

**CITY OF WEST HOLLYWOOD  
COMMUNITY DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL**

**ADMINISTRATIVE PERMIT 23-0020,  
LOT LINE ADJUSTMENT 23-0006**

**9045 NEMO STREET**

SECTION 1. An application for Administrative Permit 23-0020, and Lot Line Adjustment 23-0006 was filed on May 2, 2023, by the applicant, Mark Lehman, on behalf of the property owner 9041-9045 Nemo Associates, LLC, to convert 1,685 sq. ft. of existing retail space into restaurant space at 9045 Nemo Street, West Hollywood, CA, 90069. The project also includes an interior remodel, exterior alterations, creation of a 774 sq. ft. outdoor dining area, and to allow the sale, service and consumption of beer & wine (ABC Type 41 license) as accessory to food service within the restaurant and outdoor dining. The application was deemed complete on July 10, 2023.

SECTION 2. Notice of the proposed use of the site was posted on the site for a period of seven days, beginning on July 12, 2023 and concluding on July 19, 2023. During this period, no comments were received regarding the request.

SECTION 3. The proposed project has been determined not to have a significant effect on the environment and is categorically exempt from the provisions of CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, given that the project will involve interior and exterior improvements with insubstantial change in net square footage to the building and its scope involves negligible expansion of use beyond existing conditions on a property that is not environmentally sensitive. Also, the addition of on-site sales, service, and consumption of beer & wine as an accessory use to an existing tenant space will not substantially alter the operations or characteristics of its use as a commercial building.

SECTION 4. In accordance with Section 19.44.050 of the West Hollywood Municipal Code, the Director of Community Development of the City of West Hollywood hereby makes the following findings regarding Administrative Permit 23-0020:

- a. The proposed façade remodel, outdoor dining, and sales, service, and consumption of alcohol in conjunction with food service at a new restaurant within the CC1 zoning district is allowed by Article 19-2 (Zoning Districts and Allowable Uses) within the applicable zoning district with Administrative Permit approval, and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code. The proposed facade remodel is consistent with the City's Commercial Design Guidelines in the Zoning Code as it complements existing structures while providing a sense of human scale and proportion. It is designed with entry conditions, building materials, and entry canopies that attract pedestrian activity. The proposed outdoor dining

**ITEM 5.A. EXHIBIT B**

area, as designed and/or conditioned, is consistent with Section 19.36.210 *Outdoor Dining*, with respect to consistency of outdoor dining facilities with the overall design of the project, and provision of landscape features. In addition, the project will not contribute to an undue proliferation of alcohol-related business where additional ones would be undesirable in that the business is located near Santa Monica Boulevard where dining, shopping, entertainment and nightlife uses are established and encouraged. The restaurant with alcohol would not adversely affect any nearby religious facilities, schools, parks, or playgrounds in the nearest of these uses is Beverly Hills Park located over 750 feet southwest of the subject site with many buildings, including other restaurants in between. The restaurant would not affect the park to any greater degree than any of the many other restaurants in the vicinity, most of which also offer ancillary alcohol service with meals. Furthermore, the restaurant will operate as a typical full-service restaurant, open to the public and welcoming to all members of the public. The project has been conditioned with respect to outdoor dining hours of operation in order to protect the quiet hours between 10:00 p.m. and 8:00 a.m. and avoid disrupting residents' sleep. In addition, operational conditions including those regarding outdoor sound and limitation on operating hours will ensure that the site, located near residential uses, does not become a nuisance. Therefore, the project will comply with the applicable provisions of the Zoning Ordinance and the Municipal Code.

- b. The proposed restaurant remodel will create a distinctive and innovative dining venue that will draw residents, and visitors. The redesigned facade will improve the pedestrian experience. The proposed use will increase tourism on Santa Monica Boulevard which will generate additional tax revenues to benefit the community and the entire City. As proposed, the project is consistent with the objectives, policies, general land uses, and programs of the General Plan because the General Plan has designated the subject property as a CC1 zone, which permits restaurant, personal service, and retail developments such as the proposed project. It also encourages commercial uses, like restaurants. Furthermore, the City's General Plan provides explicit policies that encourage new development such as the proposed project since it provides for the expansion of hospitality uses that provide economic benefit to the City (LU-1.21) and enhance pedestrian activity by incorporating design treatments that create an attractive street frontage (LU-4.6). Among many other goals in the General Plan, the proposed project will help enhance Santa Monica Boulevard as a destination for nightlife and entertainment, and a center for neighborhood-serving retail and restaurants. The proposed use is also consistent with the West Hollywood General Plan in that the sales, service and consumption of alcohol at the proposed restaurant would not impede the implementation of any portion of the General Plan. Furthermore, the project specifically addresses Land Use Policy LU-1.21 of the General Plan which encourages "the expansion and recruitment of commercial uses that provide economic and

fiscal benefits for the City, including entertainment businesses, music and entertainment venues, bars and night clubs, hotels and hospitality, and design and creative arts." The proposed use would provide a vibrant restaurant use towards the west end of the city, therefore providing additional commercial and entertainment uses for residents and visitors to the City. In addition, the proposed project is consistent with policy ED-7.3, which seeks to "attract complementary entertainment businesses such as restaurants, bars, cafes, theaters, music venues, and nightclubs to enhance the desirability of the City as a tourist destination." The property is surrounded on three sides by commercial uses and will complement the other entertainment and nighttime uses near Santa Monica Boulevard. The use also is consistent with the goal and policies ED-1.5 and ED-2.1 of the West Hollywood General Plan to "continue to support strategies to maintain West Hollywood's competitive advantage as a regional entertainment destination and continue to seek opportunities for revenue generation by supporting the City's major revenue generating industries including entertainment and tourism, including hotels, restaurants, bars, nightclubs, and other entertainment venues." The addition of a restaurant with ancillary alcohol service to this area would create and add vibrancy to this portion of the city.

- c. The proposed project is compatible with the design, scale, bulk and mass of existing structures in the vicinity of the subject property. Located near Santa Monica Boulevard are many other fine food restaurants, entertainment, and hospitality uses. The proposed project does not impair the integrity and character of the zoning district in which it is located and will add to the mix of restaurant, entertainment, and hospitality services near Santa Monica Boulevard. The proposed project will enhance the character of this commercial area and the expanded restaurant will serve the needs of local business people, shoppers and residents.

SECTION 5. Based on the foregoing, the Community Development Director hereby approves Administrative Permit 23-0020, and Lot Line Adjustment 23-0006 subject to the following conditions:

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**1.0 LEGAL REQUIREMENTS**

- 1.1) This permit shall not be effective for any purpose unless within 90 days of the approval of this permit a duly authorized representative of the owner of the property has filed with the Department of Community Development, a notarized affidavit accepting all the conditions of this permit. This affidavit shall be recorded with the County Recorder and is binding on successors. If the property owner is a corporation, then an officer of the corporation duly authorized to bind the corporation shall sign the acceptance affidavit. (Planning)
- 1.2) If any provision of this permit is held or declared by a court of competent jurisdiction to be invalid and such invalidation would result in a material change to the obligations of or the benefits accruing to either the City or the applicant hereunder, the Director may declare the permit to be void and the privileges granted hereunder to have lapsed. (Planning)
- 1.3) Approval of this permit shall expire thirty-six (36) months from the date of approval by the approving authority, unless significant construction or improvements or the use authorized hereby has commenced or an extension of the permit has been granted. Two (2) more extensions of time for use inauguration may be requested at one (1) year per extension request and the maximum time period for an approved permit or entitlement shall not exceed five (5) years. No extension shall be considered unless requested at least 45 days prior to the expiration date. (\_\_\_\_ Planning)
- 1.4) In the event that the applicant violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, revocation of this permit. The applicant shall be required to reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violation has been fully remedied. (\_\_\_\_ Planning)
- 1.5) The applicant shall defend, indemnify and hold harmless the City and its agents, employees and officers from any claim, action, or proceeding brought by a third party against the City, its agents, employees or officers and the applicant to attack, set aside, or void any this resolution or any permit authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys fees and costs in defense of the Litigation.
- 1.6) Condition based on 19.62.060, construction permits for project shall not be issued until this permit is deemed final based on Section 19.62.020 of the Zoning Code. (B&S, CHPP)
- 1.7) Plans submitted to the Building and Safety Division for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein. (CHPP)
- 1.8) The granting of this determination by the Community Development Director does not in any way indicate full compliance with applicable provisions of the California Building Code. Any corrections and or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Current and Historic Preservation Planning Division for additional review and sign-off prior to the issuance of any permit in connection with those plans. (CHPP)

- 1.9) Prior to issuance of building permits, the applicant shall combine Assessor Parcel Numbers 4340-013-010 and 4340-013-047 into one project site (or similar action that prevents the lots from being sold separately subject to approval of the Director and City Attorney), and shall provide proof of recording the Certificate of Compliance to the satisfaction of the Community Development Director. (CHPP, B&S)

## **2.0 PROJECT DESCRIPTION**

- 2.1) This approval permits the conversion of retail space into a restaurant space at 9045 Nemo Street. In total, the project shall remodel approximately 1,685 square feet of commercial space (Bldg. 1 - 431 sq. ft. contains the wine storage, private dining room, and restrooms; Building 2 - 1,254 sq. ft. contains storage, warewash, kitchen, and dining room). The project involves interior tenant improvements, exterior alterations to the buildings, and creation of a 774 outdoor dining area. This permit is also for the sales, service and consumption of beer and wine (Type 41 license) incidental to food service within the interior of the new restaurant and outdoor dining. (CHPP)
- 2.2) This approval is for those plans reviewed and approved by the Community Development Director at the meeting of July 24, 2023. A copy of said plans shall be maintained in the files of the City's Current and Historic Preservation Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval. (CHPP)

## **3.0 FEES**

- 3.1) Prior to issuance of the Building Permit, the applicant shall satisfy the urban art program requirement in accordance with West Hollywood Municipal Code Chapter 19.38. An amount equal to one percent (1%) of the total building valuation shall be allocated for the acquisition and permanent installation of art on the project site, as approved by the Arts and Cultural Affairs Commission; or, an in-lieu fee in the amount of 1% of the total building valuation shall be paid to the Public Beautification Trust Fund. Prior to the issuance of the Building Permit, either the 1% in-lieu fee must be paid, or a complete Art Plan must be approved by the Arts and Cultural Affairs Commission. (Art Liaison)
- 3.2) Prior to the issuance of building permits, the applicant shall pay Engineering Plan Check Fees. This includes, but may not be limited to, fee for the review of off-site grading plans, street improvement plans, construction mitigation, landscaping plans, dedication plans, and parcel, tentative, and final tract maps. In the event the fee schedule is revised by the City Council, all fees shall be recalculated so that they are based on the revised fee schedule in effect at the time building permits are obtained. (Engineering)
- 3.3) Prior to the issuance of building permits, the applicant shall pay Environmental Services Plan Check Fees. This includes, but may not be limited to, fee for the review storm water pollution prevention plans and recycling plans for construction/demolition. In the event the fee schedule is revised by the City Council, all fees shall be recalculated so that they are based on the revised fee schedule in effect at the time building permits are obtained. (Environmental Services)
- 3.4) All other development and permit fees shall be paid prior to the issuance of grading and building permits. (B&S)
- 3.5) In the event the fee schedule is revised by the City Council, all development fees and exaction fees shall be recalculated so that they are based on the revised fee schedule in effect at the time building permits are obtained. (Planning)

- 3.6) Prior to the issuance of building permits, the applicant shall pay the City of West Hollywood any outstanding costs related to public notice for the project not paid at the time of permit application. (Planning)

#### **4.0 DEMOLITION/CONSTRUCTION PHASE**

- 4.1) A laminated copy of the conditions of approval shall be posted on-site during the construction phase. (B&S)
- 4.2) A least one week prior to the start of demolition and/or construction activities, a sign shall be provided on the construction site with minimum dimensions of four feet by four feet, with lettering no less than two inches in height on a contrasting background, visible and readable from the public right of way stating the following:
- a) Job site address
  - b) Name and phone number of project owner or owner's representative
  - c) Name and phone number of the general contractor and /or on-site superintendent (both if not the same person).
  - d) Construction hours:
    - Monday through Friday 8:00 AM to 7:00 PM
    - Saturday interior work only 8:00 AM to 7:00 PM
    - No construction activities on Sundays or holidays
  - e) No equipment staging or start-up, material deliveries, or personnel arrivals before 8:00 AM Monday through Saturday.
  - f) To report violations to the City of West Hollywood call the Code Compliance Hotline at (323) 848-6516. (B&S)
- 4.3) There shall be an on-site construction manager present at all times during construction. (B&S)
- 4.4) Sidewalks and streets shall be kept clean and passable during all phases of construction, to the satisfaction of the City Engineer. Temporary sidewalks shall be constructed, or alternative passage for pedestrians shall be provided based on construction, should the existing sidewalk need to be closed during construction. (Engineering)
- 4.5) Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions. (B&S)
- 4.6) All construction shall take place in a manner that complies with Chapter 9.70 (Construction Management) of the West Hollywood Municipal Code. (Code Compliance)
- 4.7) During the construction phase, the contractor shall employ best management practices consistent with the National Pollutant Discharge Elimination System Permit for the purposes of controlling wet weather erosion and off site sedimentation at the project site. (Code Compliance, B&S)
- 4.8) During the demolition of the building and the new construction, the site shall be maintained in a safe manner so as not to threaten the public health, safety, or general welfare. (Code Compliance, B&S, Engineering)
- 4.9) Mobile food service vendors shall only be permitted to visit the construction site during the permitted hours of construction activities cited in condition 4.2. (Code Compliance)
- 4.10) In the event of an emergency or disaster, the applicant, or any of the project contractors or subcontractors, shall allow the City to use any heavy equipment associated with the project for the purpose of assisting in emergency or disaster relief efforts. (Public Safety, B&S)

- 4.11) The Contractor shall reduce the discharge of pollutants in storm water runoff to the maximum extent practicable by the effective implementation of appropriate Best Management Practices, including, but not limited to:
- a) Spills and leaks must be cleaned up immediately.
  - b) Vehicles and equipment must be refueled in a designated area.
  - c) Vehicles and equipment must be washed at a facility that is self-contained, covered, equipped with a clarifier or other pretreatment facility, and properly connected to a sanitary sewer.
  - d) Exposed piles of soil, debris and construction materials must be covered with plastic sheeting or equivalent if rain is predicted.
  - e) Materials must not be stored or deposited on surfaces that drain to streets, storm drains or channels.
  - f) Gravel approaches must be used at ingress and egress points where truck or vehicular traffic is frequent.
  - g) Regular self-inspections of structural BMPs must be made to ensure their proper operation.
  - h) Employees and subcontractors must be trained about the causes of storm water pollution and preventative measures. Educational materials are available from the Planning Division.
- (Code Compliance)

## **5.0 BUILDING AND SAFETY/ENGINEERING**

- 5.1) The subject property shall be served by on-site underground utilities to the satisfaction of the City. (B&S)
- 5.2) All structures shall conform to the requirements of the City of West Hollywood Building and Safety Division. (B&S)
- 5.3) The project shall be developed and maintained in compliance with requirements of the Los Angeles County Health Department. Adequate water and sewage facilities shall be provided to the satisfaction of the Health Department. (B&S)
- 5.4) All work within the road right-of-way shall be designed to the satisfaction of the City Engineer (including but not limited to curb, gutter, sidewalk, driveways, parkway drains, and street tree locations). (Engineering)
- 5.5) Prior to issuance of Building Permits or any Demolition Permit for the subject project, the applicant shall submit to the satisfaction of the City Engineer a plan for placement of any dumpsters, bins, stockpiles, construction equipment or any other items which will impact the public right-of-way. (Engineering)
- 5.6) An Encroachment Permit must be approved by the City Engineer prior to commencement of any activities affecting the public right-of-way. Prior to issuance of each Encroachment Permit, the applicant shall submit to the satisfaction of the City Engineer plans and details regarding the scope activities covered by the Encroachment Permit. These activities may include, but not be limited to:
- a) Excavation – staging of haul trucks, haul routes, site clean up
  - b) Bins – dumpsters, haul trucks
  - c) Office – construction office in public right of way
  - d) Material Deliveries
  - e) Material Storage
  - f) Concrete Pours – staging of trucks, clean out, clean up

- g) Worker Parking
  - h) Construction Equipment – crane, gunite equipment, scaffolding, etc.
  - i) Traffic and Pedestrian Management Safety Plan at Project
  - j) Public Improvements, Sidewalk, Curb, Gutter, Driveways. (Engineering)
- 5.7) All utility systems shall meet the requirements of the respective agency. (Engineering)
- 5.8) Prior to the issuance of demolition/building permits, the applicant shall submit a Street and Parkway Improvement Plan, prepared by a licensed civil engineer registered to practice in the State of California, for any demolition and construction work within public right-of-ways. The plan shall be prepared in conformance with the “Manual for Preparation of Plans – Street and Parkway Improvements”. The plan shall be submitted with the demolition/building permit’s first plan check submittal. (Engineering)
- 5.9) Prior to the building permit being Finaled by the Building Inspector, the applicant shall replace any damaged or off-grade roadway pavement along the property frontage on Nemo Street, to the satisfaction of the City Engineer. (Engineering)
- 5.10) Unused driveway approaches shall be removed and replaced with full height curb, gutter, sidewalk, and parkway to match the adjacent area. (Engineering)
- 5.11) Prior to the building permit being Finaled by the Building Inspector, the applicant shall repaint/reinstall all curb markings and all street striping, markings, and markers along the property frontage on Nemo Street, to the satisfaction of the City Engineer. (Engineering)
- 5.12) All work within the public right-of-way, such as, but not limited to, roadway pavements, curbs, gutters, sidewalks, driveways, curb ramps, curb drains, parkways, and street trees shall be designed and installed to the satisfaction of the City Engineer. (Engineering)
- 5.13) No doors, windows, gates, or equipment panels/doors shall swing open across the public right-of-way line. (Engineering)
- 5.14) No portion of private property, such as but not limited to, building elements, canopy elements, or site amenities/landscaping, shall encroach into the public right-of-way without an encroachment agreement. (Engineering)
- 5.15) The structure(s) shall be equipped with ultra-low flush toilets. If showers are present, showerheads shall not exceed 2.5 gallons per minute flow. (B&S)

**6.0 LANDSCAPING**

- 6.1) Outdoor dining, plazas and walkways shall be visually attractive, usable and accessible by the public and incorporate extensive landscape, street furniture and pedestrian-oriented amenities. (CHPP, Engineering)
- 6.2) All landscaping and planting within paved areas shall be contained within a curbed area or planter box, planter island, and other containers which are designed so as not to create hazards or hinder drainage. (CHPP, Engineering)
- 6.3) Prior to issuance of a building permit, landscape and irrigation plans and specifications consistent with the standards set forth in the Zoning Code and design guidelines shall be submitted for review and approval by the Director of Community Development. Landscape plans shall show all plant species, plant locations, size and quantity. Where the required landscaped area exceeds



one thousand square feet, such plans shall be prepared by a landscape architect licensed by the State of California. (CHPP)

- 6.4) All landscaping shall be served by a permanent irrigation system with equipment as required by 19.26.070.B for this project. (CHPP)
- 6.5) All landscaping and planting areas shall be continually maintained in good condition and kept watered, cleaned and weeded. Dead or dying plant material shall be replaced. This shall be consistent with the approved landscape plan for projects which have an approved plan. Landscape and hardscape areas shall be kept free of trash and debris. (\_\_\_\_ Code Compliance)
- 6.6) Commercial and industrial projects shall use plant materials and species that are drought-tolerant wherever possible, and shall be grouped by common irrigation need. This must comply with 19.26.060.B.1 as follows:
  - a) For projects that include landscaped area from 1,000 to 2,000 square feet, at least 50% of total landscaped area shall be drought-tolerant plants. Plants with medium water needs are not considered drought-tolerant. For determining the category of water use to which a plant belongs, see the California Department of Water Resources study, Water Use Classification of Landscape (WUCOLS).
  - b) For projects that include landscaped area over 2,500 square feet, landscape plans must contain calculations of water use. Landscape plans must show hydrozones showing the water required for the landscaped area. Square footage for each area of hydrozone must be showed and water use must not exceed 25 gallons per square feet of landscape area. Calculations must be shown on the City Water Conservation Concept Statement form.
  - c) Landscape plans must show hydrozones, according to high, medium, and low water use. Plans must reflect water use zones through color or patterned drawings submitted to the city.
  - d) Slopes must be planted with hardy, well adapted and drought-tolerant plants. Ground cover shall consist of rooted cuttings. (Planning)

## **7.0 DESIGN REQUIREMENTS**

- 7.1) Exterior color and material samples, along with final construction plans for the project, shall be subject to the review and approval of the Community Development Director prior to issuance of building permits. (CHPP)
- 7.2) Mechanical equipment and utilities shall be architecturally screened from view. (CHPP)
- 7.3) Prior to issuance of building permits, the applicant shall provide a lighting plan that specifies type, number, placement, orientation and finish of lighting fixtures, and type and intensity of lamps, as well as all features intended to prevent spillover of light into adjacent properties, and to prevent glare of lights for residential neighbors, pedestrians and motorists. Cut sheets of lighting fixtures shall be provided for review and approval by the Director of Community Development, and substitutions may not be made without the review and approval of the Director. (CHPP)
- 7.4) Glass on the façade at and near the street level shall be clear and untinted. Mirrored, tinted or reflective glass shall not be used except as an architectural or decorative element. (CHPP)
- 7.5) Entries into commercial structures from primary commercial frontages must remain functional entries, and may not be locked or closed to entry during business hours or be blocked by physical obstructions on the interior or exterior of the building. (CHPP)

- 7.6) The applicant shall coordinate with public utility agencies to appropriately place or screen all fixtures, utility boxes, fire department standpipes, etc., so that they do not interfere with public amenities or the public right-of-way, to the satisfaction of the Director of Community Development. (Planning, Public Works)
- 7.7) Business identification signs are not a part of this approval and shall be subject to a separate permit. (Planning)

## **8.0 SOLID WASTE AND RECYCLING**

- 8.1) The project shall be designed to meet the requirements for solid waste and recyclable material storage areas in Zoning Ordinance Section 19.20.180. (Environmental Services)
- 8.2) To mitigate solid waste impacts, prior to the building permit being Finaled by the Building Inspector, permittee shall submit a recycling plan to the Environmental Services Specialist for approval. The recycling plan shall include:
- a) The name of a recycler who has permits to operate within the City;
  - b) A list of materials such as white paper, computer paper, metal cans, cardboard and glass to be recycled;
  - c) The number and location of recycling containers;
  - d) The name or the position/title of an employee who shall serve as the designated recycling coordinator;
  - e) A description of the nature and extent of internal and external pick-up service;
  - f) A pick-up schedule;
  - g) A plan to inform tenants/occupants of service.
  - h) The location of a secure trash enclosure or locking containers to prevent scavenging.
- (Environmental Services)
- 8.3) Solid waste and recyclable materials storage areas shall be conveniently located as follows:
- a) Multiple storage areas shall be located adjacent to, or near one another, or combined.
  - b) Must be located inside a specially designated structure or on the outside of a structure in an approved fence or wall enclosure, an interior courtyard area or in the rear or interior side yards.
  - c) Exterior storage areas shall not be located in a required front yard, street side yard, parking space, landscaped, or open space areas.
  - d) Storage areas shall be accessible to employees at all times.
  - e) Driveways and aisles shall provide unobstructed access for collection vehicles and personnel with at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector. (Environmental Services)
- 8.4) Prior to issuance of the demolition/building permit, the applicant shall submit to the Environmental Programs Coordinator a Demolition and Construction Debris Recycling Plan, which indicates where select demolition debris is to be sent for recycling. To the maximum extent possible, all demolition debris and construction waste must be recycled. The Plan will be subject to review and approval by the City. The plan shall list the material to be recycled and the name, address, and phone number of the facility or organization that will accept the materials. (Environmental Services)
- 8.5) Any mixed demolition debris is to be hauled away only by a hauler permitted to operate in West Hollywood. For a list of permitted haulers, contact the Environmental Programs Coordinator. (Environmental Services)

- 8.6) Any restaurant or food service business will need to comply with appropriate industrial waste requirements and they will need to be a part of the City of West Hollywood's Food Waste Program provided by the City's franchised waste hauler. (Environmental Services)

**9.0 TRANSPORTATION, PARKING AND CIRCULATION**

- 9.1) The existing parking lot associated with the property at 9045 Nemo Street shall be reconfigured to accommodate 10 parking spaces. The change in use from retail to restaurant occurs in a tenant space that is less than 6,000 sq. ft., and the outdoor dining area is less than 1,001 sq. ft., therefore additional parking spaces shall not be required for the change in use, nor the new outdoor dining. (WHMC 19.28.040.B.3.b & Table 3-6 Parking Requirements by Land Use).
- 9.2) All parking operations shall occur on site and shall not interfere with the public right-of-way. (\_\_\_\_ Code Compliance)
- 9.3) The parking lot shall be maintained in a clean, sanitary and litter-free condition at all times. Removal of dirt, debris, and trash shall occur on a regular basis. (\_\_\_\_ Code Compliance)
- 9.4) No commercial parking permits will be granted to the occupants or owners of the project. (Parking)
- 9.5) Vehicles belonging to independent contractors, subcontractors, and/or employees who are doing construction or renovations require an encroachment permit from the Public Works Department to park on the street for specific periods of time. An encroachment permit requires at least 72 hours advance planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets. Such vehicles are prohibited from using residential, guest, and/or visitor parking permits. (Parking)
- 9.6) Prior to the building permit being Finaled by the Building Inspector, the applicant shall develop a management and use plan for delivery vehicles, for approval by the Community Development Director. The plan shall include but not be limited to the following provisions:
- a) restricted delivery hours
  - b) coordinated deliveries with nearby businesses
  - c) prohibited deliveries or loading trucks on City streets
  - d) delivery routes and circulation on City streets (LRP, DPW)

**10.0 OPERATIONS**

- 10.1) The business/all business approved herein the development shall use West Hollywood as their business address on all stationery, advertisements, and business identification materials. (Planning, Economic Development)
- 10.2) All tenants and operators shall comply with smoking regulations set forth by the State of California and the City of West Hollywood. (Code Compliance)
- 10.3) These conditions of approval shall be retained on the premises at all times and shall be produced immediately upon the request of the Director, the Sherriff's Department, or a Code Compliance Officer. (Planning, Code Compliance)
- 10.4) No loitering is permitted in front of the restaurant in the public right-of-way or in the surface parking lot. (Code Compliance)

- 10.5) Operations of the restaurant shall comply with the Noise Control Ordinance of the West Hollywood Municipal Code. (Code Compliance)
- 10.6) The table below indicates the hours of operation of the interior restaurant area, the outdoor dining area, and for the sale, service, and consumption of alcohol.

<i>Interior Restaurant Dining Permitted Hours</i>	11:00 am to 2:00 am daily
<i>Sales &amp; Service of Alcohol in Interior Restaurant Dining Area</i>	11:00 am to 1:30 am daily
<i>Outdoor Dining Area Permitted Hours</i>	11:00 am to 11:00 pm daily
<i>Sales &amp; Service, of Alcohol in Outdoor Dining Area</i>	11:00 am to 10:30 pm daily

(Code Compliance)

- 10.7) All patrons shall exit the establishment by the close of business hours cited in condition 10.6 for the interior and outdoor area. (Code Compliance)
- 10.8) The operations of the restaurant shall include table service of meals and drinks, inside the restaurant and in the outdoor dining area. (Code Compliance)
- 10.9) The establishment shall allow access by the City of West Hollywood Code Compliance Division and the Los Angeles County Sheriff's Officers during all hours of operation. (Code Compliance)
- 10.10) The employment and hiring process for the business shall include outreach efforts to the residents of the City of West Hollywood. (Planning)
- 10.11) The restaurant shall be permanently equipped with recycling bins. (Environmental Services)
- 10.12) Where feasible, the use of recycled products (i.e., napkins, paper, etc.) shall be encouraged. (Environmental Services)
- 10.13) No queueing of waiting patrons shall occur in the public right-of-way including but not limited to ropes, bollards, podiums or signs. (CHPP)
- 10.14) Trash and recycling activities including, but not limited to, dumping bottles and glass containers in trash receptacles, shall not be conducted outdoors prior to 8:00 A.M. or after 10:00 P.M. daily. (Code Compliance)
- 10.15) Restaurant management shall investigate and resolve any complaint of violation of these conditions or any reports of nuisance caused by customers, neighbors, or employees of the restaurant and follow up with the complainant within 24-hours of receiving the information. The restaurant owner, or his/her designee, shall make every effort to eliminate the complaints at the time of the call and shall call the complainant back after the problem has been resolved if the complainant so requests. (Planning, Code Compliance)
- 10.16) There shall be no dancing on the property unless otherwise permitted under Special Events permits. (Code Compliance)
- 10.17) Special events are permitted in accordance with Chapter 19.54 Temporary Use and Special Event Permits of the West Hollywood Municipal Code. As part of the Special Event Permit process, the City may require that the outdoor patio be entirely shielded by the canopy during the special event, as necessary to prevent light, noise and other impacts to neighboring parcels. (Code Compliance)

- 10.18) All required business licenses shall be obtained prior to opening. (Code Compliance)
- 10.19) All applicable provisions of Title 7 Chapter 7.04 of Article V (Health Code) shall be observed in all areas of the restaurant. (Code Compliance)
- 10.20) Prior to the commencement of activities authorized by this permit, the restaurant operator shall ensure that proper trash service for the subject establishment complies with the requirements of the City's Environmental Services Division. (Environmental Services)
- 10.21) The permittee (applicant) shall work with the neighbors and use their best efforts to resolve complaints and/or issues raised by the owners or occupants of the neighboring properties. (Planning)

### **11.0 OUTDOOR DINING**

- 11.1) Outdoor dining shall be maintained in accordance with the approved site plan on file in the City Planning Division, which indicates total square footage, location and maximum seating capacity for the outdoor dining area. See Outdoor Dining - Section 19.36.210 of Zoning Ordinance. (Planning)
- 11.2) If any portion of the outdoor dining area is to be located within a public right-of-way, the entitlement to use the area for outdoor dining shall only be valid as long as an encroachment permit, approved and revocable by the Department of Transportation and Public Works, is obtained and renewed annually. (Public Works)
- 11.3) There shall be no amplified sound (such as microphones) or live music in the outdoor dining area; ambient music is acceptable under the following conditions:
  - a. Outdoor speakers shall be oriented to direct sound toward the interior of the restaurant and placed at a maximum height of two feet above the ground level.
  - b. The establishment shall install a volume limiter, allowing master control of all volume from a single location.
  - c. No subwoofers shall be placed outdoors.
  - d. Music from the outdoor dining area shall not be audible from any residential property at any time. (Planning, Code Compliance)
- 11.4) The applicant shall set up an initial sound demonstration to take place before City issuance of a public eating license and after the background music system has been installed. Sound levels shall be observed and measured to determine whether the music and sound from operations are plainly audible at the nearest residence or not, and the speakers, sound system, volume and equalization of the music shall be adjusted accordingly. The Community Development Director shall approve the results of such sound demonstration as a condition precedent to applicant utilizing the outdoor area of the establishment in the manner and during the hours set forth herein. (Code Compliance)
- 11.5) Lighting in the outdoor dining area shall be so arranged to prevent glare onto or direct illumination into any adjacent residential property. (Planning)
- 11.6) All awnings shall conform to the Building Code requirements for roof coverings. (B&S)
- 11.7) The outdoor dining shall be closed between the hours of 11 p.m. to 11 a.m. daily. (Planning, Code Compliance)

- 11.8) Landscaping of the outdoor dining areas may include the use of planter boxes and /or permanent vegetation and shall be in conformance with the landscape plan approved for the project. (Planning)
- 11.9) In order to reduce runoff into the storm drains and meet the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit, the applicant shall comply with the following conditions:
- a. The pavement of the outdoor dining area shall not be hosed down. Instead, the area should be cleaned with a broom and/or mop. Debris that is swept shall be picked up and deposited into a waste bin, not swept into the street.
  - b. At least one exterior waste receptacle shall be provided.
  - c. Once a NPDES educational site visit is conducted by the City's NPDES consultant, it shall be the owner/manager's responsibility to train all employees on storm water pollution prevention methods. (Code Compliance)
- 11.10) Persons with disabilities must have access to the outdoor dining area. (Code Compliance)
- 11.11) If the Community Development Director finds that the operation of the restaurant or outdoor dining area results in significant off-site noise, the Director may place the item on a future Director's Hearing agenda for further review and modification of the conditions of approval at a public hearing. (Planning)

## **12.0 AP for Alcohol**

- 12.1) Applicable licenses shall be obtained and maintained from the State Alcoholic Beverage Control Board. (CHPP)
- 12.2) Quarterly on-site gross sales of food and non-alcoholic beverages shall constitute more than 50 percent of the establishment's gross food and beverage sales for the same period. All off-site catering activities shall not be included for the purposes of calculating gross sales. (CHPP)
- 12.3) An Extended Hours Business License must be approved for any operation of the restaurant between the hours of 2:00 a.m. and 6:00 a.m. The sale and consumption of alcoholic beverages is prohibited between the hours of 2:00 a.m. and 11:00 a.m. (Code Compliance)
- 12.4) The applicant shall post signs of at least 10" x 10" at exits to the restaurant and within all parking areas, requesting patrons to respect residents of nearby residential neighborhoods by being quiet when leaving the restaurant and when utilizing outdoor dining areas. (CHPP)
- 12.5) A Designated Driver sign of at least 10" x 10" must be displayed at all public entrances to the restaurant at eye level. The sign shall be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver. (CHPP)
- 12.6) All new employees serving alcoholic beverages to patrons shall enroll in and complete a certified training program approved by the State Department of Alcoholic Beverage Control (ABC) for the responsible sales of alcohol. The training shall be offered to new employees on no less than a quarterly basis. (CHPP)
- 12.7) Restaurant management shall not permit any public nuisance in the outdoor dining area, including but not limited to, unruly behavior by patrons, or any interaction with passersby, which may contribute to unruly behavior on the street, or in the parking lot. (Code Compliance)

- 12.8) The management shall install at the inside of all exits, signs advising customers that alcoholic beverages may not be removed from the premises. (Code Compliance)
- 12.9) The restaurant shall maintain kitchen facilities and serve "meals" to qualify as a "bona fide public eating place," in accordance with Business and Professions Code, Section 23038. (B&S)
- 12.10) The sale of alcohol for consumption off the premises is prohibited. (Code Compliance)
- 12.11) Precautions shall be taken to minimize the noise impacts of entertainment, music sources, employees and patrons (both within and outside of the motor vehicles) on adjoining properties in compliance with the Municipal Code Chapter 9.08 (Noise). Should the restaurant operators fail to abide by provisions of the Municipal Code designed to protect residential neighbors, the business license associated with the establishment would be subject to revocation. (Code Compliance)
- 12.12) No live entertainment shall be permitted at this establishment, except that allowed per Section 19.90.020 of the West Hollywood Zoning Code (Definitions) restaurants and other establishments and Section 19.36.030 of the West Hollywood Zoning Code (Accessory Business Uses and Activities). (Code Compliance)
- 12.13) The service of alcoholic beverages to any patron shall be permitted only if incidental to meal service. (Code Compliance)
- 12.14) The restaurant shall not impose a cover charge for entry to premises. (CHPP)
- 12.15) The restaurant shall not limit the entry of minors into the establishment. (CHPP)
- 12.16) The restaurant shall provide and submit receipts for food and alcohol upon the request of the City. (CHPP)
- 12.17) At least one on-duty manager with authority over the activities within the establishment shall be on the premises at all times that the establishment is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the California Department of Alcoholic Beverage Control. The restaurant shall be responsible for discouraging illegal and criminal activity on the subject premises and any exterior area under its control. (Planning, Code Compliance)
- 12.18) Owners of the restaurant shall post a sign in a clear and conspicuous location, listing contact information at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding activities and noise in the restaurant and parking/valet areas. Said contact shall include a person's name and phone number/e-mail and shall also be available through the restaurant staff at all times. (Code Compliance)
- 12.19) There shall be no exterior advertising or sign of any kind or type including advertising directed toward the exterior from within promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs of which are clearly visible from the exterior of the building shall constitute a violation of this condition. (Code Compliance)
- 12.20) The sales, service and consumption of alcoholic beverages shall be permitted only during the hours listed in Conditions 10.6 above. The hours for alcoholic beverage service shall only apply as long as the restaurant continues to operate under approved site conditions, in substantial compliance with the approved seating plan and menu, and with full food service during all hours of operation. Failure to operate the restaurant in substantial compliance with approved site conditions shall be grounds for revocation or modification of this permit. (Code Compliance)

**APPROVED THIS 24<sup>TH</sup> DAY OF JULY, 2023**

*Adrian Gallo*

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ADRIAN GALLO  
ASSOCIATE PLANNER  
COMMUNITY DEVELOPMENT DEPARTMENT