

RESOLUTION NO. 00-2367

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING REHABILITATION INCENTIVE 2000-01 FOR THE SAN VICENTE INN ON AN APPLICATION BY GENE SMITH, LOCATED AT 837, 845, 849 AND 850 SAN VICENTE BOULEVARD, WEST HOLLYWOOD

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD HEREBY RESOLVES AS FOLLOWS:

SECTION 1. An application for the rehabilitation and conversion of four historic properties located at 837, 845, 849 and 850 San Vicente Boulevard was filed by Gene Smith, on February 9, 2000, and found to be complete on June 28, 2000. The applications include Rehabilitation Incentive 2000-01 and Conditional Use Permit 2000-07.

SECTION 2. On March 27, 2000, the Cultural Heritage Commission reviewed the application at a duly noticed Commission meeting and recommended in support of the requested Rehabilitation Incentives and the Conditional Use Permit.

SECTION 3. A public hearing was called, duly noticed in the West Hollywood Independent on June 21, 2000 and by mailing to property owners and residents within 500 feet of the site on June 21, 2000 and by posting the site on June 8, 2000; and held on July 2, 2000 where the Planning Commission considered Rehabilitation Incentive 2000-01 and Conditional Use Permit 2000-07. A neighborhood meeting was held prior to Planning Commission consideration. The neighborhood meeting was held on May 10, 2000. The Planning Commission approved the resolution at its meeting of July 20, 2000. The Planning Commission's approval of Conditional Use Permit 2000-07 was not appealed and therefore not subject to City Council review.

SECTION 4. On August 21, 2000, a public meeting was called, noticed and held and the City Council considered Rehabilitation Incentive 2000-01.

SECTION 5. The proposed project is categorically exempt under Section 15331 (Historical Resource Restoration / Rehabilitation) of CEQA.

SECTION 6. Pursuant to Section 19.92.150.a of the West Hollywood Municipal Code, the City Council of the City of West Hollywood makes the following findings of fact regarding Rehabilitation Incentive 2000-01:

- a. The San Vicente Inn consists of four properties included in the Old Sherman Thematic Grouping. The buildings were built between 1899 and 1907 and reflect the origin of West Hollywood as the home to workers at the Pacific Electric Railway. Three of the properties are already used as a bed and breakfast and have undergone remodeling prior to being designated resource. Therefore, the incentives to be granted serve to compensate the property owner for the increased burden, in terms of maintenance and rehabilitation, that the designation as a cultural resource entails.
- b. Three of the buildings, 837, 845 and 849 San Vicente Boulevard have been used as a bed and breakfast since the mid 1990s and have not produced a negative impact on the neighborhood. Therefore, the proposed incentives (including the use of an additional property) will not impair the architectural, historic or aesthetic integrity of the resource. Moreover, the property at 850 San Vicente Boulevard was saved from demolition as part of this project.
- c. The proposed legalization of the number of guest rooms at 837, 845 and 849 San Vicente Boulevard is accompanied by the creation of ten additional parking spaces thereby reducing the impact of guest parking on the public street. The permitted activity does not involve use of any materials that would pose a health risk to the general public. Therefore, the proposed incentive will not be detrimental to the public health, safety or welfare.

SECTION 7. Pursuant to Section 19.92.150.b of the West Hollywood Municipal Code, the City Council of the City of West Hollywood makes the following additional findings of fact for change of use regarding Rehabilitation Incentive 2000-01:

- a. All activities will take place in the existing buildings or in the surrounding gardens, which were designed as part of the original bed and breakfast approval. No additional buildings are proposed, although accessory buildings may be proposed in the future and could be allowed pursuant to approval of a certificate of appropriateness. Therefore, the change of use will occupy no more than the original square footage of the resource.
- b. The proposed project is compatible with the neighborhood because the use of 837, 845 and 849 San Vicente Boulevard would continue to be a bed and breakfast use and because the structure at 850 San Vicente Boulevard was saved from demolition and relocated from the north end of this block to a previously vacant lot.
- c. The proposed project will result in substantial restoration of the significant architectural features or exterior architectural appearance of the resource because as conditioned, a ten-year maintenance/rehabilitation plan is

required and furthermore, the building located at 850 San Vicente Boulevard was saved from demolition and relocated to this site.

SECTION 8. Pursuant to Section 19.104.070.a of the West Hollywood Municipal Code (General Findings), the City Council makes the following additional findings of fact regarding Conditional Use Permit 2000-07 for the conversion of 850 San Vicente Boulevard (a rental residential building) to a non-residential use:

- a. The findings required by Section 19.92.150.a and 19.92.150.b have been made as noted in Sections 5 and 6 above.
- b. The conversion of 850 San Vicente Boulevard from a single family house to two guest units and one managers/operators residence does not result in the loss of any permanent dwelling units because there would still be one permanent residential unit in the building.
- c. The building at 850 San Vicente Boulevard was vacated pursuant to the tenant eviction proceedings of the City of West Hollywood and was slated for demolition as part of a project to construct a condominium at the building's original location of 873 San Vicente Boulevard.

SECTION 9. Pursuant to the above findings, the City of West Hollywood hereby approves Rehabilitation Incentive 2000-01 and Conditional Use Permit 2000-07 subject to the following conditions:

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1.0 LEGAL REQUIREMENTS

- 1.1) This permit shall not be effective for any purpose until 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 applicant is a corporation, then an officer of the corporation shall sign the acceptance affidavit.
- 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 shall have lapsed.
 - 1.3) The failure to comply with any of the conditions of approval shall be grounds of revocation of the permit.
 - 1.4) Approval of this permit shall expire twenty-four (24) months from the date of approval by the City Council, unless significant construction or improvements or the use authorized hereby have commenced. One or more extensions of time for use inauguration may be requested. No extension shall be considered unless requested at least 45 days prior to the expiration date.

2.0 PROJECT DESCRIPTION

- 2.1) This permit is for the use of rehabilitation incentives for the San Vicente Inn located at 839, 845, 849 and 850 San Vicente Boulevard. The incentives used include:
 - a) An increase in the number of guest rooms from ten to 28 plus one on-site manager/operator dwelling space;
 - b) Conversion of 850 San Vicente Boulevard from a single-family residential use to two guest units and one on-site manager/operator dwelling space;
 - c) Allow the parking to be in double, triple and quad tandem parking configuration, all but two spaces to be uncovered and to allow six spaces to be located in the front yard setback.
- 2.2) This approval is for those plans date stamped June 29, 2000, and which are those plans reviewed and approved by the Planning Commission at its meetings of July 6, 2000 and July 20, 2000 and the City Council at its meeting of August 21, 2000. A copy of said plans shall be maintained in the files of the City Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.
- 2.3) Ongoing rehabilitation and maintenance of the San Vicente Inn is required. Attached, as Exhibit A is a Restoration/Rehabilitation plan that shall be followed.

The Cultural Heritage Commission may modify this plan. This plan may be used as part of a Mills Act Contract application.

2.4) The terms and conditions of the following resolutions are incorporated herein except as amended therein or by this resolution:

- a) Resolution PC 95-18 (837-841 San Vicente Blvd.)
- b) Resolution PC 92-13 (845 San Vicente Blvd.)
- c) Resolution PC 95-19 (847-849 San Vicente Blvd.)

3.0 FEES

3.1) Prior to the occupancy of 850 San Vicente Boulevard, the applicant shall pay an in-lieu fee to comply with the City's Urban Arts requirement. If the building valuation is greater than or equal to \$200,000, then one percent (1%) of the total building valuation shall be paid to the Public Beautification Trust Fund. The fee shall be based upon the building valuation of the conversion/expansion of the San Vicente Inn from 10 guestrooms to 28 guestrooms and one manager's residence.

4.0 BONDS

4.1) None

5.0 CONSTRUCTION PHASE

5.1) None

6.0 BUILDING AND SAFETY/ENGINEERING

6.1) Prior to recording this resolution with the County, the applicant shall provide evidence to the satisfaction of the Building Official that all building code violations have been resolved or are being resolved.

6.2) All broken or damaged curb, gutter, and sidewalk along the property frontage on shall be replaced prior to occupancy of 850 San Vicente Boulevard.

6.3) 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).

6.4) Plan check fees must be paid in accordance with West Hollywood Ordinance No. 21, or such other ordinance in effect, at the time of submittal of plans to the City Engineer.

- 6.5) All proposed public improvements shall be secured by a bond in an amount specified by the City or by some other security instrument approved by the City in an equal amount, Prior to occupancy of 850 San Vicente Boulevard.
- 6.6) The location of any new driveway access points to the subject property shall be reviewed and approved by the City Engineer prior to preparation of improvement plans for the project frontage.
- 6.7) Drainage of storm water from the subject property shall be disposed of under the sidewalks in a manner satisfactory to the City Engineer. Wherever possible, on-site drainage systems shall outlet directly into the adjacent public storm drain system. Connection to the County systems shall be in compliance with any required permits of the jurisdictional agency. A drainage plan shall be submitted to the City Engineer and approved Prior to occupancy of 850 San Vicente Boulevard.
- 6.8) 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.
- 6.9) An Encroachment Permit must be approved by the City Engineer prior to commencement of any activities affecting the public right-of-way.
- 6.10) Pursuant to West Hollywood Municipal Code Article IX, Chapter 9300, Section 9309 (T) storm water/urban runoff discharges to the public storm drainage system shall be prohibited for all discharges not wholly comprised of storm water, or permitted by a valid National Pollution Discharge Elimination System (NPDES) permit issued by the California Regional Water Quality Control Board. "Municipal separate storm sewer", per 40 CFR, Part 122, Section 122.26(b) (8), is defined as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.
- 6.11) All utility systems shall meet the requirements of the respective agency.
- 6.12) A General NPDES (National Pollutant Discharge Elimination System) Permit may be required by the California Regional Water Quality Control Board (CRWQCB) for discharge of on-site groundwater (pumped from subterranean areas) to the public storm drain system. It is the applicant's responsibility to confer with the CRWQCB regarding NPDES compliance for the site.

7.0 LANDSCAPING

- 7.1) None.

8.0 DESIGN REQUIREMENTS

- 8.1) Any alteration of the buildings/structures shall require permits pursuant to the Zoning Ordinance.

9.0 RESOURCE CONSERVATION

- 9.1) Within four months of the date of this resolution, the applicant 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, 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.

10.0 TRANSPORTATION, PARKING AND CIRCULATION

- 10.1) Prior to occupancy of 850 San Vicente Boulevard, the applicant shall submit a parking management plan for review and approval by the Department of Public Works and Transportation.

11.0 OPERATIONS

- 11.1) A total of 28 guest rooms are permitted and distributed as follows:
- a) 837 San Vicente Blvd. – 10
 - b) 845 San Vicente Blvd. – 9
 - c) 849 San Vicente Blvd. – 7
 - d) 850 San Vicente Blvd. – 2
- 11.2) One on-site manager/operator living space shall be maintained at all times at 850 San Vicente Boulevard. This unit shall not be used as a guest room.

- 11.3) This permit shall be reviewed annually by the Director of Community Development for compliance with the terms of this resolution.
- 11.4) Prior to issuance of building permits or a change of use permit on any of the four properties, a recordable covenant running with the land shall be filed with the Department of Community Development by the applicant:
 - a) guaranteeing to continue the operation and maintenance of the project as a unified development;
 - b) guaranteeing the continued maintenance of the unifying design elements; and
 - c) specifying an individual or entity to be responsible for the operation and maintenance of the development.
- 11.5) Signage shall comply with the requirements of the Zoning Ordinance.
- 11.6) Should the Rehabilitation Incentives or Conditional Use Permit lapse, be revoked or fail to be renewed, the units registered with the Rent Stabilization Department at the time of initial conversion to a bed and breakfast use shall be returned to rent-controlled status and subject to the provisions of the West Hollywood Rent Control Ordinance.
- 11.7) Food Service shall be limited to breakfast served to inn guests only. No restaurant or cooking facilities shall be permitted within guestrooms located at 839, 845 or 849 San Vicente Boulevard. Kitchen facilities may be permitted at 850 San Vicente Boulevard.
- 11.8) No accessory structures shall be used for rental occupancy.
- 11.9) The owner and/or manager/operator shall maintain residence on the site.
- 11.10) No amplified music, lawn parties, outdoor weddings, or similar activities may be allowed unless specifically approved through a Temporary Event Permit.
- 11.11) No guest shall be permitted to occupy a guestroom for more than thirty days.
- 11.12) This permit shall expire fifteen (15) years from the date of approval and adoption. At that time, an extension must be applied for in advance of the expiration date. To allow for continued operation, the applicant may secure one or more extensions of time in the same manner prescribed for obtaining a Conditional Use Permit and Rehabilitation Incentive.
- 11.13) The grounds of the facility shall be kept well-maintained and free of litter.

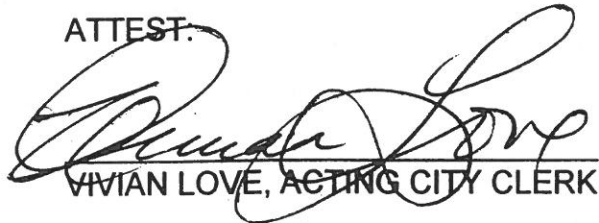
11.14) Employees and/or guests of the San Vicente Inn shall not be eligible to obtain or use parking permits valid for use in the preferential parking district. The Parking Services Division shall retain the right to void any permits and/or revoke the eligibility rights for any individual found transferring a parking permit issued for a resident to park in the preferential parking district.

11.15) All four properties shall be operated and maintained as one unified bed and breakfast establishment.

PASSED, APPROVED, AND ADOPTED ON THIS 21ST DAY OF AUGUST, 2000.


MAYOR


ATTEST.


VIVIAN LOVE, ACTING CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, VIVIAN LOVE, Acting City Clerk of the City of West Hollywood, do hereby certify that Resolution No. 00-2367, was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held the 21st day of August, 2000, by the following vote:

AYES: Councilmember - Guarriello, Heilman, Koretz, Martin and Mayor Prang.
NOES: None.
ABSENT: None.


VIVIAN LOVE, ACTING CITY CLERK