



STAFF REPORT
CITY OF BEVERLY HILLS

For the Planning
Commission Meeting of
August 7, 2008

TO: Planning Commission

FROM: Ryan Gohlich,
Assistant Planner

THROUGH: Jonathan Lait, AICP, City Planner
Community Development Department

SUBJECT: In-Lieu Parking request to allow 43 In-Lieu parking spaces to accommodate expansion of the restaurant located at 246 North Canon Drive.

Priority for



GENERAL INFORMATION	
Applicant	Marty Esterline
Project Owner	Mastro's Steakhouse
Zoning District	C-3
Permit Streamlining Act Deadline	September 20, 2008 (without extension)

AREA CHARACTERISTICS AND PROJECT DESCRIPTION

Mastro's Steakhouse is located on the east side of North Canon Drive, between Dayton Way and Clifton Way. The Project site is 100 feet wide and 152 feet deep. The site is developed with a three-story commercial building, which contains both restaurant and office uses. The first and second floors of the building are occupied by the restaurant use, while the third floor is dedicated for office use. The restaurant is capable of serving 299 people, and provides parking through the use of on-site, off-site, and in-lieu parking spaces; 110 parking spaces are required. The existing parking spaces are comprised of 19 on-site parking spaces, 78 covenanted off-site spaces located at 201 North Crescent Drive, and 13 In-Lieu parking spaces that were previously approved by the Planning Commission on July 23, 2003. All parking spaces are accessed through the use of an existing valet parking operation.

The existing third floor requires parking at a rate of one space per each 350 square feet, pursuant to BHMC §10-3-2730. The applicant proposes to convert approximately 2,190 square feet of office space into a banquet/dining area. Dining areas require parking at a rate of one space per each 45 square feet, meaning that 49 additional parking spaces would be required. However, the office space proposed to be converted has already provides 6 parking spaces, which would be applied to the restaurant's expansion. Therefore, the proposed expansion would require a total of 43 additional parking spaces (49 minus 6). All remaining portions of the third floor would not be used as dining or bar area, and would therefore not be required to provide any additional parking spaces, as these areas would require a parking ratio of one space per each 350 square feet, the same as the previous office use.

The applicant has submitted a parking and traffic study, which suggests that additional parking generated by the restaurant's expansion could be absorbed by on-street parking spaces and nearby parking structures. Additionally, the traffic study shows that the expansion would not generate any significant traffic impacts.

It should be noted that the parking study has not been peer reviewed; however, staff has contacted the City's Parking Operations Division for evaluation of the in-lieu parking request. The City's review of the in-lieu parking request has determined that sufficient parking is available at existing facilities (9361 Dayton Way and 221 N Crescent Drive) to accommodate the proposed project. Additionally, new parking facilities are currently being constructed by the City, which would further accommodate future parking demands.

ENVIRONMENTAL DETERMINATION

The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's environmental guidelines. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 (existing facilities) for operational changes to an existing facility, which will not generate any significant environmental impacts.

PUBLIC NOTICE AND COMMENTS

The project was noticed in accordance with §10-3-3307 of the BHMC. Additionally, notice of the proposed project was posted at the project site prior to the public hearing. To date, staff has not received any comments regarding the proposed project.

ANALYSIS

In-Lieu Parking

Pursuant to Section 10-3-3308 "Standard of Review", the Planning Commission shall approve an application for participation in the in-lieu parking district only if the Commission makes the following findings:

- 1) Participation in the in-lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.***

The proposed expansion of the existing restaurant is consistent with the General Plan and Municipal Code. Although approval of the in-lieu parking request would generate additional demand on the existing parking facilities, the parking study prepared by the applicant suggests that a sufficient number of parking spaces are available both on-street and in existing public parking structures to accommodate the restaurant's expansion. Although the number of open parking spaces discussed in the parking study has not been independently verified by staff, the City's Parking Operations Division has reviewed the study and verified that sufficient space is available within the public parking structures to accommodate a minimum of 43 additional vehicles beginning at 5:00 p.m. As conditioned, the restaurant would not be permitted to open for business prior to 5:00 p.m.

The parking study prepared by the applicant reviewed two public parking structures located at 9361 Dayton Way and 221 North Crescent Drive, both of which are located within a 500-foot radius of the restaurant. The study found that during the hours of 5:00 p.m. and 10:00 p.m. (the restaurant's operating hours), there is an average of approximately 948 parking spaces available between the on-street spaces and public parking structures. Because the restaurant's expansion is in compliance with the General Plan and Municipal Code, and has been found to not generate an adverse impact on existing parking facilities, it is anticipated that participation in the in-lieu parking district would not adversely affect existing and anticipated development in the vicinity of the restaurant, and will promote harmonious development of the area.

2) Participation in the in-lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

Per City review and as discussed in the parking and traffic study prepared by the applicant, and in Finding 1 above, sufficient information is available to demonstrate that participation in the in-lieu parking district would not generate significantly adverse impacts related to traffic safety, pedestrian-vehicle conflicts, or parking.

The project is not expected to impact traffic safety due to the fact that sufficient parking is available to accommodate additional restaurant patrons. Additionally, existing signage and roadways are in place to direct traffic and accommodate restaurant patrons, while limiting the possibility of traffic safety impacts.

Any additional vehicles would be parked by valet attendants in existing parking facilities, and it is anticipated that the existing valet operation and its associated vehicle routes are sufficient to avoid any pedestrian-vehicle conflicts.

While a significant number of parking spaces have been shown to be available both on-street and in public parking garages, it should also be noted that the parking and traffic study found that Mastro's Steakhouse generates an average of approximately 80 nightly automobile trips. The average of 80 nightly trips is spread out between the restaurant's operating hours of 5:00 - 10:00 p.m., meaning that the restaurant's existing number of parking spaces (110 spaces) are not being fully utilized at any point during the night. Additionally, the in-lieu parking request is for 43 spaces, which is the number needed to allow the expansion to operate as a full-time dining operation. Although the number of in-lieu parking spaces would allow for a full-time dining operation, the expansion is primarily intended for use during special events such as banquets, and would not be used nightly for dining purposes. Finally, the restaurant does not open until 5:00 p.m., which is outside the peak parking demand hours.

3) Participation in the in-lieu parking district will not be detrimental to the public health, safety and welfare.

As discussed in Findings 1 and 2 above, participation in the in-lieu parking district is not expected to create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts. Additionally, participation in the in-lieu parking district is not anticipated to adversely impact existing or future development, and therefore would not be detrimental to the public health, safety and welfare.

RECOMMENDATION

Staff recommends approval of the attached resolution and participation in the in-lieu parking district.

Conditions of Approval

1. Should the business or activities conducted at the Project site change so that, in the opinion of the City Planner, additional parking is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of

providing additional parking spaces may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

2. Restaurant operating hours shall not begin prior to 5:00 p.m. daily. Any future changes to the restaurant's operating hours shall be reviewed by the Planning Commission.
3. The restaurant's valet plan shall be reviewed by the City to ensure accommodation of the restaurant's expansion, and to verify compliance with City standards and vehicle routes.



RYAN GOHLICH, Assistant Planner

Attachments

1. Draft Planning Commission Resolution
2. Parking and Traffic Study

ATTACHMENT 1

Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS CONDITIONALLY
APPROVING IN-LIEU PARKING FOR THE
PROPERTY LOCATED AT 246 NORTH CANON
DRIVE (MASTRO'S STEAKHOUSE).

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

Section 1. Marty Esterline, expediter, on behalf of Mastro's Steakhouse, (collectively the "Applicant") has submitted an application for participation in the City's In-Lieu Parking District to provide a total of 43 in lieu parking spaces to satisfy parking requirements resulting from the conversion of existing office space to dining area in an existing restaurant located at 246 North Canon Drive (Mastro's Steakhouse) (the "Project").

The existing 4,221 square-foot dining area will be increased to 6,411 square feet by the conversion of 2,190 square feet of existing office space on the third floor. The conversion will result in additional dining space that is intended for use during banquets and special events. Expansion of the restaurant will increase the seating capacity from 299 to 415 seats. The project will result in the enclosure of approximately 868 square feet of existing balcony space, a portion of which will be converted to dining area. Conversion of office space to dining area constitutes an intensification of use within the meaning of the Beverly Hills Municipal Code and will increase the net parking requirement. Beverly Hills Municipal Code Section 10-3.2730 requires one space per forty-five (45) square feet of restaurant use, and one space per 350 square feet of office or service area. Therefore, the conversion from office to dining area will require that the Project provide forty-three (43) additional parking spaces (13 parking spaces are already being

provided through the City's in lieu parking program), resulting in a total of fifty-six (56) in lieu spaces.

Section 2. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the City's environmental guidelines. A Class 1 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 (existing facilities) for operational changes to an existing facility, which will not generate any significant environmental impacts.

Section 3. The project was noticed in accordance with §10-3-3307 of the BHMC. Additionally, notice of the proposed project was posted at the project site prior to the public hearing. On August 7, 2008, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 4. In considering the application for in-lieu parking, the Planning Commission considered the following criteria:

1. Whether participation in the in-lieu parking district, as approved, will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
2. Whether participation in the in-lieu parking district, as approved, will create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and

3. Whether participation in the in-lieu parking district will be detrimental to the public health, safety or welfare.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. Participation in the In-Lieu Parking District will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The Applicant has provided a parking study, which demonstrates that Ample parking is available in nearby City parking structures on North Crescent Drive and Dayton Way (both located within 500 feet (walking distance) of the Project) to meet the additional parking demand generated by the Project. Although staff has not independently verified the number of open parking spaces discussed in the parking study, the City's Parking Operations Division has reviewed the study and verified that sufficient space is available within the public parking structures to accommodate a minimum of 43 additional vehicles after 5:00 p.m. The restaurant is open only for dinner hours (beginning at 5:00 p.m.), when the demand for off-site parking in City parking facilities is less than during peak business hours and, as conditioned, the restaurant will not be permitted to open for business prior to 5:00 p.m. daily. Additionally, as conditioned by this resolution, the Applicant will be required to provide free parking to employees at all times. Therefore, allowing the Project to provide a total of 43 additional in lieu parking spaces will not discourage other development or adversely impact existing uses in the vicinity.

2. As required by Code, the restaurant currently provides 110 parking spaces. All parking is administered through valet service only, with 19 spaces provided on site and 78 spaces covenanted off site at 201 North Crescent Drive, for a total of 97 valet operated parking spaces. In addition, the restaurant currently provides 13 additional spaces through the City's in-lieu parking program. With the conversion, the restaurant will require an additional forty-three (43) spaces for a total of 153 spaces. The Applicant proposes to provide the additional forty-three (43) spaces through participation in the In Lieu Parking District. A parking survey prepared for the Project has determined that 43 in lieu parking spaces can be easily provided by the City's public parking facilities and on-street parking. A parking and traffic study provided for the Project has determined that the Project will have a negligible impact upon the surrounding area street system, traffic safety, pedestrian-vehicle circulation or parking. Therefore, participation in the In-Lieu Parking District will not cause adverse street parking impacts or adverse traffic impacts.

3. For the reasons described in paragraphs 1 and 2, above, participation in the In-Lieu Parking District will not create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts and will not be detrimental to the public health, safety or welfare.

Section 6. Based on the foregoing, the Planning Commission hereby approves the request to participate in the In-Lieu Parking District to satisfy the parking requirements for forty-three (43) spaces for the Project, subject to the following conditions:

1. Should the business or activities conducted at the Project site change so that, in the opinion of the City Planner, additional parking is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing additional parking spaces may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in §10-3-3307 of the BHMC.

2. Restaurant operating hours shall not begin prior to 5:00 p.m. daily. Any future changes to the restaurant's operating hours shall be reviewed by the Planning Commission.

3. The restaurant's valet plan shall be reviewed by the City to ensure accommodation of the restaurant's expansion, and to verify compliance with City standards and vehicle routes.

4. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

5. This resolution approving participation in the In-Lieu Parking District 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 this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & 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 Planning & 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.

Section 7. 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:

Noah Furie
Chairman of the Planning Commission of
the City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP *RLS*
City Planner

ATTACHMENT 2
Parking and Traffic Study

Technical Report

To: City of Beverly Hills Planning Department
cc: KAA Design
From: Brian A. Marchetti, AICP
Date: June 17, 2008
Re: Project Parking Analysis – Mastro's Restaurant Expansion
at 246 North Canon Drive, Beverly Hills

This report responds to a request from the City of Beverly Hills to conduct a parking study for the proposed expansion of the Mastro's restaurant (Project) at 246 North Canon Drive in Beverly Hills. KOA Corporation conducted the required parking study while under contract with KAA Design. The Project would expand the existing restaurant, and 43 in-lieu parking spaces would be required based on the expansion and the current parking provisions for the site. An in-lieu parking district has been established by the City in the local area.

Summary

The parking analysis for the proposed Project considered the potential impacts on area parking supplies due to increased demand for public parking and intensified valet operations under the proposed Mastro's restaurant expansion. The additional parking demand from the Project could be accommodated in parking structures within the parking district, and large parking surpluses would remain in those locations in the post-Project period.

The Mastro's Steakhouse restaurant, under current operations, opens at 5:00 p.m. on weekdays, Saturdays, and Sundays. The peak of the restaurant's parking demand occurs after other uses in the area are closing. Demand for parking within the immediate area is primarily generated by daytime uses such as commercial offices. The restaurant opens as offices are closing down for the day.

Public parking supply surpluses are present within a 500-foot radius from the project site. The following number of public on-street and public parking structure vehicle parking spaces are available on an average weeknight, after the 5:00 p.m. opening of the restaurant:

- 5:00 p.m. hour – 437 spaces available (31 on-street spaces and 406 spaces in structures)
- 6:00 p.m. hour – 743 spaces available (30 on-street spaces and 713 spaces in structures)
- 7:00 p.m. hour – 1,021 spaces available (27 on-street spaces and 994 spaces in structures)
- 8:00 p.m. hour – 1,224 spaces available (27 on-street spaces and 1,197 spaces in structures)
- 9:00 p.m. hour – 1,316 spaces available (34 on-street spaces and 1,282 spaces in structures)

The in-lieu parking supply required by the Project, as a proportion of the available supplies within area public parking areas, ranges from 9.8% (during the 5:00 p.m. hour) to 3.2% (during the 9:00 p.m. hour). These

percentages are a small proportion of the overall available parking supply. On Saturdays and Sundays, the available parking within these parking areas is generally higher than on weekdays.

Not all of the restaurant patrons will park in public parking areas. A sizeable proportion of customers will likely continue to use the valet parking service provided by the restaurant. A search of existing privately-owned but publicly available pay parking lots was conducted within the 500-foot radius analyzed for the parking demand study. This was done to determine if additional areas are readily available to absorb additional parking demand generated by expanded Project valet parking operations. None of the surveyed sites appear, from the planning-level research conducted, to have the capacity to absorb additional valet parking activity or operators are not interested in providing either additional or new evening parking supply. The location at 257 North Canon Drive is currently used in the evenings for valet parking operations for Mastro's and other area evening uses.

The existing site has a total of 19 standard and tandem spaces. A valet operation managed by United Parking is used during business hours to take vehicles off-site for parking. The restaurant expansion would require that additional in-lieu spaces be approved by the City.

Intensifying the use on the third floor, by replacing the former commercial space with a restaurant use, creates a supply deficit for the building that exceeds the off-street parking supply and the off-site supply provided by an existing parking covenant.

The proposed project would provide for the expansion of the existing restaurant dining area by 2,190 square feet and the overall kitchen area by 686 square feet. The expanded dining area would be designated for banquets and would therefore not be an increase in the standard seating capacity of the restaurant for general operations. Parking Code requirements have been applied conservatively for this report, however, to determine any potential area parking impacts of the expanded floor area during banquet operations. The area of the third floor that would be used for restaurant dining area expansion would total 2,190 square feet. Based on City Code requirements for restaurant dining areas, the expanded area of the restaurant would require 49 spaces.

The City code requirements for the kitchen area would match those requirements for the former office space. Therefore, the kitchen area has been excluded from the parking requirement calculations.

The former office use of the area that would be used for the new dining area – the same 2,190 square feet – required six spaces. Therefore, 43 (49 minus six) in-lieu parking spaces would need to be approved by the City for the expansion to take place. The existing building and uses requires 95 parking spaces, which is met via an existing parking covenant for off-site spaces, area valet operations, and on-site parking spaces.

It is recommended that promotional literature for the restaurant and directions provided to customers over the phone and on the restaurant web site encourage the use of the two nearby public parking structures. For the increase in valet parking demand that will occur after the restaurant expansion, from customers that choose not to use public parking, it is recommended that parking within the adjacent parking structures be used for valet operations. Public parking spaces within the Montage site (currently under construction), or the nearby public parking structures where evening supply is available, could potentially provide alternate vehicle storage locations for valet operations.

A search for parking supply within privately-operated lots is not necessary for the Project, however, due to the large parking surpluses in the area parking structures. The Project owner can locate and secure additional parking

supplies as needed for efficient valet parking operations, but such acquisitions would not be necessary as Project parking mitigation measures.

The study is discussed in more detail in the sections below. Recommendations are provided at the end of the report.

Methodology

A scoping document was provided to the City of Beverly Hills planning staff on April 22, 2008, which defined the major assumptions that would be used for the required parking analysis of the proposed Project. In order to determine whether the area parking supply is adequate for the absorption of parking demand that would be generated by the proposed Project, the scoping document defined a parking analysis that was undertaken within a 500-foot radius of the existing Mastro's restaurant site.

The parking demand for the Mastro's restaurant expansion (Project) was calculated based on the total planned expansion floor area and City Code requirements. The ability of on-street parking areas within 500 feet of the site and two nearby parking structures to absorb the overflow demand was examined. The potential for area parking lots operated by private companies to absorb the additional parking demand generated by intensified valet activities was also examined.

Project Parking Requirements and Supply

Parking Code

The City of Beverly Hills Municipal Code, within section 10-3-3301, established an in-lieu parking district in the local area:

A. This article establishes an in-lieu parking district for any commercially zoned property located in the area bounded by the centerlines of the following streets: Wilshire Boulevard, Santa Monica Boulevard North Roadway, and Crescent Drive.

B. Those properties which are zoned for commercial use and which comply with all the requirements of this article may participate in the in-lieu parking district and be permitted to satisfy all or a part of the requirements for parking spaces by the payment to the city of an in-lieu fee. (Ord. 76-O-1608, eff. 6-17-1976; amd. Ord. 94-O-2206, eff. 8-5-1994.)

The applicable Code requirements for off-street parking, for the restaurant use, are described in Section 10-3-2730 of the Municipal Code:

1 space per 45 square feet of dining and bar floor area for the first 9,000 square feet of such area and 1 space per 65 square feet of dining and bar floor area in excess of 9,000 square feet.

Parking requirements for commercial uses not specified within that Code section must have one space per 350 square feet.

Existing Requirements

The existing dining area for the restaurant on the 1st and 2nd floors of the project building totals 3,500 square feet and requires 78 spaces at the rate of one space per 45 square feet. The commercial space adjacent to the project building, with a floor area of 2,000 square feet, is provided parking on the project site in the amount of six spaces at one space per 350 square feet for a general commercial retail use. The existing 3,725 square feet of commercial floor area on the third floor of the Project building requires 11 parking spaces at the rate of one space per 350 square feet.

The total required number of spaces for the existing Project building and uses is therefore 95.

The existing site has a total of 19 standard and tandem spaces. A valet operation provides off-site vehicle storage for the restaurant parking demand at the following area locations:

- The parking covenant on the Project property provides 76 parking spaces at 201 North Crescent Drive (Sunrise Assisted Living)
- United Parking provides parking for multiple valet operations at 257 North Canon Drive at a total of 140 spaces.
- United Parking also stores vehicles for valet operations at the public parking structure located at 221 North Crescent Drive, where 100-150 spaces are utilized on a typical evening.
- Vehicles can also be parked at the Whole Foods parking structure at 239 North Crescent Drive, as needed, through a per-vehicle payment agreement with the site management.

The 76 off-site spaces provided under the covenant, plus the on-site parking supply of 19 spaces, results in a total current parking supply of 95 spaces, meeting the code requirements. The additional area sites used for vehicle storage during valet operations provides additional supply flexibility.

The current daily activity related to Mastro's valet operations is summarized within Attachment C. The total activity numbers relate to total in/out activity of vehicles for the valet operations. Therefore, parking demand at any specific time would be lower than these numbers. The existing parking covenant for the Project site is provided within Attachment D.

Post-Project Requirements

Based on the City Code requirements of one space per 45 square feet of floor area under 9,000 square feet, the expanded dining area of the restaurant at 2,190 square feet would require 49 spaces.

The expanded dining area would be designated for banquets and would therefore not be an increase in the standard seating capacity of the restaurant for general operations. Parking Code requirements have been applied conservatively for this report, however, to determine any potential area parking impacts of the expanded floor area during banquet operations.

The restaurant expansion would increase the demand for both area public parking and Mastro's valet operations and related off-site vehicle storage. The expansion requires 49 spaces (based on the dining area), but six of the Code-required spaces for the existing third-floor area that would be replaced by the expanded restaurant dining area would no longer be needed in the post-Project period.

Therefore, a total of 43 (49 minus six) in-lieu parking spaces would need to be approved by the City for the restaurant expansion to take place. These spaces could be provided within the 221 North Crescent Drive parking structure, or the 9361 Dayton Way structure (if evening hours could be extended). Use of only the 221 North Crescent Drive location would not cause any adverse parking supply impacts, based on the parking availability data from the area parking study.

Therefore, due to the lack of parking impacts that would be caused by the Project, specific mitigation measures are not recommended. Mastro's can continue to use the area public parking structures for valet parking operations in the post-Project period, and other privately-operated lots as desired by the owner, and area parking supply surpluses would remain.

Data from the parking analysis is discussed below.

Existing Area Parking Conditions

An overview of the existing conditions parking survey, as conducted within a defined study area, is provided below. From the collected supply and hourly demand survey data, availability of parking within the area was calculated.

Survey Area

The following on-Street parking survey areas were included in the parking survey area, as they are located along the curb lane of roadways within the 500-foot radius from the Project site:

- Crescent Drive, between Dayton & Clifton
- Canon Drive, between Dayton & Wilshire
- Beverly Drive, between Dayton & Wilshire
- Dayton Way, between Beverly & Crescent
- Clifton Way, between Crescent & Canon

The following self-park public parking structures were included in the parking survey, as they are located within the 500-foot analysis radius from the Project site:

- 9361 Dayton Way
- 221 North Crescent Drive

Parking survey data compiled by KOA provided hourly summaries of the supply within the study area on two weekdays from 8:00 a.m. to 9:00 p.m., and on a Saturday and a Sunday from 8:00 a.m. to 10:00 p.m.

Figure 1 within Attachment A to this document illustrates the survey area used for the Project parking analysis.

Available Area Parking Supply

Figure 2 through Figure 16 within Attachment A provide illustrations of the locations of the available area parking supplies, for the hours that Mastro's is in operation (from 5:00 p.m. daily). The detailed data summaries, for all of the survey hours, are discussed below.

Existing Off-Street Public Parking Areas

From the surveys conducted for this report, on Tuesday June 3rd, Thursday June 5th, Saturday April 26th, and Sunday April 27th, hourly parking availability within the survey area was calculated. All surveys dates were within 2008.

Table 1 provides a summary of area parking availability with the analyzed parking structures, averaged over the two weekday surveys days. Table 2 provides a summary of the structure data for the Saturday survey, and Table 3 provides a similar summary for the Sunday survey.

Based on the weekday survey data summarized within Table 1, the highest parking availability when analyzed as a percentage of available supply occurs during the 9:00 p.m. hour at 91%. The lowest parking availability occurs during the 1:00 p.m. hour at 9% available. During the business hours of Mastro's, from 5:00 p.m. onward, the lowest parking availability within the parking structures is 30% of supply (406 spaces available) within the 5:00 p.m. hour.

Based on the Saturday survey data summarized within Table 2, the highest parking availability occurs during the 9:00 p.m. hour at 98%. The lowest parking availability occurs during the 3:00 p.m. hour at 34% available. During the business hours of Mastro's, from 5:00 p.m. onward, the lowest parking availability within the parking structures is 46% of supply (626 spaces available) within the 5:00 p.m. hour.

Based on the Sunday survey data summarized within Table 3, the highest parking availability occurs during the 9:00 p.m. hour at 99%. The lowest parking availability occurs during the 2:00 p.m. hour at 94%. During the business hours of Mastro's, from 5:00 p.m. onward, the lowest parking availability within the parking structures is 94% of supply (1,278 spaces available) within the noon to 6:00 p.m. hours.

Table I – Available Weekday Parking in Public Structures

	221 North Crescent Drive Structure	9361 Dayton Way Structure	TOTAL AVAILABLE	PERCENT AVAILABLE
Available Spaces	693	665	1,358	
10:00 a.m. - 11:00 p.m.	107	132	239	18%
11:00 a.m. - 12:00 p.m.	118	116	233	17%
12:00 p.m. - 1:00 p.m.	125	76	200	15%
1:00 p.m. - 2:00 p.m.	84	42	126	9%
2:00 p.m. - 3:00 p.m.	76	60	135	10%
3:00 p.m. - 4:00 p.m.	83	94	177	13%
4:00 p.m. - 5:00 p.m.	113	136	249	18%
5:00 p.m. - 6:00 p.m.	192	215	406	30%
6:00 p.m. - 7:00 p.m.	323	390	713	53%
7:00 p.m. - 8:00 p.m.	443	551	994	73%
8:00 p.m. - 9:00 p.m.	584	613	1,197	88%
9:00 p.m. - 10:00 p.m.	640	643	1,282	94%

Data is averaged for the two weekday surveys of 06/03/08 and 06/05/08.

Table 2 – Available Saturday Parking in Public Structures

	221 North Crescent Drive Structure	9361 Dayton Way Structure	TOTAL AVAILABLE	PERCENT AVAILABLE
Available Spaces	693	665	1,358	
10:00 a.m. - 11:00 p.m.	452	331	783	58%
11:00 a.m. - 12:00 p.m.	419	309	728	54%
12:00 p.m. - 1:00 p.m.	375	263	638	47%
1:00 p.m. - 2:00 p.m.	293	229	522	38%
2:00 p.m. - 3:00 p.m.	294	224	518	38%
3:00 p.m. - 4:00 p.m.	248	209	457	34%
4:00 p.m. - 5:00 p.m.	291	258	549	40%
5:00 p.m. - 6:00 p.m.	333	293	626	46%
6:00 p.m. - 7:00 p.m.	386	349	735	54%
7:00 p.m. - 8:00 p.m.	538	505	1,043	77%
8:00 p.m. - 9:00 p.m.	641	665	1,306	96%
9:00 p.m. - 10:00 p.m.	670	665	1,335	98%

Table 3 – Available Sunday Parking in Public Structures

	221 North Crescent Drive Structure	9361 Dayton Way Structure	TOTAL AVAILABLE	PERCENT AVAILABLE
Available Spaces	693	665	1,358	
10:00 a.m. - 11:00 p.m.	653	658	1,311	97%
11:00 a.m. - 12:00 p.m.	646	654	1,300	96%
12:00 p.m. - 1:00 p.m.	630	653	1,283	94%
1:00 p.m. - 2:00 p.m.	620	653	1,273	94%
2:00 p.m. - 3:00 p.m.	614	656	1,270	94%
3:00 p.m. - 4:00 p.m.	615	657	1,272	94%
4:00 p.m. - 5:00 p.m.	618	657	1,275	94%
5:00 p.m. - 6:00 p.m.	621	657	1,278	94%
6:00 p.m. - 7:00 p.m.	625	657	1,282	94%
7:00 p.m. - 8:00 p.m.	660	662	1,322	97%
8:00 p.m. - 9:00 p.m.	679	662	1,341	99%
9:00 p.m. - 10:00 p.m.	689	662	1,351	99%

Existing On-Street Public Parking Areas

Table 4 provides a summary of area parking availability with the analyzed on-street parking areas, averaged over the two weekday surveys days. Table 5 provides a summary of the on-street parking data for the Saturday survey, and Table 6 provides a similar summary for the Sunday survey. The parking survey area for the on-street supply included spaces that are primarily regulated by parking meters.

Based on the weekday on-street survey data summarized within Table 4, the highest parking availability when analyzed as a percentage of available supply occurs during the 10:00 a.m. hour at 44%. The lowest parking availability occurs during the 2:00 p.m., 6:00 p.m., and 7:00 p.m. hours at 25% available. During the business hours of Mastro's, from 5:00 p.m. onward, the lowest parking availability within the on-street areas is 25% of supply (27 spaces available) within the 7:00 p.m. and 8:00 p.m. hours.

Based on the Saturday on-street survey data summarized within Table 5, the highest parking availability occurs during the 10:00 a.m. hour at 54%. The lowest parking availability occurs during the 8:00 p.m. hour at 16%. This time of lowest parking availability occurs during Mastro's business hours and equates to an availability of 18 spaces.

Based on the Sunday on-street survey data summarized within Table 6, the highest parking availability occurs during the 10:00 a.m. hour at 27%. The lowest parking availability occurs during the 12:00 p.m. hour at 6% available. During the business hours of Mastro's, from 5:00 p.m. onward, the lowest parking availability within the on-street areas is 13% of supply (14 spaces available) within the 7:00 p.m. hour.

Table 4 – Available Weekday Parking in On-Street Areas

ON-STREET PARKING LOCATION	SIDE OF STREET	10:00 a.m. - 11:00 a.m.		11:00 a.m. - 12:00 p.m.		12:00 p.m. - 1:00 p.m.		1:00 p.m. - 2:00 p.m.		2:00 p.m. - 3:00 p.m.		3:00 p.m. - 4:00 p.m.		4:00 p.m. - 5:00 p.m.		5:00 p.m. - 6:00 p.m.		6:00 p.m. - 7:00 p.m.		7:00 p.m. - 8:00 p.m.		8:00 p.m. - 9:00 p.m.		9:00 p.m. - 10:00 p.m.		
		AVAILABLE SPACES	11:00 a.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.	4:00 p.m.	5:00 p.m.	6:00 p.m.	7:00 p.m.	8:00 p.m.	9:00 p.m.	10:00 p.m.	11:00 a.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.	4:00 p.m.	5:00 p.m.	6:00 p.m.	7:00 p.m.	8:00 p.m.	9:00 p.m.	10:00 p.m.
Beverly Drive	EAST SIDE	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
	WEST SIDE	4	2	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Canon Drive	EAST SIDE	8	5	4	4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	WEST SIDE	4	3	1	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Canon Drive	EAST SIDE	22	12	8	5	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	WEST SIDE	4	2	2	2	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Dayton Way	NORTH SIDE	11	4	4	5	4	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	SOUTH SIDE	9	2	2	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Dayton Way	NORTH SIDE	4	3	3	4	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	SOUTH SIDE	3	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Crescent Drive	EAST SIDE	11	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	WEST SIDE	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clifton Way	NORTH SIDE	5	2	1	0	1	0	1	0	1	0	1	0	1	0	1	0	1	0	1	0	1	0	1	0	0
	SOUTH SIDE	8	3	2	2	0	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	0
TOTAL AVAILABLE		110	49	42	39	28	27	25	25	25	25															
PERCENT AVAILABLE		44%	38%	35%	33%	28%	27%	25%	25%	25%	25%															

Table 5 – Available Saturday Parking in On-Street Areas

ON-STREET PARKING LOCATION	SIDE OF STREET	10:00 a.m. - 11:00 a.m.		11:00 a.m. - 12:00 p.m.		12:00 p.m. - 1:00 p.m.		1:00 p.m. - 2:00 p.m.		2:00 p.m. - 3:00 p.m.		3:00 p.m. - 4:00 p.m.		4:00 p.m. - 5:00 p.m.		5:00 p.m. - 6:00 p.m.		6:00 p.m. - 7:00 p.m.		7:00 p.m. - 8:00 p.m.		8:00 p.m. - 9:00 p.m.		9:00 p.m. - 10:00 p.m.			
		AVAILABLE SPACES	11:00 a.m.	12:00 p.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.	4:00 p.m.	4:00 p.m.	5:00 p.m.	5:00 p.m.	6:00 p.m.	6:00 p.m.	7:00 p.m.	7:00 p.m.	8:00 p.m.	8:00 p.m.	9:00 p.m.	9:00 p.m.	10:00 p.m.	10:00 p.m.					
Beverly Drive	EAST SIDE	6	2	0	1	1	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	
	WEST SIDE	4	0	0	3	1	3	1	1	1	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	
Canon Drive	EAST SIDE	8	8	8	6	4	4	4	4	4	4	2	2	6	6	6	5	3	3	5	3	5	2	2	2	2	
	WEST SIDE	4	3	4	4	2	1	1	1	1	1	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0	
Canon Drive	EAST SIDE	22	16	14	10	10	16	10	10	12	10	16	10	11	13	0	0	0	0	0	0	0	0	0	0	0	0
	WEST SIDE	4	2	4	3	0	0	1	0	0	1	0	2	2	1	1	1	0	0	0	0	0	0	0	0	0	0
Dayton Way	NORTH SIDE	11	3	3	3	3	3	3	3	2	2	2	2	2	4	5	3	3	3	3	3	3	3	3	3	3	3
	SOUTH SIDE	9	3	1	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dayton Way	NORTH SIDE	4	2	4	4	4	0	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	SOUTH SIDE	3	3	2	0	0	0	0	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1
Crescent Drive	EAST SIDE	11	1	3	1	0	0	0	0	2	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	WEST SIDE	6	3	5	2	1	0	0	0	1	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0
Clifton Way	NORTH SIDE	5	5	2	1	1	1	1	1	1	1	1	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1
	SOUTH SIDE	8	6	2	2	0	0	0	0	0	0	0	1	3	3	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL AVAILABLE		110	62	57	45	35	28	30	27%	30	27%	30	27%	41	19	17%	18%	20	18	19	16	17%	17%	17%	17%	17%	
PERCENT AVAILABLE		56%	52%	41%	32%	25%	25%	27%	27%	27%	27%	27%	27%	37%	17%	18%	18%	18%	16%	17%	16%	17%	17%	17%	17%	17%	

Table 6 – Available Sunday Parking in On-Street Areas

ON-STREET PARKING LOCATION	SIDE OF STREET	10:00 a.m. - 11:00 a.m.		11:00 a.m. - 12:00 p.m.		12:00 p.m. - 1:00 p.m.		1:00 p.m. - 2:00 p.m.		2:00 p.m. - 3:00 p.m.		3:00 p.m. - 4:00 p.m.		4:00 p.m. - 5:00 p.m.		5:00 p.m. - 6:00 p.m.		6:00 p.m. - 7:00 p.m.		7:00 p.m. - 8:00 p.m.		8:00 p.m. - 9:00 p.m.		9:00 p.m. - 10:00 p.m.		
		AVAILABLE SPACES	11:00 a.m.	12:00 p.m.	12:00 p.m.	1:00 p.m.	2:00 p.m.	3:00 p.m.	4:00 p.m.	4:00 p.m.	5:00 p.m.	5:00 p.m.	6:00 p.m.	6:00 p.m.	7:00 p.m.	7:00 p.m.	8:00 p.m.	8:00 p.m.	8:00 p.m.	9:00 p.m.	9:00 p.m.	9:00 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.	
Beverly Drive	EAST SIDE	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	WEST SIDE	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Canon Drive	EAST SIDE	8	4	3	1	2	4	2	4	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	WEST SIDE	4	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Canon Drive	EAST SIDE	22	11	7	0	5	0	0	0	0	0	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	WEST SIDE	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dayton Way	NORTH SIDE	11	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	SOUTH SIDE	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dayton Way	NORTH SIDE	4	2	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	SOUTH SIDE	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crescent Drive	EAST SIDE	11	3	3	0	0	0	0	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	WEST SIDE	6	2	2	0	0	0	0	1	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clifton Way	NORTH SIDE	5	0	0	0	0	0	0	1	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	SOUTH SIDE	8	0	0	0	0	0	0	1	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL AVAILABLE		110	30	22	7	16	18	16	18	20	18	20	18	18	16	15	6	20	27	20	6	15	16	18	18	16
PERCENT AVAILABLE			27%	20%	6%	15%	16%	16%	18%	18%	18%	18%	18%	16%	15%	6%	20%	27%	20%	6%	15%	16%	18%	18%	16%	17%

Existing Privately-Managed Parking Areas

In order to determine if there is existing available parking supply in privately-managed lots within the 500-foot radius from the Project site analyzed for the parking study, a survey was conducted of these locations. The locations included private parking lots (offices, other commercial uses, etc.) where signage indicated that public paid parking or free customer parking was available. Many of these locations provide monthly parking to area businesses, with demand primarily generated by office uses.

A number of the parking lots are saturated with demand by valet parking operations, or are saturated by demand from monthly parking permits. Table 7 provides a list of the privately-operated parking lots within the study area. Mastro's currently uses parking at the 201 North Crescent Drive location through the parking covenant on the Project property. Additional parking is used at the 239 Crescent Drive location, through a per-vehicle agreement with the owner. The final item in the list, a nearby lot operated by United Valet Parking, is currently used for monthly parking and some public parking during standard weekday business hours. During the weekday evening and weekend time periods, these parking areas are used for valet operations from Mastro's and other evening uses.

Table 7 – Privately-Operated Parking Lots in Area

	Location	Owner	Supply	Type of Use	Availability	On-Site?	Machine?
1	270 N Canon Dr	Obagi	43	Office / Private	Dedicated - Not Avail.	Yes	No
2	250 N Canon Dr	Hilton & Hyland	23	Office / Private	Dedicated - Not Avail.		
3	190 N Canon Dr	La Jolla Bank	*	Bank - Off Site	Dedicated - Not Avail.	n/a	n/a
4	176 N Canon Dr	Spago	*	Restaurant	Dedicated - Not Avail.	n/a	n/a
5	201 N Crescent Dr.	Sunrise Assisted Living / Hodes Parking	125	Public & Assisted Living	76 spaces dedicated to Mastro's via covenant	?	?
6	232 N Canon Dr	Gersh Industry	*	Office / Private	Dedicated - Not Avail.		
7	239 Crescent Dr	Whole Food Market	55	Market	Spaces used on a per-vehicle fee basis by Mastro's	Yes	Yes
8	257 N Canon Dr	United Valet Parking	140	Public	Used for Mastro's, others	Yes	Yes

* Unknown supply or valet operations with varying supply (stacking) only

Out of eight sites identified in Table 7, some are already being used by Mastro's to manage parking demand created by the existing restaurant. None of the remaining sites have the capacity to absorb additional valet parking activity or the operators are not interested in providing either additional or new evening parking supply. Many of these locations generally close within or near the 5:00 p.m. hour.

Proposed Developments

A major development within the parking study area, the Beverly Hills Gardens & Montage Hotel Project, could potentially provide direct parking to Mastro's customers or could be partially leased to Mastro's for valet parking operations supply.

The project would consist of hotel and condominiums with a major parking structure. The City's Parking Authority will develop public parking within a portion of the off-street parking area. The garage will be operated by a single parking company, and the hotel and condominium uses will have valet operations. The City's project page on its web site describes the project as providing a total of 1,172 off-street parking spaces, with 753 of the spaces required by Code for the hotel and residential uses. The City will have control over 221 of the 419 additional spaces provided as public parking spaces.

The public parking portion of the Montage parking supply could be used for Mastro's parking demand, if determined to be necessary by the Project owner. Project demand could be accommodated within the analyzed public parking structures, however, without any adverse impacts to area public parking supplies.

Recommended Parking Operations Plan

The following are the recommendations for parking operations at the Mastro's site, after the restaurant expansion is completed and operational:

- Customers should be informed, through print and web-based promotional and informational material on the restaurant, of the general availability of parking spaces within the nearby public parking structures.
- Valet operations should continue, with vehicle storage at the various area parking lots operated and used by United Valet Parking.
- Additional vehicle storage for valet operations should be secured at the Montage site or the 221 North Crescent Drive structure, if available and feasible.

The parking study analysis has identified adequate public parking supply within 500 feet of the Project site, but a sizeable number of restaurant customers will continue to prefer the use of the valet service. The absorption of the additional parking demand created by the Project would be absorbed by available parking supplies in the nearby public parking structures, without adverse impacts to area public parking supplies.

A total of 38 in-lieu parking spaces would need to be approved by the City for the restaurant expansion to take place. These spaces could be provided within the 221 North Crescent Drive parking structure, or the 9361 Dayton Way structure (if evening hours could be extended). Use of only the 221 North Crescent Drive location would not cause any adverse parking supply impacts, based on the parking availability data from the area parking study. The daily operating hours of the restaurant begin at 5:00 p.m., which helps to assure that such impacts would not be created.

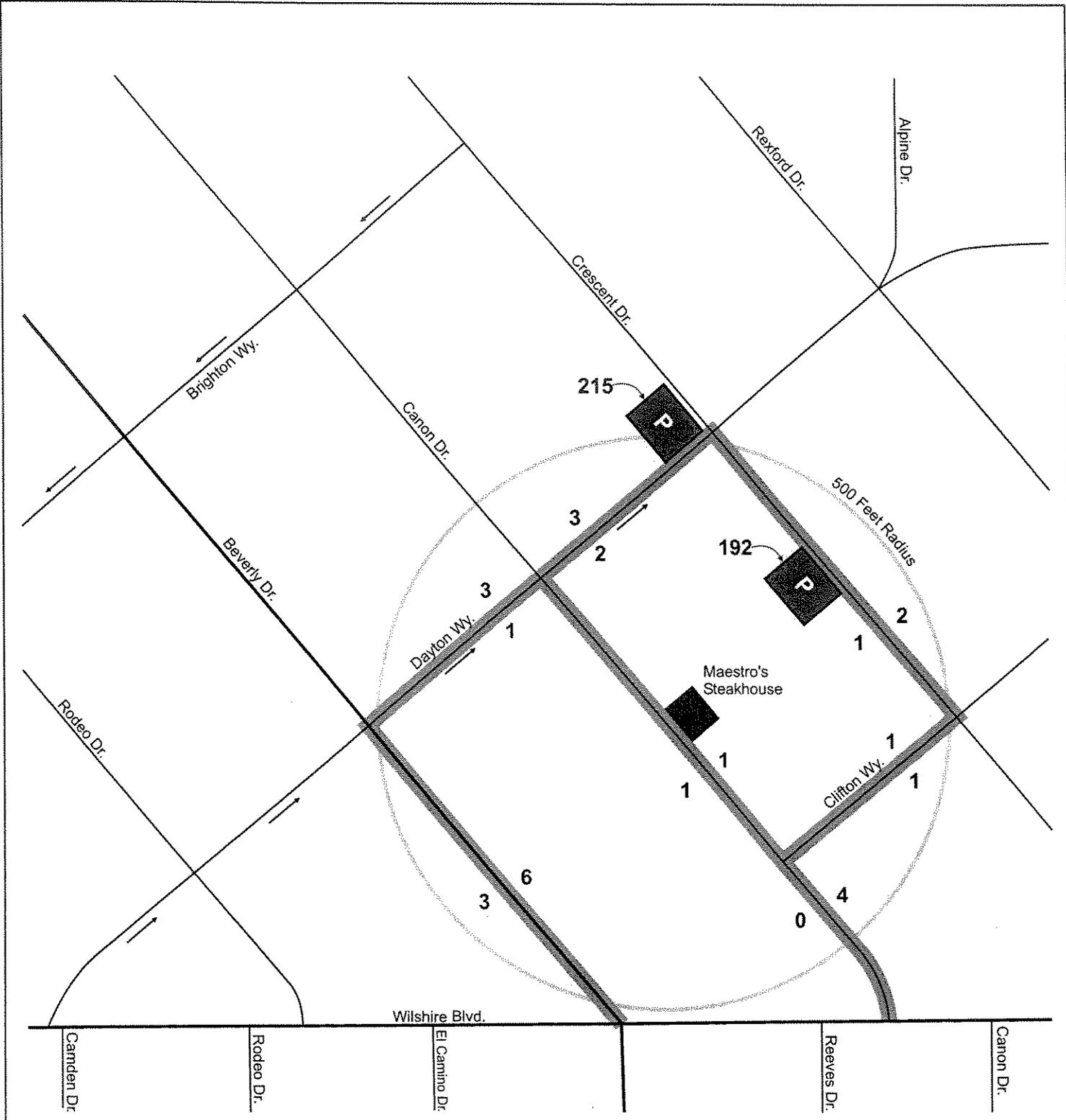
ATTACHMENT A -
STUDY AREA AND PARKING DEMAND FIGURES



LEGEND

- Parking Structure Survey Location
- On-Street Parking Survey Area

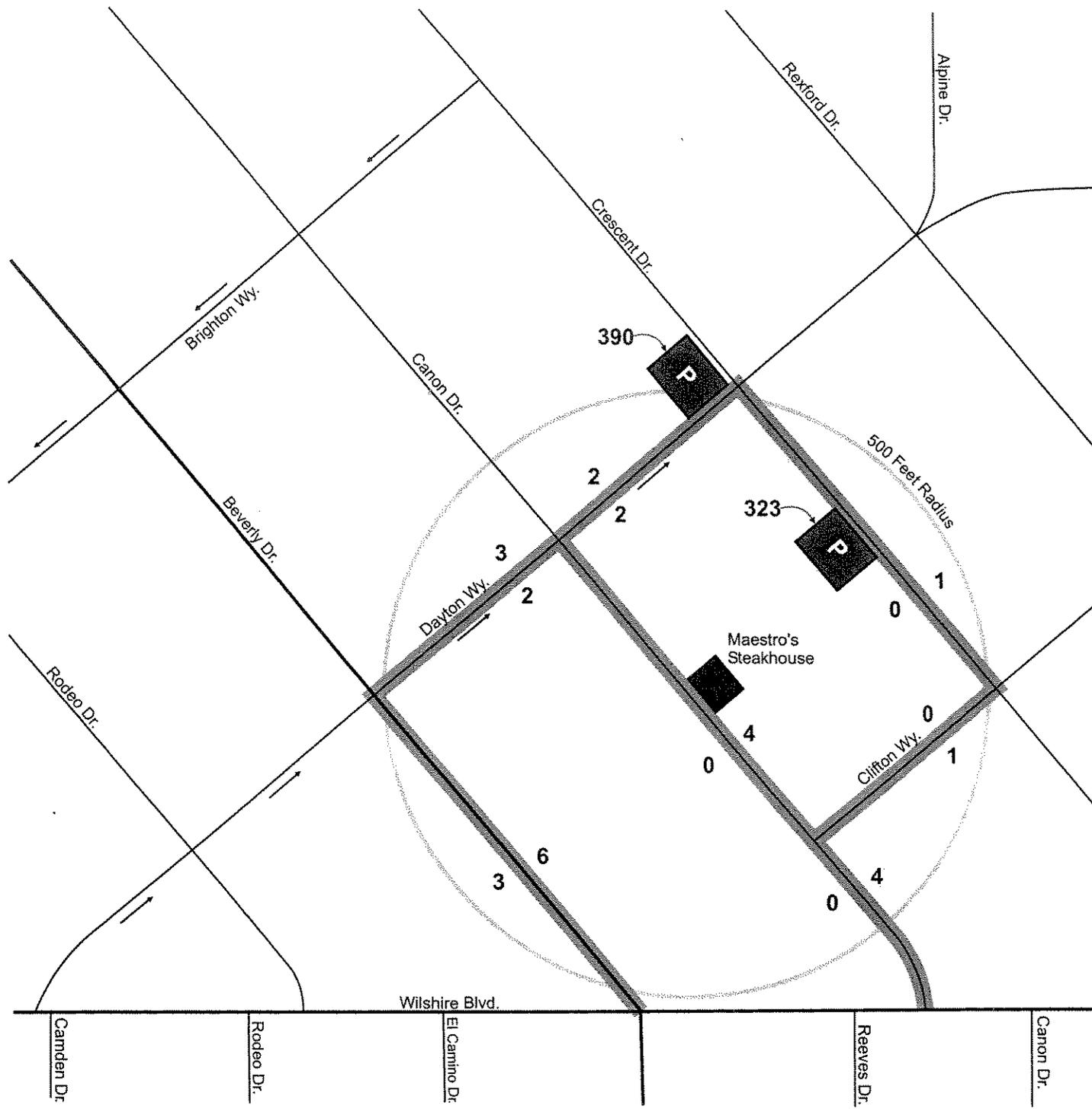




LEGEND

- P** Parking Structure Survey Location
- ▬** On-Street Parking Survey Area
- xxx Parking Spaces Available

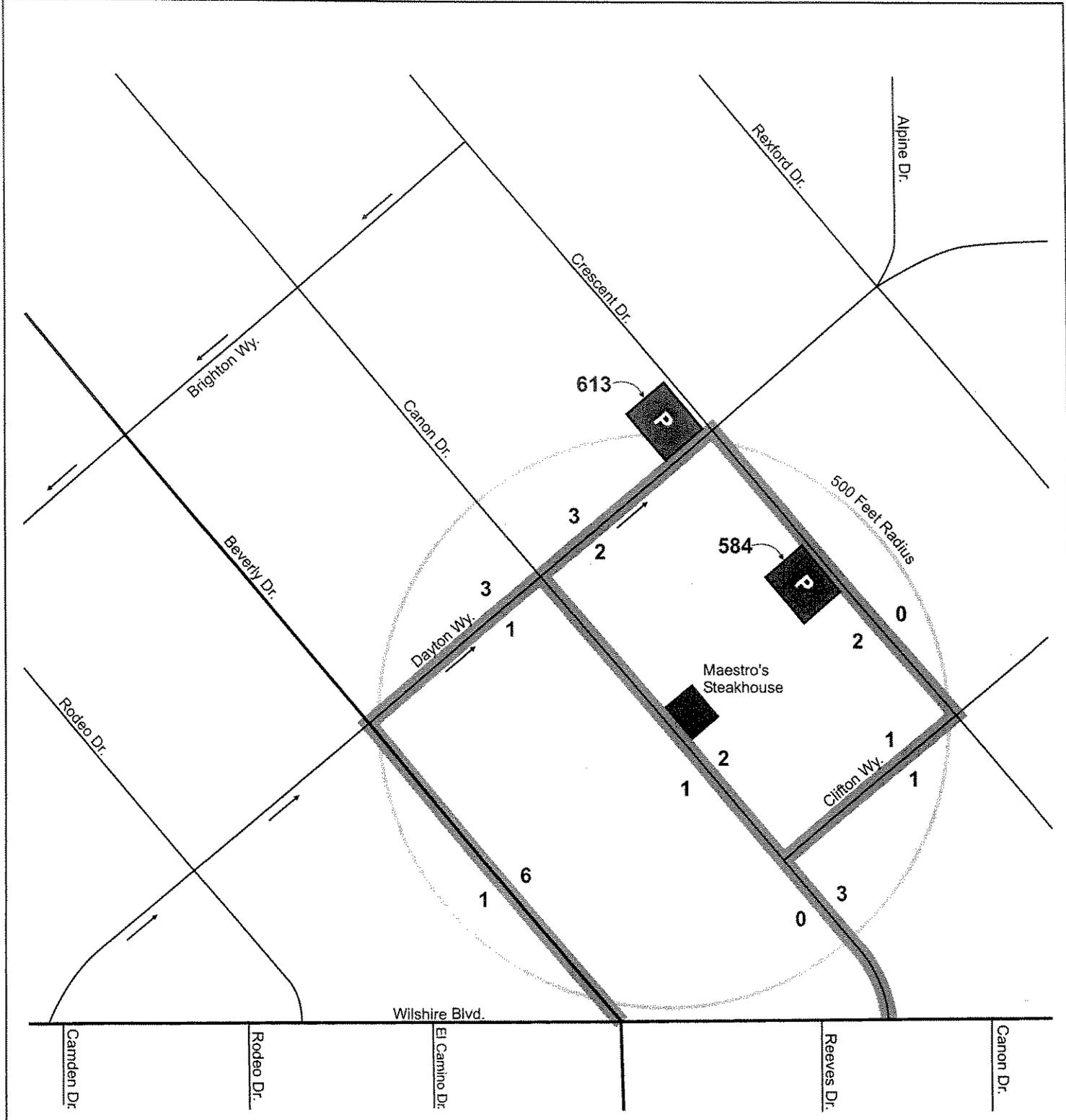




LEGEND

- Parking Structure Survey Location
- On-Street Parking Survey Area
- xxx Parking Spaces Available

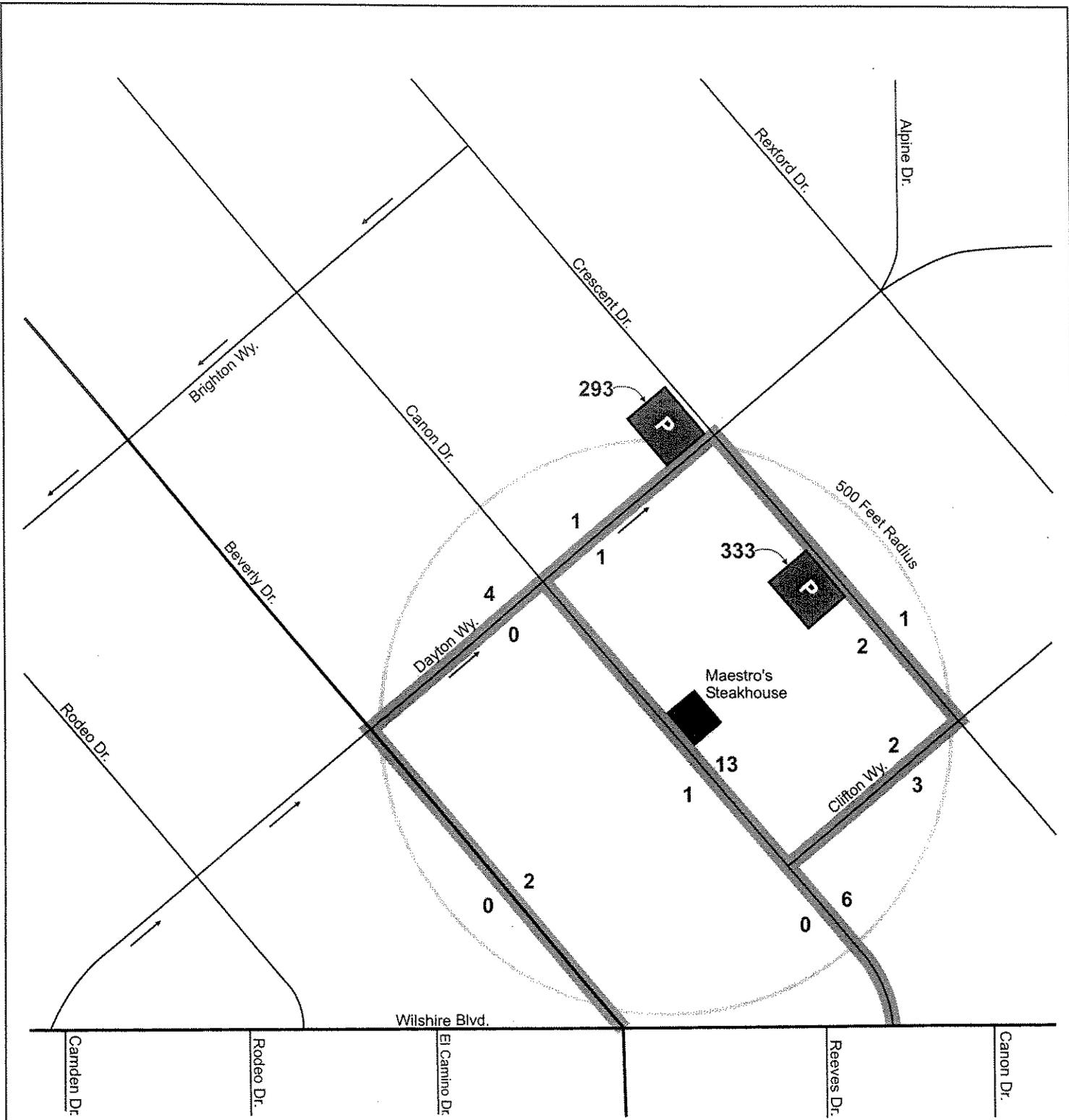




LEGEND

- P** Parking Structure Survey Location
- ▒** On-Street Parking Survey Area
- xxx Parking Spaces Available

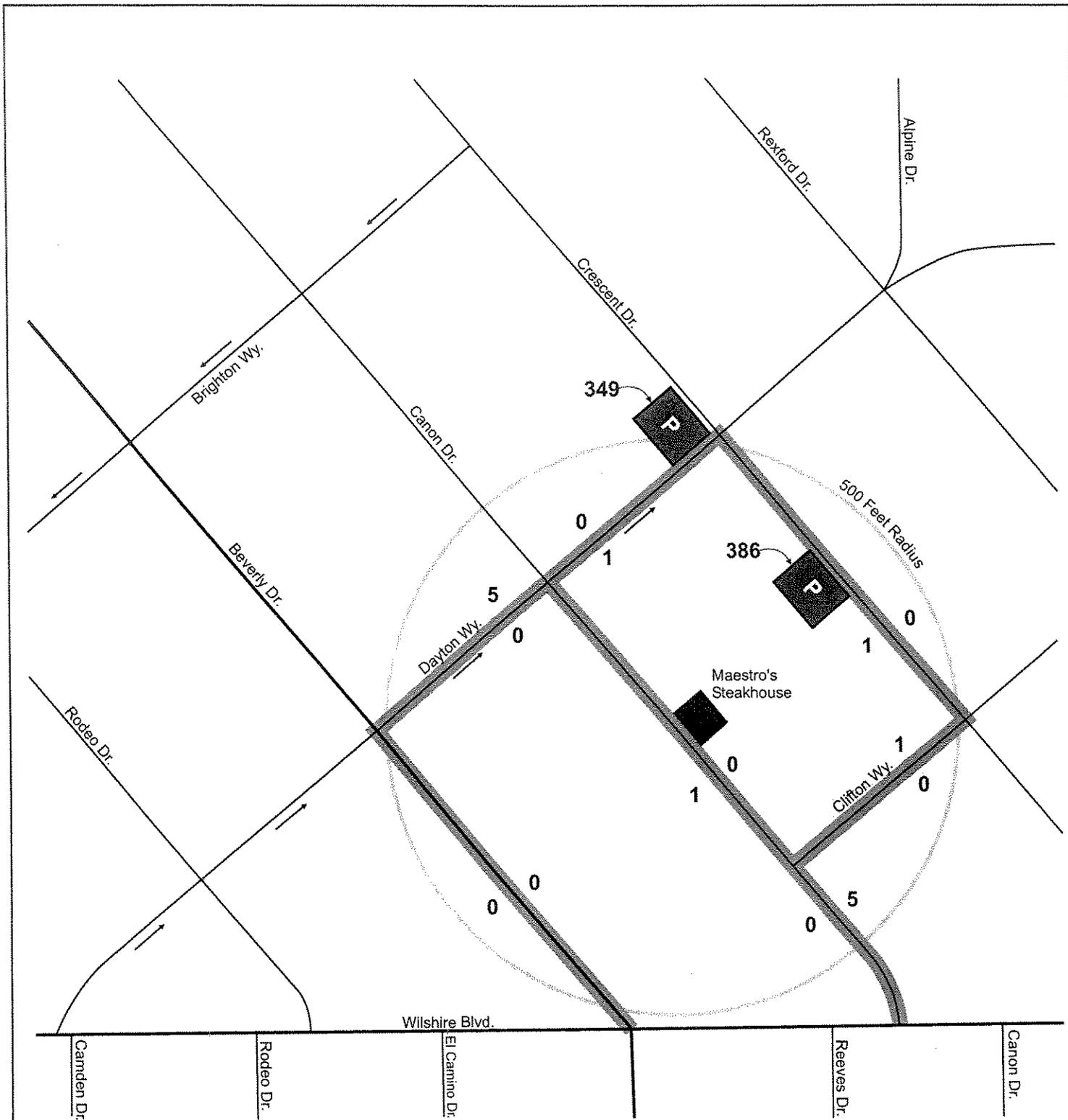




LEGEND

- P Parking Structure Survey Location
- On-Street Parking Survey Area
- xxx Parking Spaces Available

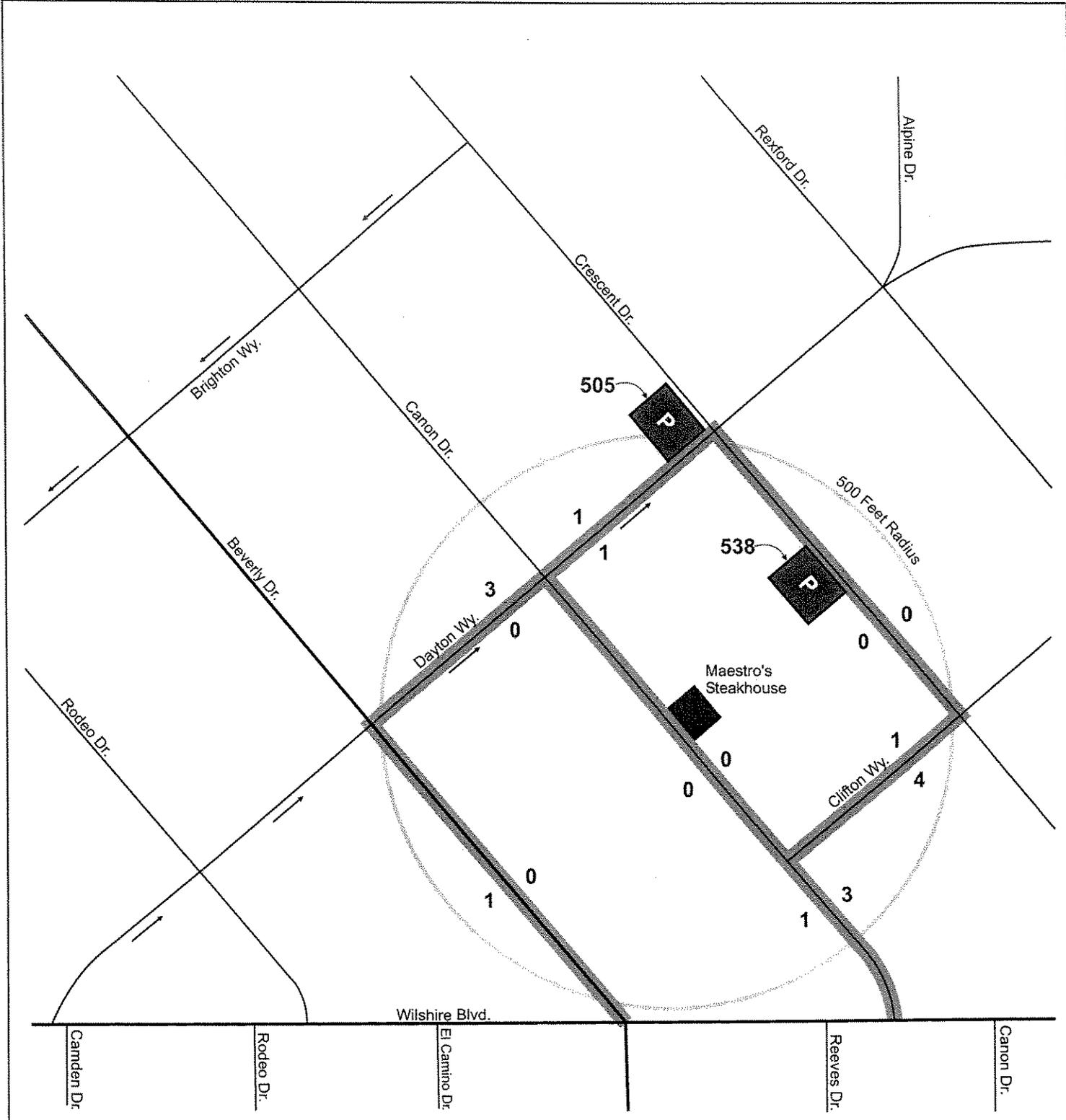




LEGEND

-  Parking Structure Survey Location
-  On-Street Parking Survey Area
- xxx Parking Spaces Available

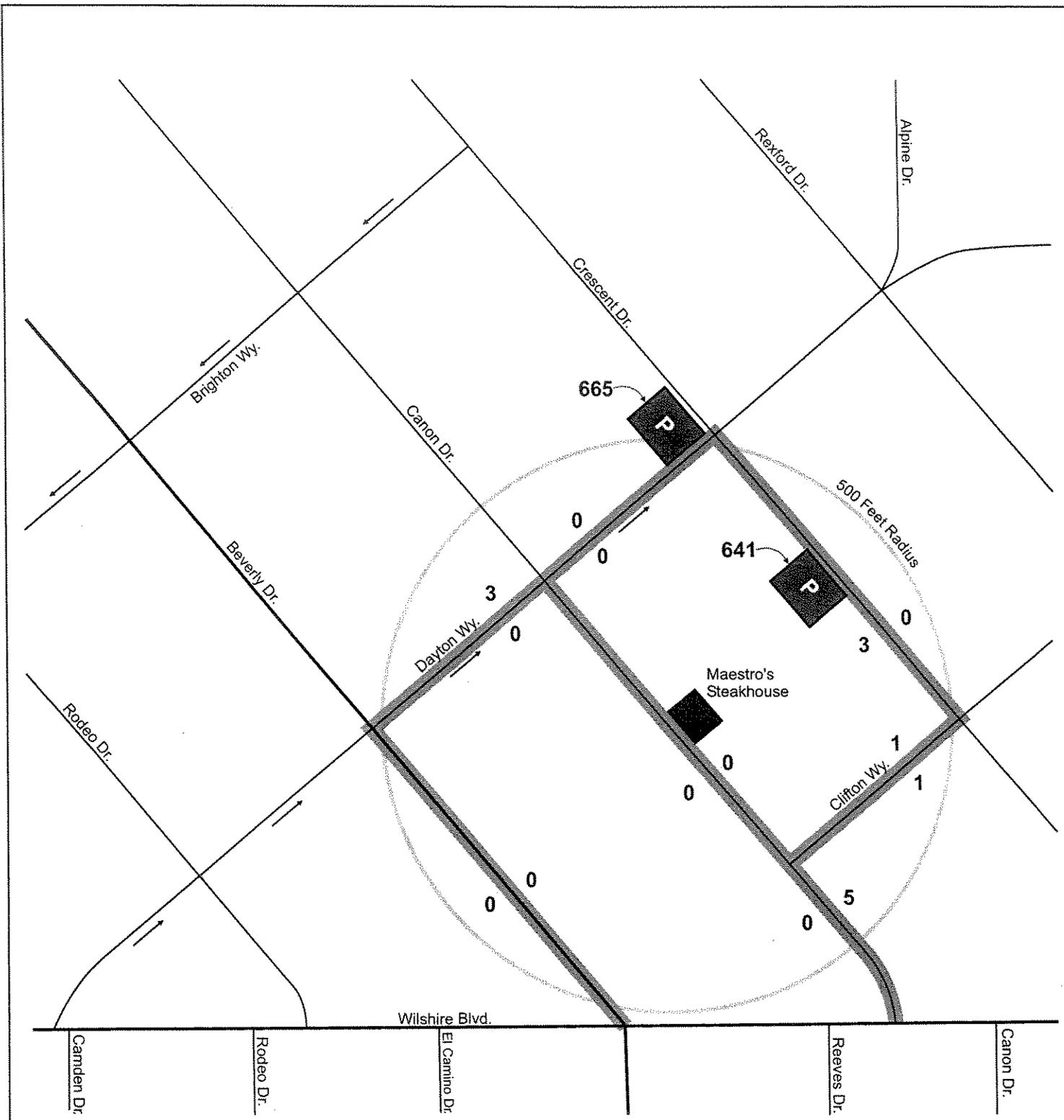




LEGEND

- Parking Structure Survey Location
- On-Street Parking Survey Area
- xxx Parking Spaces Available

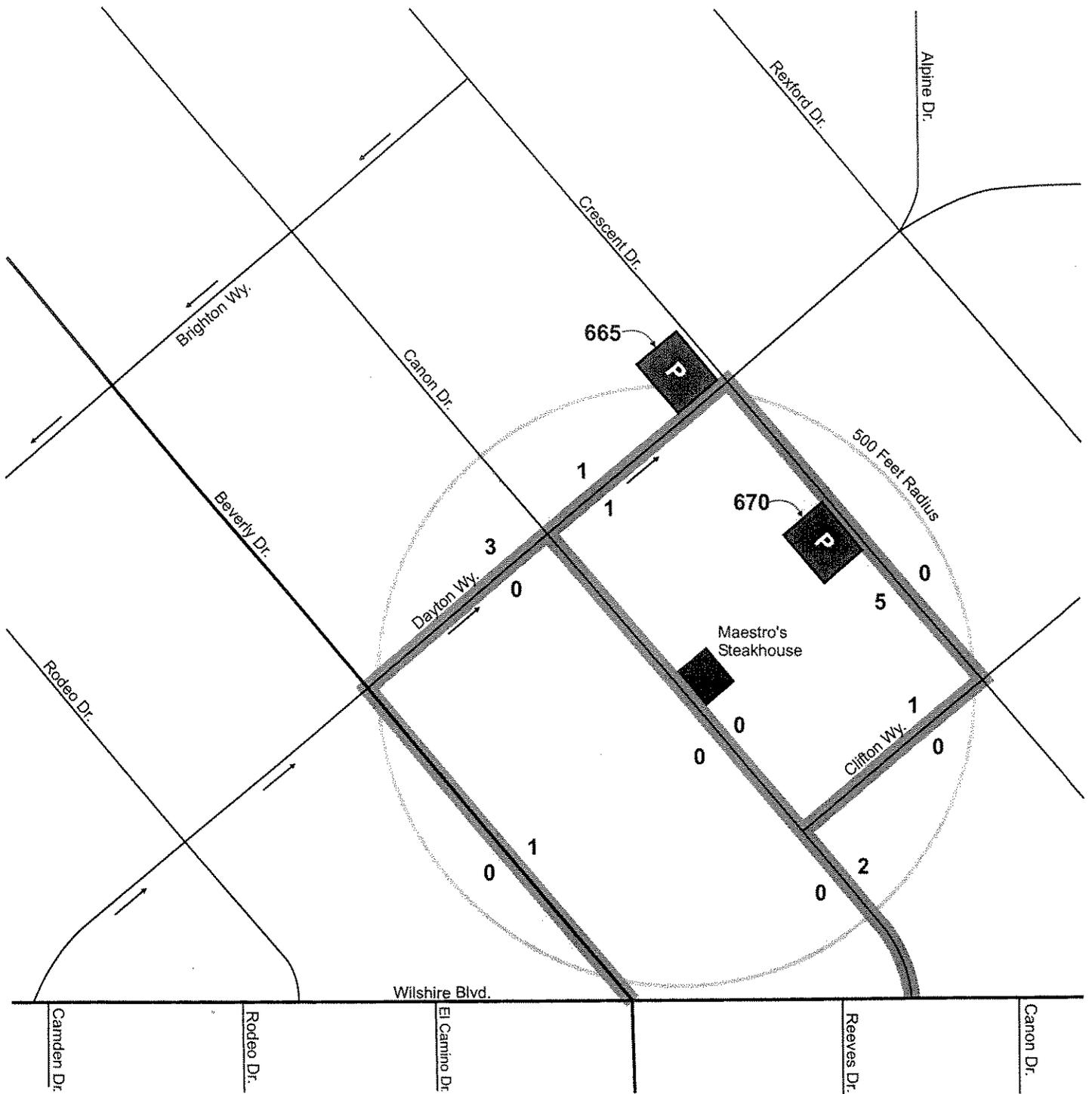




LEGEND

-  Parking Structure Survey Location
-  On-Street Parking Survey Area
- xxx Parking Spaces Available

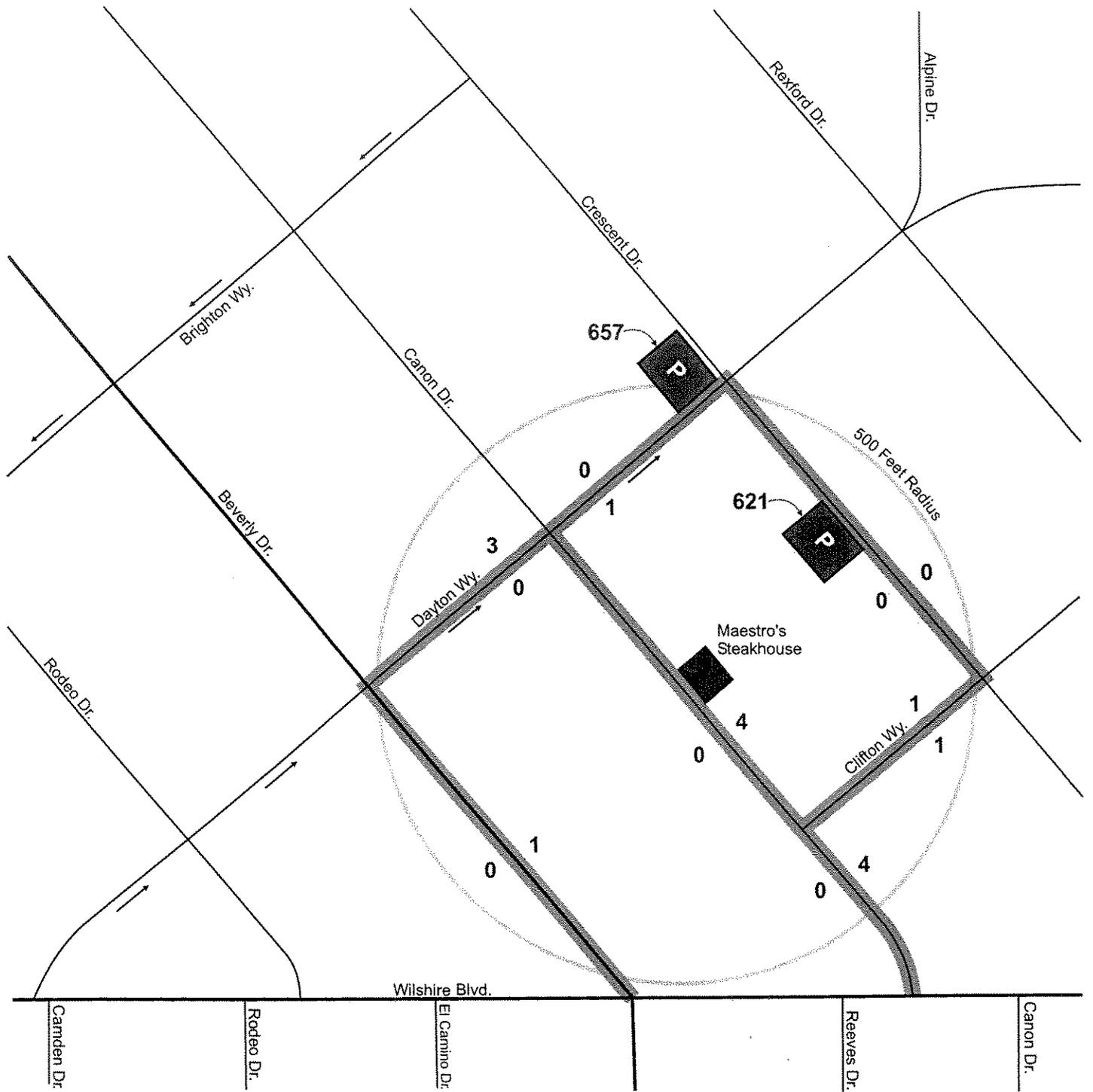




LEGEND

-  Parking Structure Survey Location
-  On-Street Parking Survey Area
- xxx Parking Spaces Available

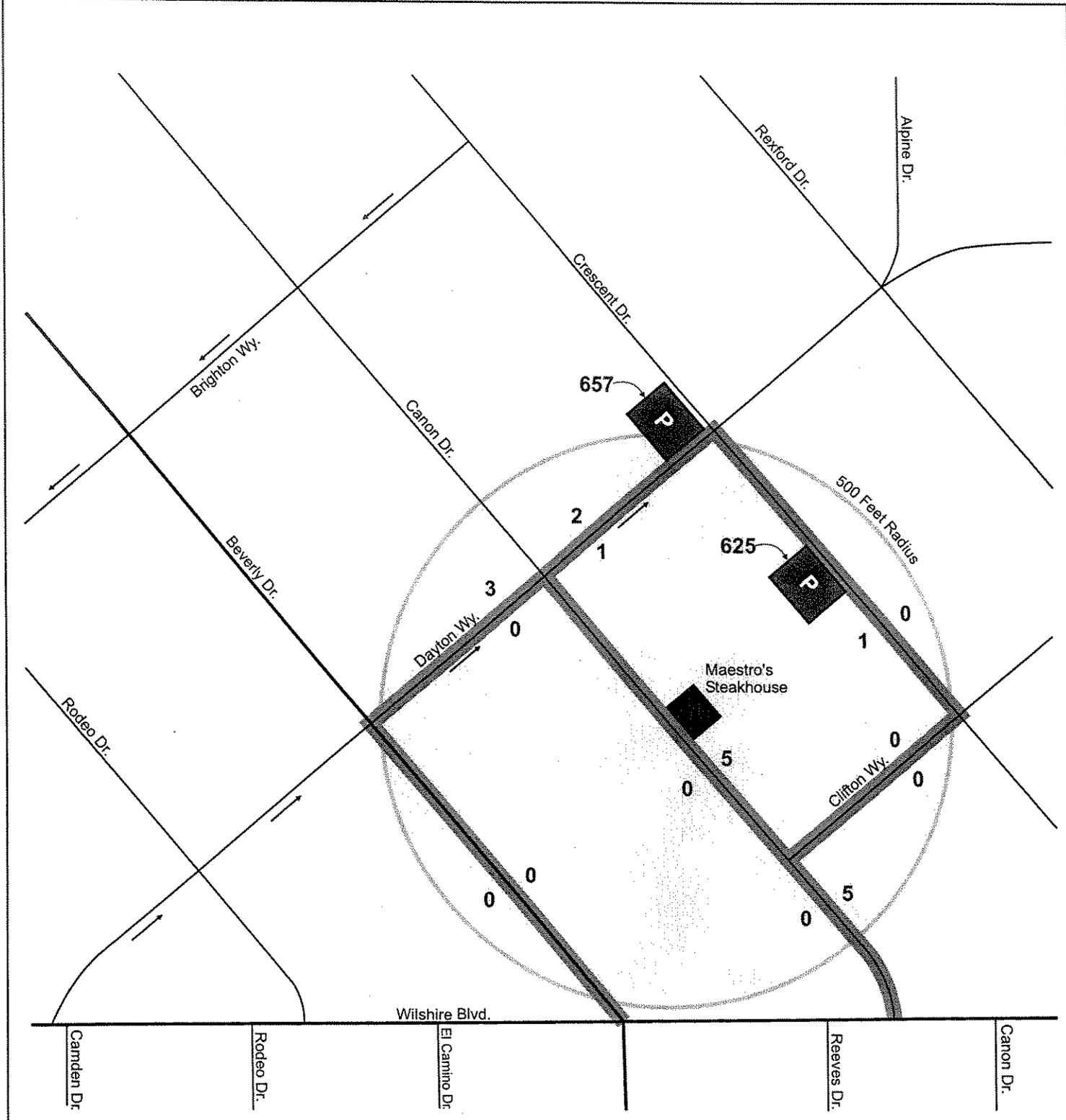




LEGEND

- P** Parking Structure Survey Location
- On-Street Parking Survey Area
- xxx Parking Spaces Available

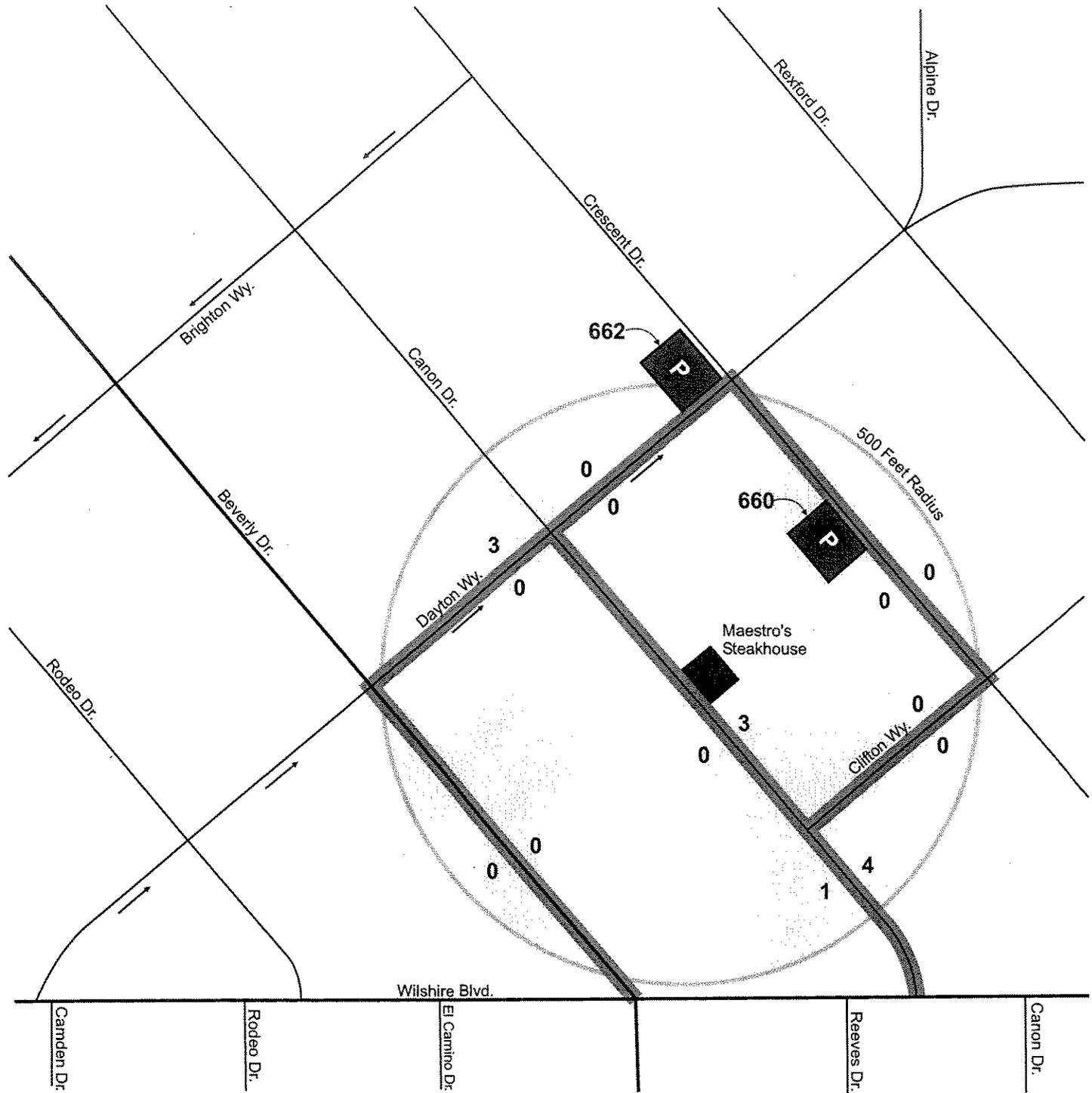




LEGEND

-  Parking Structure Survey Location
-  On-Street Parking Survey Area
- xxx Parking Spaces Available

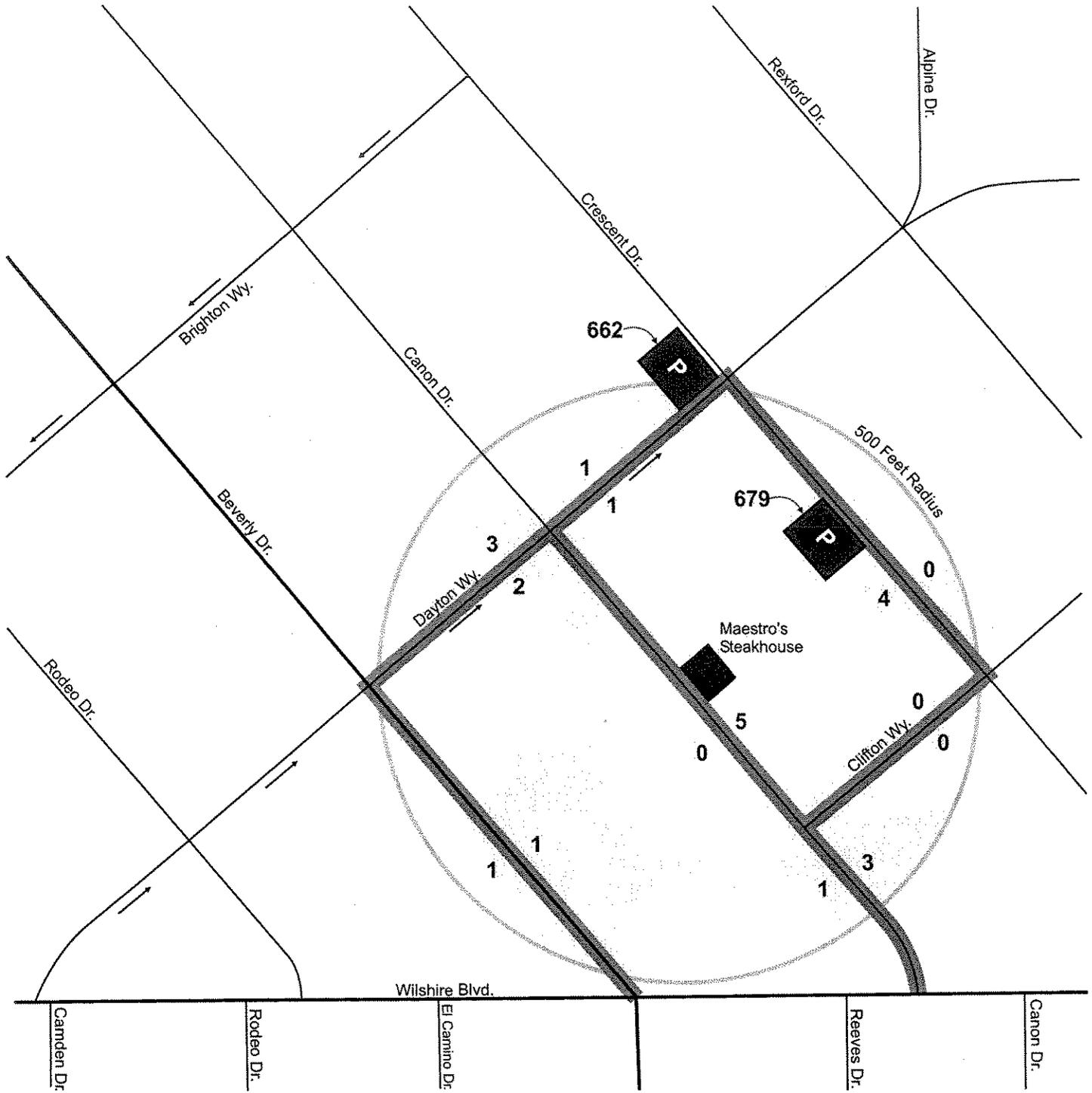




LEGEND

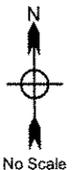
- P** Parking Structure Survey Location
- ▬** On-Street Parking Survey Area
- xxx Parking Spaces Available

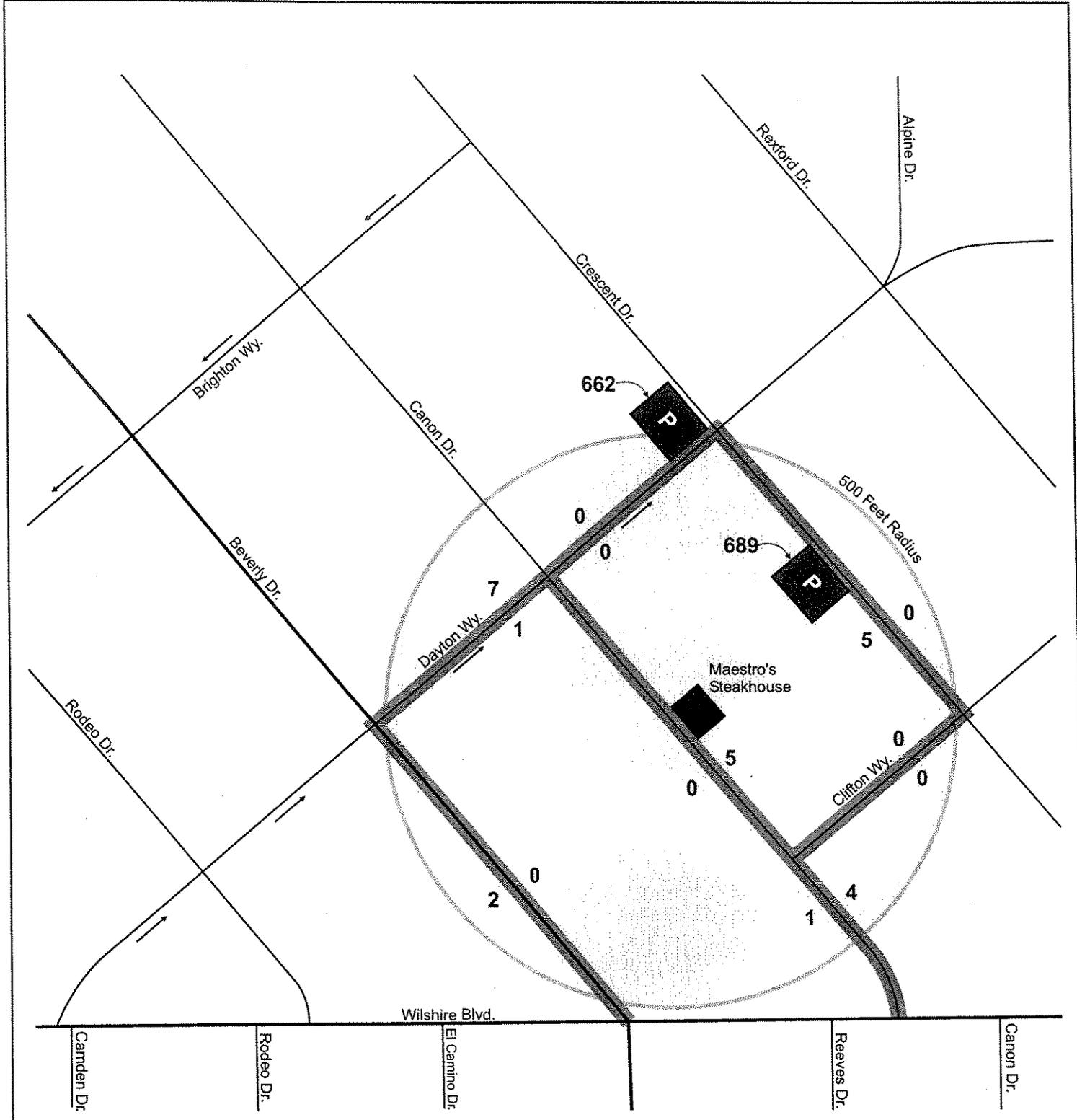




LEGEND

- P** Parking Structure Survey Location
- █** On-Street Parking Survey Area
- xxx Parking Spaces Available





LEGEND

- P** Parking Structure Survey Location
- On-Street Parking Survey Area
- xxx Parking Spaces Available



**ATTACHMENT B –
PARKING SURVEY SUMMARY SHEETS**

HOURLY ON-STREET PARKING OCCUPANCY SURVEY

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: TUESDAY, JUNE 3, 2008
 PERIOD: 10:00 AM - 10:00 PM
 CITY: BEVERLY HILLS

ON-STREET PARKING DESCRIPTION	SIDE OF STREET	SIGN DESCRIPTION	AVAILABLE SPACES	10:00-11:00	11:00-12:00	12:00-1:00	1:00-2:00	2:00-3:00	3:00-4:00	4:00-5:00	5:00-6:00	6:00-7:00	7:00-8:00	8:00-9:00	9:00-10:00
Beverly Drive From Dayton Way to Wilshire Blvd	EAST SIDE	Loading	1	0	0	0	0	0	0	0	0	0	0	0	0
	EAST SIDE	Metered	6	0	0	0	0	0	0	0	0	0	0	0	0
	WEST SIDE	Loading	1	1	0	1	0	1	1	0	0	0	0	0	0
	WEST SIDE	Metered	4	3	1	3	1	2	2	3	2	3	3	3	3
Wilshire Boulevard From Beverly Dr. to Canon Dr.	NORTH SIDE	Unmetered	5	0	0	0	0	0	0	0	0	0	0	0	0
	SOUTH SIDE	Unmetered	0	0	0	0	0	0	0	0	0	0	0	0	0
Canon Drive From Wilshire Blvd to Clifton Way	EAST SIDE	Metered	8	4	4	6	4	4	5	4	3	4	4	5	4
	WEST SIDE	Metered	4	0	3	4	4	3	3	4	4	4	4	4	4
Canon Drive From Clifton Way to Dayton Way	EAST SIDE	Metered	22	13	13	16	21	21	11	16	22	17	19	18	13
	WEST SIDE	Metered	4	2	2	2	4	4	3	3	3	4	4	3	4
Dayton Way From Beverly Dr. to Canon Dr.	NORTH SIDE	Loading	3	1	1	0	0	1	1	0	1	1	0	2	0
	NORTH SIDE	Metered	11	5	6	4	5	7	8	6	7	8	9	8	7
	SOUTH SIDE	Metered	9	9	8	8	9	7	7	8	9	9	8	9	7
Dayton Way From Canon Dr. to Crescent Dr.	NORTH SIDE	Metered	4	3	2	1	3	4	4	3	3	4	3	3	3
	SOUTH SIDE	Metered	3	3	2	2	3	3	3	2	3	3	2	2	3
Crescent Drive From Dayton Way to Clifton Way	EAST SIDE	Metered	11	8	7	9	8	10	8	6	8	10	10	11	11
	WEST SIDE	Handicap	2	2	2	2	2	2	2	0	1	2	1	1	1
	WEST SIDE	Loading	3	3	2	3	3	3	2	2	2	1	0	1	2
	WEST SIDE	Metered	4	4	4	4	4	4	4	3	4	4	4	4	3
Clifton Way From Crescent Dr. to Canon Dr.	NORTH SIDE	Loading	4	1	1	0	2	2	1	0	0	0	0	0	0
	NORTH SIDE	Metered	5	3	4	5	4	5	4	5	4	5	4	5	5
	SOUTH SIDE	Metered	8	4	4	4	8	8	6	7	6	7	7	8	8

WILTEC

HOURLY PARKING STRUCTURE OCCUPANCY SURVEY

Phone: (626) 564-1944 Fax: (626) 564-0969

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: TUESDAY, JUNE 3, 2008
 PERIOD: 10:00 AM - 10:00 PM
 LOCATION: 9361 DAYTON WAY AND 221 NORTH CRESCENT DRIVE
 CITY: BEVERLY HILLS PARKING STUDY

HOURLY COUNTS	221 North Crescent Drive Structure		9361 Dayton Way Structure			
	Handicap	Regular	Reserved	Loading	Handicap	Regular
Available Spaces	9	684	2	2	26	635
10:00 - 11:00	3	588	2	0	2	553
11:00 - 12:00	3	553	2	0	3	525
12:00 - 1:00	1	538	2	2	3	576
1:00 - 2:00	3	594	2	2	4	611
2:00 - 3:00	3	595	2	2	4	578
3:00 - 4:00	3	580	2	1	6	555
4:00 - 5:00	3	567	2	0	3	526
5:00 - 6:00	2	480	1	0	4	473
6:00 - 7:00	0	370	1	0	4	286
7:00 - 8:00	0	290	1	0	0	97
8:00 - 9:00	0	116	0	0	0	51
9:00 - 10:00	0	54	1	0	0	22

WILTEC

Phone: (626) 564-1944 Fax: (626) 564-0969

HOURLY PARKING STRUCTURE OCCUPANCY SURVEY

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: THURSDAY, JUNE 5, 2008
 PERIOD: 10:00 AM - 10:00 PM
 LOCATION: 9361 DAYTON WAY AND 221 NORTH CRESCENT DRIVE
 CITY: BEVERLY HILLS PARKING STUDY

HOURLY COUNTS	221 North Crescent Drive Structure		9361 Dayton Way Structure			
	Handicap	Regular	Reserved	Loading	Handicap	Regular
Available Spaces	9	684	2	2	26	635
10:00 - 11:00	3	578	2	2	3	503
11:00 - 12:00	4	591	2	1	3	563
12:00 - 1:00	2	596	2	1	2	591
1:00 - 2:00	4	627	2	0	5	620
2:00 - 3:00	4	633	2	0	8	615
3:00 - 4:00	4	634	0	0	5	573
4:00 - 5:00	3	587	0	0	3	524
5:00 - 6:00	3	518	0	0	1	422
6:00 - 7:00	1	369	0	0	1	258
7:00 - 8:00	0	210	0	0	1	129
8:00 - 9:00	0	103	0	0	0	53
9:00 - 10:00	0	53	0	0	0	22

HOURLY ON-STREET PARKING OCCUPANCY SURVEY

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: SATURDAY, APRIL 26, 2008
 PERIOD: 10:00 AM - 10:00 PM
 CITY: BEVERLY HILLS

ON-STREET PARKING DESCRIPTION	SIDE OF STREET	SIGN DESCRIPTION	AVAILABLE SPACES	10:00-11:00	11:00-12:00	12:00-1:00	1:00-2:00	2:00-3:00	3:00-4:00	4:00-5:00	5:00-6:00	6:00-7:00	7:00-8:00	8:00-9:00	9:00-10:00
Beverly Drive	From Dayton Way to Wilshire Blvd	Loading	1	1	0	1	0	1	0	0	0	0	0	0	0
		Metered	6	4	6	5	6	6	6	6	4	6	6	6	5
		Loading	1	0	1	0	1	0	0	0	1	0	0	1	0
		Metered	4	4	4	3	1	3	3	3	4	4	3	4	4
Wilshire Boulevard	From Beverly Dr. to Canon Dr.	Unmetered	5	0	0	0	0	0	0	0	0	0	0	0	0
		Unmetered	0	0	0	0	0	0	0	0	0	0	0	0	0
Canon Drive	From Wilshire Blvd to Clifton Way	Metered	8	0	0	2	4	4	6	2	2	3	5	3	6
		Metered	4	1	0	0	2	3	3	4	4	4	3	4	4
Canon Drive	From Clifton Way to Dayton Way	Metered	22	6	8	12	6	12	10	11	9	22	22	22	22
		Metered	4	2	0	1	4	3	4	2	3	3	4	4	4
Dayton Way	From Beverly Dr. to Canon Dr.	Loading	3	3	3	3	3	3	2	2	2	2	3	3	3
		Metered	11	8	8	8	8	8	9	9	7	6	8	8	8
		Metered	9	6	8	8	8	9	8	9	9	9	9	9	9
		Metered	4	2	0	0	4	4	2	4	3	4	3	4	3
Dayton Way	From Canon Dr. to Crescent Dr.	Metered	3	0	1	3	3	3	3	3	2	2	2	3	2
		Metered	11	10	8	10	11	11	9	11	10	11	11	11	11
Crescent Drive	From Dayton Way to Clifton Way	Handicap	2	0	1	2	1	2	1	2	1	2	2	0	0
		loading	3	0	1	1	0	2	0	2	1	2	2	0	0
		Metered	4	3	0	2	4	4	4	4	3	3	4	3	1
		Metered	4	0	1	0	0	2	0	0	0	0	1	0	0
Clifton Way	From Crescent Dr. to Canon Dr.	Loading	4	0	1	0	0	2	0	0	0	0	1	0	0
		Metered	5	0	3	4	4	4	4	3	3	4	4	4	4
		Metered	8	2	6	8	8	8	8	7	5	8	4	7	8

HOURLY PARKING STRUCTURE OCCUPANCY SURVEY

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: SATURDAY, APRIL 26, 2008
 PERIOD: 10:00 AM - 10:00 PM
 LOCATION: 345 NORTH BEVELRY DRIVE, 9361 DAYTON WAY AND 221 NORTH CRESCENT DRIVE
 CITY: BEVERLY HILLS PARKING STUDY

HOURLY COUNTS	345 N. Beverly Drive Structure		221 North Crescent Drive Structure		9361 Dayton Way Structure			
	Handicap	Regular	Handicap	Regular	Reserved	Loading	Handicap	Regular
Available Spaces	7	310	9	684	2	2	26	635
10:00 - 11:00	4	110	0	241	0	0	3	331
11:00 - 12:00	5	190	1	273	0	0	6	350
12:00 - 1:00	2	213	3	315	1	0	6	395
1:00 - 2:00	6	253	1	399	0	0	4	432
2:00 - 3:00	6	208	1	398	0	0	3	438
3:00 - 4:00	6	237	1	444	0	0	1	455
4:00 - 5:00	4	220	1	401	0	0	1	406
5:00 - 6:00	3	176	1	359	0	0	1	371
6:00 - 7:00	2	123	0	307	0	0	0	316
7:00 - 8:00	4	78	0	155	0	0	0	160
8:00 - 9:00	1	40	0	52	0	0	0	0
9:00 - 10:00	2	40	0	23	0	0	0	0

* 9361 Dayton Way Structure closes at 8:00 pm

10:00 - 11:00	200	443	304
11:00 - 12:00	120	411	285
12:00 - 1:00	97	369	240
1:00 - 2:00	57	285	203
2:00 - 3:00	102	286	197
3:00 - 4:00	73	240	180
4:00 - 5:00	90	283	229
5:00 - 6:00	134	325	264
6:00 - 7:00	187	377	319
7:00 - 8:00	232	529	475
8:00 - 9:00	270	632	635
9:00 - 10:00	270	661	635

HOURLY PARKING STRUCTURE OCCUPANCY SURVEY

CLIENT: FEHR AND PEERS/KAKU ASSOCIATES
 PROJECT: BEVERLY HILLS PARKING STUDY
 DATE: SUNDAY, APRIL 27, 2008
 PERIOD: 10:00 AM - 10:00 PM
 LOCATION: 345 NORTH BEVELRY DRIVE, 9361 DAYTON WAY AND 221 NORTH CRESCENT DRIVE
 CITY: BEVERLY HILLS PARKING STUDY

HOURLY COUNTS	345 N. Beverly Drive Structure		221 North Crescent Drive Structure		9361 Dayton Way Structure			
	Handicap	Regular	Handicap	Regular	Reserved	Loading	Handicap	Regular
Available Spaces	7	310	9	684	2	2	26	635
10:00 - 11:00	4	28	0	40	0	0	0	7
11:00 - 12:00	4	66	1	46	0	0	0	11
12:00 - 1:00	3	110	1	62	0	0	1	11
1:00 - 2:00	7	126	1	72	0	0	1	11
2:00 - 3:00	6	121	0	79	0	0	1	8
3:00 - 4:00	0	103	0	78	0	0	0	8
4:00 - 5:00	2	74	0	75	0	0	0	8
5:00 - 6:00	1	67	0	72	0	0	0	8
6:00 - 7:00	3	64	0	68	0	0	0	8
7:00 - 8:00	4	43	0	33	0	0	0	3
8:00 - 9:00	2	36	0	14	0	0	0	3
9:00 - 10:00	0	24	0	4	0	0	0	3

* 9361 Dayton Way Structure closes at 6:00 pm

10:00 - 11:00	282	644	628
11:00 - 12:00	244	638	624
12:00 - 1:00	200	622	624
1:00 - 2:00	184	612	624
2:00 - 3:00	189	605	627
3:00 - 4:00	207	606	627
4:00 - 5:00	236	609	627
5:00 - 6:00	243	612	627
6:00 - 7:00	246	616	627
7:00 - 8:00	267	651	632
8:00 - 9:00	274	670	632
9:00 - 10:00	286	680	632

**ATTACHMENT C -
MASTRO'S VALET OPERATIONS DATA
PROVIDED BY UNITED PARKING**

Daily Car Count for Mastro's, Beverly Hills

Date

Number of Vehicle Entries

Date	Number of Vehicle Entries
Thursday, May 01, 2008	90
Friday, May 02, 2008	101
Saturday, May 03, 2008	100
Sunday, May 04, 2008	50
Monday, May 05, 2008	32
Tuesday, May 06, 2008	47
Wednesday, May 07, 2008	62
Thursday, May 08, 2008	56
Friday, May 09, 2008	98
Saturday, May 10, 2008	90
Sunday, May 11, 2008	52
Monday, May 12, 2008	55
Tuesday, May 13, 2008	67
Wednesday, May 14, 2008	78
Thursday, May 15, 2008	90
Friday, May 16, 2008	121
Saturday, May 17, 2008	110
Sunday, May 18, 2008	35
Monday, May 19, 2008	78
Tuesday, May 20, 2008	69
Wednesday, May 21, 2008	97
Thursday, May 22, 2008	80
Friday, May 23, 2008	109
Saturday, May 24, 2008	95
Sunday, May 25, 2008	76
Monday, May 26, 2008	88
Tuesday, May 27, 2008	49
Wednesday, May 28, 2008	99
Thursday, May 29, 2008	90
Friday, May 30, 2008	111
Saturday, May 31, 2008	102

ATTACHMENT D –
PARKING COVENANT FOR MASTRO’S SITE

When Recorded Mail To:
City Clerk
City of Beverly Hills
450 N. Crescent Drive
Beverly Hills, California

RECORDED BY

RECORDED IN OFFICIAL RECORDS
OF LOS ANGELES COUNTY, CALIF.
51 Min. Post 10 A.M. MAY 26 1967
RAY E. LEE, County Recorder

2796

COVENANT AND AGREEMENT REGARDING PARKING

FEE
\$2.80
2 E

WHEREAS, the undersigned ARTHUR LAWRENCE and TOBY LAWRENCE hereby warrant and represent that they are the record owners of the following described real property situated in the City of Beverly Hills, County of Los Angeles, State of California, to wit:

Lots 5 and 6 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, page 94 of Maps, in the office of the County Recorder of said County.

The street address of said property is 242 N. Canon Drive, Beverly Hills, California.

ARTHUR LAWRENCE and TOBY LAWRENCE covenant and agree that this Covenant and Agreement Regarding Parking may be recorded by the City of Beverly Hills against the aforesaid real property commonly known as 242 N. Canon Drive, Beverly Hills, California.

ARTHUR LAWRENCE and TOBY LAWRENCE further covenant and agree with the City of Beverly Hills that should the parking now available for The Bistro, located at 242 N. Canon Drive, on the real property located on Crescent Drive immediately behind the real property commonly known as 202 N. Canon Drive cease to be available for The Bistro, then ARTHUR LAWRENCE and TOBY LAWRENCE consent and agree that failure to provide such parking for The Bistro shall result in revocation, without further action by the City of Beverly Hills, of the Certificate of Occupancy and Tenancy for 265 people for The Bistro, unless equivalent alternative parking is provided for The Bistro in

MAY 26 1967

2796

conformance with the provisions of the Beverly Hills City
Municipal Code.

DATED: May 5, 1967.

Approved For Content

Bruce Cochran
Asst. Director, Building & Planning

Arthur Lawrence
ARTHUR LAWRENCE

Approved for Town

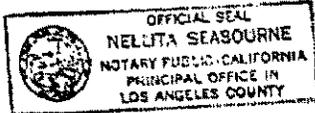
Allen Stone Date 5-10-67
City Attorney

Toby Lawrence
TOBY LAWRENCE

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS

On May 5, 1967, before me, the under-
signed, a Notary Public in and for said County and State,
personally appeared ARTHUR LAWRENCE and TOBY LAWRENCE,
known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they
executed the same.

Witness my hand and official seal.



Nellita Seabourne
Notary Public in and for
said County and State

NELLITA SEABOURNE
My Commission Expires June 19, 1970

MAY 26 1967

2796

86 989892

#10

RECORDING REQUESTED BY AND MAIL TO:

TR: Southland Title
S: 300 EMMANUELA STE 600
CITY: BURBANK CA 91502

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. 4 P.M. AUG 1 1986
PAST

PARKING COVENANTS AND AGREEMENT

SECURED BY DEED OF TRUST

FEE \$25

This Agreement is executed by Three Thirteen-Stratford, a California general partnership, hereinafter referred to as "Owner," for the benefit of California Federal Savings and Loan Association, its successors and assigns, hereafter referred to as "Cal Fed."

WHEREAS, the real property described below is owned by the Owner; and

WHEREAS, in 1967, Owner executed certain Covenants which were recorded against Parcel 3 for the benefit of Parcel 1 pursuant to which off-site parking spaces were covenanted to Parcel 1 to comply with the parking requirements of the City of Beverly Hills for special use of a portion of Parcel 1. True and correct copies of these Covenants are attached herewith as Exhibits A, B, C, and D, and are incorporated herein as though fully set forth. These Covenants are more clearly identified as follows:

- A) Covenant (Parking Spaces), recorded on May 16, 1967, in Book M2564, pages 770 and 771;
- B) Covenant (Attendant Parking), recorded on May 26, 1967, in Book M2564, Pages 766 and 767;
- C) Covenant and Agreement Regarding Parking, recorded on May 26, 1967, in Book M2564, Pages 768 and 769; and
- D) Covenant (Parking Spaces), recorded on June 26, 1967, in Book M2589, Pages 125 and 126.

WHEREAS, Cal Fed is the owner and holder of that certain Deed of Trust, recorded August 1, 1979 as Instrument No. 79-848431, in the Official Records of Los Angeles County, California, creating a lien against, among other things, certain real property situated in the County of Los Angeles, State of California, and more particularly described as follows:

Parcel 1

Lots 5 and 6 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, page 94 of Maps in the office of the County Recorder of said County. Except the southwesterly 10 feet thereof.

Parcel 1 is commonly known as 238-242 N. Canon Drive, Beverly Hills, California.

Parcel 2

Lot 8 and the northerly forty feet of Lot 9 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, Page 94 of

Maps in the office of the County Recorder of said County. Except the southwesterly 10 feet thereof.

Parcel 2 is commonly known as 220-222 N. Canon Drive, Beverly Hills, California.

Parcel 3

Lots 13, 14 and 15 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, Page 94 of Maps in the office of the County Recorder of said County.

Parcel 3 is commonly known as 201 N. Crescent Drive, Beverly Hills, California.

WHEREAS, the Owner has requested Cal Fed to release Parcels 2 and 3 from the lien of the above-described Deed of Trust; and

WHEREAS, concurrently with the execution of this Agreement, Cal Fed has agreed to release and reconvey Parcels 2 and 3 from the lien of the above Deed of Trust but only on the condition that for such release, the Owner execute this Agreement, to ensure that so long as Cal Fed, its successors or assigns holds a Deed of Trust encumbering Parcel 1 or has any other legal or equitable ownership or rights in and to Parcel 1, the Owner will provide and maintain parking spaces on Parcel 3 and for the use and benefit of the real property described as Parcel 1, all as more fully set forth in this Agreement and in the attached Covenants with the City of Beverly Hills, California.

NOW, THEREFORE, in consideration of the foregoing, and for other valuable consideration, the receipt of which is hereby acknowledged, the Owner covenants, promises and agrees with Cal Fed, its successors and assigns as follows:

1. The undersigned shall provide and maintain or cause to provide and maintain, attendant parking (i.e., parking maintained by an adequate number of attendants) of not less than ninety (90) automobile parking spaces on Parcel 3 of which seventy-six (76) shall be for the benefit of Parcel 1. The parking spaces shall at all times satisfy all the requirements of the Municipal Code of the City of Beverly Hills.
2. All of said Parcel 3 shall be used only for the parking of automobiles and no business endeavors (other than a parking lot operation) and no structures or improvements (except a parking lot sign and a structure to shelter a parking lot attendant) shall be allowed on Parcel 3. Notwithstanding the foregoing, in the event Owner desires to construct an office building or other improvements on Parcel 3, Cal Fed agrees that it will permit Owner to substitute fully equivalent alternative parking spaces for the benefit of Parcel 1 during the period of time improvements are being constructed on Parcel 3, provided (a) prior to the commencement of construction, Owner has received the requisite approvals from the City of Beverly Hills and (b) the Senior Loan Committee of Cal Fed has consented in writing to the alternate parking facilities.
3. The title to and the right to use Parcel 3 is and shall be subservient at all times to the parking rights of Parcel 1.
4. The due performance of this Agreement is secured by that certain Deed of Trust recorded August 1, 1979 as Instrument No. 79-848431, in the Official Records of

Tandem OK
Attendant

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name: City Clerk
Street: City of Beverly Hills
Address: 450 North Crescent Drive
City & State: Beverly Hills, California

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT
(Attendant Parking)

WHEREAS, the undersigned, (insert names of all record owners)

ARTHUR G. LAWRENCE and TOBY S. LAWRENCE

hereby represents and warrants that it is the record owner of the following described real property situated in the City of Beverly Hills, County of Los Angeles, State of California (insert legal description and street address of the property on which the parking is to be provided):

Lots 13, 14 and 15 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, page 94 of Maps in the office of the County Recorder of said County. The street address of said property is 201 North Crescent Drive, Beverly Hills, California,

(herein called the "Real Property"):

WHEREAS, the City of Beverly Hills has required that there be provided and maintained, a specified number of parking spaces in connection with the use of the following described real property situated in said City (if the same as above, so indicate; if not, insert legal description and street address):

Lots 5 and 6 in Block 12 of Beverly, City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 11, page 94 of Maps in the office of the County Recorder of said County. The street address of said property is 242 North Canon Drive, Beverly Hills, California.

WHEREAS, the said City, in the computation of the number of spaces, will allow the use of tandem parking spaces upon condition that attendant parking is provided and maintained.

NOW, THEREFORE, in consideration of the foregoing, the undersigned covenants, promises, and agrees with said City, for the benefit of said City, its public property, and each of herein described parcels of real property, as follows:

The undersigned shall provide and maintain attendant parking (i. e., parking supervised by an adequate number of attendants) on the Real Property

Rec'd by Recorder 5/15/67

at all times during the normal operation of the use or uses for which such parking is provided.

The undersigned acknowledges that failure to provide and maintain such attendant parking may result in the revocation of the Certificates of Occupancy for such uses, in addition to other prescribed penalties and remedies.

Whenever the context hereof requires, the neuter shall include the masculine or feminine, or both, and the singular shall include the plural. It is the intention hereof that this shall constitute a covenant running with the land, jointly and severally binding upon the undersigned and each of its heirs, representatives, successors, and assigns.

DATED: April 14, 1967.

Approved for Consent

[Signature]
Asst. Director, Building & Planning

[Signature]
Toby S. Lawrence
[Signature]
Arthur G. Lawrence

Approved for recordation:

Date: 5-10-67

[Signature]
City Attorney

By _____

IMPORTANT NOTE: This covenant must be executed by all record owners of the real property, and it must be executed and acknowledged in accordance with the Instructions for Execution of Instruments attached hereto. A current title report showing the names of all persons having an interest in the real property must be submitted to the City before this covenant will be approved for recordation.

(INDIVIDUAL)
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
On _____
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared _____
Toby S. Lawrence and Arthur G. Lawrence.
_____ known to me to be the persons, whose names are subscribed to the within instrument and acknowledged that they executed the same.
WITNESS my hand and official seal.
(Seal) _____
Notary Public in and for said County and State.

(CORPORATION)
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
On _____
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared _____
known to me to be the _____ President,
and _____
known to me to be _____ Secretary of
the Corporation that executed the within instrument, known
to me to be the persons who executed the within instrument
on behalf of the Corporation therein named, and acknowledged
to me that such Corporation executed the within instrument
pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.
(Seal) _____
Notary Public in and for said County and State.



RESTAURANTS & CATERING
"Your place or mine"

6-16-03

Mr. Bill Lindstrom
Development Officer
Sunrise Development, Inc.
902 Podva Road
Danville, CA 94256-4010

MARCO POLO
SUPPER CLUB
SCOTTSDALE, AZ
PHOENIX, AZ

MASTRO'S
STEAKHOUSE
N. SCOTTSDALE, AZ
BEVERLY HILLS, CA

MALONEY'S
TAVERN
SCOTTSDALE, AZ
FLAGSTAFF, AZ
SAN DIEGO, CA
TUCSON, AZ
ALBUQUERQUE, NM

MALONEY'S
ON CAMPUS
WESTWOOD, CA
TEMPE, AZ

COCOMO JOE'S
DINING & BAR
N. PHOENIX, AZ

DRINKWATER'S CITY HALL
SCOTTSDALE, AZ

OCEAN CLUB
N. SCOTTSDALE, AZ

Dear Bill:

This letter is a follow up to our telephone conversation this morning. As we discussed, the covenant for parking spaces provides for our restaurant's un-encumbered access and use of seventy eight (78) parking spaces on lots thirteen, fourteen and fifteen (13, 14 & 15). Our intention is to work harmoniously with you and your company so that we may exercise our rights pursuant to the covenant allowing us to operate our business with out interference, while not causing a burden to your development of the property (as we feel your project will be an asset to our community).

Also as we discussed and as you included in your e-mail dated 6-12-03 the landowner is required to provide a parking attendant during the hours of operation of our use. An "Attendant" is defined by Webster's Dictionary as, "attending or serving" or "being present" nowhere does the covenant stipulate that the attendant is to be in control of the 78 covenanted spaces. You have no right to disallow our access to such spaces, as this would constitute a direct contradiction to the language and express intent of the covenant. The primary intent of the attendant-parking covenant is to ensure that the restaurant has 78 parking spaces available to it at all times.

Restricting our access to the spaces in any way will constitute a material breach of the agreement and will entitle us to damages for loss of profits and loss of good will due to our loss of customers caused by your failure to abide by the terms of the covenant, as well as other consequential damages.

Moreover, it has always been our intent to act in good faith toward a positive resolution to this issue as well as the more pressing issue of temporary parking during the construction phase of your project as defined in paragraph 19 of the Planning Commission resolution No. 1095. Our goal is to take a proactive approach to satisfying this issue and avoid any potential for a negative impact on either of our respective businesses.

Please contact me at your convenience.

Best regards,

Dennis Mastro
Owner, Mastro's Steakhouse