



# Planning Commission Report

**Meeting Date:** March 28, 2013

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

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

PROJECT APPLICANT: Murray Fischer on behalf of Spghettini Restaurant

**Recommendation:** That the Planning Commission:

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

## REPORT SUMMARY

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

**Attachment(s):**

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

**Report Author and Contact Information:**

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

## **BACKGROUND**

File Date 2/13/2013  
Application Complete 3/21/2013  
Subdivision Deadline N/A  
CEQA Deadline 60 days from CEQA Determination  
Permit Streamlining 5/28/2013

Applicant(s) Spaghetini Restaurant (Notes on a Plate, LLC)  
Owner(s) Koss Canon, LP  
Representative(s) Murray Fischer

Prior PC Action None  
Prior Council Action None  
CC/PC Liaison The City Council/Planning Commission Liaison conducted public meetings on 2/13/2013 and 3/11/2013 to discuss the project.

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

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

### Adjacent Zoning and Land Uses

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

### Circulation and Parking

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

### Neighborhood Character

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



### **PROJECT DESCRIPTION**

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

### Zone Text Amendment

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

### In-Lieu Parking

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

### Extended Hours Permit

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

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

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

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

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

## ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>2</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines for minor improvements/additions at the subject properties, and Section 15305 (Class 5) of the Guidelines for minor alterations in land use limitations because the ordinance would not result in any changes in allowed land uses, density, or building height. The exterior additions and minor changes in land use limitations do not result in any significant environmental impacts, and are therefore exempt from further review under the provisions of CEQA.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	3/22/2013	6 Days
Newspaper Notice	10 Days	3/18/2013	3/15/2013	13 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	3/18/2013	3/18/2013	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/22/2013	6 Days

### Public Comment

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

## ANALYSIS<sup>3</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **CONCLUSION**

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

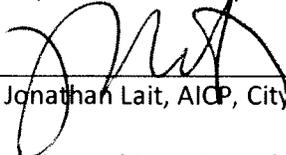
## **NEXT STEPS**

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



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Jonathan Lait, AICP, City Planner

# ATTACHMENT A

## Staff Recommended Findings and Conditions of Approval

### DRAFT FINDINGS

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#### Zone Text Amendment

1. *The Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.*

The Zone Text Amendment is intended to create a pilot program for restaurants that provide nightlife and public benefits, and wish to participate in the City's in-lieu parking program for a reduced fee. The amendment will help to promote nightlife in the City, while simultaneously providing broader public benefits by contributing to community events. The pilot program will allow the City to explore alternatives to the standard in-lieu parking program, which will lead to a more flexible program that encourages uses that are beneficial to the City. Any application for reduced in-lieu parking fees pursuant to the pilot program established by the amendment would be reviewed by the Planning Commission and City Council on a case-by-case basis to ensure that adequate public benefits are provided. For these reasons, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

#### 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.*

Although approval of the in-lieu parking request would generate additional demand on the City's existing parking facilities, the parking assessment prepared in conjunction with the project indicates that a sufficient number of parking spaces are available within four nearby, public parking structures to accommodate the requested 59 in-lieu parking spaces. The additional demand of 59 vehicles at the subject parking facilities would not result in a parking shortfall, and would therefore not adversely affect existing and anticipated development in the vicinity. In fact, approval of the in-lieu parking spaces facilitates the establishment of a restaurant that provides musical entertainment and nightlife, which will be a harmonious and beneficial addition to the Business Triangle.

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.*

The City's existing public parking facilities and circulation patterns will not be modified as a result of the project, and are already designed to limit traffic safety impacts and pedestrian-vehicle conflicts. Additionally, based on current usage patterns the requested in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing parking facilities. Therefore, participation in the in-lieu parking district is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

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

The project involves the conversion of general commercial space to restaurant space, resulting in the need for 59 in-lieu parking spaces. The conversion allows the establishment of a restaurant that provides musical entertainment and nightlife, which will be a beneficial addition to the City's commercial district. The in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the project is not anticipated to be detrimental to the public health, safety and welfare.

#### Extended Hours Permit

1. *The accumulation of garbage, litter, or other waste, both on and off of the subject site;*

The request for extended hours is related to interior operations. Collection of garbage, litter, and other waste is carried out by restaurant staff during regular operation of the restaurant. An increase in operating hours can be accommodated by existing resources and staff, and the proposal is not anticipated to result in the accumulation of garbage, litter, or other waste.

2. *Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;*

The subject property is surrounded by commercial development to the north, south, and west. Residential development is located across the alley to the east of the project site. Extended hours restaurant operations will take place toward the front of the restaurant, on North Canon Drive, which provides a buffer between the residential uses. Furthermore, restaurant operations occur indoors, and vehicle circulation occurs by valet. With the incorporation of conditions of approval related to requiring soundproofing and regulating valet routes and operations, the extended hours operation will not result in adverse impacts to surrounding properties.

3. *Light and glare;*

The proposed extended hours would not result in any added light and glare beyond what currently exists at the subject property. The subject property is located on a commercial street, and all operations generating light would occur along North Canon Drive, away from the apartments located east of the subject property.

4. *Odors and noxious fumes;*

The proposed extended hours would not result in any added odors or noxious fumes beyond what would otherwise exist from the operation of the restaurant. Therefore, extending the hours of operation until 1:00 AM nightly is not anticipated to create any adverse impacts related odors and noxious fumes.

5. *Pedestrian queuing;*

The proposed use functions as a restaurant, not as a nightclub, and is not anticipated to result in pedestrian queuing. Furthermore, patrons generally must have reservations, and there is an interior waiting area within the restaurant. Therefore, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the project.

6. *Crime or peril to personal safety and security;*

The requested Extended Hours Permit is related to interior restaurant uses within the premises of an existing commercial building. Because patrons are typically contained within the subject property, the proposal is not anticipated to result in added crime or peril to personal safety and security.

7. *Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;*

The proposed restaurant will provide valet parking, which will generally prevent patrons from parking on residential streets. In the event that a patron does not use valet parking, sufficient public parking garages exist in the vicinity of the restaurant to accommodate patrons. For these reasons, the extended hours use is not anticipated to result in parking intrusion into the residential areas.

8. *Effects on traffic volumes and congestion on local residential streets; and*

Restaurant operations during extended hours would primarily generate vehicle trips on commercial streets. Furthermore, traffic volumes after 10:00 PM are typically low, and the City's streets can accommodate the extended hours operation without impacts on traffic volumes and congestion on local residential streets.

9. *Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.*

The location of the subject property is along North Canon Drive. North Canon Drive is a commercial street primarily comprised of retail stores and restaurants that generally do not operate beyond 10:00 PM. Therefore, the proposed project would not result in a concentration of extended hours operations within the vicinity of the subject property.

## **DRAFT CONDITIONS**

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### Project Specific Conditions

1. This approval shall not become effective unless and until the proposed Zone Text Amendment and an In-Lieu Parking Agreement have been adopted by the City Council and taken effect.
2. The Applicant shall obtain a valet permit from the Public Works Department, and shall reimburse the City for any costs associated with restricting parking meter service in order to accommodate valet operations. The valet plan shall be subject to review and approval by the Director of Public Works, and shall be designed to prevent vehicle and noise impacts on surrounding residential properties during Extended Hours operations.
3. The restaurant shall not receive any new patrons after 1:00 AM nightly.
4. Prior to the issuance of a building permit, the Applicant shall engage the services of an acoustical consultant to identify areas of the subject property requiring soundproofing. Soundproofing shall be installed in any areas determined necessary by the acoustical consultant for the purpose of preventing sound from being audible at the adjacent residential properties to the east. Upon installation of soundproofing materials, the acoustical consultant shall inspect the soundproofing and submit a written report to the Director of Community Development documenting that such installation was correctly performed. In the event that the soundproofing does not sufficiently reduce noise associated with the Project, the Director shall have the authority to impose additional conditions on the Project to achieve compliance.
5. During Extended Hours, the Project shall comply with all operational restrictions set forth in BHMC §10-3-1956 regarding operational restrictions for business located in a commercial-residential transition zone.

### Standard Conditions

Please see attached resolution (Attachment C)

## **ATTACHMENT B**

**DRAFT RESOLUTION RECOMMENDING APPROVAL OF A ZONE  
TEXT AMENDMENT AND IN-LIEU PARKING AGREEMENT**

**TO BE PROVIDED UNDER SEPARATE COVER**

**ATTACHMENT C**

**DRAFT RESOLUTION APPROVING IN-LIEU PARKING AND AN  
EXTENDED HOURS PERMIT**

**TO BE PROVIDED UNDER SEPARATE COVER**

## **ATTACHMENT C**

**DRAFT RESOLUTION APPROVING IN-LIEU PARKING AND AN  
EXTENDED HOURS PERMIT**

**TO BE PROVIDED UNDER SEPARATE COVER**

# **ATTACHMENT D**

## **PARKING STUDY**



## DRAFT MEMORANDUM

Date: March 12, 2013

To: Mr. Murray D. Fischer & Ms. Ilisa Gold  
The Law Offices of Murray D. Fischer

From: Anjum Bawa and Audrey Kennedy

**Subject: Spaghetini, Beverly Hills, CA**

Ref: LA13-2581

This memorandum summarizes the results of a parking study Fehr & Peers conducted for the proposed Spaghetini restaurant to be located at 184-188 North Canon Drive in the City of Beverly Hills, California. The parking study involved estimating the number of parking spaces required by the proposed restaurant use per City of Beverly Hills' ordinance, and then identified parking resources in the vicinity of project site that could qualify towards satisfying the project's parking requirements. These included parking facilities open to public parking located within a reasonable walking distance of ¼ of a mile.

The project involves the construction of a Spaghetini restaurant with a floor area of 5,600 square feet (sf), of which 3,100 sf is dining and bar area. The Spaghetini will replace an existing retail use and will include a total of up to four on-site parking spaces.

### CITY OF BEVERLY HILLS CODE REQUIREMENTS

According to the City of Beverly Hills Municipal Code, restaurant uses are required to provide one parking space per 45 sf of dining and bar floor area for the first 9,000 sf of such area. At 3,100 sf, the proposed Spaghetini restaurant will be required to provide approximately 69 spaces. Since the project is proposing to provide four on-site spaces, a total of 65 in-lieu parking spaces would be required.

Gross Leasable Area (sf)	Dining/Bar Area (sf)	Code Required Parking	Required Parking Spaces
5,600	3,100	1 space per 45 sf	69

### PROJECT DEMAND ASSESSMENT

The anticipated parking demand generated by the proposed project was estimated based on demand rates recommended in *Parking Generation, 4<sup>th</sup> Edition* (Institute of Transportation Engineers [ITE], 2010). The estimated parking demand for restaurant on a Non-Friday Weekday is 10.60 vehicles per 1,000 sf of gross floor area (GFA), or 59 vehicles. The estimated parking demand for restaurant on a Saturday is 2.87 vehicles per 1,000 sf of GLA, or 62 vehicles.

<b>Period</b>	<b>Gross Floor Area (1,000 sf)</b>	<b>Estimated Parking Demand per 1,000 sf [a]</b>	<b>Required Parking Spaces</b>
Thursday	5.600	10.60	59
Saturday		16.40	92

[a] Estimated Parking demand based on GLA. Thursday demand is estimated using average parking demand for LU 931 on a Non-Friday Weekday, Saturday demand is estimated using average parking demand for LU 931 on a Saturday

*Parking Generation, 4<sup>th</sup> Edition* provides the peak time-of-day parking for parking demand on weekdays as well as Saturdays. Based on these data, the peak demand for the proposed restaurant use will occur between 7:00 PM and 9:00 PM on a non-Friday weekday and 7:00 PM to 9:00 PM on a Saturday.

The project site is located within the City's "Golden Triangle" commercial district, which includes a mix of commercial uses such as retail, restaurants, office, medical offices, etc. Parking for the uses is either provided on- or off-site in City- or privately-owned parking facilities. With the density and diversity of uses, short blocks, and a mature network of sidewalks, visitors to the commercial district are encouraged to "park once." Once parked in the area, these visitors may visit multiple uses in the area without having to move their vehicles. It is anticipated that a portion of the patrons of the proposed Spaghettini would be generated from visitors already present in the area. Considering the aforementioned, the effective parking demand for the new restaurant use will most likely be lower than estimated above.

#### **EXISTING PARKING SUPPLY**

As described, the project is proposing up to four on-site parking spaces and intends to satisfy its remaining demand with parking available in proximate off-site public parking facilities.

The project's off-site parking demand could be accommodated in the following four City-owned public parking facilities:

- Parking Structure 7 (241 N Canon Dr – 242 N Beverly Dr) – approximately 613 spaces, not including Level 1, which is reserved for Montage Parking, nor any spaces on Levels 2 to 4 categorized as "residential," "reserved" or "employee"
- Parking Structure 10 (333 N Crescent Dr) – approximately 512 spaces
- Parking Structure 11 (221 N Crescent Dr) – approximately 581 spaces, not including portions of Level 5, and all of Level 6, which are reserved for Audi
- Parking Structure 12 (9361 Dayton Wy) – approximately 219 spaces

The locations of these structures are shown in Attachment A.

### ***Parking Surveys***

Hourly parking occupancy counts were conducted in February and March 2013 to determine the existing supply in the aforementioned four public parking structures. The surveys were conducted during the following time periods:

- Saturday, February 9, 2013 from 10:00 AM to 6:00 PM (Parking Structure 7)
- Thursday, February 21, 2013 from 10:00 AM to 6:00 PM (Parking Structure 7)
- Thursday, February 28, 2013 from 10:00 AM to 6:00 PM (Parking Structures 10, 11 & 12)
- Saturday, March 2, 2013 from 10:00 AM to 6:00 PM (Parking Structures 10, 11 & 12)

Tables 1 and 2 show the available parking supply and existing occupancy levels for the four structures on a typical weekday and weekend day (Saturday), respectively.

Provided below is a brief summary of survey results.

- Parking Structure 7
  - As shown in Figure 1A, peak parking utilization for PS 7 on a Thursday occurred at 1:00 PM when the garage was 80% full (489 of 613 spaces were occupied, 124 available spaces)
  - As shown in Figure 1B, peak parking utilization for PS 7 on a Saturday occurred at 2:00 PM when the garage was 31% full (187 of 613 spaces were occupied, 426 available spaces)
- Parking Structure 10
  - As shown in Figure 2A, peak parking utilization for PS 10 on a Thursday occurred at 1:00 PM when the garage was 71% full (364 of 512 spaces were occupied, 148 available spaces)
  - As shown in Figure 2B, peak parking utilization for PS 10 on a Saturday occurred at 1:00 PM when the garage was 44% full (226 of 512 spaces were occupied, 286 available spaces)
- Parking Structure 11
  - As shown in Figure 3A, peak parking utilization for PS 11 on a Thursday occurred at 1:00 PM when the garage was 83% full (482 of 581 spaces were occupied, 99 available spaces)
  - As shown in Figure 3B, peak parking utilization for PS 10 on a Saturday occurred at 1:00 PM when the garage was 48% full (276 of 581 spaces were occupied, 305 available spaces)
- Parking Structure 12
  - As shown in Figure 4A, peak parking utilization for PS 12 on a Thursday occurred at 1:00 PM when the garage was 51% full (111 of 219 spaces were occupied, 108 available spaces)

- As shown in Figure 4B, peak parking utilization for PS 12 on a Saturday occurred at 1:00 PM when the garage was 37% full (80 of 219 spaces were occupied, 139 available spaces)

Figures 5A and 5B show a combined hourly parking utilization of all surveyed parking structures on a Thursday and Saturday, respectively. Based on the results of the survey, the peak parking utilization on a Thursday occurred at 1:00 PM with 479 available spaces. Peak parking utilization on a Saturday occurred at 1:00 PM with 1,165 available spaces.

The results of the parking survey indicate that the four public parking facilities located within reasonable walking distance to the project will have sufficient parking spaces available to meet the project's off-site parking demand. As shown in in the tables and figures, the available parking in these parking structures is even higher in the evening hours, when the project is at its peak for parking demand.

## **CONCLUSION**

Per the City's ordinance, the project is required to provide a total of 69 parking spaces. The project is proposing up to four on-site spaces and will provide the remaining 65 spaces as in-lieu parking permitted by the City's ordinance. Based on results of comprehensive parking occupancy surveys conducted at three City-owned parking facilities, the existing availability of 479 and 1,165 spaces during a weekday and Saturday peak, respectively, is sufficient to accommodate project's off-site parking demand. The existing availability of 1,135 and 1,445 spaces in the evening during a weekday and Saturday would also be sufficient to accommodate project's peak demand.

**ATTACHMENT A**

**CITY OF BEVERLY HILLS PARKING STRUCTURES GUIDE**

TABLE 1 - EXISTING WEEKDAY OCCUPANCY

THURSDAY, FEBRUARY 21 | THURSDAY, FEBRUARY 28

TOTAL SPACES	PARKING STRUCTURE 7 <sup>(1,2)</sup>			PARKING STRUCTURE 10			PARKING STRUCTURE 11 <sup>(4)</sup>			PARKING STRUCTURE 12			TOTAL SPACES		AVAILABLE SPACES REMAINING
	613	% OCCUPIED	SPACES REMAINING	512	% OCCUPIED	SPACES REMAINING	581	% OCCUPIED	SPACES REMAINING	219	% OCCUPIED	SPACES REMAINING	1,925	% OCCUPIED	
10:00 AM	356	58%	257	313	61%	199	458	79%	123	86	39%	133	1,313	63%	712
11:00 AM	472	77%	141	342	67%	170	467	80%	114	89	41%	130	1,370	71%	555
12:00 PM	436	71%	177	355	69%	157	476	82%	105	98	45%	121	1,365	71%	540
1:00 PM	488	80%	124	344	71%	148	482	83%	99	111	51%	108	1,446	75%	479
2:00 PM	450	73%	163	349	68%	163	465	80%	116	106	48%	113	1,370	71%	555
3:00 PM	383	62%	230	309	60%	203	432	74%	149	97	44%	122	1,221	63%	704
4:00 PM	363	59%	250	282	55%	230	378	65%	203	84	38%	135	1,107	58%	818
5:00 PM	314	51%	299	227	44%	285	345	59%	236	82	37%	137	968	50%	957
6:00 PM	303	49%	310	162	32%	350	258	44%	323	67	31%	152	790	41%	1,135

[1] Data collection for Parking Structure 7 excludes Level 1, which is reserved for Montage parking. This analysis also excludes any spaces on Levels 2 to 4 which are categorized as "reserved," "residential" or "employee"

[2] Of the 613 spaces, 521 are tandem.

[3] Some vehicles in count were parked illegally against the wall.

[4] This analysis excludes spaces reserved for Audi only on Levels 5 and 6.

TABLE 2 - EXISTING WEEKEND OCCUPANCY

SATURDAY, FEBRUARY 9 | SATURDAY, MARCH 2

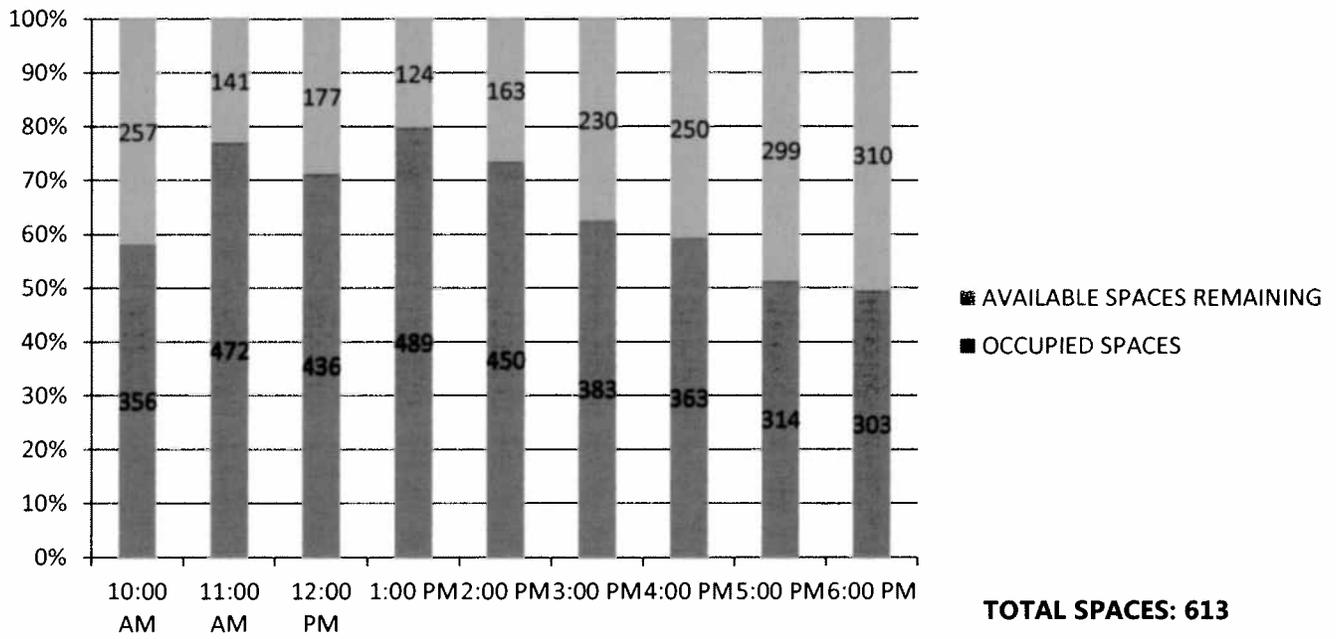
TOTAL SPACES	PARKING STRUCTURE 7 <sup>(1,2)</sup>			PARKING STRUCTURE 10			PARKING STRUCTURE 11 <sup>(4)</sup>			PARKING STRUCTURE 12			TOTAL STRUCTURES		AVAILABLE SPACES REMAINING
	613	% OCCUPIED	SPACES REMAINING	512	% OCCUPIED	SPACES REMAINING	581	% OCCUPIED	SPACES REMAINING	219	% OCCUPIED	SPACES REMAINING	1,925	% OCCUPIED	
10:00 AM	67	11%	546	191	37%	321	233	40%	348	56	26%	163	547	28%	1,378
11:00 AM	82	13%	531	202	39%	310	251	43%	330	63	29%	156	598	31%	1,327
12:00 PM	122	20%	491	222	43%	290	260	45%	321	69	32%	150	673	35%	1,252
1:00 PM	178	29%	435	226	44%	286	276	48%	305	80	37%	139	760	39%	1,165
2:00 PM	187	31%	426	215	42%	297	266	46%	315	78	36%	141	746	39%	1,179
3:00 PM	150	24%	463	211	41%	301	262	45%	319	75	34%	144	698	36%	1,227
4:00 PM	148	24%	465	181	35%	331	227	39%	354	62	28%	157	618	32%	1,307
5:00 PM	142	23%	471	145	28%	367	169	29%	412	51	23%	168	507	26%	1,418
6:00 PM	150	24%	463	110	21%	402	179	31%	402	41	19%	178	480	25%	1,445

[1] Data collection for Parking Structure 7 excludes Level 1, which is reserved for Montage parking. This analysis also excludes any spaces on Levels 2 to 4 which are categorized as "reserved," "residential" or "employee"

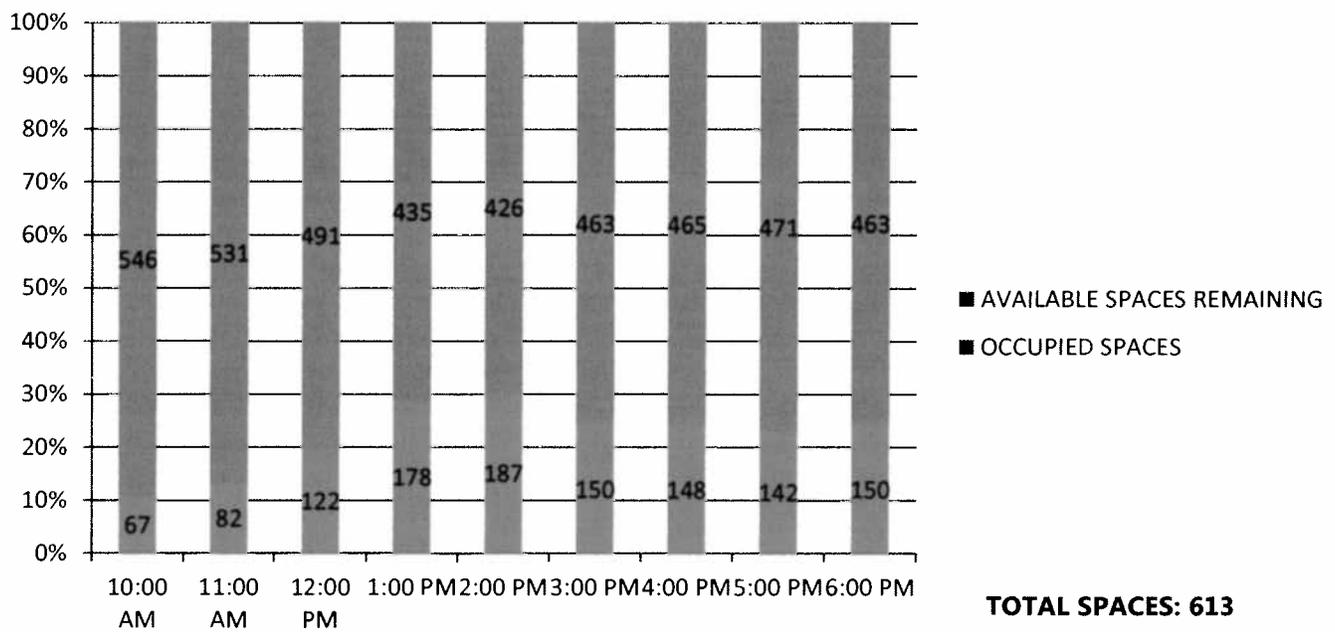
[2] Of the 613 spaces, 521 are tandem.

[3] This analysis excludes spaces reserved for Audi only on Levels 5 and 6.

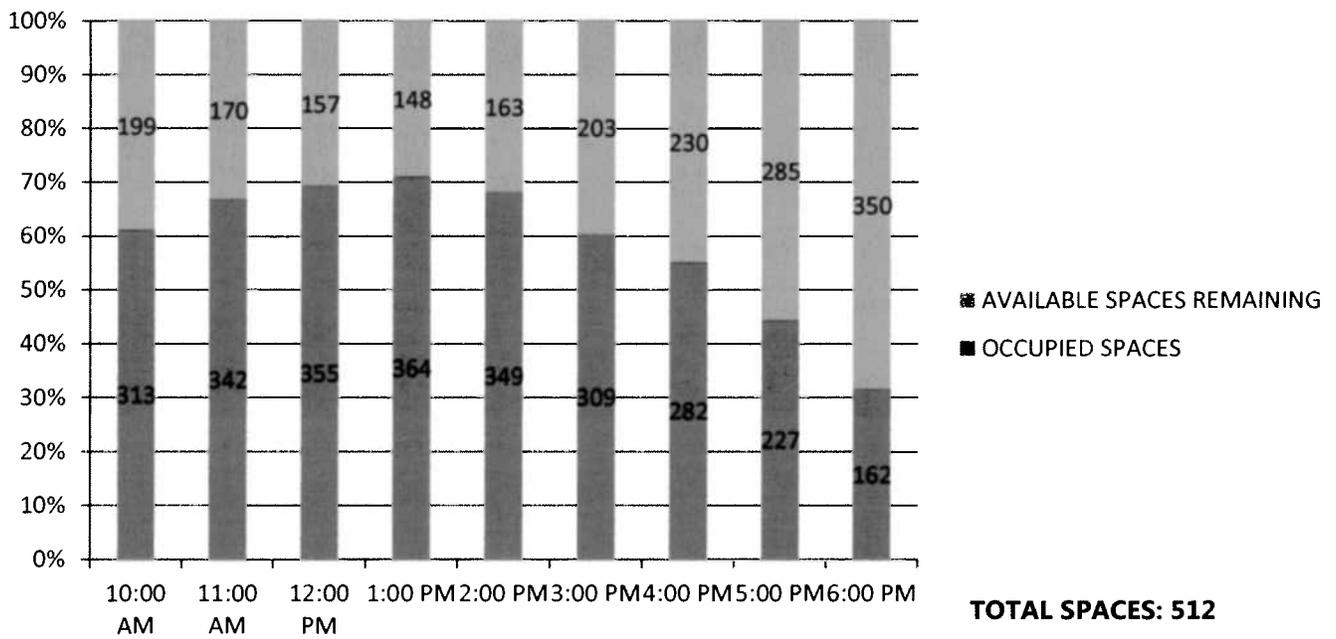
**FIGURE 1A - PARKING STRUCTURE 7 WEEKDAY OCCUPANCY**



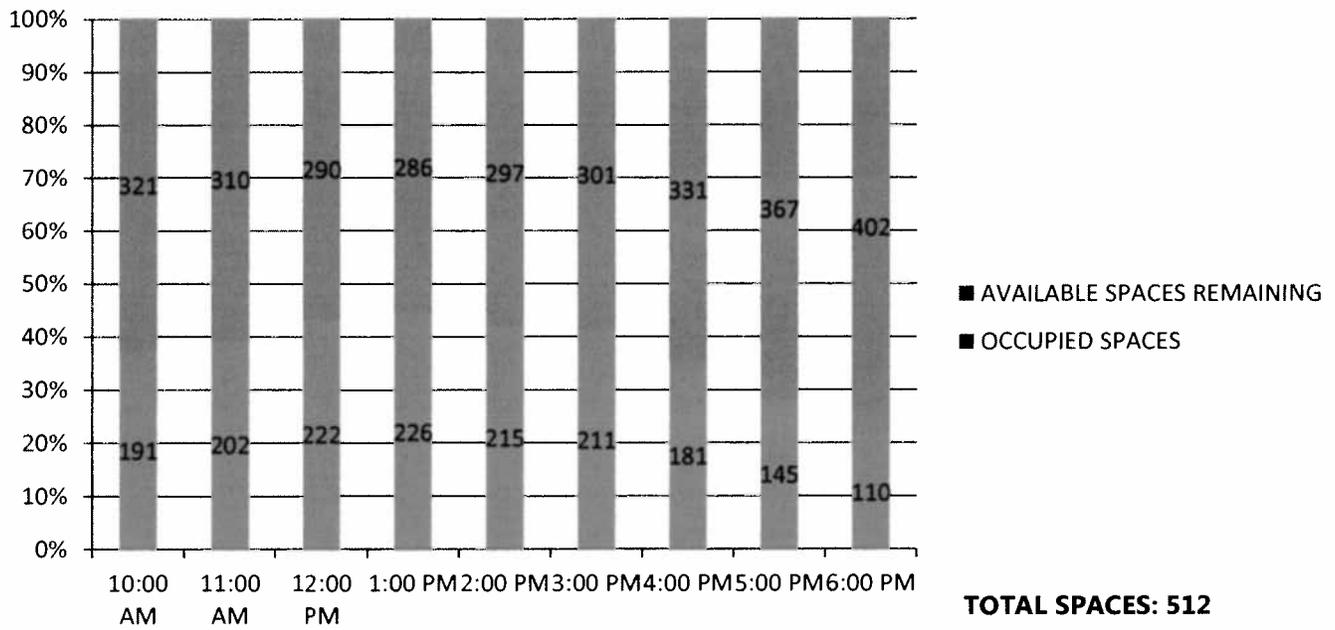
**FIGURE 1B - PARKING STRUCTURE 7 SATURDAY OCCUPANCY**



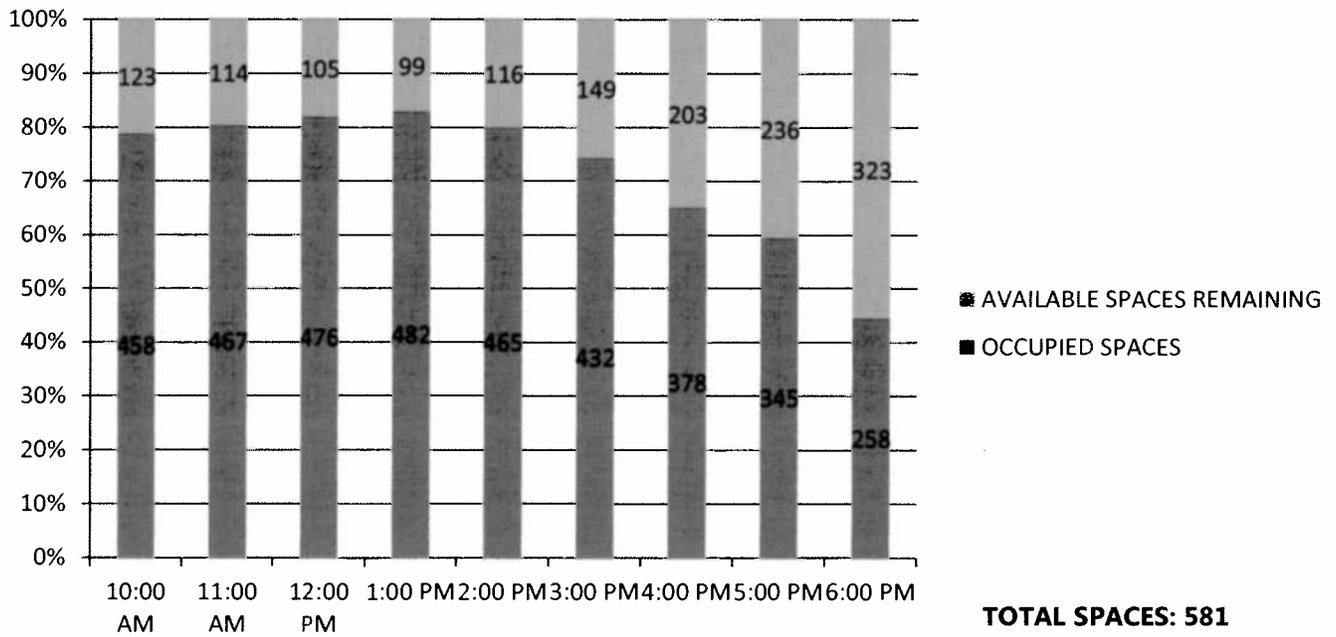
**FIGURE 2A - PARKING STRUCTURE 10 WEEKDAY OCCUPANCY**



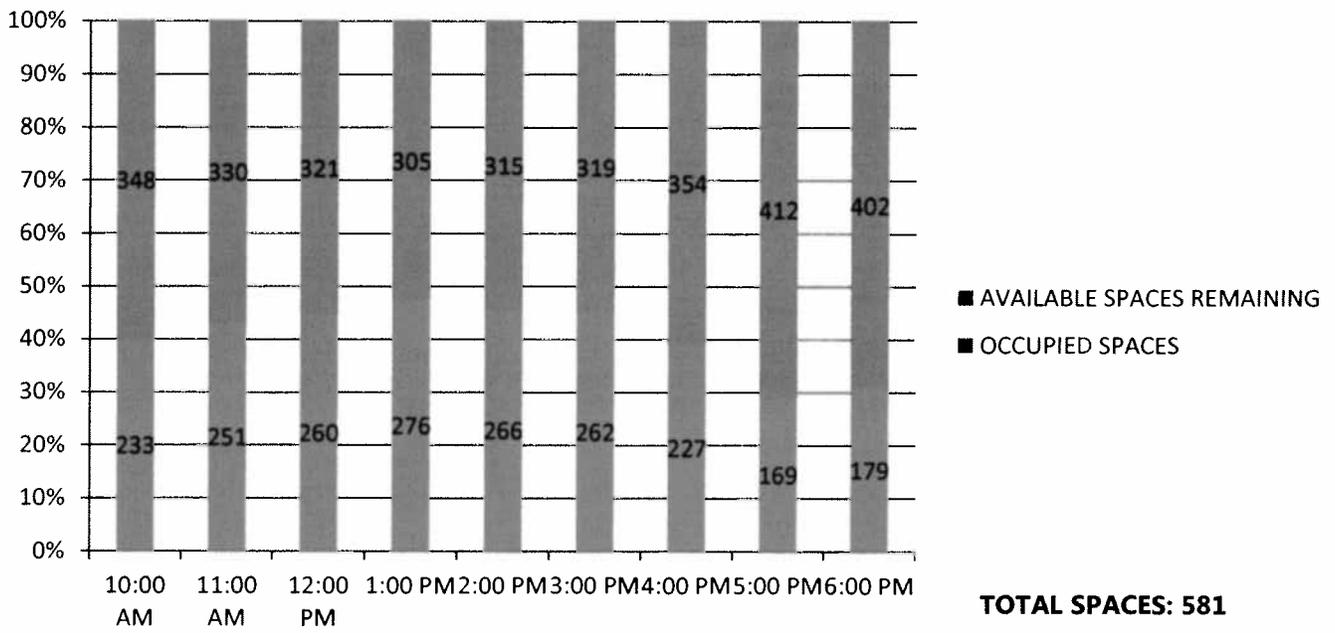
**FIGURE 2B - PARKING STRUCTURE 10 SATURDAY OCCUPANCY**



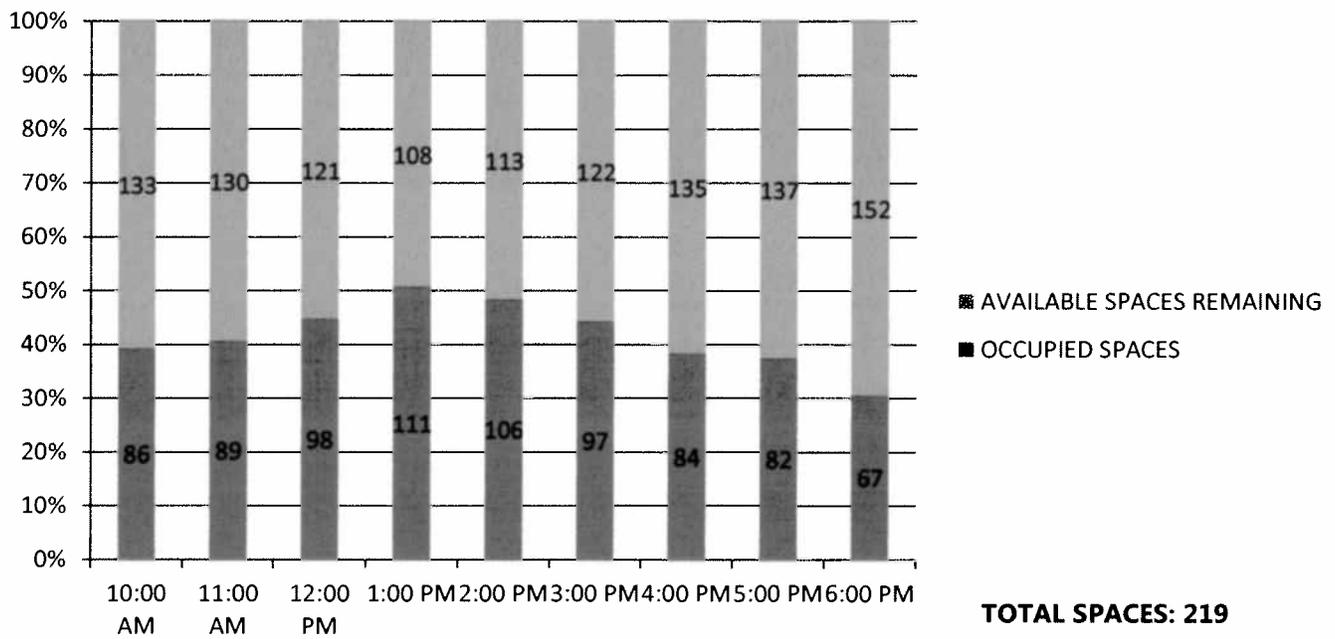
**FIGURE 3A - PARKING STRUCTURE 11 WEEKDAY OCCUPANCY**



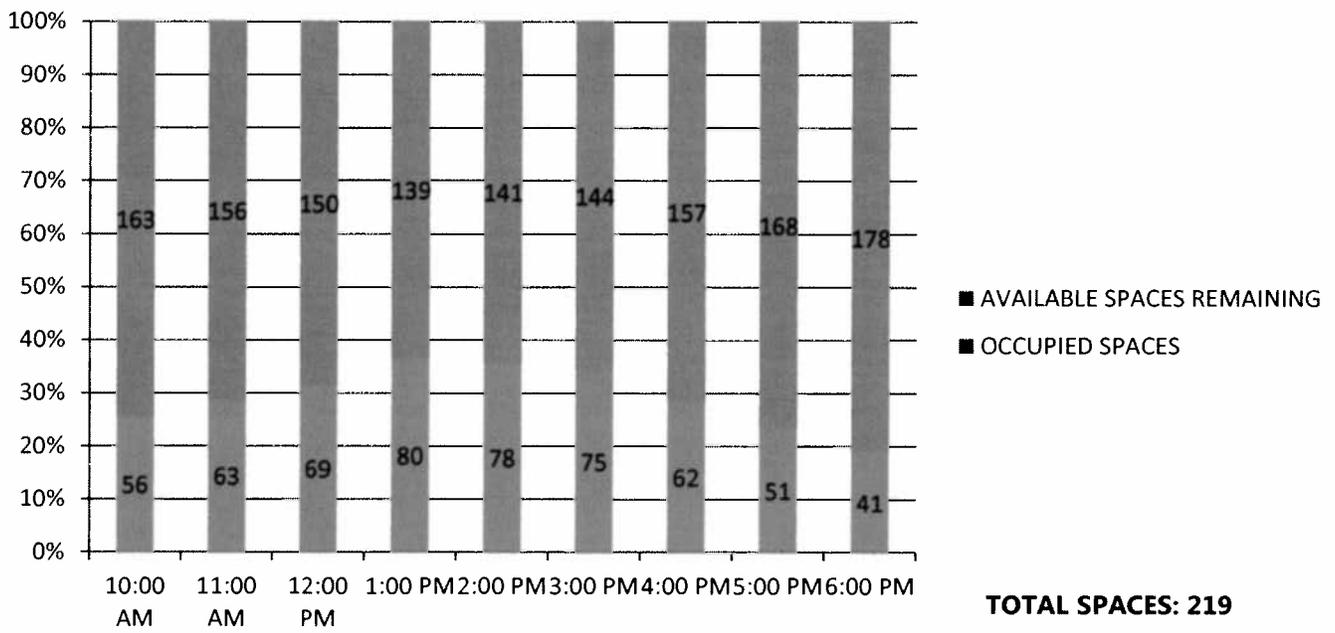
**FIGURE 3B - PARKING STRUCTURE 11 SATURDAY OCCUPANCY**



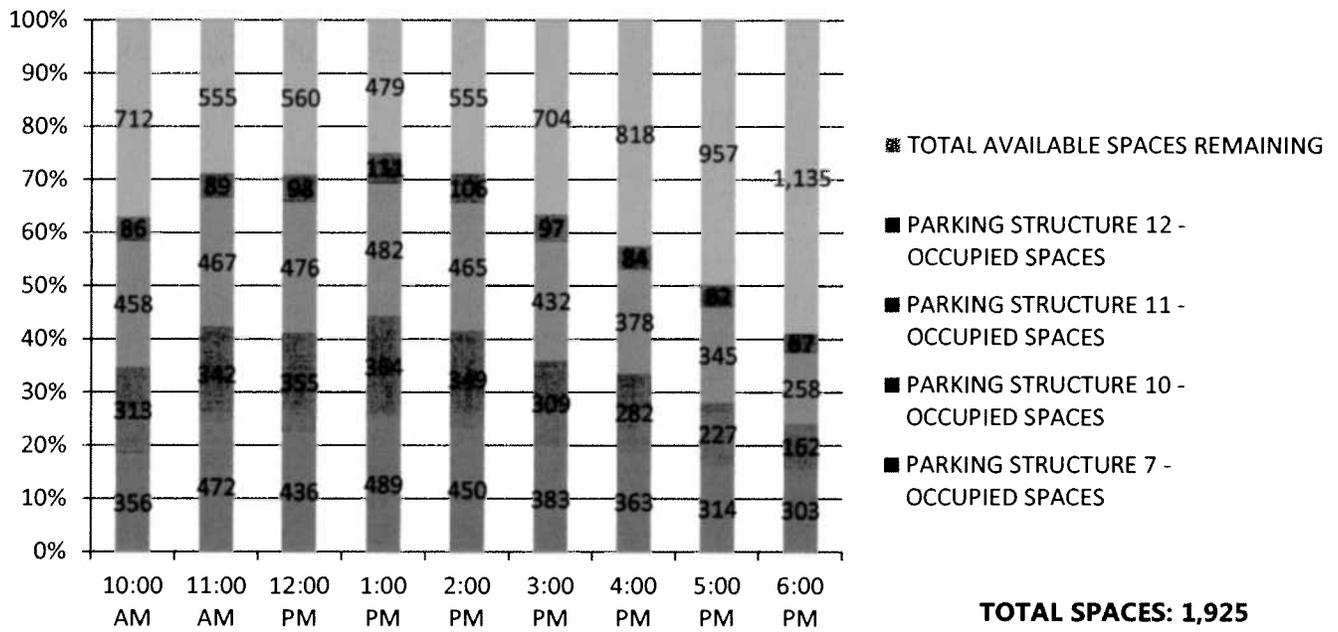
**FIGURE 4A - PARKING STRUCTURE 12 WEEKDAY OCCUPANCY**



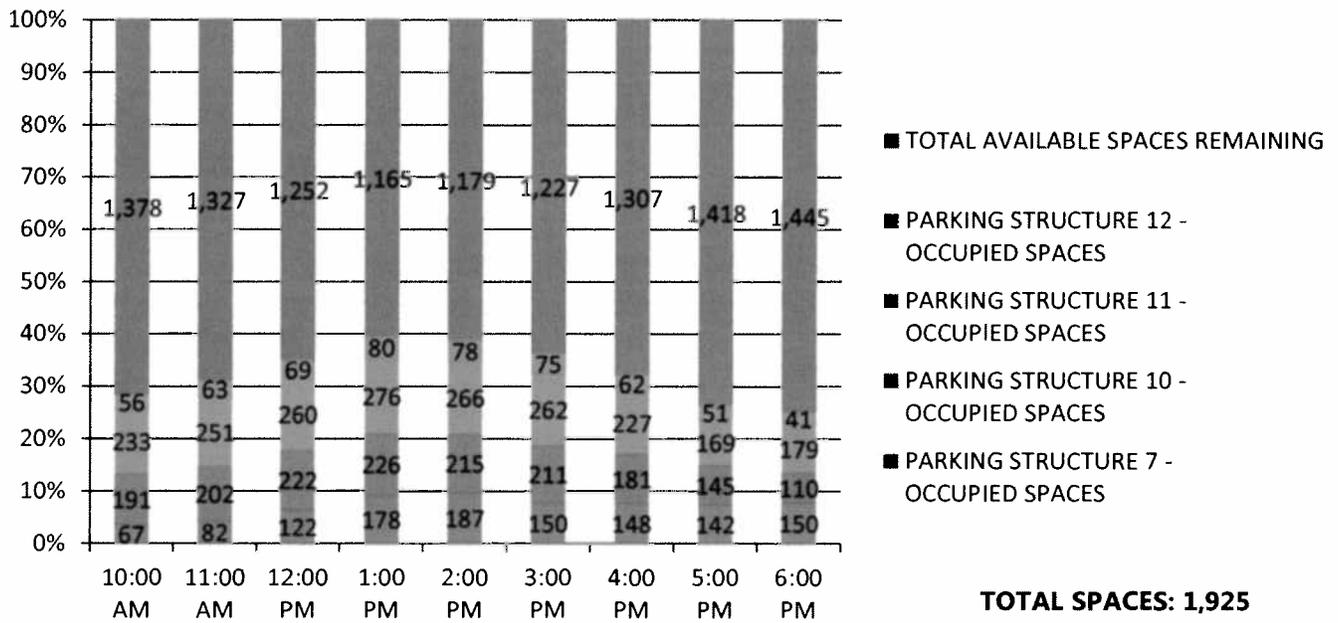
**FIGURE 4B - PARKING STRUCTURE 12 SATURDAY OCCUPANCY**



**FIGURE 5A - TOTAL EXISTING WEEKDAY OCCUPANCY**



**FIGURE 5B - TOTAL EXISTING SATURDAY OCCUPANCY**

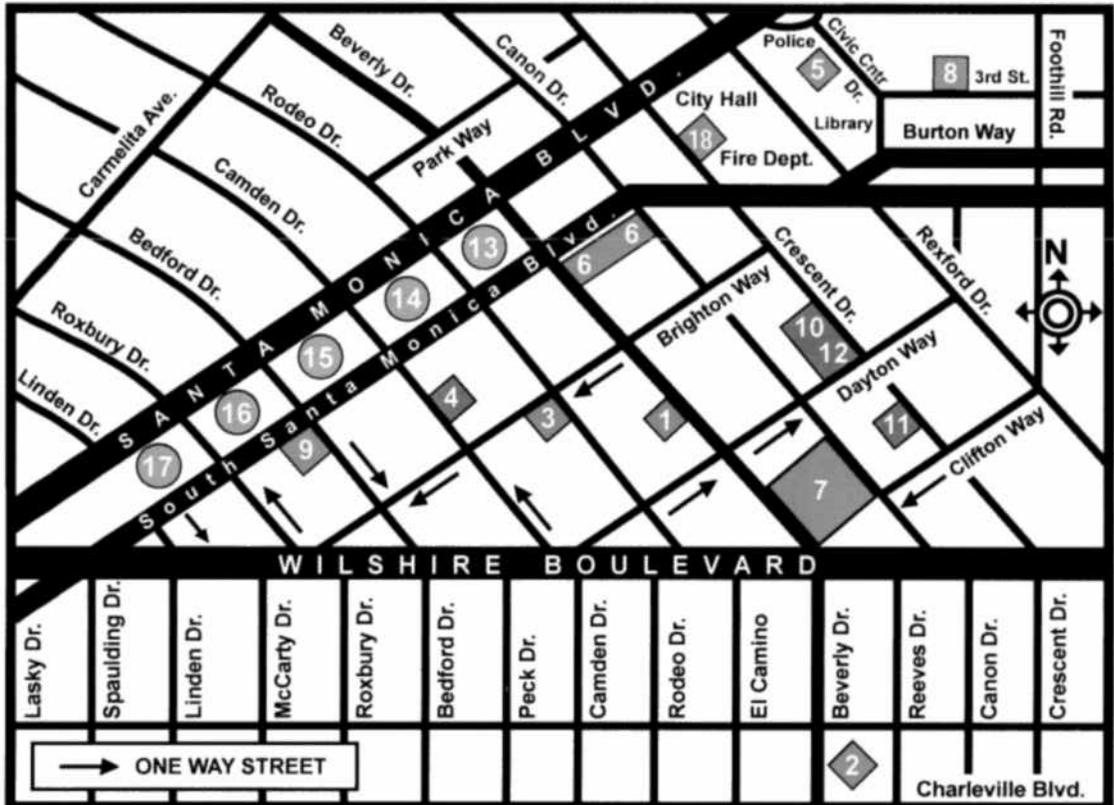


**ATTACHMENT A**

**CITY OF BEVERLY HILLS PARKING STRUCTURES GUIDE**

# GUIDE TO CITY OF BEVERLY HILLS F·R·E·E PARKING

## AND OTHER PARKING PROGRAMS



### First Two Hours Free Parking

#### Self Park Structures

- 1 345 N. Beverly Drive
- 2 216 S. Beverly Drive
- 3 9510 Brighton Way
- 5 450 N. Rexford Drive
- 6 438 N. Beverly Dr. - 439 N. Canon Dr.
- 321 S. La Cienega Blvd. (not shown on map)
- 7 241 N. Canon Dr. - 242 N. Beverly Dr.  
Public Gardens at Montage
- 9 461 N. Bedford Drive



### Pay As You Go

- 8 9333 W. 3rd Street
- 18 450 N. Crescent Drive



EV charging stations are available in all City non-metered parking structures

### First One Hour Free Parking

#### Self Park Structures

- 4 440 N. Camden Drive
- 10 333 N. Crescent Drive
- 11 221 N. Crescent Drive
- 12 9361 Dayton Way

### 3 Hour Meter Parking Structures

- 13 SM-1, 485 N. Beverly Drive  
Beverly - Rodeo Drive
- 14 SM-2, 485 N. Rodeo Drive  
Rodeo - Camden Drive
- 15 SM-3, 485 N. Camden Drive  
Camden - Bedford Drive
- 16 SM-4, 485 N. Bedford Drive  
Bedford - Roxbury Drive
- 17 SM-5, 485 N. Roxbury Drive  
Roxbury - Linden Drive

# **ATTACHMENT E**

## **PUBLIC NOTICE**



## NOTICE OF PUBLIC HEARING

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

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

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

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

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

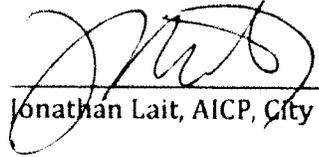
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 5 Categorical Exemption for minor alterations in land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

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

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

If there are any questions regarding this notice, please contact **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org). Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

  
Jonathan Lait, AICP, City Planner

Mailed March 18, 2013

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

## Ryan Gohlich

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

3/19/13

TO WHOM IT MAY CONCERN:

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

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

Very truly yours,

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

**ATTACHMENT G**  
**ARCHITECTURAL PLANS**  
**(PROVIDED SEPARATELY)**