



## Planning Commission Report

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**Meeting Date:** April 26, 2012

**Subject:** **246 North Canon Drive  
In-Lieu Parking**

Request for in-lieu parking to allow 32 in-lieu parking spaces to accommodate a restaurant expansion of the existing Mastro's restaurant located at **246 North Canon Drive.**

PROJECT APPLICANT: Kiyoshi Graves, Urban Planning Studios

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
  2. Adopt the attached resolution conditionally approving the request for 21 in-lieu parking spaces.
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### REPORT SUMMARY

This report analyzes a request to allow 32 in-lieu parking spaces to accommodate a 1,630 square foot dining and bar area expansion of the existing Mastro's restaurant. The restaurant currently accommodates 3,336 square feet of dining and bar area on the first and second floors of the building. The application consists of expanding the existing restaurant use into the existing office area located on the third floor of the building. The increased dining and bar area constitutes an intensification of the use and therefore requires additional parking be provided to accommodate the new dining and bar areas. The applicant has requested that the additional parking be accommodated through the City's in-lieu parking program. Discretionary review by the Planning Commission is required for restaurant uses requesting more than 10 in-lieu parking spaces.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft Planning Commission Resolution
- D. Parking Study (Under Separate Cover)
- E. Architectural Plans (Under Separate Cover)

Report Author and Contact Information:

Cindy Gordon, Assistant Planner  
(310) 285-1191  
[cgordon@beverlyhills.org](mailto:cgordon@beverlyhills.org)

**BACKGROUND**

File Date 3/5/2012  
Application Complete 3/22/2012  
CEQA Deadline 60 days from CEQA Determination (5/4/12)

Applicant(s) Kaitlyn Chilette, Mastro’s Restaurants, LLC  
Owner(s) Eddia Mirarooni, E. Crown Holdings, LLC  
Representative(s) Kiyoshi Graves, Urban Planning Studios

Prior Project Previews None  
Prior PC Action PL0830017 – In-Lieu Parking Request, 42 spaces (Approved – expired)  
PL0304815 – In-Lieu Parking Request, 9 spaces (Approved – rendered null and void due to lack of recordation)  
\* City records indicate that there are 4 in-lieu parking spaces for a previous restaurant expansion.  
Prior Council Action None

**PROPERTY AND NEIGHBORHOOD SETTING**

Property Information

Address 246 North Canon Drive  
Legal Description Lots 5 and 6 in Block 12, City of Beverly Hills  
Zoning District C-3 Commercial  
General Plan Low-Density Commercial  
Existing Land Use(s) Commercial  
Lot Dimensions & Area 142.5’ x 100’: 14,250 square feet  
Year Built 1942  
Historic Resource The property is not listed on any local, state or federal inventory  
Protected Trees/Grove None

Adjacent Zoning and Land Uses

North C-3 Commercial  
South C-3 Commercial  
East RMCP Multiple-Family Residential-Commercial Parking  
West C-3 Commercial

Circulation and Parking

Adjacent Street(s) North Canon Drive  
Adjacent Alleys One-way 20’ wide alley located at the rear of the property  
Parkways & Sidewalks 12’ parkway  
Nearest Intersection North Canon Drive and Dayton Way  
Nearest Signalized North Canon Drive and Dayton Way  
Circulation Element Local street  
Average Daily Trips Northbound: 6,900  
Southbound: 6,750

### Neighborhood Character

Mastro's is located in the City's Business Triangle on the east side of North Canon Drive, approximately mid-block between Dayton Way to the north and Clifton Way to the south. The Project Site is 100 feet wide and 142.5 feet deep for a total site area of 14,250 square feet (0.33 acres). General retail and office uses are located to the north and south of the Project Site. A residential senior home is located to the east on Crescent Drive and the Montage Hotel is located to the west of Mastro's, on Canon Drive. As the Project Site is adjacent to the RMCP Zone, it is located in the residential-commercial transition area. The Project Site is developed with a three-story commercial building that contains both restaurant and general office uses.

### **PROJECT DESCRIPTION**

Mastro's occupies the first and second floors of the building while the third floor is dedicated for office uses. The current uses on the Project Site include 2,000 SF of general retail on the first floor, 3,336 square feet of dining and bar area on the first and second floors, and 5,219 square feet of office on the third floor. The Project Site provides 95 required parking spaces, for the restaurant, retail, and office uses, with 19 on-site parking spaces and 76 covenanted off-site parking spaces, located at 201 N. Crescent Drive. Mastro's was previously approved for in-lieu parking in 2003 and 2008 to accompany an anticipated restaurant expansion; however, the in-lieu parking was never utilized.

The existing third floor office use (5,219 square feet) requires parking at a rate of one space per each 350 square feet, pursuant to BHMC §10-3-2730, and currently accommodates 15 parking spaces. The applicant is proposing to convert the entire third floor to restaurant use, with approximately 1,630 square feet of dining and bar area. The remaining third floor area would be used ancillary to the dining and bar area, such as a kitchen and restrooms. For sites with dining and bar areas that exceed 1,000 square feet, parking is required at a rate of one space per each 45 square feet; the proposed 1,630 square feet of dining and bar area would require 37 parking spaces. However, the area of the existing general office use proposed for conversion to dining and bar area currently provides 5 parking spaces, requiring Mastro's to provide only 32 additional parking spaces as a result of the restaurant use intensification (37 minus 5).

Currently, Mastro's lounge opens at 4:30 PM with the dinner service starting at 5:00 PM each day of the week and lunch service would not be offered in the proposed bar and dining area, consistent with current restaurant operations. As Mastro's is not open for lunch service, the majority of the parking demand for the restaurant occurs during the off-peak hours for the surrounding office and retail establishments. While the restaurant expansion may allow for the occasional daytime event, the information provided in the parking studies identifies sufficient parking to accommodate such events, even during peak parking demand hours.

The applicant has submitted a parking study to identify parking availability through on-street parking and in public parking structures, prepared by KOA Corporation. The report was reviewed by the City's Traffic and Parking Operations Divisions. The report states that while the availability of on-street parking is limited during peak hours to serve the restaurant, nearby parking structures could accommodate the increased parking demand (see Figure 1 for parking structure locations). The parking structures identified in the parking study as being able to accommodate the additional parking are as follows:

- 221 North Crescent Drive (598 total spaces)
- 9361 Dayton Way (630 total spaces)
  - *Note:* While this is one structure, this parking structure has two separate entrances. The vehicle entry point on Dayton Way provides access to the subterranean parking portion of the parking structure. The vehicle entry point on Crescent Drive provides access parking to the above-ground portion of the parking structure.
- 241 North Canon Drive / 242 North Beverly Drive (Montage) (604 total spaces)

Table 1 provides information as to the weekday, Saturday, and Sunday parking availability in these three structures during the hours of 4:00 – 10:00 PM. The information provided in the parking study was based on half-hour intervals; the parking availability has been averaged between these intervals to show average parking availability within each of the parking structures (calculated by staff utilizing numbers provided on Pages 10-12 of the KOA Corporation Project Parking Analysis).

Parking Structure	Weekday	Saturday	Sunday
221 North Crescent Drive	446 (74% available)	502 (84% available)	556 (93% available)
9361 Dayton Way	509 (81% available)	545 (87% available)	626 (99% available)
Montage	389 (64% available)	489 (81% available)	538 (89% available)
<b>TOTAL</b>	<b>1344 (73% available)</b>	<b>1537 (84% available)</b>	<b>1720 (94% available)</b>

Table 2 provides information as to the weekday, Saturday, and Sunday parking availability in the structures during the hours of 11:00 AM – 4:00 PM based on the possibility of Mastro’s hosting occasional daytime events with the expanded dining and bar area.

Parking Structure	Weekday	Saturday	Sunday
221 North Crescent Drive	249 (41% available)	388 (65% available)	520 (87% available)
9361 Dayton Way	264 (42% available)	403 (66% available)	623 (99% available)
Montage	250 (41% available)	452 (74% available)	506 (84% available)
<b>TOTAL</b>	<b>763 (41% available)</b>	<b>1243 (68% available)</b>	<b>1649 (90% available)</b>

Based on information provided in the parking study, it is anticipated that there is sufficient parking availability in the immediate vicinity to accommodate the full 32 required parking spaces.



*Parking Operations Division*

The parking study was conducted in January, which tends to be a relatively low-usage period for the City’s off-street lots; however, substantial off-street parking located within 500’ of the project site is available to accommodate 32 in-lieu spaces, even during peak operating months. Overall, there is sufficient space to accommodate the 32 in-lieu parking spaces, especially during operating hours after 4:00 PM. However, caution should be taken when considering the Montage parking structure as there is the potential for large scale hotel events that may dramatically reduce available parking for a specific day and time.

**GENERAL PLAN<sup>2</sup> POLICIES**

The City’s General Plan includes policies relevant to the Planning Commission’s review of the project, including:

- Policy LU 11.6 Parking. Explore opportunities to expand the parking supply in underserved commercial districts and residential neighborhoods which may be developed publicly, privately, or by joint public-private partnerships.
- Policy CIR 4.6 Parking Management. Implement parking management tools to meet short-term parking needs and maximum on-street parking turnover.

**ENVIRONMENTAL ASSESSMENT**

The proposed project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>3</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 Class 1 (Existing Facilities) of the Guidelines.

**PUBLIC OUTREACH AND NOTIFICATION**

The following methods were utilized for public outreach and notification of the in-lieu parking request for the existing Mastro’s restaurant.

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice	10 days	4/16/12	4/13/12	13 days
Website	N/A	N/A	N/A	N/A

Public Comment

As of the date of the preparation of this report, staff has not received any public communication regarding the project.

<sup>2</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>3</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

## **ANALYSIS<sup>4</sup>**

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

### Summary

In reviewing the requested In-Lieu Parking proposal, specific findings must be made with regard to existing and anticipated development in the vicinity, harmonious development of the area, traffic safety impacts, pedestrian-vehicle conflicts, parking impacts, and the general health, safety, and welfare of the community.

Based on the information provided in the parking study, and the inter-agency review conducted by the City's Parking Operations and Transportation Divisions, there is a sufficient supply of off-site parking in nearby parking structures to accommodate the proposed 32 in-lieu parking spaces, without significantly impacting the existing supply. The expansion of the existing restaurant is not anticipated to have an adverse impact on existing and anticipated development as the existing use and proposed expansion are harmonious with surrounding establishments in the area.

## **NEXT STEPS**

It is recommended that the Planning Commission conditionally approve the requested In-Lieu Parking, and adopt the attached resolution.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



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Michele McGrath, Acting Principal Planner

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<sup>4</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

# ATTACHMENT A

## Draft Findings and Conditions of Approval

### DRAFT FINDINGS

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#### In-Lieu Parking

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 City's General Plan, Municipal Code, and with existing development in the area. The City Council has expressed an interest in, and furthering the development of, new and existing restaurants within the City. Restaurants have been identified as a desirable use within the City's Business Triangle, a primary economic and tourist destination within the City. The existing restaurant complements the retail and office uses in the vicinity and an expansion, and subsequent participation in the in-lieu parking district, would serve to further the harmonious development of the area. While the Beverly Hills Municipal Code allows off-site parking up to 750' away from the project site, the parking study finds that there is a sufficient supply of parking in structures within 500' of the Project Site to accommodate the restaurant's expansion and increased parking demand. The City's Parking Operations Division noted that there is sufficient parking in the identified structures to accommodate the 32 requested parking spaces, especially after 4:00 PM. As the majority of Mastro's operations occur after this time, granting the in-lieu parking request will not adversely affect existing and anticipated development in the vicinity.

As the proposed restaurant expansion is consistent with the City's General Plan and Municipal Code, and has been found not to generate an adverse impact on existing parking facilities, it is anticipated that participation in the in-lieu parking program will 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.*

Based on information provided in the parking study, which was reviewed by the Planning staff and commented upon by the City's Parking Operations and Traffic Divisions, sufficient parking is available in the parking structures located within 500' of the Project Site to accommodate the increased parking demand as a result of the restaurant expansion. It should be noted that off-site parking can occur as far as 750' away from the Project Site.

It has been determined that there is sufficient parking within the three identified parking structures to accommodate the 32 requested parking spaces. Based on figures provided in the parking study, staff calculated that between the hours of 4:00 PM and 10:00 PM, there was an average of 1344 parking spaces available on weekdays, 1537 parking spaces available on Saturdays, and 1720 parking spaces available on Sundays. There is also sufficient parking during the daytime hours to accommodate the occasional daytime event.

## **ATTACHMENT A**

### **Draft Findings and Conditions of Approval**

Additional vehicles as a result of the restaurant expansion would be parked by the existing valet operation in existing parking facilities. It is anticipated that the existing valet operations and associated vehicle routes are sufficient to avoid pedestrian-vehicle conflicts.

Furthermore, the restaurant does not begin its nightly operation until 4:30 PM (lounge service); the restaurant does not begin operation until 5:00 PM. These hours are outside peak parking demand hours generated by surrounding office and retail uses. While the restaurant expansion may allow for the occasional daytime event, the information provided in the parking studies identifies sufficient parking to accommodate such events, even during peak parking demand hours.

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

Based on the information contained throughout this report, and as discussed in Findings 1 and 2, participation in the in-lieu parking district is not anticipated to adversely impact existing or further development. Additionally, as Mastro's is located in the commercial-residential transition area, it is subject to additional operational standards that serve to protect the nearby mixed-use residential area from negative impacts from commercial uses. Furthermore, Mastro's participation in the in-lieu parking district is not anticipated to create adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts. Based on these findings, participation in the in-lieu parking district is not anticipated to be detrimental to the public health, safety, and welfare.

#### **DRAFT CONDITIONS**

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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 to provide 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. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
3. **RECORDATION.** The resolution approving the In-Lieu Parking shall not become effective until the owner of the Project Site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding

**ATTACHMENT A**  
**Draft Findings and Conditions of Approval**

the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

4. EXPIRATION. In-Lieu Parking: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution, in accordance with the procedures set forth in §10-3-207 of the Beverly Hills Municipal Code.
5. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.
6. This approval is for those plans submitted to the Planning Commission on April 26, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
8. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
9. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
10. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

**ATTACHMENT B**  
**Public Notice**



**NOTICE OF PUBLIC HEARING**

**DATE:** April 26, 2012  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Council Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, April 26, 2012, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

An in-lieu parking request to allow 21 in-lieu parking spaces to accommodate a restaurant expansion at the existing Mastro's restaurant located at ~~246 North Canon Drive~~. In-lieu parking requirements will be satisfied by payment to the City of an in-lieu fee. The existing restaurant currently has 3,336 square feet of dining and bar area on the first and second floors. The restaurant expansion proposes 1,630 square feet of new dining and bar area on the third floor, which is currently occupied by office uses. Discretionary review by the Planning Commission is required for restaurant uses that are requesting more than 10 in-lieu parking spaces.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption for existing facilities. Therefore, the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

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

If there are any questions regarding this notice, please contact Cindy Gordon, Assistant Planner in the Planning Division at 310-285-1191, or by email at [cgordon@beverlyhills.org](mailto:cgordon@beverlyhills.org). Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

Handwritten signature of Michele McGrath in black ink.

Michele McGrath  
Interim Principal Planner

Mailed: April 13, 2011

**ATTACHMENT C**  
**Draft Planning Commission Resolution**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BEVERLY HILLS CONDITIONALLY  
APPROVING 32 IN-LIEU PARKING SPACES 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. Kyoshi Graves, applicant, on behalf of Mastro's Steakhouse (the "Applicant"), has submitted an application for participation in the City's In-Lieu Parking District to provide a total of 32 in lieu parking spaces to satisfy parking requirements resulting from the conversion of existing office space to dining and bar area in an existing restaurant located at 246 North Canon Drive (Mastro's Steakhouse) (the "Project").

The existing 3,336 square-foot dining and bar area will be increased to 4,966 square feet through the conversion of 1,630 square feet of existing office space on the third floor. The conversion will result in additional dining and bar area that is intended for restaurant use. The remaining area will be converted to uses ancillary to the restaurant, such as a kitchen and restrooms. 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 dining and bar area, and one space per 350 square feet of office or service area. Therefore, the conversion of 1,630 square feet of office use to 1,630 square feet of dining and bar area will require that the Project provide thirty-seven (37) additional parking spaces. However, the 1,630 square feet of existing office use requires five (5) parking spaces, which will be

credited toward the thirty-seven (37) required for the restaurant expansion, resulting in a net parking increase of thirty-two (32) parking spaces. The remaining ancillary service uses will maintain the parking ratio of one required parking space per each 350 square feet.

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) and 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 and hearing was sent to all property owners and residents within 300’ of the project site on April 13, 2012. On April 26, 2012, 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 City's Parking Operations Division and Transportation Division reviewed the Project and verified that sufficient space is available within the surrounding public parking structures, all located within 500' of the Project Site, to accommodate a minimum of 32 additional vehicles after 4:00 p.m. As the restaurant is primarily open only for dinner hours (beginning at 5:00 p.m.; lounge service begins at 4:30 p.m.), when the demand for off-site parking in City parking facilities is less than during peak business hours, limiting any potential parking demand impact. Additionally, there is sufficient parking during the daytime hours, or peak parking demand, to accommodate the occasional daytime event. Therefore, allowing the Project to provide a total of 32 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 95 parking spaces. All parking is administered through valet service only, with 19 spaces provided on site and 76 spaces covenanted off site at 201 North Crescent Drive, for a total of 95 valet operated parking spaces. With the conversion, the restaurant will require an additional thirty-two (32) spaces for a total of 127 spaces. The Applicant proposes to provide the additional thirty-two (32) spaces through participation in the In Lieu Parking District. The City's Parking Operations Division has determined that 32 in lieu parking spaces can be 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, and because the Project Site is located in the commercial-residential transition area, and is subject to additional operational standards, 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 thirty-two (32) 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 to provide 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. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

3. RECORDATION. The resolution approving the In-Lieu Parking shall not become effective until the owner of the Project Site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and

void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

4. EXPIRATION. In-Lieu Parking: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution, in accordance with the procedures set forth in §10-3-207 of the Beverly Hills Municipal Code.

5. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

6. This approval is for those plans submitted to the Planning Commission on April 26, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

8. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for

plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

9. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

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

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: April 26, 2012

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Craig Corman  
Chairman of the Planning Commission of  
the City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

**ATTACHMENT D**  
**Parking Study**

Under separate cover

**ATTACHMENT E**  
**Architectural Plans**

Under separate cover