



AGENDA REPORT

Meeting Date: September 10, 2013

Item Number: E-2

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, Assistant Director of Community Development

Subject: REQUEST FOR PRELIMINARY CITY COUNCIL COMMENTS REGARDING A REQUEST BY BOFFO CINEMAS TO CONSTRUCT A FOUR-STORY MOVIE THEATER WITH RESTAURANT, RETAIL, AND OFFICE USES ON THE PROPERTY LOCATED AT 257 NORTH CANON DRIVE.

Attachments: Preliminary Project Drawings

RECOMMENDATION

Staff recommends that the City Council receive information regarding a proposal to construct a new movie theater with restaurant, retail, and office space on the property located at 257 North Canon Drive, including the necessary revisions to the City's general plan and zoning ordinance required to enable such a project, and provide staff with feedback regarding general policy perspectives on the necessary legislative changes and proposed project access from the City's public parking facility located beneath the Montage Hotel. Additionally, staff seeks direction on any specific issues to be considered and addressed when processing the application.

INTRODUCTION

The Community Development Department has received an application filed by Boffo Cinemas to construct a luxury movie theater with restaurant, retail, and office components on the property located at 257 North Canon Drive. The subject property is currently used as a surface parking lot and is immediately adjacent to the City-owned Gardens building. The proposed theater and commercial uses are allowed on the subject property; however, the proposed building that would house the uses does not comply with the Municipal Code with respect to height, floor area, and parking; therefore, certain legislative and land use approvals would be required to construct and operate the project as proposed. The purpose of this report is to provide the City Council with an overview of the proposed project and entitlement requests, and to seek

feedback regarding general policy perspectives on the necessary legislative changes and project access from the City's parking facility.

PROJECT DESCRIPTION

The existing surface parking lot located at 257 North Canon Drive is striped for approximately 67 vehicles, and the lot is primarily used by valet operators at surrounding properties. The property is zoned C-3 General Commercial, which allows a maximum height of three stories and 45 feet, and a maximum floor area ratio of 2.0:1.



The City previously received an application from iPic Theaters in 2011 to develop a luxury theater on the subject property, but that application was withdrawn by the applicant in early 2013. Since that time, a new application has been filed by Boffo Cinemas, which proposes to construct a luxury theater with a variety of commercial uses. The proposed project includes the following components:

- **Parking Connection to City Facility.** The project proposes to connect its subterranean parking garage to the vehicle ramp that provides access to City parking facilities beneath the Montage and public gardens. This would result in public parking facilities being used to access private parking facilities¹.
- **Height.** 60' and four stories, which exceeds the Code allowance of 45' and three stories.
- **Floor Area.** 2.42:1 or 51,473 square feet, which exceeds the Code allowance of 2.0:1 or 45,000 square feet.

¹ A similar situation was previously approved in 1980 for the commercial building located at 445 North Bedford Drive, whereby access to the private parking spaces for 445 North Bedford Drive is provided through the City's parking facility located at 461 North Bedford Drive. A monthly use fee is paid to the City for such access and to cover the costs of wear and tear on the City's structure.

- **Parking Spaces.** 145 spaces proposed, which is fewer than the approximately 187 spaces required by the Code².
- **Theater.** Six screens with a total of 409 seats.
- **Restaurant.** Approximately 4,000 square feet dedicated to restaurant uses.
- **Retail.** Approximately 8,000 square feet dedicated to retail uses.
- **Office.** Approximately 1,500 square feet dedicated to office uses not associated with theater operations.

REQUIRED ENTITLEMENTS

In order to allow the proposed project to exceed height and floor area limitations, and to allow a reduction in parking and connection to the City's parking facilities, the following entitlements would be required:

General Plan Amendment. The General Plan land use designation for the subject property is Commercial – Low Density General. This land use designation allows for the proposed uses, but does not allow for the proposed height and density. Consequently, the land use designation for the subject property would need to be modified to accommodate the proposed project.

Zone Text Amendment. The development standards set forth in the Municipal Code do not allow for the project to be constructed as proposed, and an overlay zone is proposed in order to accommodate the project. Therefore, the zoning standards will need to be modified in order to reflect the overlay zone that is proposed for the project.

Development Plan Review. All new construction greater than 2,500 square feet in the City's commercial zones requires a Development Plan Review. In this case, a Development Plan Review will be required for the proposed construction of the project.

Garage Access Agreement. As proposed, project access would be provided through the City's parking facility located beneath the Montage Hotel. Such a configuration would require approval of an access agreement between the City and the developer.

PUBLIC BENEFITS

Historically, projects in the City seeking legislative changes to the general plan or zoning to enable a particular project have included a development agreement that outlines the developer's rights, and also provides the City with certain public benefits intended to, among other things, offset any long term impacts that might be generated by the project. In this particular case, the applicant has not proposed a development agreement with public benefits, because the applicant considers the proposed use itself to be beneficial to the City's business district, particularly with respect to providing entertainment and nightlife. While it may not be

² A detailed code analysis of required parking has not yet been completed, and this number serves only as an estimate provided by the applicant.

necessary for all projects to have a Development Agreement, the City Council may wish to discuss the general policy regarding public benefits sought in conjunction with requests for legislative changes.

REVIEW PROCESS

The proposed project requires certain land use and legislative approvals outlined above, which would be considered during noticed public hearings. Due to the nature of the requests, the project will be reviewed by both the Planning Commission and City Council.

Planning Commission Review. The Planning Commission serves as the City's reviewing authority for land use entitlement matters, and also serves as an advisory body to the City Council when it comes to legislative matters such as general plan amendments and zone text amendments. Because the project requires both specific land use entitlements and legislative actions, the Planning Commission will serve as the initial reviewing authority, and will forward recommendations to the City Council regarding the project.

City Council Review. Upon completion of the Planning Commission's review of the project, the City Council would serve as the final reviewing authority for legislative matters, including a Development Agreement should one be proposed.

CITY COUNCIL COMMENTS

Given the proposed legislative changes to the Municipal Code and General Plan that would be required to implement the proposed project, as well as allowing project access from the City's parking facility, staff seeks input from the City Council in general terms with regard to the proposed use and whether the proposal warrants further study and consideration. Further, staff requests that the City Council identify any concerns or issues the City Council would like studied by staff and the Planning Commission as the project advances through the public hearing process. The purpose of this discussion is not to negotiate terms of an approval, but simply to understand the Council's general policy outlook on this type of proposal, and to identify areas of concern early in the application process so that staff can properly study and assess the proposal.

FISCAL IMPACT

This report does not seek any formal action from the City Council, and will therefore not result in any fiscal impacts. Fiscal impacts associated with the project will be assessed in the future as the project moves through the public hearing process.

RECOMMENDED ACTION

Staff recommends that the City Council receive information regarding a proposal to construct a new movie theater with restaurant, retail, and office space on the property located at 257 North Canon Drive, including the necessary revisions to the City's general plan and zoning ordinance required to enable such a project, and provide staff with feedback regarding general policy perspectives on the necessary legislative changes and proposed project access from the City's public parking facility located beneath the Montage Hotel. Additionally, staff seeks direction on any specific issues to be considered and addressed when processing the application.

Susan Healy Keene, AICP
Director of Community Development

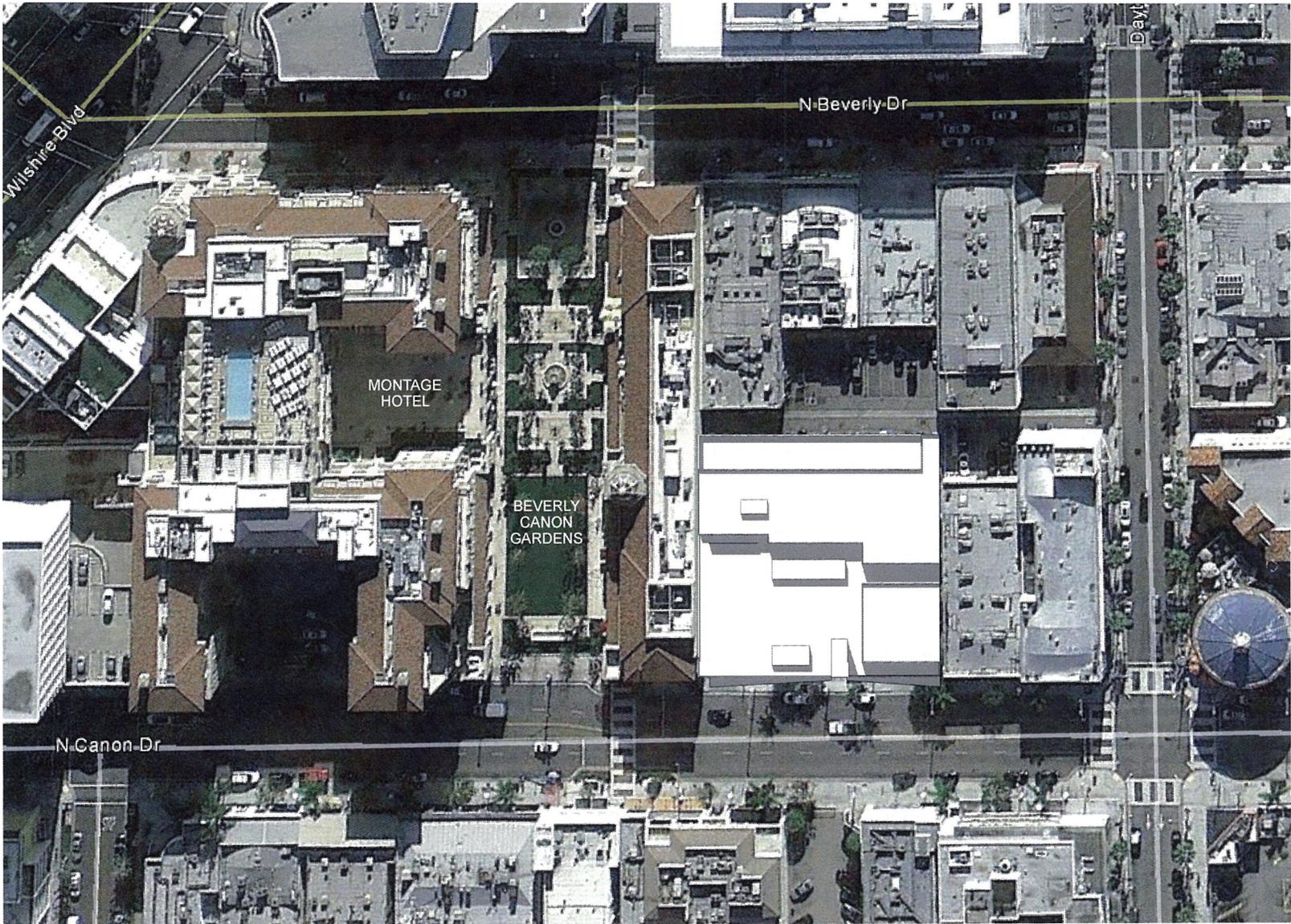

Approved By

Attachment 1

boffa.

bof-fo; bāfo
(noun)
A huge success; a smash hit; great
(Adjective)
(of a review of a theatrical production, movie, etc.) Wholeheartedly positive

SMS
ARCHITECTS



boffo
AERIAL

SMS
ARCHITECTS



boffo
FRONT ELEVATION

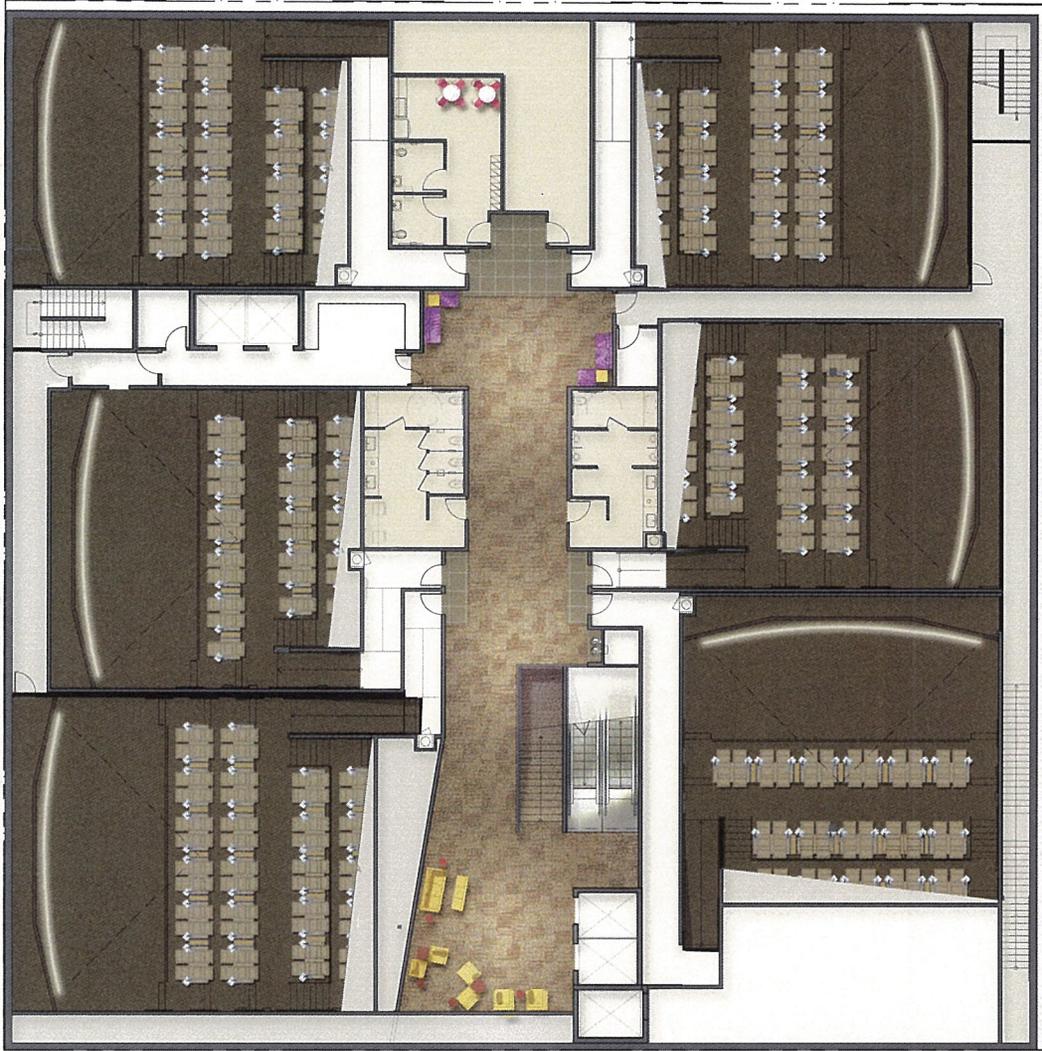


- FULL BAR AND RESTAURANT
- OPEN KITCHEN
- INDOOR/OUTDOOR DINING
- LOUNGE SEATING
- LUXURY CINEMA ENTRY

boffo

COLORED FLOOR PLAN • GROUND LEVEL

SMS
ARCHITECTS

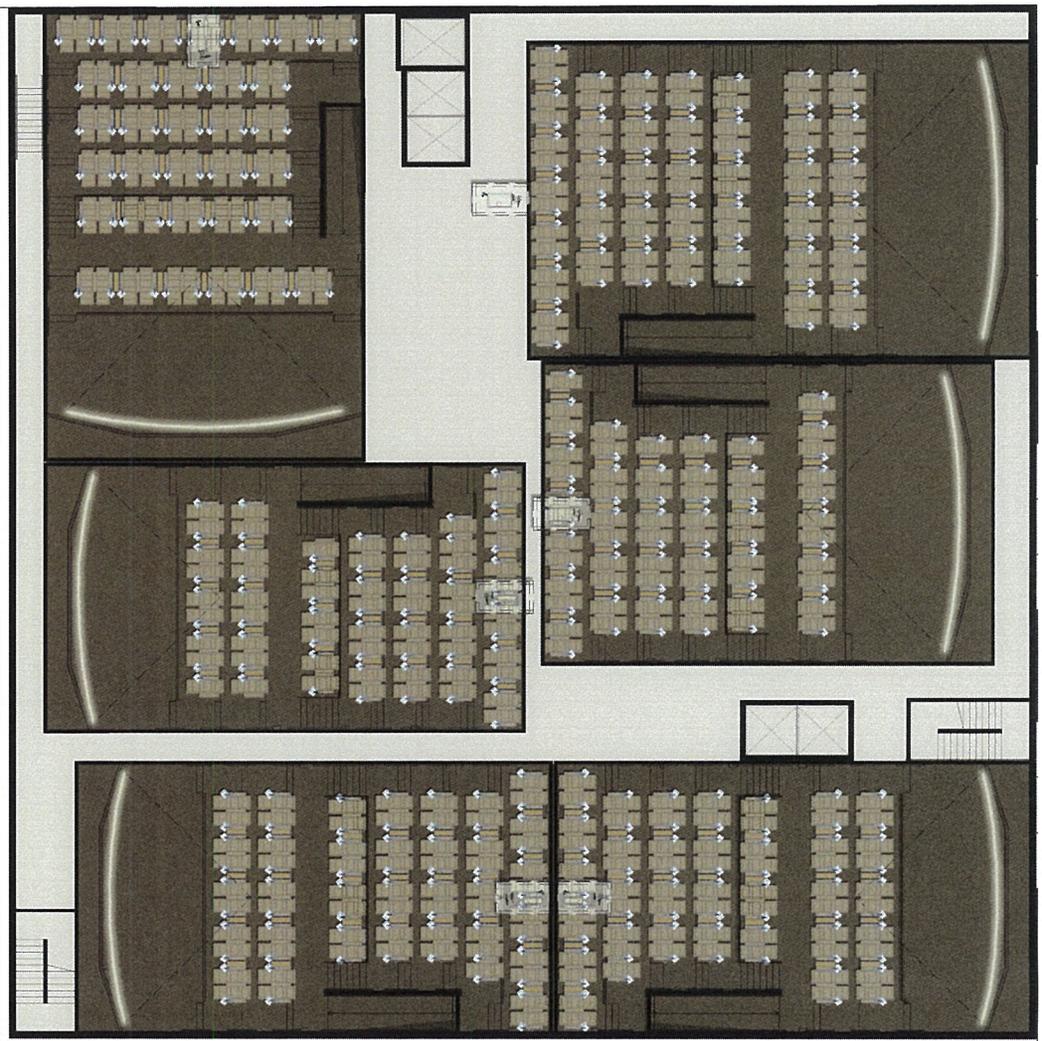


- CASUAL LOUNGE SEATING
- CANON STREET VIEWS
- AUDITORIUM PROMENADE

boffo.

COLORED FLOOR PLAN • SECOND LEVEL

SMS
ARCHITECTS



- LUXURY AUDITORIUMS
- 389 SEATS
- RECLINING CHAIRS
- PERSONAL CALL BUTTONS
- IN SEAT DINING
- RESERVED STADIUM SEATING



bofto
 COLORED FLOOR PLAN • AUDITORIUM LEVEL



- ROOF TOP DINING
- PRIVATE PARTIES
- EXCLUSIVE CABANAS
- LUSH TERRACE LANDSCAPE
- OFFICE SPACE
- CONFERENCE ROOMS

boffo.

COLORED FLOOR PLAN • ROOF TOP LEVEL

SMS
ARCHITECTS