

# **ATTACHMENT 7**

**SEPTEMBER 19, 2016 PLANNING COMMISSION  
STAFF REPORT**

**(WITHOUT 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

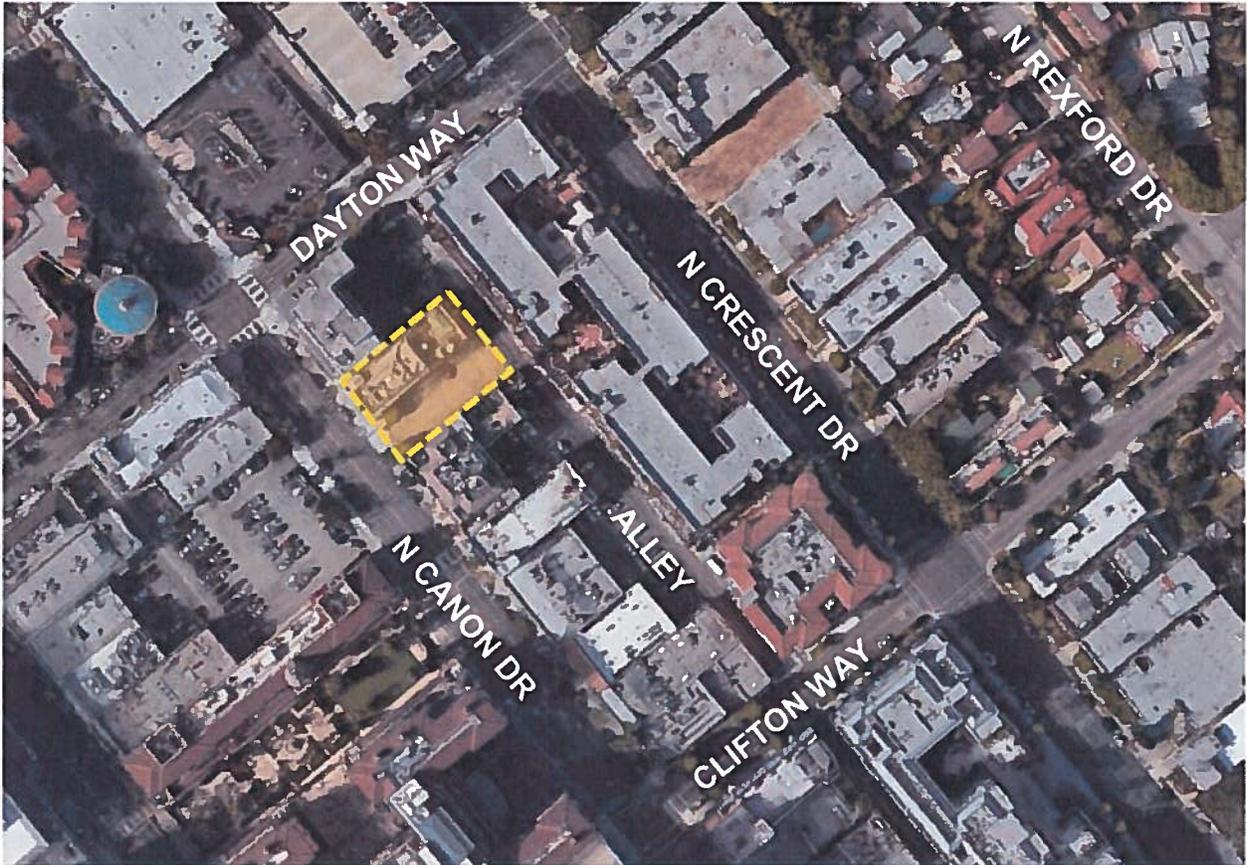
Adjacent Street(s)	N. Canon Dr.
Adjacent Alleys	20'-wide north-south alley to the east of N. Canon Dr. The alley runs between Dayton Way and Clifton Way and traffic is restricted to one- way southbound.
Parkways & Sidewalks	Approximately 15' sidewalk along N. Canon Dr.

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 BHMC §10-3-100 (Definitions) and add BHMC §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 CODE<sup>1</sup> 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.

---

<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)



## **GENERAL PLAN<sup>2</sup> 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.

---

<sup>2</sup> 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.

**ANALYSIS<sup>3</sup>**

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

---

<sup>3</sup> 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:

---

Masa Alkire, AICP, Principal Planner