborhood, based on the following:

- a. The Project is located within a commercial district that provides all necessary public services and also contains other dining

establishments. The Project has an interior room for trash collection and will comply with the operational requirements regarding refuse disposal during extended hours. Therefore, the Project will not result in the accumulation of garbage, trash, or other waste.

b. The subject property is surrounded by commercial development to the north, south, and west. Residential development is located across the alley to the east of the project site. The restaurant's extended hours operations will take place indoors or toward the west end of the site where they are shielded by other parts of the building, and a condition of approval requires that the third story folding window systems and retractable roof are closed by 10:00 p.m. daily to limit emissions of noise during extended hours. Vehicle circulation will occur by valet. Compliance with all operational requirements of the commercial-residential transition area is also required. With the incorporation of conditions of approval related to closing up the third floor of the building, prohibiting congregation of people in the alley, and limiting the hours of other noisy activities (e.g. trash, deliveries), the extended hours operation will not result in adverse impacts to surrounding properties because of noise.

c. The project is located in a commercial zone with a mixed use building occupying the property across the alley. Lighting of street-level activities during extended hours is appropriate in this area. The roof is conditioned to be closed by 10:00 p.m. daily. Thus light and glare from the Project are not anticipated to disrupt the peace of the neighborhood.

d. The proposed extended hours would not result in any added odors or noxious fumes beyond what would otherwise exist from the operation of the restaurant. Therefore, the extension of the hours of operation until 1:30 a.m. daily is not anticipated to create any adverse impacts related odors and noxious fumes.

e. The proposed use functions as a high-end restaurant and is not anticipated to result in pedestrian queuing. Furthermore, any patrons entering the restaurant or retrieving their vehicles from the valet station will be on the sidewalk on North Canon Drive, which is 15' wide and can accommodate passage of pedestrians around obstacles such as the valet stand.

f. The requested Extended Hours Permit is related to the operation of a restaurant and parking facility on a commercial site in the business triangle. Because patrons are typically contained within the subject property and vehicles will be parked in an enclosed, on-site garage, the proposal is not anticipated to result in added crime or peril to personal safety and security.

g. The proposed Project will provide all of its code-required parking on-site in a 100% valet-operated facility, which will generally prevent patrons and employees from parking elsewhere on residential streets. In the event that an employee or patron does not use valet parking, sufficient public parking exists in parking garages in the immediate area to accommodate this. For these reasons, the extended hours use is not anticipated to result in parking intrusion into the residential areas.

h. Restaurant operations during extended hours would primarily generate vehicle trips on streets in a commercial area and the alley separating the commercial zone from the RMCP zone. Furthermore, traffic volumes after 10:00 p.m. are typically low, and the City's streets and alley can accommodate the extended hours operation without impacts on traffic volumes and congestion on local residential streets.

i. The Project is located on North Canon Drive, which is a commercial street primarily comprised of retail, restaurant, and office uses. While the retail and office uses generally do not operate beyond 10:00 p.m., many of the restaurants are open later. However, many of these restaurants are on the west side of the street where the hours of operation are not regulated because the properties are more than 170' from a residential or RMCP zone. There is sufficient parking and traffic capacity in the area after 10:00 p.m. to accommodate the various uses that are open late. The addition of extended hours at the proposed Project to the existing concentration of extended hours operations is not anticipated to result in significant cumulative impacts.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Conditional Use Permit, Extended Hours Permit, and Open Air Dining Permit subject to the following conditions:

1. This resolution shall not become effective unless and until the associated Zone Text Amendment that would allow a reviewing authority to issue a Conditional Use Permit to allow an alternative parking facility to provide required

parking for a commercial use or uses in a commercial zone has been duly adopted by the City Council and has taken effect.

2. This approval allows an alternative parking facility to provide required parking for the existing and proposed buildings on the Project site, authorizes joint use of parking facilities, allows open air dining in several locations of the proposed restaurant, and establishes allowed extended hours of operation.

Specifically:

- a. Conditional Use Permit: This Conditional Use Permit allows the Project to provide the required parking for all uses on the Project site through the use of a 100% valet-operated alternative parking facility and four (4) surface parking spaces. The alternative parking facility will contain three subterranean levels of parking beneath the new restaurant building on the south portion of the Project site. The permitted alternative parking facility will have two (2) automobile elevators that function in lieu of ramps to move vehicles from the ground level (alley) into the subterranean parking garage. Once inside the alternative parking facility, a valet will continue driving the vehicle to a mechanical lift parking space or a parking space in the drive aisle. The vehicles parked in the mechanical lift spaces may be raised and lowered such that vehicles can be stacked two high. Each of the three levels of the alternative parking facility have 28 mechanical lift parking spaces (14

lifts) and six (6) aisle parking spaces. Including the four (4) disabled access parking spaces on the surface off the alley, the Project is providing 106 parking spaces.

- b. Joint Use of Parking Facilities: 25% of the 28 parking spaces that are required for the commercial office building, which is a primarily daytime use, may be jointly used by the restaurant, which is a primarily nighttime use. Therefore the total parking requirement for the Project site is reduced by seven (7) parking spaces to a total requirement of 106 parking spaces.
- c. Open Air Dining: The approved areas for open air dining are approximately 915 square feet in the outdoor courtyard on the ground floor and approximately 5,340 square feet in the restaurant building. The courtyard will be separated from the public right-of-way by building walls and will not have a roof. The three levels of restaurant dining rooms may be fully enclosed or opened to the outside by virtue of folding window systems on all three levels and a retractable roof. The square feet of open air dining identified here include all portions of the restaurant that are outdoors or can be opened to the outside, including the dining and bar area, circulation and lobbies within that area, and serving area behind the bars.
- d. Extended Hours: The approved hours of operation for the restaurant, including the open air dining, are 11:00 a.m. to 1:30

a.m. daily. The restaurant, including open air dining, bar, and lounge areas, shall not receive any new patrons after 1:00 a.m. daily.

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on September 26, 2016, a copy of which shall be maintained in the files of the Community Development Department. Minor amendments to the Project, including minor changes to the number of parking spaces required and provided on-site, as determined by the Director of Community Development, shall be reviewed and approved by the Director or his/her designee. Substantive changes to the approved Project, as determined by the Director of Community Development, shall be returned to the Planning Commission for review and approval. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

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

5. Dining and bar areas in the constructed restaurant shall comply with the total square feet of dining and bar area identified in the approved plans.

6. The Project shall not have operable windows in the kitchen or back-of-house areas nor mechanical venting that faces the residential uses in the adjacent RMCP zone.

7. The folding window systems on the third floor and the retractable roof shall be closed at or before 10:00 p.m. daily. Amplified sound in the outdoor courtyard shall cease at 10:00 p.m. daily.

8. During Extended Hours (between 10:00 p.m. and 7:00 a.m. on the following weekday and between 10:00 p.m. and 9:00 a.m. on the following weekend day or holiday), the Project shall comply with all requirements set forth in BHMC §10-3-1956 regarding operational restrictions for a business located in a commercial-residential transition area.

9. Employees of the Project, including valets, shall not congregate behind the buildings or in the alley during Extended Hours. All windows and doors facing the alley and RMCP zone shall remain closed at all times during extended hours except for the immediate purpose of ingress or egress.

10. Nothing in this approval is intended to undermine or invalidate the existing covenant regarding “Automobile Parking on Lot 4, Block 12 of Beverly for Building on Lot 3, said Block and Tract,” dated December 12, 1956.

11. The number of parking spaces required shall be calculated based on the final floor area of the proposed project, including dining and bar area, when building plans are submitted for plan check. The reductions in required parking allowed by-right and authorized by the Planning Commission in this Resolution shall apply as follows:

- a. By-right: 25% of the parking spaces provided for non-dining uses (including those provided for the commercial office building, and the kitchen, back-of-house, circulation, restrooms, etc. of the restaurant) shall be applied toward the required spaces for the restaurant's dining and bar area. Based on the plans approved by the Planning Commission on September 26, 2016, this is a reduction of $[25\% \times (28 + 26)] = 13$ spaces.
- b. Joint use of parking facilities authorized by the Planning Commission: 25% of the parking spaces provided for the commercial office, a primarily daytime use, may be jointly used by the restaurant, a primarily nighttime use. Based on the plans approved by the Planning Commission on September 26, 2016, this is a reduction of $[25\% \times 28] = 7$ spaces.

12. The provision and configuration of disabled access parking as shown on the plans approved by the Planning Commission on September 26, 2016 is contingent upon approval from the City's Building & Safety Division during building plan check.

13. Loading space for a van, with minimum dimensions of those shown on the plans approved by the Planning Commission on September 26, 2016, shall be provided and maintained on the Project site to accommodate deliveries to the Project.

14. A maximum of six (6) aisle parking spaces shall be allowed on each of the three (3) levels of the alternative parking facility, as shown on the approved plans.

15. The dimensions of the mechanical lift parking spaces and drive aisle parking spaces shall, at a minimum, comply with the dimensions shown on the plans approved by the Planning Commission on September 26, 2016. Mechanical lift parking spaces shall be at least 19' long and 8' wide with a minimum clear width of 7'-2". At least one level of the stacked mechanical lift parking spaces shall provide a minimum parking space height of 6'-6". Drive aisle parking spaces shall be a minimum of 22' long and 9' wide.

16. Back-Up Power: Prior to issuance of building permits, the Applicant shall provide documentation that the alternative parking facility will be equipped in sufficient capacity with back-up generators to allow operation of the automobile elevators and mechanical parking lifts in case of electrical failure.

17. Redundancies: Prior to issuance of building permits, the Applicant shall provide documentation that each automobile elevator and mechanical parking lift shall be individually operable such that mechanical failure of one would not prevent use of the others.

18. Service Contract: Prior to obtaining a Certificate of Occupancy for the new restaurant building, the Applicant shall submit to the Community Development Department evidence of one or more contracts with entities that provide maintenance and 24-hour emergency service for the automobile elevators and mechanical parking lift systems installed in the alternative parking facility. The

Applicant shall maintain such contract(s) at all times throughout the life of the alternative parking facility.

19. Inspection Report: A maintenance inspection report for the alternative parking facility, prepared at the sole expense of the Applicant, shall be submitted within five (5) business days following a request from the Community Development Department for review by the City.

20. The Applicant shall provide valet parking to all patrons and employees of the restaurant and existing commercial office building during all hours of operation. Parking for employees of the restaurant and office use shall be provided free of charge.

21. Parking Operations Plan: Prior to issuance of a Certificate of Occupancy the Applicant shall submit an alternative parking facility operations plan for review and approval by the Director of Community Development. The plan shall describe the broadest range of operating hours allowed for the commercial use(s) to be served by the alternative parking facility; the number of parking attendants and working hours; methods for automobile storage and retrieval during and outside of regular business hours; vehicle drop-off and pick-up location(s) for customers; vehicle circulation path; location of staging area for vehicles waiting to enter the alternative parking facility. The operations plan shall also describe, with regard to the mechanical parking lifts and automobile elevators: maintenance schedules and additional parts inventory requirements to maintain optimal operations.

22. During the operating hours of the restaurant there shall be a minimum of two (2) parking attendants on each of the three levels of the alternative

parking facility at any time a level is in use. Additional parking attendants shall be stationed at the front (valet station on North Canon Drive) and rear (alley) of the Project. At other times, the number of parking attendants may be reduced as approved in the Parking Operations Plan. At a minimum, there shall always be at least one (1) parking attendant on duty whenever a car is inside the alternative parking facility.

23. The Applicant shall obtain a valet permit from the Public Works Department, and shall reimburse the City for any costs associated with restricting parking meter service in order to accommodate valet operations. The valet plan shall be subject to review and approval by the Director of Public Works. To the extent that valet operations occur within the public right-of-way, this approval shall be contingent on the applicant procuring and maintaining a valid valet permit.

24. Prior to obtaining a Certificate of Occupancy for the new restaurant building, the Applicant shall submit to the Community Development Department evidence of an executed lease granting the owner and operator of the uses at 250-260 N. Canon Drive exclusive use of a minimum of thirteen (13) parking spaces in the surface parking lot located at the rear of the property at 270 N. Canon Drive, specifically including those parking spaces immediately adjacent to the alley. The hours of the lease shall be, at a minimum, Monday through Friday: between the hours of 5:30 p.m. and 1:00 a.m. the following day; and Saturday and Sunday: between the hours of 1:00 a.m. and 1:00 a.m. the following day. Should the leased spaces become unavailable during the lifetime of this CUP, prior to expiration of the lease, a new lease with the same terms for spaces at an alternate location shall be secured, subject to review and approval by the Director of Community Development.

Alternatively, modification of this condition, to allow a different number of leased parking spaces for staging purposes, shall be reviewed by the Planning Commission.

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

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

27. After one (1) year of operation of the alternative parking facility, the Applicant shall present the City with a study of the parking operation for informational purposes. The study shall at a minimum include information regarding valet circulation on the public right-of-way, staging and queuing of vehicles entering and exiting the alternative parking facility, movement of vehicles within the garage, maintenance needs of the facility over the first year of operation, and occupancy of the provided parking spaces. The study shall be submitted to the Planning Division of the Community Development Department.

28. The City expressly reserves jurisdiction relative to traffic, parking, loading, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the proposed Project as they arise. In the event that the Director of Community Development determines operation of the Project is having unanticipated impacts, the Director shall require the Applicant to provide, at their sole cost, a traffic, parking, loading demand, and/or noise analysis to study the impacts. If, in the opinion of the Director, the traffic, parking, loading, and/or noise issues merit review at a public hearing, the full cost of the review

hearing and the implementation of any additional conditions or mitigation measures shall be paid for by the Applicant.

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

30. At their sole cost, the Applicant shall remove the existing curb cut from North Canon Drive to the existing surface parking lot and replace the sidewalk adjacent to 250-260 N. Canon Drive in accordance with the City's standard-plan details. In addition, the Applicant shall repair and/or replace the paving in the alley adjacent to the Project site as needed at the end of construction and prior to issuance of a Certificate of Occupancy.

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

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

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

34. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission

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

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

36. EXPIRATION. Conditional Use Permit, and Extended Hours Permit: The exercise of rights granted herein shall be commenced within three (3) years after the adoption of such resolution unless otherwise extended. Open Air Dining Permit: The exercise of rights granted herein shall be commenced within three (3) years after the adoption of this resolution unless otherwise extended. **The Open Air Dining Permit shall be valid for a period of five (5) years from the time of**

commencement of the exercise of rights granted, and may be renewed for additional five (5) year periods on the same terms and conditions as set forth in this original approval.

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

38. APPROVAL RUNS WITH LAND. The conditions set forth in this Resolution shall run with the land and shall remain in full force for the duration of the life of the Project.

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

Adopted:

Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved As To Form:

Approved As To Content:

David M. Snow
Assistant City Attorney

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





Planning Commission Report

250-260 N. Canon Drive

September 26, 2016

Attachment E

Staff Report – Planning Commission meeting of 9/19/2016 (no attachments)



Planning Commission Report

Meeting Date: September 19, 2016

Subject: **250-260 North Canon Drive
Zone Text Amendment, Conditional Use Permit, Open Air Dining Permit, and Extended Hours Permit (PL1609328)**

Request for a Zone Text Amendment to allow alternative parking facilities that may use automobile elevators, mechanical lift parking, and aisle parking to provide required parking in commercial zones through a Conditional Use Permit. The proposed project includes a request for a Conditional Use Permit, Open Air Dining Permit, and Extended Hours Permit to allow a new restaurant with a 100% valet-operated alternative parking facility to be constructed and operate with open air dining and extended hours on the commercial property located at 250-260 North Canon Drive. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider adoption of a Categorical Exemption for this project.

Project Applicant: Murray D. Fischer, applicant representative

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Direct staff to return with a draft resolution and ordinance memorializing the Commission's recommendation to the City Council regarding the requested Zone Text Amendment; and
3. Direct staff to return with a draft resolution memorializing the Commission's findings regarding the requested entitlements; and
4. Continue the public hearing to a date (un)certain.

REPORT SUMMARY

The applicant seeks to construct a new, three-story restaurant with a subterranean parking garage on the vacant portion (currently a surface parking lot) of the site located at 250-260 North Canon Drive. The proposed project involves a request for a Zone Text Amendment to allow an "alternative parking facility" (a 100% valet-operated garage with automobile elevators and mechanical lift parking) to provide the required parking with approval of a Conditional Use Permit (CUP).

Attachment(s):

- A. Zoning Compliance Table
- B. Required Findings
- C. Proposed Zone Text Amendment Language (DRAFT)
- D. Public Notice
- E. Traffic Impact Study
- F. Architectural Plans (provided as a separate attachment)

Report Author and Contact Information:
Emily Gable, Assistant Planner
(310) 285-1192
egable@beverlyhills.org



As proposed, the project would require City Council adoption of a Zone Text Amendment as well as Planning Commission approval of a Conditional Use Permit for an alternative parking facility and joint parking, an Open Air Dining Permit, and an Extended Hours Permit. Any Conditional Use Permit approval would be effective only if the necessary Zone Text Amendments are approved and take effect.

This report analyzes the individual entitlements requested by the proposed project, with particular focus on the concerns and potential benefits raised by the proposed Zone Text Amendment. Staff recommends that the Planning Commission review the proposed Zone Text Amendment language, review the analysis, and direct staff to return with resolutions and an ordinance based on the Commission's discussion.

BACKGROUND

File Date	6/15/2016
Application Complete	8/11/2016
Subdivision Deadline	N/A
CEQA Recommendation, pending final analysis	Class 5 Categorical Exemption for minor changes in land use regulations. Class 32 Categorical Exemption for in-fill development projects.
Permit Streamlining	N/A
Applicant(s)	Murray D. Fischer, applicant representative
Owner(s)	Neu Investment Corporation
Architect(s)	Nadel Architects
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	250-260 North Canon Drive, Beverly Hills CA 90210
Assessor's Parcel No.	4343-006-002 (two lots, tied)
Zoning District	C-3
General Plan	Commercial – Low Density General
Existing Land Use(s)	Commercial (office and surface parking)
Lot Dimensions & Area	Approximately 100' x 142.5' (avg. width x avg. depth) = 14,275 sq. ft.
Year Built	1940 / 1957 (major addition & remodel)
Historic Resource	None
Protected Trees/Grove	No protected trees



Adjacent Zoning and Land Uses

On Same Site	C-3 Commercial Current 250 N. Canon Dr.: three stories, Hilton & Hyland
Northwest	C-3 Commercial 270 N. Canon Dr.: four stories, Zein Obagi
Northeast (across alley)	Multiple-Family Residential-Commercial Parking Zone (RMCP) 225-239 N. Crescent Dr.: four stories, Whole Foods Market, parking, and senior housing
Southeast	C-3 Commercial 238 N. Canon Dr.: three stories, Mastro's
Southwest (across Canon Dr.)	C-3 Commercial 251 N. Canon Dr.: three stories, under construction

Circulation and Parking

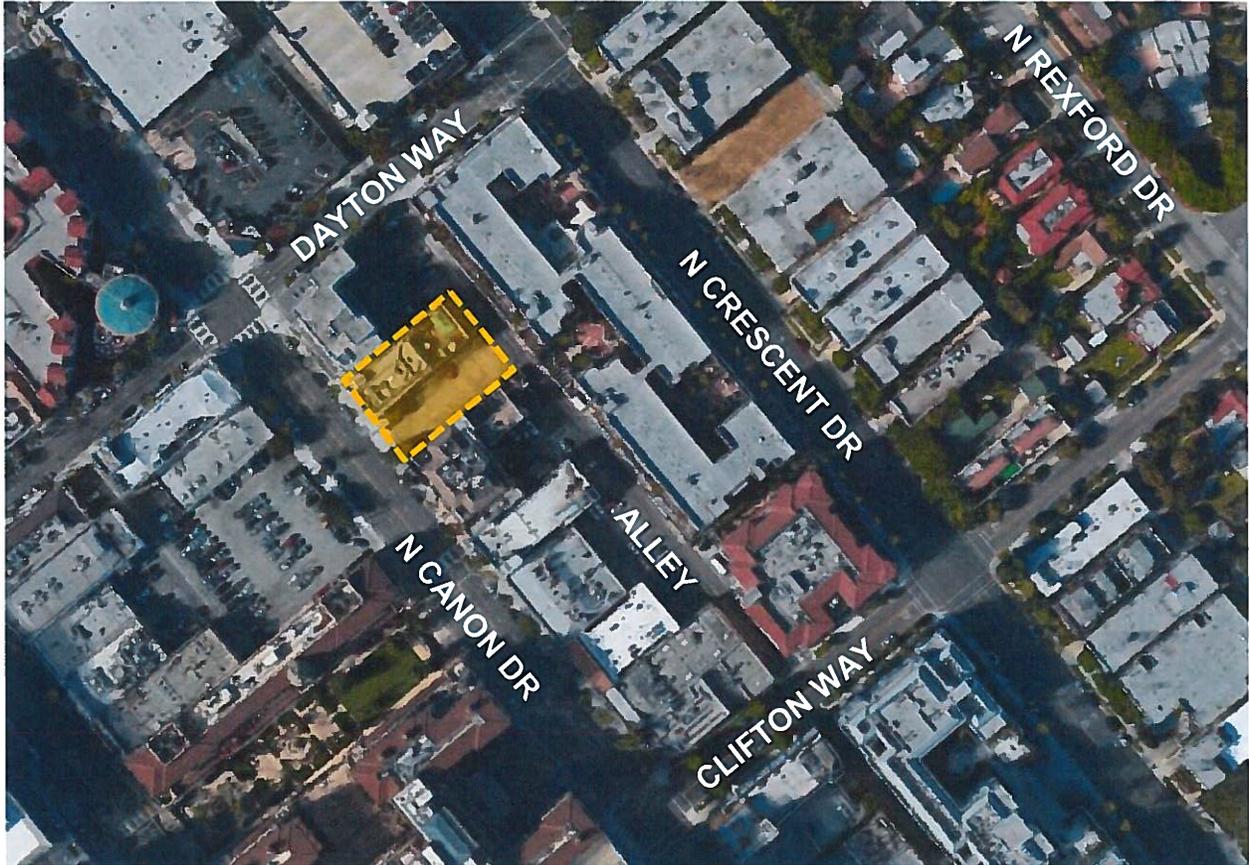
Adjacent Street(s)	N. Canon Dr.
Adjacent Alleys	20'-wide north-south alley to the east of N. Canon Dr. The alley runs between Dayton Way and Clifton Way and traffic is restricted to one-way southbound.
Parkways & Sidewalks	Approximately 15' sidewalk along N. Canon Dr.

Neighborhood Character

The project site is located on the northeast side of N. Canon Dr., between the intersections with Dayton Way and Clifton Way. The property has 100' of street frontage and is currently developed with a three-story commercial office building and a surface parking lot.

The project site is on the eastern edge of the Beverly Hills business triangle. To the west, as well as north and south along N. Canon Dr. is a large commercial area with buildings between one and ten stories in height. The majority of the commercial buildings in this area are two or three stories tall. Restaurants, retail, and commercial offices are the main uses in this area. Restaurants typically have valet parking. A public park and hotel are located across N. Canon Dr. in the same block.

To the east of the project site is the Multiple-Family Residential-Commercial Parking (RMCP) zone, which allows a mix of multi-family residential, commercial, and parking uses. Behind the project site (immediately across the alley) is a four-story mixed-use building with a ground-floor grocery store and parking and three upper residential floors of senior housing. Farther to the east is a row of multiple-family residences (on the east side of N. Crescent Dr.) and to the east of that is a single-family residential area (on N. Rexford Dr. and east).



Project Site



View from N. Canon Dr. of project site: existing office building and surface parking lot



PROJECT DESCRIPTION

The subject property is located on the northeast side of N. Canon Dr. in the central business triangle of the city. The surrounding area to the north, south, and west is developed with multi-story commercial buildings. To the rear, across a 20' wide alley and in the RMCP zone, is a four-story building that contains a grocery store (Whole Foods) and parking on the ground floor and three stories of senior housing above.

The project site currently consists of a three-story commercial office building with six surface parking spaces at the rear that are accessed from the alley on the north half of the site. The south half of the site contains a surface parking lot with 22 spaces including one accessible space. Vehicles enter the surface parking lot from N. Canon Dr. and exit into the alley.

The proposed project would construct a new three-story building with subterranean parking for a high-end restaurant use in the location of the existing surface parking lot. The project would retain the existing office building with some modifications to accommodate accessible paths to parking and potential changes to existing windows in the south wall. The new restaurant would consist of the following elements:

- Maximum height of three stories or 45' as defined by the Beverly Hills Municipal Code (BHMC) §10-3-100
- Dining rooms and kitchens on each of the three above-ground levels. Bars on the ground floor and third floor.
- Floor area: 12,040 SF
 - Dining and bar area: 2,638 SF within the building and 602 SF in a ground floor courtyard on private property
 - Circulation, kitchen, back-of-house, and restroom areas: 8,740 SF within the building and 313 SF in the courtyard on private property
- A ground floor courtyard for outdoor dining, separated from the street and alley by building walls and open to the sky
- Folding window systems on each dining room level that are operable to create large openings onto the courtyard area
- Retractable roof over the third floor dining room and bar area
- 102 parking spaces in three underground levels and 4 surface parking spaces behind the existing building (off the alley), totaling 106 parking spaces
- 100% valet parking operation, with vehicle drop-off and pick-up for restaurant patrons on N. Canon Dr. in front of the restaurant, and vehicle drop-off and pick-up for restaurant and office employees in the alley

Open Air Dining

The proposed project requires approval to seat restaurant patrons in an outdoor courtyard on private property. In addition, because the operable window systems and retractable roof of all three floors of the restaurant allow large portions of the walls and roof to be opened, the interior dining rooms are also considered open air dining and require approval from the Planning Commission.

For purposes of calculating parking, dining and bar area (where patrons are seated) is separated from circulation, kitchen, back-of-house, and restroom floor area. However, for the



purposes of open air dining, the entire area that is outdoors or can be opened to the outside is considered part of the open air dining. For the proposed project, the “open air dining area” includes dining and bar area, circulation and lobbies within that area, and serving area behind the bars. The request for open air dining is for 915 square feet in the outdoor courtyard, 1,683 square feet on the ground floor, 1,654 square feet on the second floor, and 2,005 square feet on the third floor, for a total of 6,257 square feet of open air dining on the project site.

Hours of Operation

Because the project site is located within 170’ of a residential zone, standard operating hours during which the restaurant can accept patrons would be 7am-10pm on weekdays and 9am-10pm on weekends and holidays. The project has requested an Extended Hours Permit in order to operate outside that range. The proposed hours of the restaurant are:

Lunch:	Daily: 11am-2:30pm
Dinner:	Sunday – Thursday: 5pm-11pm
	Friday – Saturday: 5pm-12:00am (midnight)
Bar lounge on 3rd floor:	Daily: 5pm-1:30am

Parking & Zone Text Amendment

Pursuant to BHMC §10-3-2730, a restaurant that has more than 1000 square feet of dining and bar area must provide one parking space for every 45 square feet of dining and bar area. Other areas of the restaurant, as well as other commercial uses, must provide one parking space for every 350 square feet of floor area. The existing office building currently has 28 surface parking spaces (a legally nonconforming amount) that must be replaced by the proposed restaurant that will take their place. Attachment A includes a table of parking requirements.

Two provisions in the code allow for some sharing of parking. BHMC §10-3-2730(B)(9) allows 25% of spaces provided for other uses (commercial office, kitchen, back-of-house, etc.) to be applied toward the required spaces for a restaurant’s dining and bar area. This reduction is allowed by-right. In addition, BHMC §10-3-2730(F) allows the Planning Commission to authorize the joint use of parking facilities, such that up to 50% of the parking facilities of a primarily daytime use (office space) may be used to satisfy the parking facilities required for a primarily nighttime use (restaurant). In this case, up to 50% of the parking for the existing office (a maximum of 14 spaces) could be jointly used by the restaurant. Because a reduction has already been taken by-right as explained above, staff recommends (and the parking numbers have been calculated based on) authorizing 25% of the office’s spaces to be jointly used by the restaurant. This would result in 106 required parking spaces.

As proposed, the project would use an “alternative parking facility”—a 100% valet-operated garage with automobile elevators, mechanical lift parking, and aisle parking—to provide the required parking on-site. Two automobile elevators would move vehicles from the ground level off the alley to each of the three subterranean parking levels. Once in the garage, vehicles would be parked on mechanical lifts, which would allow vehicles to be stacked two high, or in the drive aisle. Each garage level would have 14 lifts (28 mechanical lift parking spaces) and six (6) aisle parking spaces, for a total of 102 spaces within the alternative parking facility. Four additional accessible spaces would be located on the ground level at the rear of the existing office building.



The city's minimum parking standards do not currently permit automobile elevators and mechanical lift parking to serve as required parking, so the applicant is requesting a Zone Text Amendment that would allow use of these methods (grouped under the title "alternative parking facility") to meet minimum parking requirements in commercial zones with approval of a Conditional Use Permit (CUP) that would have specific findings and conditions of approval. The CUP would also allow the size of the parking stalls and the use of drive aisle parking within an alternative parking facility to be reviewed and approved by the Planning Commission, instead of being designed to the minimum dimensions in the city's Minimum Parking Standards document.

The 100% valet operation proposes to pick up and drop off restaurant patrons' vehicles on North Canon Drive in front of the restaurant, and make a series of right turns on Dayton Way and into the alley to the garage, and then back into the alley, onto Clifton Way and North Canon Drive to complete the loop. Estimated times for this circulation are provided in Appendix A of the Traffic Impact Study (Attachment E). The project intends to request five (5) meter spaces for the valet area on North Canon Drive. However, at this time city staff recommends that two or three meter spaces be allowed to be used for this new valet operation because of the high demand for use of the Canon Drive public right of way for valet operations. The project site does not have space for vehicles to wait to enter the automobile elevators, so the applicant proposes to lease 13 parking spaces from 270 N. Canon Dr. (Zein Obagi building) after 5:30pm on weekdays and all day on weekends to serve as a staging area when needed. Eleven of those 13 spaces would be immediately off the alley, and just north of the project site.

Setback and Wall along the Alley & Zone Text Amendment

This project was noticed to include review of proposed Zone Text Amendments to Article 19.5 of the zoning code, which regulates the transition between commercial and residential uses. Article 19.5 contains both development standards (required setbacks, walls along property lines, limits on reflective glass and loading zones, etc.) and operational requirements (hours, deliveries, refuse management, noise, etc.) for projects and businesses in nonresidential zones that are near residential properties.

The Multiple-Family Residential-Commercial Parking (RMCP) zone exists in only a small area of the city, on the west side of North Crescent Drive between South Santa Monica Boulevard and Clifton Way. Some parts of Article 19.5 specifically reference the RMCP zone separately from references to other "residential zones" (e.g. "adjacent to a residential zone or the RMCP zone"). Originally staff believed that the development standards (setbacks, walls, etc.) applied to nonresidential zones adjacent to a residential zone or RMCP zone. However, upon further review, including the legislative history of Article 19.5, the record is clear that these development standards do not apply to nonresidential zones that are adjacent to (or separated by an alley from) an RMCP zone. Therefore, the proposed Zone Text Amendments regarding setbacks and property line walls for properties adjacent to an RMCP zone are not necessary.

The operational standards of Article 19.5 do however apply to nonresidential sites within 170' of a residential zone or RMCP zone, so the proposed project is subject to these regulations. These are discussed further in the Open Air Dining and Extended Hours section of the analysis at the end of this report.



Required Approvals. As proposed, the project requires the following discretionary approvals from the Planning Commission in order to be constructed. In addition, the Zone Text Amendment must be adopted by the City Council:

1. Zone Text Amendment:

- To amend BHM §10-3-100 (Definitions) and add BHM §10-3-2730.4 (Alternative Parking Facility) to allow use of automobile elevators, mechanical parking lifts, and aisle parking to meet minimum parking requirements in commercial zones through a Conditional Use Permit.

2. Conditional Use Permit:

- Contingent upon adoption of the above Zone Text Amendment, to permit use of a 100% valet-operated alternative parking facility that would include automobile elevators, mechanical parking lifts, and aisle parking, to provide 102 required parking spaces for the existing office building and new restaurant building.
- To permit the joint use of parking facilities, such that up to 50% of the parking facilities of a use considered to be primarily a daytime use (existing office building) may be used to satisfy the parking facilities required for a use considered to be primarily a nighttime use (restaurant). In this case staff supports joint use of 25% of the existing office building's parking facilities.

3. Open Air Dining:

- To permit a total of 6,257 square feet of open air dining (216 seats) on private property. The majority of this area (5,342 square feet) would be within the building that would have operable window systems on all three floors and a retractable roof. A smaller portion of this area (915 square feet) would be located in a courtyard with walls on four sides and no roof.

4. Extended Hours Permit:

- To permit the restaurant use, which is in a Commercial-Residential Transition Area, to receive patrons during extended hours (between 10pm and 7am on the following weekday and 10pm and 9am on the following weekend or holiday). Specifically, the project requests to be allowed to receive patrons until 1:30am daily.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project's consistency with applicable existing and proposed zoning standards has been performed. Summary tables are provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits permission to amend or deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466



GENERAL PLAN² 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 LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.
- **LU 11.2 Site Planning and Architectural Design.** Require that commercial and office properties and buildings are planned and designed to exhibit a high level of site and architectural design quality and excellence.
- **LU 2.8 Pedestrian Active Streets.** Require that buildings in business districts be oriented to, and actively engage the street through design features such as build-to lines, articulated and modulated façades, ground floor transparency such as large windows, and the limitation of parking entries directly on the street. Parking ingress and egress should be accessed from alleys where feasible.
- **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.
- **LU 12.2 Building, Parking Structure, and Site Design.** Require that buildings, parking structures, and properties in commercial and office districts be designed to assure compatibility with abutting residential neighborhoods, incorporating such elements as setbacks, transitional building heights and bulk, architectural treatment of all elevations, landscape buffers, enclosure of storage facilities, air conditioning, and other utilities, walls and fences, and non-glare external lighting.
- **LU 12.3 Alleys Between Commercial and Residential Uses.** Encourage that alleys be attractively designed as a transition between retail and office districts and residential neighborhoods, using features such as quality paving materials, landscaping, low voltage lighting and high-quality maintenance to assure that such alleys are attractive, and kept free of trash and debris.

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



ENVIRONMENTAL ASSESSMENT

This project is in the process of being 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. At this time the project appears to qualify for a Class 5 Categorical Exemption pursuant to Section 15305 of the State CEQA Guidelines for minor changes in land use regulations. The proposed Zone Text Amendment would allow mechanical lift parking, car elevators, aisle parking, and modified parking space sizes to be used to provide required parking with approval of a Conditional Use Permit on properties located in commercial zones in the City.

The project also appears to qualify for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines for in-fill development projects, which states that a Class 32 Categorical Exemption is allowed when:

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

Additionally, State CEQA Guidelines Section 15300.2 states that a categorical exemption "shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."

A Categorical Exemption Report is being prepared by Rincon Consultants, Inc. for the City. When the Planning Commission makes a decision on the requested entitlements, it will also consider the Categorical Exemption Report and may find that the project will not have a significant environmental impact and is exempt from the provisions of CEQA. The Categorical Exemption report will be finalized based on the feedback and direction received from the Planning Commission.



PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	9/15/2016	4 Days
Newspaper Notice	10 Days	9/9/2016	9/9/2016 (Beverly Hills Courier) 9/15/2016 (Beverly Hills Weekly)	10 Days
Mailed Notice (Owners & Residential Occupants - 500' radius + block-face, commercial occupants within 50')	10 Days	9/9/2016	9/9/2016	10 Days
Property Posting	10 Days	9/9/2016	9/9/2016	10 Days
Website	N/A	N/A	9/15/2016	4 Days

Public Comment

As of the writing of this report, staff has spoken with one resident on N. Rexford Dr. who has concerns about noise, particularly amplified music, from the operation of the project.

ANALYSIS³

Project approval, conditional approval, or denial is based upon specific findings for the discretionary entitlements requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment B to this report, and draft language for the proposed Zone Text Amendment is provided in Attachment C.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Alternative Parking Facility – Zone Text Amendment and CUP

The following analysis breaks down the different elements of the Zone Text Amendment for alternative parking facilities and address the CUP that this particular project would require. The proposed Zone Text Amendment to create a CUP process for an alternative parking facility would apply to all commercial zones in the city. Future projects interested in using an alternative parking facility to provide required parking could choose to go through a CUP process if this amendment is adopted.

Automobile Elevators and Staging

Automobile elevators would be an alternative to ramps in a parking garage, allowing cars to be pulled into an elevator off the street or alley and enter the parking garage by traveling vertically between levels. An automobile elevator, or even several elevators, would take up

³ The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.



significantly less space than would ramps within a parking garage. The width of the driveway and the opening in the building required for two automobile elevators side by side (in this case approximately 23') would be similar to the width required for a garage with one lane entering and one lane exiting.

One significant operational difference between automobile elevators and ramps is that each automobile elevator can only handle one vehicle at a time, while many vehicles could be on a ramp at the same time, all traveling to parking spaces. Because of this, an alternative parking facility that uses automobile elevators to access the garage may need space for vehicles to wait to enter the elevator—what this report refers to as “staging area”—particularly during peak usage times.

The Traffic Impact Study (Attachment E) shows that the peak hour of restaurant traffic on Saturdays is expected to be the busiest time of the week. The analysis in Appendix A of the Traffic Impact Study estimates that 76 vehicles could be moved in or out of the garage via the automobile elevators in one hour (estimated worst case scenario of 94 seconds to enter elevator, descend, and exit elevator, and send it back up for another vehicle; two-way traffic would be more efficient). During the peak hour on Saturdays, the Study predicts 71 vehicle trips (arriving + leaving). Although on average the speed of the elevators appears to be sufficient, due to the normal patterns of patrons arriving at and leaving a restaurant it is likely that vehicles will sometimes have to wait to use an elevator to access the garage. Thus the physical constraints of the alternative parking facility may at some times require a staging area.

The automobile elevators in the proposed project would be set back 10' from the alley, which gives vehicles a generous turning radius into the elevators but does not provide enough space for vehicles to line up out of the alley and wait to enter an elevator. The project proposes to lease 13 parking spaces after 5:30pm from the building at 270 N. Canon Dr., and more if necessary for special events. These spaces are not within sight of the automobile elevators, which has the potential to cause conflicts, although there may be ways to remedy that with good communication between individual parking attendants. The Planning Commission may also wish to consider whether a lease agreement between the owners of these two properties is sufficiently binding to approve the project.

Mechanical Lift Parking

Mechanical lift parking raises or lowers a vehicle on a platform so that other vehicles can be parked above or below in a stacked (vertical tandem) fashion. Mechanical lift parking is space-efficient. Based on the manufacturer specifications for the particular lifts proposed by this project, it would take approximately 72 seconds to raise or lower a car, so when the lift must be raised or lowered it takes longer to access a parking space or vehicle than it would in a standard parking arrangement or even a horizontal tandem parking arrangement.

The new CUP for alternative parking facilities would require that parking spaces smaller than the dimensions specified in the city's Minimum Parking Standards document be reviewed and approved by the Planning Commission. The current Minimum Parking Standards require spaces to be 9' wide and 19' long, with a 25' drive aisle. Minor modifications in length and drive aisle width can be made by the city's Traffic Engineer.



The proposed mechanical lift parking spaces would be 19' long and 8' wide with 7'-2" clear between the posts of the lifts. For reference, a 2016 Range Rover is approximately 7'-3" wide with its mirrors out and 6'-10" wide with its mirrors folded in. A BMW 7 Series is 7'-1" wide with its mirrors out and 6'-3" wide with its mirrors folded in.

The proposed mechanical lift parking spaces would have an inside height clearance of 6'. However, if the ceiling of the garage level is high enough, the space on the top of the mechanical lift would have additional headroom. That proposed dimension is not specified in the plans at this time. For reference, a Range Rover is 6'-2" tall and a BMW 7 Series is 4'-10" tall.

The Planning Commission may wish to discuss whether a minimum height clearance (for at least one level of mechanical lift parking) should be set, so that applicants would have the opportunity to look for mechanical lifts that would meet all of the city's Minimum Parking Standards.

Aisle Parking

Although not currently allowed, valet-operated aisle parking was permitted in the past by the City in some situations. At that time, aisle parking spaces were required to be 26'-28' long in order to allow vehicles to be moved back and forth within the aisle space in order to access other vehicles that had been parked in.

The six (6) proposed aisle parking spaces on each subterranean level would be 9' wide and 22' long. This would not allow a vehicle to be shifted back and forth to access vehicles in the mechanical lift parking spaces—instead, if the aisle spaces were full, an aisle-parked vehicle would have to be moved temporarily to a different part of the garage to allow access, and then moved back. The Planning Commission may wish to consider whether aisle spaces of this size are sufficient to allow efficient operations of the proposed alternative parking facility.

Valet Operation

The Zone Text Amendment requires an alternative parking facility be completely operated by valets/parking attendants. Because of this the Planning Commission will want to consider how to define hours of operation of the uses and when valet staff would need to be available. For instance, an office that is primarily occupied 8am-6pm may in reality have janitorial staff and the occasional office worker in the building late at night.

The project intends to request five (5) parking spaces on North Canon Drive for valet use. At this time staff expects the project would be allowed two (2) or three (3) valet spaces based on existing valet permits and limited meter space on that block. Payment to the city for lost parking meter revenue will be determined by the Directors of Public Works and Community Development.



CUP Standards, Findings, and Conditions of Approval

The proposed list of standards in the draft Zone Text Amendment language should set basic parameters that an alternative parking facility that is providing required parking must meet in order to obtain a CUP.

When reviewing a CUP application for an alternative parking facility, the Planning Commission would evaluate the project against the findings. Therefore the findings should address the major areas of concern regarding potential project impacts.

Conditions of approval can and will be developed for each project on a case-by-case basis. However, any standard conditions of approval or other things that might be approved by the Planning Commission in conjunction with an alternative parking facility could be detailed in this section.

Joint Use of Parking Facilities

As mentioned in the Project Description, 25% of the parking spaces provided for non-dining uses (commercial office, kitchen, back-of-house, etc.) may be applied toward the required spaces for the restaurant's dining and bar area. This reduction is allowed by-right.

In addition, the project seeks approval for joint use of parking facilities. This code provision can allow up to 50% of the parking facilities for the office building (which is a primarily daytime use) to be used to satisfy a portion of the required parking for the restaurant (which is a primarily nighttime use). This sharing of spaces is efficient when two different uses on the same site have different peak times of parking demand.

In this case, the office has 28 parking spaces, so a maximum of 14 spaces could be shared with the restaurant. However, because a reduction in the parking requirement has already been taken by-right as explained above, staff recommends authorizing 25% of the office's spaces to be jointly used by the restaurant. The parking requirement numbers in the table in Attachment A use this calculation. This would result in sharing seven (7) spaces between the primarily daytime and primarily nighttime uses, and require a total of 106 parking spaces. If the Planning Commission would like to consider authorizing up to seven (7) additional joint use spaces, this would provide flexibility in the design and operation of the alternative parking facility, such as the lengthening and removal of some of the requested drive aisle parking spaces.

Open Air Dining and Extended Hours

In evaluating the requests for an Open Air Dining Permit and Extended Hours Permit, the Planning Commission may consider if the project has the potential to cause significant adverse impacts in any of the following areas:

Noise

The valet operation will increase traffic in the alley, which may result in some additional noise. The significance of this noise is being explored as part of the CEQA evaluation of the project. Although the hours after 10pm are not likely to be the restaurant's busiest, approval of the Extended Hours Permit would extend the noise-making activities later in the day.



Without additional conditions of approval, the combination of the Extended Hours Permit and the Open Air Dining Permit would allow new patrons to be accepted past the standard cut-off of 10pm, and would allow them to be seated in the courtyard open air dining or in the dining rooms with the windows and roof open. Noise of voices, dishes being stacked and carried, and music in the restaurant are legitimate concerns for the neighborhood and especially the residences immediately across the alley to the east. Conditions of approval could include a time at which the open air dining must cease (vacate the courtyard and close all windows and the roof), that amplified music shall not be played in the third floor dining room when the windows or roof are open, or others.

Odors

Food odors could more easily escape from the third story dining room through the open roof and windows, as well as potentially from the lower floors and courtyard open air dining. However, the areas open to air would only be the dining and bar areas and not the kitchen. In addition, several restaurants and the Whole Foods grocery store already operate in the area. Odors are not anticipated to be an issue.

Light and Glare

Because a portion of the roof is proposed to be retractable, light emanating from that area could be a concern, particularly for residents on the fourth floor of the building across the alley, which is above the level of the open roof. Conditions could be placed on the project that all lighting be sufficiently shielded and/or that the roof be closed at a certain time.

NEXT STEPS

Staff recommends that the Planning Commission:

1. Conduct the public hearing;
2. Direct staff to return with a draft resolution and ordinance memorializing the Commission's recommendation to the City Council regarding the requested Zone Text Amendments;
3. Direct staff to return with a draft resolution memorializing the Commission's findings regarding the requested entitlements; and
4. Continue the public hearing to a date (un)certain.

Report Reviewed By:

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

Masa Alkire, AICP, Principal Planner



Planning Commission Report
250-260 N. Canon Drive
September 26, 2016

Attachment F
Public Notice



NOTICE OF PUBLIC HEARING

HEARING DATE: Monday, September 19, 2016
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Council Chamber
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Monday, September 19, 2016, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider a request to allow a new restaurant with a 100% valet-operated mechanical parking garage and reduced rear setbacks to be constructed and operate with extended hours and open air dining on the commercial property located at 250-260 North Canon Drive. The proposed project requires the following entitlements:

Zone Text Amendment. The project includes a request to amend portions of the Beverly Hills Municipal Code (BHMC). One proposed Zone Text Amendment would amend BHMC §10-3-100 and add BHMC §10-3-2730.4 and BHMC §10-3-3800.2 to allow car elevators, mechanical parking lifts, and aisle parking in commercial zones through a Conditional Use Permit. The proposed Zone Text Amendment would establish criteria for such alternative parking systems that are 100% valet-operated. The other proposed Zone Text Amendment would amend BHMC §10-3-1952A and §10-3-1953A to allow a commercial property that is adjacent to an RMCP zone to reduce or eliminate the rear setback requirement and reduce or eliminate the requirement for a wall along the rear property line through a Minor Accommodation.

Conditional Use Permit. The proposed project includes a request for a Conditional Use Permit to allow the use of car elevators, mechanical parking lifts, and aisle parking to accommodate 102 code-required parking spaces for the new restaurant and existing office building on the subject property. Parking would be provided in three subterranean levels accessed from the alley and 100% valet-operated. The requested Conditional Use Permit is contingent upon the approval and implementation of the proposed Zone Text Amendment.

Minor Accommodation. The proposed project includes requests for Minor Accommodations to eliminate the required rear setback from the alley both above and below ground, and to eliminate the required wall along the rear property line that separates the property from the alley. If approved, the Minor Accommodations would allow the first level of the underground

garage and the second and third floors above ground to be built to the rear property line instead of having a 6' setback, and would waive the requirement for a 3' wall on the rear property line. The requested Minor Accommodations are contingent upon the approval and implementation of the proposed Zone Text Amendment.

Open Air Dining Permit. The proposed restaurant includes an outdoor patio on private property with 915 square feet of open air dining area. In addition, large portions of the walls and roof of the 12,040 square foot restaurant building would be able to be opened. Therefore, the approximately 2,650 square feet of interior bar and dining areas also require approval of an open air dining permit.

Extended Hours Permit. The proposed restaurant requires an Extended Hours Permit in order to receive patrons after 10 PM. The requested hours extend until 1:30 AM daily.

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 5 Categorical Exemption pursuant to Section 15305 of the State CEQA Guidelines for minor changes in land use regulations. The proposed Zone Text Amendment would allow mechanical parking garages and reduced rear setbacks under certain circumstances on properties located in commercial zones in the City. The project also appears to qualify for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines for in-fill development projects. The Planning Commission will consider finding that the project will not have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission. Please note that any communication received by the City becomes part of the public record.

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

If there are any questions regarding this notice, please contact **Emily Gable, Assistant Planner** in the Planning Division at (310) 285-1192, or by email at egable@beverlyhills.org. Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Emily Gable, Assistant Planner

Mailed: September 9, 2016



Planning Commission Report
250-260 N. Canon Drive
September 26, 2016

Attachment G
Public Comment

Emily Gable

From: Lois Hirt <loismile@aol.com>
Sent: Sunday, September 18, 2016 7:45 PM
To: Emily Gable
Subject: 250-260 canon

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi,
Sorry I won't be able to make the 9/19/16 meeting concerning the 250-260 N. Canon property.
I live at Rexford & Clifton and am concerned about a noise factor, especially after certain hours.
I would like to be ensured that after 10 PM, we won't be hearing noise.
Thank you.
Sincerely,
Lois Hirt



Planning Commission Report

250-260 N. Canon Drive

September 26, 2016

Attachment H

CEQA Categorical Exemption Report, including Traffic Impact Analysis