

**ATTACHMENT 4**

**PLANNING COMMISSION STAFF REPORT**



# Planning Commission Report

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**Meeting Date:** March 28, 2013

**Subject:** **184 North Canon Drive**  
**Spghettini Restaurant**

Request for a Zone Text Amendment to Beverly Hills Municipal Code Section 10-3-3311 regarding the modification of fees for in-lieu parking spaces, a request for 59 in-lieu parking spaces, and a request for an Extended Hours Permit associated with the establishment of a new restaurant within the building located at 184 North Canon Drive.

PROJECT APPLICANT: Murray Fischer on behalf of Spghettini Restaurant

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project;
  2. Adopt resolutions memorializing the Planning Commission's findings.
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## REPORT SUMMARY

The proposed project involves the establishment of a new restaurant use located at 184 North Canon Drive. The proposed use requires approximately 59 in-lieu parking spaces in order to operate, and the applicant proposes a reduced in-lieu parking fee in exchange for certain public benefits that would be provided to the City. This report outlines the proposed fee structure and public benefits, analyzes the impacts and benefits of further reducing in-lieu parking fees, and concludes that the proposed public benefits are appropriate given the loss of in-lieu parking revenue proposed by the applicant. Based on the proposed public benefits, staff recommends that the Commission recommend to the City Council establishment of a pilot program for reduced in-lieu parking fees when accompanied by broader public benefits.

**Attachment(s):**

- A. Draft Findings and Conditions of Approval
- B. Draft Resolution Recommending Approval of a Zone Text Amendment and In-Lieu Parking Agreement
- C. Draft Resolution Approving In-Lieu Parking and an Extended Hours Permit
- D. Parking Study
- E. Public Notice
- F. Public Comments
- G. Architectural Plans

**Report Author and Contact Information:**

Ryan Gohlich  
(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	2/13/2013
Application Complete	3/21/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	5/28/2013
Applicant(s)	Spghettini Restaurant (Notes on a Plate, LLC)
Owner(s)	Koss Canon, LP
Representative(s)	Murray Fischer
Prior PC Action	None
Prior Council Action	None
CC/PC Liaison	The City Council/Planning Commission Liaison conducted public meetings on 2/13/2013 and 3/11/2013 to discuss the project.

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	184 North Canon Drive
Legal Description	Beverly Tract, Lot 2 of Block 13
Zoning District	C-3
General Plan	General Commercial - Low Density
Existing Land Use(s)	General Offices
Lot Dimensions & Area	50' x 142.5' – 7,125 square feet
Year Built	1926
Historic Resource	The subject building does not appear on the City's survey of potentially historic buildings.
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

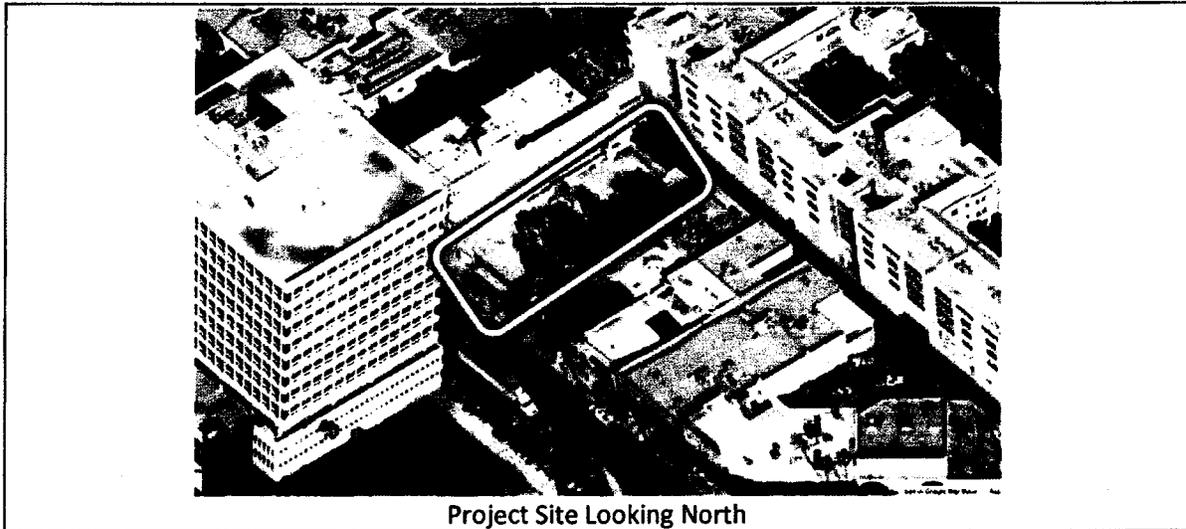
North	C-3 – General commercial, offices
East	M-PD-2 Overlay Zone (AKA Apartments)
South (across alley)	C-3 – Restaurant (Spago)
West	C-3 – General commercial

### Circulation and Parking

Adjacent Street(s)	North Canon Drive
Adjacent Alleys	One-way, southbound alley located east of the property
Parkways & Sidewalks	North Canon Drive sidewalk/parkway – 12' from face of curb to property line

**Neighborhood Character**

The project site is located near the eastern edge of the City's Business Triangle, which is comprised of a variety of retail, office, and restaurant uses, with buildings varying in size and height. In addition to the commercial uses, the Crescent Apartments development (recently remodeled by AKA Hotels) is located immediately east of the project site. The AKA property is currently used as apartments, but the City is currently processing an application that, if approved, would allow the property to be used for hotel uses, which are considered to be commercial in nature.



**PROJECT DESCRIPTION**

The proposed project consists of the establishment of an approximately 5,000 square foot restaurant, of which, approximately 2,600 square feet would be utilized for dining purposes. In conjunction with the restaurant use, the applicant proposes musical entertainment (generally of a jazz genre) that would accompany dining. The proposed restaurant use requires approximately 59 additional parking spaces, which are proposed to be provided through the City's in-lieu parking program. Additionally, the restaurant is proposed to be open until 1:00 AM nightly.

**Zone Text Amendment**

Due to the number of additional parking spaces required to accommodate the restaurant (59 spaces), the applicant proposes amending the Municipal Code to allow for a modification of in-lieu parking fees associated with the establishment of restaurants that provide public benefits to offset the reduced in-lieu parking fees. The Municipal Code currently allows the Planning Commission and City Council to reduce or waive in-lieu parking fees, but only for museum uses and adaptive reuse of buildings listed on the National Register of Historic Places. The current in-lieu parking fee that the applicant would otherwise be subject to is \$28,284 per space, paid over 10 years (\$139,063 annually). The applicant proposes an annual in-lieu parking fee of \$45,135, paid in perpetuity (\$765 per parking space annually). In conjunction with this proposal, the applicant also requests the ability to lease up to 70 physical parking spaces (not in-lieu spaces) per month for the purpose of providing valet operations. The applicant requests a monthly lease fee equal to 85% of the standard monthly rates charged at the City's 221 North Crescent Drive parking facility.

### In-Lieu Parking

The proposed restaurant use triggers the need for 59 additional parking spaces in order to meet all applicable Municipal Code provisions. The applicant is unable to provide the necessary spaces on-site, nor is the applicant able to secure off-site, unencumbered parking spaces. Therefore, the applicant requests participation in the City's in-lieu parking program for the 59 parking spaces needed to accommodate the restaurant.

### Extended Hours Permit

The subject property is located adjacent to the R-MP- 2 overlay zone, which contains residential uses. Due to the proximity of residential uses, the proposed restaurant is not permitted to accept new patrons after 10:00 PM without the issuance of an Extended Hours Permit. The applicant proposes to operate until 1:00 AM nightly, and requests an Extended Hours Permit to accommodate the proposed hours.

## **GENERAL PLAN<sup>1</sup> POLICIES**

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

- Policy LU 5.8 Encroachment of Incompatible Land Uses. Protect residential neighborhoods from the encroachment of incompatible nonresidential uses and disruptive traffic, to the extent possible. Zoning and design review should assure that compatibility issues are fully addressed when nonresidential development is proposed near or within residential areas.
- Policy LU 12.1 Functional and Operational Compatibility. Require that retail, office, entertainment and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.
- Policy LU 15.1. Economic Vitality and Business Revenue. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs
- Policy ES 1.5. Attract New Businesses and Industries. Consistent with future economic sustainability plans, encourage and attract new businesses in existing industries and new industries to locate and expand within the City in order to ensure a diverse, leading-edge business community.
- Policy CIR 4.10. Parking Strategies. Examine a variety of parking strategies to maximize City resources, promote economic development, and encourage alternative modes of travel within the City, including congestion pricing programs, Parking Assessment Districts, extension of the in-lieu fee program to commercial districts throughout the City, demand management studies, parking registration and reporting programs, and programs for public education regarding parking programs.

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<sup>1</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

## ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>2</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines for minor improvements/additions at the subject properties, and Section 15305 (Class 5) of the Guidelines for minor alterations in land use limitations because the ordinance would not result in any changes in allowed land uses, density, or building height. The exterior additions and minor changes in land use limitations do not result in any significant environmental impacts, and are therefore exempt from further review under 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	3/22/2013	6 Days
Newspaper Notice	10 Days	3/18/2013	3/15/2013	13 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	3/18/2013	3/18/2013	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/22/2013	6 Days

### Public Comment

As of the writing of this report, staff has received one letter in opposition of the project. A copy of the letter is provided as Attachment F.

## ANALYSIS<sup>3</sup>

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings are included in this report as Attachment A and may be used to guide the Planning Commission's deliberation of the subject project.

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

**Entertainment Uses and Adjacent Land Uses.** The proposed restaurant use includes an entertainment component, which consists of live musical performances (primarily a jazz genre) conducted in conjunction with restaurant operations. The City Council has expressed an interest in attracting entertainment-type uses within the Business Triangle in order to promote more nightlife within the City. Although the proposed restaurant use is not an entertainment-specific use, staff anticipates that the musical component of restaurant operations would be a beneficial addition to the Business Triangle, and may lead to improved nightlife. The City's residents and visitors currently

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

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

have limited opportunities to enjoy music and nightlife within the City, and the addition of such a use may help to encourage other business owners to stay open later into the evening. Although nightlife is considered desirable, staff also recommends that the Commission consider the surrounding land uses, particularly the apartments and single-family homes located east of the project site. The City is currently processing an application that, if approved, would convert the Crescent Apartments to a hotel use (AKA Hotels); however, the property does currently function as a residential use, and should be protected from unnecessary noise impacts. It is anticipated that noise impacts could be adequately controlled through sound-proofing and appropriate valet routes/operations, but should nonetheless be considered when striking a balance between commercial operations and the sensitivity of residential land uses. Staff has included conditions related to sound-proofing and valet circulation to ensure that adverse impacts do not result from the project.

**Traffic.** The conversion of office space to restaurant space is considered to be a land use intensification from a traffic generation standpoint. In order to ensure that this intensification would not have the potential to result in any traffic impacts, the City's Transportation Engineer conducted several trip generation calculations using standardized rates for restaurants found in the Institute of Transportation Engineers (ITE) trip generation manual. These calculations indicated that the proposed restaurant conversion would not cause any of the City's traffic impact thresholds to be exceeded at the intersections surrounding the project, and the project would therefore not result in any significant traffic impacts.

**Parking Supply.** In conjunction with the proposed application, the applicant's transportation consultant prepared a parking demand analysis<sup>4</sup>. The analysis assessed four City parking facilities located within walking distance of the project site, and concluded that sufficient parking is available to accommodate the in-lieu parking request. The complete parking study is provided as Attachment D for reference. In addition to the parking study's conclusion that sufficient parking exists to accommodate the restaurant use at all times, staff anticipates lunchtime operations to attract a limited number of vehicles, as patrons are generally expected to walk to the restaurant from surrounding offices within the Business Triangle. In the evenings, when patrons will be more likely to drive to the restaurant, a large surplus is available to accommodate the restaurant.

**In-Lieu Parking Policies and Cost Basis.** The City's in-lieu parking program was established to provide an alternative method for businesses (primarily retail and restaurant) to provide parking, particularly when site constraints preclude the feasibility of building new parking spaces. The fees charged for in-lieu parking spaces were initially designed to reimburse the City for the construction costs of building new parking spaces (exclusive of land value). While the fees have generally increased over the years with annual fee adjustments, the fees have not kept up with average construction costs (on a per space basis) associated with building a parking structure. The City Council has requested that staff study the in-lieu parking program during the 2013-2014 fiscal year, and provide options for administering and possibly expanding the program. While it is anticipated that changes to the program will result from future discussions with the City Council, this particular application precedes the broader discussion. As a result, staff recommends that the Commission carefully consider any unanticipated consequences or precedent setting that may result from the

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<sup>4</sup> It should be noted that the parking analysis states that 69 parking spaces are required for the restaurant; however, only 59 spaces are required in order to comply with Municipal Code requirements.

proposed project. In particular, staff is aware of several other restaurant and retail projects on the horizon that will likely require in-lieu parking spaces, possibly resulting in a cumulative in-lieu parking request of several hundred spaces. For these reasons, staff recommends that any changes to the in-lieu program recommended by the Planning Commission be structured as a pilot program, so that future discussions are not constrained by this particular request.

**Alternative In-Lieu Parking Fee.** The proposed in-lieu parking fee would function as a lease concept that is paid in perpetuity, provided the restaurant remains operational<sup>5</sup>. Because the proposed fee structure would functionally serve as a lease, the fee's cost basis has been tied to the City's monthly parking rates offered at City-owned parking facilities. The City's least expensive monthly parking rate is \$75.00 per month (450 North Crescent Drive), and the City occasionally offers a 15% discount on its monthly rates when spaces are leased in bulk. In order to encourage the proposed public benefits that serve the broader City and are outlined below, and in recognition of the fact that the fee will be paid in perpetuity (as opposed to only being for a 10-year term), the proposed in-lieu parking fee would be \$63.75 per month, which is a 15% discount on the City's least expensive monthly parking rate of \$75.00 per space. This rate equates to \$765.00 per space per year, or \$45,135 annually for the 59 parking spaces required by the project. Additionally, the rate would be adjusted annually in accordance with the Consumer Price Index in order to account for inflation. Staff supports the proposed fee structure, provided all the public benefits listed below are provided in conjunction with the project.

**Lease of Spaces for Valet Operations.** The in-lieu parking program relieves applicants of the requirement to construct physical parking spaces, but does not provide them with free access to parking spaces within City parking facilities. As a result, the applicant still requires access to physical parking spaces that can be utilized in conjunction with the restaurant's valet operations. This can be achieved through parking agreements with either private or public parking facilities. In this case, the project includes a request to lease up to 70 monthly parking spaces from the City's 221 North Crescent Drive parking structure, for up to 10 years. The 221 North Crescent Drive parking structure has sufficient capacity to accommodate 70 monthly parking permits for the restaurant, and currently leases spaces for \$90.00 per month. Similar to the cost basis for the in-lieu parking, the proposed monthly lease rate would be 85% of the standard lease rate at the facility (a bulk rate), which equals a monthly rate of \$76.50 per space based on the current monthly rate. Provided the applicant leases 70 spaces per month at the discounted rate, the annual cost to lease the 70 spaces would be \$64,260.00. The rate would not adjust annually with inflation, but would adjust whenever the monthly parking rate at the subject facility changes so that the applicant's rate remains at 85% of the standard rate. Based on the proposed public benefits and the availability of public parking spaces in the 221 North Crescent Drive parking garage, staff supports the leasing of up to 70 monthly spaces at the 85% discounted rate.

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<sup>5</sup> The in-lieu parking spaces would not run with the land, and would only be associated with Spaghetini.

**Public Benefits.** As a justification for requesting the reduced in-lieu parking fees and lease fees, the applicant has proposed a variety of project components that are intended to be broader public benefits that offset the financial costs associated with the City providing a reduced fee. The proposed benefits are listed below in italics, with staff analysis of each benefit provided immediately after.

***Centennial Celebration Event.** The applicant will host a charitable event in conjunction with the Beverly Hills Centennial Celebration. The event will accommodate at least 200 guests. The Applicant will provide food, beverages and jazz genre musical entertainment for the event. The Applicant will donate all event ticket sale proceeds to a charitable organization based in Beverly Hills and approved by the City.*

This benefit allows the City to promote the Centennial Celebration, while simultaneously donating to a local charitable organization that supports the broader goals of the City. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This public benefit is valued at approximately \$20,000.

***Garden Concerts.** The applicant will annually provide jazz genre musical entertainment for three "Concerts in the Gardens" series at the Beverly Cannon Gardens, which is located on Canon Drive near the Site. The entertainment proposed by the applicant would be subject to the City's approval. This provision shall terminate after 10 years.*

This benefit supplements the City's current programs and supports the broader goals of the City by providing outdoor entertainment opportunities for residents and visitors. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This public benefit is valued at approximately \$15,000 annually, or \$150,000 over 10 years.

***Greystone Mansion Concerts.** The Applicant will annually provide jazz genre musical entertainment and food (hors d'oeuvres) for three charitable fundraiser concerts at Greystone Mansion. The concert ticket sale proceeds will be donated to the Friends of Greystone for the exclusive benefit of the Greystone Estate. The Applicant will be responsible for the food, and all physical presence and hard costs related to the entertainment, including, without limitation, the costs of lighting and sound vendors and the entertainment. The entertainment proposed by the Applicant is subject to the City's approval. This provision shall terminate after 10 years.*

This benefit would restore the City's program of holding concerts in the Greystone Mansion. The City previously held similar events at the mansion, but the events were eliminated due to budget constraints. Not only would this benefit restore a past program, it would also generate revenue for the Friends of Greystone to allow for the continued restoration of the property. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This public benefit is valued at approximately \$45,000 annually, or \$450,000 over 10 years.

***Beverly Canon Gardens Holiday Concert.** The Applicant will annually provide jazz genre, holiday-themed, musical entertainment for a winter holiday concert in the Beverly Canon Gardens. The entertainment proposed by the Applicant is subject to the City's approval. This provision shall terminate after 10 years.*

The City currently provides concerts in the spring and summer, but does not offer a holiday concert. This public benefit would allow the City to expand its current concert program, and would help to kick off the holiday season and contribute to festivities and retail operations. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This public benefit is valued at approximately \$5,000 annually, or \$50,000 over 10 years.

***Beverly Hills Holiday Ice Rink.*** For a period of three years, the Applicant will provide jazz genre musical entertainment for the opening day of the Beverly Hills Holiday Ice Rink. The entertainment proposed by the Applicant is subject to the City's approval.

The City recently hosted a successful holiday ice rink program. In order to enhance this program in the coming years, musical entertainment would accompany the opening day of the ice rink for the next 3 years. This will help to promote use of the ice rink and enhance holiday festivities in the City. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This public benefit is valued at approximately \$7,000 annually, or \$70,000 over 10 years.

**Additional Project Benefits.** In addition to the above benefits, the applicant hosts a weekly radio broadcast show on 92.7 The Wave, and hosts an annual charity event associated with the Grammys. As a result of contractual limitations, the radio broadcast and charity event are not guaranteed to continue throughout the years, but are intended to be carried out by the applicant for the foreseeable future. Due to their uncertain nature, these benefits are included with the project, but the applicant would not be penalized in the event that the applicant loses the ability to perform either of the benefits. Details on the benefits are as follows:

***Radio Broadcasting and Promotion.*** The applicant currently hosts a weekly radio broadcast on 92.7 The Wave. The applicant will provide 5, 30-second promotional broadcasts (related to City events) per week, in conjunction with their usual broadcast.

The radio broadcasts and promotions will help to highlight events in Beverly Hills and attract visitors to Spaghetini and other activities in Beverly Hills. These broadcasts are a part of the restaurant's normal operations, but can be used to showcase all the things that Beverly Hills has to offer. Staff supports this benefit, and views it as a benefit that serves the City as a whole. This benefit would not be required for any specific time period, since the applicant's contract with the radio station is not guaranteed; however, to the extent that the broadcasting continues, the promotional airtime is valued at approximately \$130,000 annually.

***Grammy Event.*** The applicant will host an annual fundraiser for the Grammy Foundation.

The Grammy fundraiser is something that the applicant currently conducts from its Seal Beach location. The event is part of normal business operations, but would be moved to the Beverly Hills location. The event helps to highlight the Grammys and fundraising, and will attract visitors to Beverly Hills. The Grammy Foundation is a national organization, so it is difficult to quantify the public benefit to the City; however, the added attention associated with the Grammys is seen as a benefit to the City. This benefit would not be required for

any specific time period, since the applicant's coordination with the Grammy Foundation is not guaranteed; however, to the extent that the event continues, the applicant values the event at \$30,000 annually.

#### **CONCLUSION**

The proposal would result in the establishment of a restaurant use that provides the City with opportunities for improved nightlife and additional musical events throughout the year, thereby enhancing the City's existing programs; however, the costs associated with providing full-price in-lieu parking for the restaurant are financially infeasible. The City Council has previously identified nightlife as an important community goal, and this proposal, with the incorporation of reduced in-lieu parking fees, moves the City closer to achieving that goal. The reduced in-lieu parking fees requested by the applicant require an amendment to the Municipal Code. The Municipal Code already provides provisions for reduced in-lieu parking fees, but these provisions do not currently apply to new restaurants. Staff have been involved in numerous discussions with the applicant regarding the type and level of benefits to be provided in conjunction with the project, and staff believes the requested amendment and public benefits are appropriate, particularly on a limited basis as a pilot program, in that the benefits reflect the needs of the community. For these reasons, staff supports the proposed project and recommends that the Planning Commission consider the public benefits, and if appropriate, adopt the attached resolutions that would then be forwarded to the City Council for consideration.

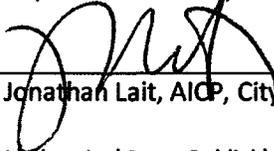
#### **NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolutions conditionally approving the requested in-lieu parking and Extended Hours Permit, and adopt a resolution recommending that the City Council approve the requested Zone Text Amendment.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



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Jonathan Lait, AICP, City Planner

# **ATTACHMENT E**

## **PUBLIC NOTICE**



### **NOTICE OF PUBLIC HEARING**

**DATE:** March 28, 2013  
**TIME:** 3:00 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, March 28, 2013, will hold a public hearing beginning at 3:00 PM, or as soon thereafter as the matter may be heard to consider:

A request for a Zone Text Amendment to amend the Beverly Hills Municipal Code regarding the City's in-lieu parking standards. If approved, the Zone Text Amendment would establish provisions for an alternative fee structure for in-lieu parking;

A request to allow a proposed new restaurant located at 184 North Canon Drive (Spaghetini Restaurant) to participate in the City's in-lieu parking district. The request is for approximately 67 in-lieu parking spaces, and is being made pursuant to the proposed Zone Text Amendment described above, which would be contingent on the approval of the Zone Text Amendment by the City Council; and

A request for an Extended Hours Permit to allow the proposed new restaurant to operate until 1:00 AM daily.

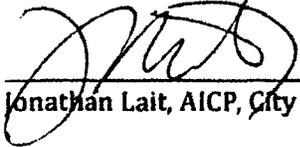
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 5 Categorical Exemption for minor alterations in land use limitations and a Class 1 Categorical Exemption for interior and exterior alterations to an existing commercial building, and the project has been determined not to 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.

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 **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org). Copies of the applications, plans, and Categorical Exemption 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.

Approved as to form:

  
Jonathan Lait, AICP, City Planner

Mailed March 18, 2013

**ATTACHMENT F**  
**PUBLIC COMMENTS**

## **Ryan Gohlich**

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**From:** Loismile@aol.com  
**Sent:** Tuesday, March 19, 2013 2:49 PM  
**To:** Ryan Gohlich  
**Cc:** Loismile@aol.com  
**Subject:** Re:LOIS HIRT/ Spaghetini

3/19/13

### **TO WHOM IT MAY CONCERN:**

I am opposed to having the new restaurant Spaghetini at 184 N. Canon to be opened until 1 A.M. They are right in the midst of a residential neighborhood. The Montage Hotel, where people live and rent rooms is right across the street. They back up to residential apartments and across the street is the senior housing Sunrise. One block away going east is totally residential. I am within 500 feet.

To have cars driving in that area at that time of night will be noisy and very distracting and dangerous if people have been drinking.

Very truly yours,

Lois Hirt  
203 N. Rexford Dr.  
Beverly Hills, CA 90210

*Kenneth Goldman*  
208 McCarty Drive  
Beverly Hills, CA 90212

March 27, 2013

Planning Commission  
Beverly Hills City Hall  
455 N. Rexford Dr.  
Beverly Hills, CA 90212

Via Email

Re: 184 N. Canon Drive  
Spaghetini Restaurant

Dear Members of the Planning Commission:

I write to you with respect to the request by the Applicant to reduce in-lieu parking fees by **an annual reduction from the prescribed fees of \$166,875 to only \$45,135**. Over the typical 10-year in-lieu payment period, this will amount to a virtually unjustified loss to the City of **\$1,217,400!**

To my knowledge, this would be unprecedented in magnitude and would amount to a perpetual reduction in other in-lieu fees. How in the world would the City justify charging another business the normal City rates? So, in reality, this represents a likely huge revenue loss for the City. And my understanding is that the City was considering increasing in-lieu fees to represent a more realistic cost recovery to the City.

And I cannot imagine in my wildest dreams that the City would spend well more than a million dollars on a few jazz presentations.

I also note that the parking supply study concludes that the four nearby parking structures each has additional sufficient capacity. I would guess that the folks that use those structures during the day (and especially noon hour) would strongly disagree. In addition, the stated assumption is that most patrons at

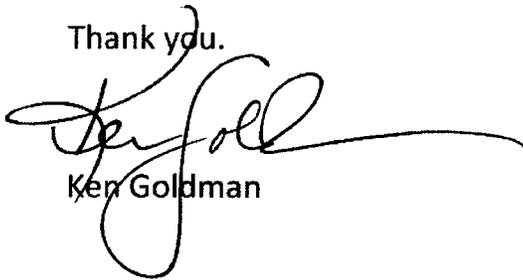
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lunch “are generally expected to walk to the restaurant from surrounding offices within the Business Triangle.” If one looks at the mix of patrons at, for example, Porta Via during the lunch hour, many of those patrons are recognized as residents and friends who do not live within walking distance and undoubtedly many others are businesspersons who drive to join other “Triangle businesspersons” for a business lunch.

Please review these issues very carefully. While all of us want to welcome business to Beverly Hills, “giving away” more than a million dollars over 10 years (and adopting a clear precedent for additional revenue reductions) seems totally unwarranted.

I will unfortunately be out of town and unable to attend the hearing.

Thank you.

A handwritten signature in black ink, appearing to read "Ken Goldman", with a long horizontal flourish extending to the right. The signature is written in a cursive style.

Ken Goldman