

RESOLUTION NO. 15-4651

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, DENYING AN APPEAL FILED BY MITCH CARSON ON BEHALF OF NEIGHBORHOOD PLANNING SUPPORT, INC. AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF A CERTIFICATE OF APPROPRIATENESS, REHABILITATION INCENTIVES, DEMOLITION PERMIT, DEVELOPMENT PERMIT, AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT, ADMINISTRATIVE PERMIT, AND PARKING USE PERMIT IN CONJUNCTION WITH THE ADOPTION OF A NEGATIVE DECLARATION FOR THE REHABILITATION, RESTORATION AND CONSTRUCTION OF NEW FACILITIES FOR THE EXISTING SAN VICENTE INN LOCATED AT 837-849, 850 NORTH SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. On December 19, 2013, Truman & Elliott LLP on behalf of KKHG SVI, LLC, filed an application for a Certificate of Appropriateness and Rehabilitation Incentives in conjunction with a Demolition Permit, Development Permit, Parking Use Permit, Administrative Permit, and an amendment to an existing Conditional Use Permit requesting approval to rehabilitate and restore the historic buildings, demolish non-historic buildings, and construct new facility spaces with off-site parking for the San Vicente Inn located at 837-849, 850 San Vicente Boulevard, a designated local cultural resource in the City of West Hollywood. The non-contiguous properties are under one operator. The application was deemed complete on June 19, 2014.

SECTION 2. On November 1, 1999, the City Council adopted Resolution No. 99-2191 designating the Old Sherman Thematic Grouping as a cultural resource and included, among others, the subject properties as contributing buildings.

SECTION 3. A public hearing was duly noticed for the Historic Preservation Commission meeting of October 27, 2014, pursuant to the West Hollywood Municipal Code. On a unanimous vote (Vice-Chair Charlie absent), the HPC determined that the findings for the Certificate of Appropriateness and Rehabilitation Incentives can be made in the affirmative and adopted Resolution

No. HPC 14-115 recommending to the Planning Commission approval of the project.

SECTION 4. A public hearing was duly noticed for the Planning Commission meeting of December 4, 2014, by posting a notice on the property for a period of at least 28 days. One notice was posted on each side of the street. Notices were mailed to surrounding property owners and residents as well as to Neighborhood Watch groups on November 21, 2014. On a unanimous vote (Chair Huebner absent), the Planning Commission made all the required findings in the affirmative and adopted Resolution No. PC 14-1105 approving the project.

SECTION 5. On December 12, 2014, a timely appeal was filed by Mitch Carson on behalf of Neighborhood Planning Support, Inc. The appellant asserts that the Planning Commission's decision to approve the project was based on inaccurate or unsupported findings and inadequate conditions of approval.

SECTION 6. Pursuant to the provisions of the California Environmental Quality Act (CEQA), an Initial Study and draft Negative Declaration were prepared for the proposed project. Based on the Initial Study, which identified no potential significant adverse impacts on the environment, it was determined that a Negative Declaration was appropriate pursuant to CEQA. A Notice of Intent to adopt a Negative Declaration was advertised in the Beverly Press and West Hollywood Independent newspapers on October 23, 2014. On the same day, a minimum 20-day period was initiated and concluded on November 12, 2014 to enable public review of the project specifications and the Initial Study prior to final adoption of the Negative Declaration by the Planning Commission. No comments were received on the environmental document. The Planning Commission found that the project will be in compliance with the *Secretary of the Interior's Standards* and that there is no substantial evidence that the project will have a significant impact on the environment, and therefore adopted a Negative Declaration. On December 12, 2014, a Notice of Determination was filed with the Los Angeles County Clerk.

SECTION 7. Having considered the written grounds for the appeal and the additional oral and written testimony presented at or before the public hearing, the City Council hereby makes the following findings regarding the grounds raised in the appeal (appellant's contentions are identified in *italics*):

1. *The appellant objects to the approval of rehabilitation incentives for a change of use and insists that the applicant shall prove an economic hardship. Additionally, the appellant objects to the granting of a rehabilitation incentive for approval of a restaurant within the urban inn.*

The property currently operates as an urban inn and a change of use is not part of the project. The property first began as bed & breakfast in 1989 at 837 San Vicente Boulevard and later expanded to include the two

northern adjoining properties (i.e., 841-849 San Vicente Boulevard). In 1999, the structure currently located at 850 San Vicente Boulevard (east side of the street) was relocated from to southwest corner of San Vicente and Cynthia in order to save the bungalow from demolition to make way for the construction of the Desmond condominium development. In 2000, a change of use of the structure at 850 San Vicente was approved as a Rehabilitation Incentive, allowing the bed & breakfast to expand across the street and require the facility to be operated and maintained as one unified establishment. Section 19.36.090(E)(1)(b) of the WHMC specifically allows an urban inn to occupy more than one lot that are non-adjoining. The bed & breakfast was converted to an urban inn after the 2001 comprehensive zoning ordinance update, which began to differentiate between a bed & breakfasts and urban inns.

A finding for economic hardship is not required because this project is not a change of use. Section 19.58.150(E)(5)(b) of the WHMC requires a finding of economic hardship only for a rehabilitation incentive involving a change of use. Nevertheless, the finding required to be made by the Planning Commission was to determine whether "the incentives to be granted serves to compensate the property owner for increased burden, in terms of maintenance and expense, that rehabilitation would entail" (Finding 1, Section 19.58.150(E)(5)(a) of the WHMC). The Planning Commission was able to make this finding in the affirmative.

The City Council affirms the Planning Commission's finding of fact that would allow the urban inn to operate a restaurant as a guest-focused, secondary use through a rehabilitation incentive. The appellant objects to the use of the rehabilitation incentive stating that a restaurant and a movie theatre are not allowed in the zone and cannot be allowed as a "reduction in the development standards" for an urban inn, referring to Section 19.58.150 (C)(5) of the WHMC. The project, however, does not propose a movie theatre. Nevertheless, the applicant did not request a restaurant use through a reduction in development standards but rather through Section 19.58.150 (C)(6), which specifically refers to a type of incentive for "the permitting of uses not allowed in the zone, but which are permitted in other zones." The Planning Commission made the finding and the City Council affirms that the rehabilitation incentives to be granted serve to compensate the property owner for the increased burden, in terms of maintenance and expense that rehabilitation will entail. The appellant did not provide any supporting evidence substantiating the basis for the contention nor did the appellant contest the Planning Commission's finding or base the appeal upon error in fact or inadequate conditions.

- 2. The appellant asserts that the Planning Commission's approval of the project does not acknowledge compliance with the General Plan goals and policies.*

Although the appellant indicates that there are many goals that are not met by this project, they only specifically mention Goal LU-1 and policies LU-1.2, LU-1.3, LU-1.13, and M-1.3. Therefore, the discussion below addresses those five items.

- *Goal LU-1 Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.* The proposed project involves the rehabilitation of four one and two-story existing urban inn buildings, which are designated historic resources, and the construction of two- to four-story urban inn buildings. It would therefore enhance the quality of the existing urban inn and the surrounding area.
- *Policy LU-1.2 Consider the scale of new development within its urban context to avoid abrupt changes in scale and massing.* As discussed in Section I (Aesthetics) of the Initial Study- Negative Declaration, the proposed new building at 850 San Vicente would be similar in height to the adjacent four-story Desmond Apartment Building across the street from the project site and similar in height to various apartment and condominium complexes immediately surrounding the project site. In addition, the proposed project would convert a paved area with low visual quality to a contemporary commercial building with high visual quality.
- *Policy LU-1.3 Encourage new development to enhance the pedestrian experience.* The proposed project would rehabilitate the existing urban inn buildings that are located along San Vicente Boulevard. This would be a visual enhancement for pedestrians. Furthermore, the proposed project would also introduce landscaping to improve the pedestrian environment.
- *Policy LU-1.13 Seek to reduce the demand for motorized transportation by supporting land use patterns that prioritize pedestrian, bicycle, and transit mobility options, and mixed use development.* As discussed in Section VII (Greenhouse Gas Emissions) of the Initial Study-Negative Declaration, the project site is located near a bike lane along Santa Monica Boulevard and includes bicycle parking for employees and customers visiting the commercial uses. The project site is also located within walking distance of retail facilities, restaurants, and public transportation.
- *Policy M-1.3 Consider requiring development projects to include transit amenities and transit incentive programs.* As described in Section VII (Greenhouse Gas Emissions) of the Initial Study-Negative Declaration, the proposed project would be infill development that would also be

located within walking distance of commercial and recreational activities as well as public transportation (approximately 400 feet to the Metro Line 4 bus stops at Santa Monica Boulevard and San Vicente Boulevard and approximately 400 feet to the Metro Lines 105 and 705 bus stops on San Vicente Boulevard and Santa Monica Boulevard), thereby reducing vehicle trips. The proposed project would also include bicycle parking.

The proposed project is consistent with all General Plan goals and policies mentioned by the appellant. Further discussion of other General Plan goals and policies is included throughout the Initial Study-Negative Declaration and the Planning Commission's adopted resolution. The General Plan encourages the elements of the project discussed above and there is nothing in the record to suggest that the project will impede implementation of the General Plan. The appellant did not provide any supporting evidence substantiating the basis for the contention nor did the appellant base their assertion upon error in fact.

3. *The appellant objects to the minimum number of required parking spaces and approval of a Parking Use Permit to allow all required parking spaces to be located off-site.*

The use of off-site parking spaces for the Inn is allowed with parking use permit approval, pursuant to Section 19.56.020 of the WHMC and consistent with the General Plan's goals and policies. Specifically Goal M-8 seeks to "manage parking supply to serve residents, businesses and visitors" by "utilizing existing public and private parking resources as effectively and efficiently as possible" (Policy M-8.1) and "encourage, promote, and allow shared and off-site parking arrangements in all commercial areas" (Policy M-8.3). With the approved Rehabilitation Incentives, the proposed project, inclusive of existing uses, requires 60 parking spaces for the rehabilitated San Vicente Inn.

The number of spaces required for guest units within historic buildings is a half space per guest unit and one space per unit within a non-historic building. The project also proposes a restaurant use and an auxiliary building with a recreation room available to guests and the public. The applicant requested the half parking space requirement typically used for guest units within historic buildings to the units that will be located within the new buildings through a Rehabilitation Incentive. In addition, the applicant also requested the maximum 50% reduction of the minimum number of parking spaces for the secondary uses (i.e., restaurant and recreation/auxiliary room) through the parking reduction process, identified in Table 3-7 of Section 19.28.060 of the WHMC.

The uses were analyzed by staff and a parking demand study was analyzed based on hotel case studies conducted by Urban Land Institute (ULI). The ULI methodology took into account typical shared uses within a hotel (i.e. hotel guests dining in the hotel restaurants) and the reduction in parking as a result of the shared usage. The methodology provided specific parking demand for hotel rooms (guests and employees), restaurant patrons (hotel guests and non-guests) and meeting rooms (hotel guests and non-guests). Based on ULI's published studies, it is estimated that the project would have a peak parking demand of 60 spaces, which are anticipated to have "peak usage" on evenings during the week and weekends only. With the approval of half parking space for the new units through a Rehabilitation Incentive and in combination with a 50% parking reduction for the ancillary uses, the City Council affirms the Planning Commission's support of the project with all parking spaces within two off-site parking facilities. Both parking facilities will be serviced by a full time valet service.

The applicant has entered into a parking agreement with two separate off-site parking facilities with the use of a full-time valet service. The parking facility at 815 Palm Avenue will provide 45 spaces at all times. Additionally, the property at 820 San Vicente Boulevard (U.S. Post Office) will provide 15 spaces during peak hours on weekday evenings and weekends, which includes the hours between 6:30 pm and 11:00 pm. The primary off-site parking facilities is located 0.2 miles from the San Vicente Inn and can be accessed via Santa Monica Boulevard, avoiding residential streets so that nearby residents will not be affected by the off-site parking arrangements. The secondary off-site parking facility is located two properties south of the subject site along San Vicente Boulevard.

4. *The appellant asserts that the CEQA analysis was inadequate for the project and raises the following:*

a. Need for Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR):

The appellant suggests that the California Environmental Quality Act (CEQA) document for the project should be an MND or EIR rather than an ND. An MND would be needed rather than an ND only if mitigation measures were needed to reduce an identified significant environmental impact to below a level of significance. Because the Initial Study does not identify any significant impacts, mitigation measures are not needed and the document is simply identified as an ND. The processing of an IS-ND, including the required public review period, is identical to that of an IS-MND. An EIR would be needed only if the Initial Study identified one or more significant environmental impacts that could not be mitigated to below a level of significance.

Because no such impacts were identified, preparation of an EIR is not warranted.

b. Shade/Shadow Analysis:

Shadows are not listed as a potentially significant environmental impact in Appendix G of the CEQA Guidelines. Nevertheless, shadows are often analyzed for multi-story projects in dense urban areas. Shadow impacts are typically considered significant if a project would shade a shadow-sensitive use (such as a residential yard or pool) for an extended period of time.

A shadow analysis was completed for the a.m. and p.m. hours of the summer and winter seasons. The figures show that three units, all of which are north of the project site on the east side of San Vicente Boulevard, have yards that would be shaded by the San Vicente Inn; however, all three yards are currently shaded. The westernmost unit is shaded by the existing building, the center unit has patio covers built over the yard that currently create substantial shade, and the easternmost unit has large shade trees that currently create substantial shade. There would be no increase in the shading of yards. Therefore, shadow impacts would not constitute a significant impact under CEQA.

c. Glare/Views of the Hollywood Hills:

The appellant suggests that the IS-ND ignores the fact that the new buildings would block views of the Hollywood Hills from homes on Hilldale. Both of these issues are included in the CEQA Guidelines Appendix G environmental checklist and both are analyzed in the IS-ND (see sections I.a and I.d). The project would include various sources of light and glare; however, because of the existing, relatively high ambient lighting levels in the vicinity of the project site, project development would not substantially alter light or glare conditions. In addition, the project would be required to comply with Section 19.20.100 of the West Hollywood Municipal Code (WHMC), which limits the design, intensity and impacts of night lighting, as well as WHMC Section 19.10.060, which limits the use of mirrored, reflective glass or tinted glass to decorative accents. Views of the Hollywood Hills are largely blocked from view of private residences in the site vicinity by existing buildings and landscaping. The proposed structures may incrementally increase view blockage for certain private residences. However, as discussed in the IS-ND, public views would not be substantially altered and the City has not adopted any policy related to the protection of private views. Therefore, minor changes in views from private locations would not constitute a significant impact under CEQA.

d. Truck Trips and Associated Impacts:

The appellant suggests that the IS-ND lacks analysis of impacts associated with export of 925 cubic yards of earth material. Air pollutant emissions associated with the export of 925 cubic yards of material, including emissions from truck trips, were quantified and have been accounted for in the modeling included in Section III, Air Quality. The modeling assumed a total of 116 truck trips associated with hauling, which includes approximately 93 trips to haul the 925 cubic yards of material. This is a conservative estimate, as each truck may hold more than the assumed 10 cubic yards per trip, which would reduce the number of truck trips and associated emissions. The total emissions for all construction activities were compared to the South Coast Air Quality Management District's (SCAQMD) temporary construction-related pollutant emissions thresholds and Localized Significance Thresholds. Emissions for all pollutants would be less than the SCAQMD thresholds. Therefore, impacts would be less than significant.

Review of the IS-ND tables related to construction air pollutant emissions revealed minor numeric errors; incorrect LSTs were applied to the project and several total emissions numbers were incorrectly entered. These corrections have been made to the IS-ND and the results were not affected; impacts would be less than significant. Section XII, Noise, shows that typical construction noise levels at 25 feet from the source would be a maximum of 95 dBA and receptors up to 100 feet from the source could experience a maximum noise level of 83 dBA. This construction noise would occur temporarily, as the loudest phase, grading, would be approximately six days. Noise levels during other construction phases would be significantly lower, as heavy-duty equipment would not be required. Furthermore, Mitigation Measure 3.9-2 from the West Hollywood 2035 General Plan FEIR (2010), which is also a West Hollywood Municipal Code (WHMC) requirement (WHMC 9.08.050.f), applies to all new construction in the City and would be a Condition of Approval for the proposed project. This condition would prohibit construction activity between the hours of 7:00 PM and 8:00 AM on weekdays and Saturdays; or at any time on Sundays or City holidays. This would apply to trucks used for material export and would reduce impacts to a less than significant level by ensuring that truck trips do not occur during hours when people normally sleep.

With respect to traffic interruptions caused by truck trips, grading activities would occur over a period of six days. Any traffic interruptions would therefore be limited to a short period of time and construction

contractors would comply with standard City requirements pertaining to minimization of traffic impacts. Also, the project is conditioned to require a Construction Period Mitigation Plan to address any short-term impacts during the construction phase. Impacts would not exceed any traffic threshold of significance adopted by the City.

e. Fault and Liquefaction Impacts:

The appellant suggests that impacts related to faults and liquefaction may be significant, and that a soils study should be prepared. Section VI, Geology and Soils, discusses impacts related to fault surface rupture and liquefaction. As described in Section VI, "[a]s with any site in the southern California region, the project site is susceptible to strong seismic ground shaking in the event of a major earthquake. Nearby active faults include the Hollywood Fault, the Santa Monica Fault, the Newport-Inglewood Fault Zone, the Raymond Fault, the Verdugo Fault, and the San Fernando Fault. These faults are capable of producing strong seismic ground shaking at the project site. Onsite structures would be required to be constructed to comply with the California Building Code (CBC). With adherence to the CBC, design and construction of the proposed development would be engineered to withstand the expected ground acceleration that may occur at the project site." The new fault map, which was released by the California Geological Survey on November 6, 2014, has been evaluated with regards to this project. The map does not include a fault line that crosses the project site and would not affect this analysis or determination. Furthermore, the design and construction of the buildings with regards to withstanding ground acceleration would not create significant environmental effects or otherwise impact neighboring properties.

The project site is within a potential liquefaction zone as identified on the State Hazards map, as described in Section VI, Geology and Soils. Methods for reducing liquefaction hazards will be developed as part of the final building and foundation design and could include densification methods, modifications leading to improving the cohesive properties of the soil (hardening or mixing), removal and replacement, or permanent dewatering. Other methods such as reinforcement of the soil or the use of shallow or deep foundations designed to accommodate the occurrence of liquefaction and associated vertical and horizontal deformations may also achieve an acceptable level of risk. These design features would not create significant environmental effects or otherwise impact neighboring properties. CBC Section 1808.6 requires special foundation design for buildings constructed on expansive soils. If the soil is not removed or stabilized, then foundations must be designed to prevent uplift of the supported structure or to resist forces

exerted on the foundation due to soil volume changes or shall be isolated from the expansive soil. Compliance with CBC requirements would ensure protection of structures and occupants from impacts related to expansive soils.

f. Hazards to Schools During Construction:

The appellant states concerns about the potential transport of hazardous materials during construction and potential risks to the nearest school.

Section VIII, Hazards and Hazardous Materials, addresses this issue. The project would not be expected to involve the use of large quantities of hazardous materials, either during construction or during long-term operation of the inn. Nevertheless, as noted in Section VIII, as part of any removal of any hazardous waste from the site, hazardous waste generators are required to use a certified hazardous waste transportation company, which must ship hazardous waste to a permitted facility for treatment, storage, recycling, or disposal. The nearest school is West Hollywood Elementary School, located at 970 North Hammond Street, approximately 0.25 miles north of the project site. The school parking lots are located along San Vicente Boulevard, but school buildings are not. Compliance with applicable regulations would reduce potential impacts related to hazardous materials use and transport to a less than significant level.

g. Traffic and Construction-Related Noise:

The appellant suggests that noise from project traffic and construction may be significant. The project involves rehabilitation of an existing urban inn that would provide an on-site restaurant to serve Inn guests and an increase of two guest rooms to serve the Inn. No movie theatre is proposed. As discussed in Section XII, Noise, ambient noise levels along roadway segments in the project range from 65 to 75 decibels (dBA) Leq. Therefore, the allowable noise exposure increase would be up to 1 dBA. According to the Institute of Transportation Engineers' *Trip Generation*, 9th Edition, which publishes trip generation estimates for specific land uses, the new guest rooms would create a maximum of 8.92 trips per day each for a total of 18 new daily trips at the project site. Currently, the 29 existing rooms and one manager's unit would generate approximately 267 trips per day. The additional trips generated would only be 10% of the existing urban inn-generated trips. Average daily traffic on San Vicente Boulevard near the project site is currently estimated at 15,350, according to the Program Environmental Impact Report for the City of West Hollywood General Plan and Climate Action Plan. For an audible increase in traffic noise (3 dBA or

higher) to occur, the traffic level would have to double, or, in this case, increase by at least 15,350 daily trips. The 29-trip increase associated with the proposed project would generate a traffic increase of less than 0.2% along San Vicente Boulevard and an associated noise increase of less than 0.1 dBA. Therefore, the change in traffic noise would not be audible and would be less than the 1 dBA significance threshold that applies along San Vicente Boulevard (see Table 14 of the Initial Study). Further, the proposed structures would partially shield residences immediately east and west of the site from noise associated with traffic on San Vicente and Santa Monica Boulevards.

The typical construction noise levels at 25 feet from the source would be a maximum of 95 dBA. Mitigation Measure 3.9-2 from the West Hollywood 2035 General Plan FEIR (2010) applies to all new construction in the City and would be a Condition of Approval for the proposed project; construction would be prohibited between the hours of 7:00 PM and 8:00 AM on weekdays and Saturdays; or at any time on Sundays or City holidays. Construction noise impacts would be less than significant.

h. Traffic:

The appellant requests a traffic study to consider the project's impacts on traffic and safety. The appellant claims that the project includes a new hotel, public restaurant, bar, and movie theatre, which would create a high volume of traffic. The appellant also suggests that hotel guests would be crossing San Vicente Boulevard on foot, creating a traffic hazard.

The project does not include a new hotel. It involves rehabilitation of an existing urban inn that would provide an on-site kitchen to serve hotel guests and an increase of two guest rooms to serve the Inn. No movie theatre is proposed. As described in Section XVI, Transportation/Traffic, according to ITE's *Trip Generation*, 9th Edition, the additional two urban inn guest rooms would create a maximum of 8.92 trips per day each for a total of 18 new daily trips at the project site. Currently, the 29 existing rooms and one manager's unit would generate approximately 267 trips per day. The additional trips generated do not meet City-established criteria for requiring a traffic impact study.

There is a crosswalk located at the intersection of San Vicente Boulevard and Cynthia Street, less than 350 feet north of the project site and a crosswalk located at the intersection of San Vicente and Santa Monica Boulevards, approximately 400 feet south of the project

site. Guests would use these crosswalks to legally and safely travel between Inn buildings.

i. Cumulative Impacts:

The appellant reiterates the request for an EIR in order to assess cumulative impacts associated with the project in relation to other proposed projects in the City of West Hollywood. Cumulative impacts are evaluated in the mandatory findings. There are a number of planned and pending projects throughout West Hollywood. However, no pending or planned projects are within 0.25 miles of the project site and significant cumulative impacts from the project in conjunction with other area development are not anticipated. No significant or potentially significant impacts were found therefore, an EIR is not warranted for the proposed project.

The appellant did not provide substantial evidence of a fair argument that there may be significant impacts on the environment. The property currently operates as an urban inn and has been for many years. The project would have a net increase of two additional guest rooms and a guest-focused restaurant and recreation/auxiliary room. Additionally, the project was carefully designed to comply with the Secretary of the Interior's Standards for rehabilitating the historic structures. Also, the project is conditioned to require a Construction Period Mitigation Plan to address any short-term impacts during the construction phase.

SECTION 8. In accordance with Section 19.58.100.D of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Certificate of Appropriateness 013-020:

- 1) The proposed work will neither adversely affect the significant architectural features of the San Vicente Inn nor adversely affect the character or historic, architectural, aesthetic interest or value of the San Vicente Inn and its site in that the rehabilitation, restoration, and additions proposed to the buildings will not impact the historic portions of the property and the proposed demolition of the rear structures will not impact historically protected resources. The proposed new buildings and additions will be constructed in a manner complementary to the cultural resources at the property and will not eclipse the significance of the historic portions of the property. The front facades and other significant historic features of the resources, which make up the most visible portions of the historic buildings, will remain. Therefore no adverse effect will exist.
- 2) There are no prescriptive standards or design guidelines for this particular resource, and accordingly, only the *Secretary of the Interior's*

Standards are relevant standards for this project. The proposed project is in compliance with the *Secretary of the Interior's Standards*, as summarized below:

Standard No. 1

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

In conformance with Standard 1, the proposed project continues the existing use of the property as an urban inn, while incorporating ancillary uses. Changes will improve the street facing elevations of Buildings A-D through restoration, and new construction will respect historic construction in terms of mass, scale, and setback.

Standard No. 2

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

In conformance with Standard 2, the proposed project will improve the street facing elevations of Buildings A-D through retention of historic materials and restoration of missing features, to bring the elevations back to more closely match their original appearance. Historic material on these elevations that must be removed to facilitate the project will be salvaged and reinstalled to the maximum extent feasible. Existing spatial relationships characterizing the property will be retained, as new construction will either closely match existing in terms of scale, mass and setback, or will be carefully designed to step back from the existing buildings so as not to detract from them.

Standard No. 3

Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

In conformance with Standard 3, the proposed project will retain important historic fabric from an early period, so that the property can continue to be recognized for its association with the Town of Sherman. New construction will be clearly distinct from existing in terms of architectural style and materials selection, though it will draw from existing shapes and materials for inspiration to ensure compatibility.

Standard No. 4

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

In conformance with Standard 4, the proposed project will retain important historic fabric from an early period, so the property can continue to be recognized for its association with the Town of Sherman. No later additions or alterations have been identified as taking on significance over time; thus, removal of inappropriate non-historic alterations will be an improvement.

Standard No. 5

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

In conformance with Standard 5, the proposed project will retain existing historic material, features, and finishes to the maximum extent feasible on the street-facing elevations of Buildings A-D. In some cases, historic material has already been removed due to alterations, and a restoration approach will be employed to return these elevations to match their original conditions as closely as possible.

Standard No. 6

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

In conformance with Standard 6, the proposed project will retain existing historic features, repairing rather than replacing them, to the maximum extent feasible. Where repair is infeasible, new material that is compatible with existing will be used, and will be selected based on physical and other evidence of what was there historically.

Standard No. 7

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

In conformance with Standard 7, the proposed project will treat historic material with the gentlest means possible. Should pressure washing be required, it will be done at less than 400 psi and no sandblasting will be employed.

Standard No. 8

Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

It cannot be reasonably expected that archaeological resources will be found during implementation of the proposed project.

Standard No. 9

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

In conformance with Standard 9, the proposed project will have new additions and related new construction that do not destroy historic materials, features, or spatial relationships that characterize the property. The raising of Building A does not compromise its integrity because: its setting has already been altered since the building was moved to its current location at 850 San Vicente Boulevard; the new front retaining wall with stepped planters provides visual transition from the street level up to the building; and surrounding buildings are already out of scale with the single-family home. The rear addition to Building A is appropriate because it has been carefully designed to step back from the existing single-family building to ensure compatibility. Also, the new buildings to be constructed west of Buildings B-D mimic the existing rear buildings (E-J) in terms of mass, scale, and set back, to retain the existing compatibility with buildings B-D.

Standard No. 10

New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

In conformance with Standard 10, the proposed project will not damage existing integrity of Buildings A-D. As Building A has already been moved from its original location to a new setting, additional changes to accommodate the proposed rear addition will not diminish integrity of setting. The project will be an improvement on the existing condition of the building, by reversing non-historic alterations through restoration. Buildings B-D will also be improved upon, as non-historic alterations will be removed and street-facing elevations restored.

- 3) The design and use of the new improvements will not adversely affect the cultural resource, and will be compatible with the design and use of the existing cultural resources within the Old Sherman Thematic District. All proposed additions will include distinctive architectural features, such as hipped roofs, narrow wood clapboard siding, simple window trim and porches, will complement the existing designated resource. New structures will be built as not to mimic the existing historic resource and in a design that is compatible, yet respectful of the existing urban inn.
- 4) The rehabilitation of the San Vicente Inn will be completed in compliance with the *Secretary of the Interior's Standards for Rehabilitation*. The Applicant has hired a cultural resources consultant/architect to ensure the highest standards for maintaining and rehabilitating the San Vicente Inn are met. The cultural resources consultant has reviewed the California Historical Building Code as well as the Uniform Code for Building Conservation and will incorporate, when feasible, the standards and guidelines of those Codes.

SECTION 9. In accordance with Section 19.58.150(E)(5)(a) of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Rehabilitation Incentive 013-002:

- 1) The incentives to be granted serve to compensate the property owner for the increased burden, in terms of maintenance and expense that rehabilitation will entail. The San Vicente Inn consists of four properties included in the Old Sherman Thematic Grouping. The buildings were constructed as residential single-family residences and were built between 1899 and 1907. The buildings reflect the origin of West Hollywood (old Sherman) as the home to workers at the Pacific Electric Railway. All four buildings fronting San Vicente are locally designated as cultural resources contributing to the Thematic Grouping and had previously undergone remodeling prior to being designated. The properties served as a bed and breakfast prior to the conversion to an urban inn.

The physical condition of the historic front buildings and non-historic rear buildings reflect the property's decades-long history of neglect and disrepair. While some remodeling was completed as part of its initial conversion to a bed and breakfast and later to an urban inn, the work was incidental and cosmetic in nature. The buildings each were constructed with wood as the primary building material and structural support, between 107 to 115 years ago (1899 to 1907). The effects over the years, including, among other things, termites and dry-rot now

assure the buildings will not stand the tests of time without substantial rehabilitation investment.

Preservation of the historic buildings require, among other things, an entirely new electrical system, a new plumbing system, major repairs to the historic windows, significant structural repair to the wood frame, roof, and foundation, and seismic retrofitting.

The prior San Vicente Inn owner's use of multiple non-historic materials and non-historic design features complicates rehabilitation and increases costs. Where appropriate, the missing historic elements will be re-constructed consistent with the *Secretary of the Interior's Standards*. The *Secretary's Standards* for repair to an historic building's fabric require the "most gentle means possible" so to not damage historic materials. Where replacement of a distinctive feature is required, the new feature will be required to match the old missing feature in design, color, texture, and where possible, materials. New additions, exterior alterations or related new construction will be conducted delicately so as to not destroy historic materials, features and spatial relationships that characterize the cultural resource.

Some of the costs associated with repair, rehabilitation or replacement of the historic buildings include, among other things, the retention of historic windows when feasible, rather than the entire window and frame replacement without attempt at salvaging when possible. Existing wood clapboard siding are required to be salvaged and reinstalled. A new stoop will be constructed or reconstructed to match the depth of the landing at the building's original location. Further, the project will undertake the process of connecting a new addition to an historic building, which requires the creation of a shallow gap between the hipped roof of the historic building and the mass of the rear addition.

The requested rehabilitation incentives are necessary for the property owner's provision of the amenity uses that urban visitors expect. When completed, Inn guests will stay in upgraded guest suites and have access to modern urban amenities, such as exercise classes, lectures, movie screenings, mobile office services and food and beverages.

The project includes an estimated \$15,000,000 in capital costs, including a budget that includes a cost of approximately \$455,000 per guest unit. While the hardship incurred by the San Vicente Inn commences with the rehabilitation effort, the hardship is exacerbated by the property's innate challenges of having small lot size, building size and location and unwieldy two-site footprint. The cost adding new uses and buildings onto lots of this size, typically adds at least 20% to

hard and soft construction costs. The limit of 32 guest units further exacerbates the owner's financial hardship.

The new addition for the east property (850 San Vicente) is complicated by the existing historic structure's street front location. As a result, the cost of building the new building addition and its construction staging will materially exceed that of a comparable new construction guest lodging. Those constraints, coupled with the property's decades-long dereliction, assure that the rehabilitation of the historic buildings and additions of the new building improvements is essential and cost-prohibitive. Therefore, the incentives to be granted serve to compensate the property owner for the increased burden, in terms of on-going-maintenance and expense that a comprehensive rehabilitation and restoration of the historic buildings will entail.

- 2) The buildings located on the subject properties have been used as an urban inn since 2000 and as a bed and breakfast for many years before that. All four buildings fronting San Vicente Boulevard had undergone remodeling prior to being designated as a local cultural resource. Although, the property and the buildings have been neglected for years, and have many years of deferred maintenance, the properties have not produced a negative impact on the neighborhood, in terms of architectural, historic or aesthetic integrity. Moreover, the property at 850 San Vicente Boulevard was saved from demolition as part of the conversion of the property to a bed and breakfast, and later an urban inn.

Although the front buildings will be improved and expanded by the proposed project, all maintenance, rehabilitation and construction will comply with the *Secretary of the Interior's Standards* and the exterior façades of all four original buildings will be maintained and improved in keeping with the architectural style and historic quality of these turn-of-the-century bungalows.

- 3) The proposed project, which includes 32 guest rooms along with an improved common area space, including an indoor and outdoor living room, an indoor-outdoor dining room with associated kitchen, and a multi-purpose room, will not be detrimental to the public health, safety or general welfare. The proposed project will rehabilitate the proposed use without significant intensification of use. An urban inn use is considered to be relatively similar or less intensive with respect to traffic and parking requirements than a residential use. All required parking will be provided off-site at a facility located at 815 N. Palm Avenue through the use of a full-time valet service.

Although urban inn criteria generally require an on-site manager to live at the property, the San Vicente Inn will be monitored 24 hours a day by an on-site manager in shifts, ensuring the guests and property are properly serviced. The proposed use does not involve the use of any materials that will pose a health risk to the general public.

SECTION 10. In accordance with Section 19.50.050 of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Demolition Permit 013-036:

- 1) All other applications for discretionary permits necessary for the new project to be constructed on site have been approved as part of this Resolution.
- 2) The rear buildings located at 837-849 San Vicente Boulevard and the carport structure located at the rear of 850 San Vicente Boulevard are proposed to be demolished. These rear buildings are non-contributing buildings added to the subject property in 1922-1960, outside the period of significance for the Old Sherman Thematic Grouping and are not designated or being considered for designation. Demolition of these buildings will not adversely affect the significant architectural features of the San Vicente Inn nor adversely affect the character or historic, architectural, aesthetic interest or value of the San Vicente Inn.

SECTION 11. In accordance with Section 19.48.050 of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Development Permit 013-060:

- 1) The continued use, expansion of three additional guest units and construction of new facilities for the urban inn is a conditionally permitted use within the R4B (Residential – Multi-Family High Density) zoning district, along San Vicente Boulevard, with a Development Permit, pursuant to Article 19-2, Table 2-2. As conditioned and through rehabilitation incentives, the proposal complies with all applicable provisions of the Zoning Ordinance and the Municipal Code, regarding specific land use requirements particular to urban inns as well as all provisions concerning public safety and health.

Pursuant to Municipal Code section 19.36.090, an urban inn must comply with certain operational criteria and development and performance standards. The property owner of the San Vicente Inn, a designated cultural resource in the City, will rehabilitate the front designated bungalows on the street side as well as expand portions of the structures, all in conformance with the *Secretary of the Interior's*

Standards. All modifications will be consistent with the overall character the buildings and no changes will be made to the front façade of the designated buildings. The existing non-historic rear structures at the property will be removed and new buildings will be constructed as guest rooms and common area to complement the style and character of the designated buildings. The height of new structures will not exceed the maximum 45 feet.

The rehabilitated San Vicente Inn will include a dining room with a full kitchen to serve Inn guests and open to the public. Food and beverage will be available to Inn guests and the public. The proposed project complies with all other criteria and standards for an urban inn.

- 2) As conditioned, the proposed project will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The proposed project will allow for the rehabilitation and restoration of the San Vicente Inn at the property. The land uses in the area are compatible with the proposed uses in the vicinity in that there are similar uses along San Vicente Boulevard and there are complementary entertainment, retail, office and café uses on Santa Monica Boulevard.

There are residentially-zoned properties near the subject property, however, the proposed project is along San Vicente Boulevard and the uses front a major boulevard. In addition, the proposed project will not be a significant intensification of use in the area as it has existed for many years at this location, and will satisfy community and City needs by revitalizing this neglected property. Other uses in the area include restaurants, retail use, and office uses with which the proposed use is compatible. Further, the project is conditioned to limit the ancillary uses by the Inn guests to adequately protect the surrounding residents from noise and any potential for adverse nuisances. Therefore, the impact of the rehabilitated use at the property will be limited and will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

- 3) The proposed use is consistent with the General Plan and will not impair the implementation of any of the Goals, Objectives, or Policies of the City of West Hollywood General Plan. Specifically, the use is consistent with the following policies:
 - LU-1.1: Maintain a balanced land use pattern and buildings to support a broad range of housing choices, retail businesses, employment opportunities, cultural institutions, entertainment

venues, educational institutions, and other supportive urban uses within the City.

- LU-1.3: Encourage new development to enhance the pedestrian experience.
- LU-1.10: Encourage new non-residential land uses that contribute to a strong and diversified local economy.
- LU-8.2: Consider the historic lot patterns and the surrounding building fabric of the new development.
- LU-8.3: Encourage new development to complement existing buildings – including setbacks, heights, materials, colors, and form, while allowing flexibility in architectural design and innovation.
- HP-5: Promote the preservation of cultural resources through maintenance and rehabilitation incentives and technical assistance.
- HP-6: Use historic preservation concepts as tools for economic development.
 - HP-6.1: Seek opportunities to work with business and professional groups to incorporate cultural resources into their promotions of business and tourism.
 - HP-6.2: As feasible, incorporate goals and objectives related to cultural resources into public and private plans for economic development.
- ED-2.1: Continue to seek opportunities for revenue generation by supporting the City's major revenue generating industries including:
 - Fashion, arts and design-related businesses
 - Entertainment and tourism, including hotels, restaurants, bars, nightclubs, and other entertainment venues
 - Media industry, including film production, offices, and related businesses

The proposed use will provide a unique visitor-serving accommodation in the City. Although the San Vicente Inn has existed for many years, it was plagued by years of deferred maintenance which resulted in guest vacancy and poor service and reputation. The new plan to re- envision and rehabilitate the San Vicente Inn will maintain the unique qualities of the Inn but provide enhanced user/visitor experience through a number of upgraded features. Guest rooms will still surround the central pool and open up to common living room and dining room areas, but the high-quality amenities will attract a new group of patrons and guests to the Inn. The property is surrounded by residential and commercial uses and will complement the other uses on San Vicente Boulevard in that it is of similar size and height to other commercial

buildings in the area. The façade or height of the front buildings will not be altered and only the rear structures will be modified and/or removed. This project meets all cultural resources goals in that all four cultural resources will be maintained and rehabilitated using the revenues generated by the use of the buildings as an urban inn. The rehabilitated San Vicente Inn will improve the reputation of the facility and therefore help the tourist industry in West Hollywood.

- 4) As conditioned, the new structures will be compatible with the scale, bulk, and mass of the existing structures in the vicinity of the subject property, and does not impair the integrity and character of the zoning district in which it is located. From street level, the San Vicente Inn will appear as four single-family bungalows which is how the property has existed for many years. The land uses in the area are compatible with the proposed uses in the vicinity in that there are other one to five-story entertainment, retail, office, and residential uses on San Vicente Boulevard and in the immediate area.

The proposed project will rehabilitate the locally-designated cultural resources at the property, four turn-of-the-century bungalows, to ensure their long-term survival and will develop the rear portions of the property. All construction will be aesthetically compatible with the existing structures on site and all rehabilitation to the designated resources will be in compliance with the *Secretary of the Interior's Standards*.

SECTION 12. In accordance with Sections 19.52.040, 19.62.070, and 19.44.050 of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Administrative Permit 14-015 and Conditional Use Permit Amendment 14-0005, an amendment to Conditional Use Permit 000-007:

- 1) The proposed amendment to a conditional use permit to allow the continued use of an urban inn, while increasing the number of guest units from 29 to 32 is a conditionally permitted use within the R4B (Residential – Multi-Family High Density) zoning district, along San Vicente Boulevard, with a conditional use permit, pursuant to Article 19-2, Table 2-2. Additionally, the urban inn includes a restaurant with indoor and outdoor dining with incidental sales, service, and on-site consumption of full alcohol in conjunction with approval of Rehabilitation Incentives for the cultural resource. The outdoor dining area for the proposed restaurant is conditionally allowed with an Administrative Permit. As conditioned, the proposal complies with all other applicable provisions of the Zoning Ordinance and the Municipal Code, regarding specific land use requirements particular to urban inns as well as all provisions concerning public safety and health.

Pursuant to Municipal Code section 19.36.090 (Bed & Breakfast and Urban Inns) and 19.44.060 (Administrative Permit for outdoor dining), an urban inn must comply with certain operational criteria and development and performance standards. The San Vicente Inn, a designated cultural resource in the City, will rehabilitate and restore the front designated bungalows on the street side as well as expand portions of the structures, all in conformance with the *Secretary of the Interior's Standards*. All improvements will be consistent with the overall character of the buildings and no changes will be made to the front façade of the designated buildings, with the exception of rehabilitation and restoration work. The existing rear structures at the property (not designated) will be removed and new buildings will be constructed as guest rooms and common area to complement the style and character of the designated buildings. The height of new structures will not exceed 45 feet.

The rehabilitated San Vicente Inn will include a dining room with a full kitchen to serve guests and open to the public. The applicant requests approval to serve alcoholic beverages for on-site consumption as an accessory use to an Urban Inn within the indoor and outdoor dining areas. Consumption of alcoholic beverages will be permitted on-site to guests of the San Vicente Inn enjoying the facilities of the property, including the public dining at the restaurant. No schools, places of religious worship, or playgrounds are located within 500 feet of the property. The San Vicente Inn and appurtenant facilities are separated from other developments and uses on the north, south, east and west by property walls and tall hedges limiting any off-site effect of consumption of alcoholic beverages on-site.

As the service of alcoholic beverages will occur within the on-site facilities of the San Vicente Inn, no view of alcoholic beverage consumption at the site from nearby residential areas, or the street, will exist. The landscaping for the project will provide a buffer between the property and other surrounding properties. No similar uses surrounding the property serve alcoholic beverages to the public, limiting any possible adverse economic effect to the surrounding community. Any known Code violations on this site are in the process of being rectified.

- 2) The proposed use is consistent with the General Plan and will not impair the implementation of any of the Goals, Objectives, or Policies of the City of West Hollywood General Plan. Specifically, the use is consistent with the policies as outlined in Finding 3 of Section 9, above.

The proposed use will provide a unique visitor-serving accommodation in the City. Although the San Vicente Inn has existed for many years, it was plagued by years of deferred maintenance, which resulted in guest vacancy and poor service and reputation. The new plan to re- envision and rehabilitate the San Vicente Inn will maintain the unique qualities of the Inn but provide enhanced user/visitor experience through a number of upgraded features. Guest rooms will still surround the central pool and open up to common living room and dining room areas, but the high-quality amenities will attract a new group of patrons and guests to the Inn. The property is surrounded by residential and commercial uses and will complement the other uses on San Vicente Boulevard in that it is of similar size and height to other commercial buildings in the area. The façade or height of the front buildings will not be altered and only the rear structures will be modified and/or removed, with the exception of rehabilitation and restoration work. This project meets all cultural resources goals in that all four cultural resources will be maintained and rehabilitated using the revenues generated by the use of the buildings as an urban inn. The rehabilitated San Vicente Inn will improve the reputation of the facility and therefore help the tourist industry in West Hollywood.

- 3) The site is physically adequate for the type, density, and intensity of the use being proposed, including provision of services, public access, and the absence of physical constraints. The site is located on San Vicente Boulevard, just north of Santa Monica Boulevard, in an area of West Hollywood where other commercial uses exist. The proposal for three additional guest units and the proposed new ancillary uses at the property does not exceed thresholds for further study of impacts on public services. The project is not anticipated to significantly increase demand on provision of services such as sanitation and water and public access as a similar use has existed for years at this location. Therefore, the site remains physically adequate for the type and intensity of use being proposed.
- 4) As conditioned, the design, location, size, and operating characteristics of the proposed project are compatible with existing and future land uses on-site and in the vicinity of the subject property. From street level, the San Vicente Inn will appear as four single-family bungalows, which is how the property has existed for many years. The existing use and the proposed new ancillary uses at the property are compatible with the uses in the vicinity in that there are other one to five-story entertainment, retail, office, and residential uses on San Vicente Boulevard and in the immediate area. Additionally, the continued use of the property as an urban inn is considered to be relatively similar or less intense than a rental residential use.

- 5) As conditioned, the proposed use at this location will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or the general welfare of persons residing or working in the vicinity of the proposed project as it is compatible with the existing land uses on San Vicente Boulevard, an area that already has many different commercial uses operating during the times of the proposed uses at the project site. The San Vicente Inn has served as an urban inn for many years and the proposed project will continue this use and expand the number of guest rooms by three rooms, in addition to a new restaurant that will serve the inn guests and be open to the public with ancillary sales, service, and consumption of full alcohol for on-site consumption.

Specifically, the proposed uses will be conditioned to address the on-site sale, service, and consumption of alcohol within the dining areas and to restrict the amount of amplified sound emanating from the property in order to protect the surrounding neighborhood and vicinity from undue exposure to noise from the site. In addition, the Project will create additional parking, as necessary, to accommodate the proposed use and all required parking will be available to serve the site by a full time valet service.

SECTION 13. In accordance with Section 19.56.050 of the West Hollywood Municipal Code, the City Council of the City of West Hollywood hereby makes the following findings of fact regarding Parking Use Permit 013-027 for the facility located at 815 N. Palm Avenue:

- 1) The use of off-site parking spaces for the Inn is allowed with parking use permit approval. As conditioned, the off-site parking use complies with all of the applicable provisions and intent of Article 19-2 of the WHMC. With the approved Rehabilitation Incentives, the proposed project, inclusive of existing uses, requires 45 parking spaces for the rehabilitated San Vicente Inn at this parking facility. The applicant has entered into a parking license agreement with the property owner for the property located at 815 N. Palm Avenue as off-site parking facility for the proposed use at the San Vicente Inn through the use of a full-time valet service. The off-site parking area is located 0.2 miles from the San Vicente Inn and can be accessed via Santa Monica Boulevard and using no local residential streets.
- 2) The General Plan encourages the continuation and expansion of existing commercial uses which are the principal economic strengths of the city. Specifically, Policy M-8.1 encourages privately owned parking to be utilized as effectively and efficiently as possible and Policy M-8.3 encourages, promotes, and allows shared and off-site parking arrangements in all commercial areas. Further, Policy M-8.9 requires

all new development to provide adequate parking whether on-site, off-site, through shared parking or park-once strategies, or other methods. The project will be consistent with the General Plan. Additionally, the proposed use at the property will employ valet parking to ensure ease of parking for guests.

- 3) The proposed use of off-site parking at the property located at 815 N. Palm Avenue as commercial parking for the proposed urban inn use will not conflict with other parking demands for said parking lot. This proposal is for the use of the parking spaces for employees and guests of the property through a valet service. Further, the property at 815 N. Palm Avenue is currently used as a parking lot that can accommodate the required 45 parking spaces for the urban inn. Valet parking attendants will access this off-site parking via main arterials (and potentially the alley north of Santa Monica Boulevard), avoiding residential streets so that nearby residents will not be affected by the off-site parking arrangements.

SECTION 14. A parking demand study was prepared, pursuant to Table 3-7 in Section 19.28.060 of the WHMC for a reduction of parking spaces for the secondary uses. The parking demand study was based on hotel case studies conducted by Urban Land Institute. The Urban Land Institute methodology took into account typical shared uses within a hotel (i.e. hotel guests dining in the hotel restaurants) and the reduction in parking as a result of the shared usage. The methodology provided specific parking demand for hotel rooms (guests and employees), restaurant patrons (hotel guests and non-guests) and meeting rooms (hotel guests and non-guests).

Based on the parking demand study, it is estimated that the project would have a peak parking demand of 60 spaces. Through the parking use permit identified in Section 11 above, up to 45 parking spaces will be located at 815 N. Palm Avenue throughout the day, daily. The additional 15 parking spaces shall be provided at an additional off-site facility between 6:30 pm and 11 pm daily to address parking demand beyond the 45 spaces, pursuant to a separate parking use permit. Therefore, with the approval of half parking space for the new units through a Rehabilitation Incentive identified in Section 7 above, and in combination with a parking reduction for the secondary uses, the project will comply with the parking requirements as conditioned below.

SECTION 15. Based on the foregoing findings, the City Council of the City of West Hollywood hereby denies the appeal filed by Mitch Carson on behalf of Neighborhood Planning Support, Inc. and affirms the Planning Commission's decision to adopt a Negative Declaration and approve Certificate of Appropriateness 013-020 and Rehabilitation Incentives 013-002 for the rehabilitation and restoration of the historic buildings, in addition to Demolition Permit 013-036, Development Permit 013-060, Administrative Permit 014-015,

Parking Use Permit 013-027, and Conditional Use Permit Amendment 14-0005 for the demolition of non-historic buildings and construction of new facility spaces for San Vicente Inn located at 837-849, 850 San Vicente Boulevard, a designated local cultural resource in the City of West Hollywood, subject to the following conditions of approval:

CONTENTS:

- 1.0 Legal Requirements
- 2.0 Project Description
- 3.0 Fees
- 4.0 Bonds
- 5.0 Construction Phase
- 6.0 Building and Safety/Engineering
- 7.0 Landscaping
- 8.0 Design Requirements
- 9.0 Operations
- 10.0 Solid Waste and Recycling
- 11.0 Transportation, Parking, and Circulation

1.0 LEGAL REQUIREMENTS

- 1.1) This permit shall not be effective for any purpose unless within 60 days of the approval of this permit by the City Council, 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. Said affidavit and this resolution with conditions of approval 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. (____ CHPP)
- 1.2) If any provision of this permit is held or declared by a court of competent jurisdiction to be invalid and such invalidation will 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. (____ CHPP)
- 1.3) Approval of this permit shall expire twenty-four (24) months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby has commenced or an extension of the permit has been granted. One or more extensions of time for use inauguration may be requested. No extension shall be considered unless requested at least 30 days prior to the expiration date. (____ CHPP)
- 1.4) 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 attorney fees and costs in defense of the Litigation. (____ CHPP)
- 1.5) In the event that the applicant/operator 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. (____ CHPP)

- 1.6) 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) On-going rehabilitation and maintenance of the San Vicente Inn is required by the Mills Act Contract between the property owner and the City. (____ CHPP)
- 1.8) This Resolution shall supersede all conditions of approval from previous Resolutions for the subject urban inn.

2.0 PROJECT DESCRIPTION

- 2.1) This permit is for the restoration and rehabilitation of the historic street-facing buildings for the San Vicente Inn and a reconfiguration of the layout of the Inn to create a total of 32 guest rooms with indoor and outdoor dining with incidental sales, service, and on-site consumption of full alcohol for guests and the public. The permit also includes the improvement, modification, and construction of approximately 19,583 square feet of new facility space, including a 2,136-square-foot two-story recreation room and detached guest unit structures on the western parcels, and an 9,777-square-foot, four-story addition to accommodate 23 guest units at the rear of the east parcel, across San Vicente Boulevard. The project includes various Rehabilitation Incentives and an amendment to the existing Conditional Use Permit for the Inn along with an updated Restoration/Rehabilitation and Maintenance Plan. All required parking will be provided at an off-site facility located at 815 N. Palm Avenue through the use of a valet service. (____ CHPP)
- 2.2) This approval is for those plans date stamped October 23, 2014, and which are those plans reviewed and approved by the City Council at its meeting of February 2, 2015. 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. (____ CHPP)
- 2.3) This approval includes the following Rehabilitation Incentives:

Incentive Type	Rehabilitation Incentive Request
Planning Permit Fee Waiver <i>(Section 19.58.150.G)</i>	Waiver of all planning application fees totaling \$18,146.12, provided that public noticing fees shall not be waived.
Owner-Occupied <i>(Section 19.36.090.B.1)</i>	Allow on-site staffing on a 24/7 basis without the residency requirement and allow the existing owner-occupant unit as a guest unit.
Food Service <i>(Section 19.36.090.B.2)</i>	Allow applicant to operate a restaurant as a guest-focused, secondary amenity use for the Inn that is also open to the public.
On-Site Alcohol <i>(Section 19.36.060 and Table 2-5)</i>	Allow the sale, service, and on-site consumption of full alcohol incidental to the Urban Inn's restaurant.

Incentive Type	Rehabilitation Incentive Request
Special Events <i>(Section 19.36.090.B.3)</i>	Allow Inn guests and non-inn guests to utilize the Inn's ancillary use amenities without characterizing such amenity as a "special event" that requires a valid temporary special permit. Live music and dancing to be allowed episodically during a hosted event only and would not be considered part of the Inn's daily activities, except for any dance classes, which may be offered as part of the Inn's amenities. Live music and related dancing would be restricted to the auxiliary room building and not allowed outdoors.
Height <i>(Section 19.36.090.C.2)</i>	Exceed the two story limit solely on the 850 San Vicente property through the addition of a four-story building.
Designated Status <i>(Section 19.36.090.C.3)</i>	The existing urban inn was converted from single-family residences and all new construction will meet the <i>Secretary of the Interior's Standards</i> and all other applicable regulations.
Size <i>(Section 19.36.090.E.1)</i>	Increase the number of guest units from 29 to 32. Applicant will continue to comply with the guest unit limit of 40 for urban inns. The existing Inn consists of four lots, one of which is non-adjointing.
Parking <i>(Section 19.28.040, Table 3-6)</i>	Applicant requests the extension of historic parking standards to all guest units, including units within non-historic buildings. Applicant seeks to provide a total of 32 guest units, of which 23 are new units within non-historic buildings
Setbacks <i>(Section 19.06.040, Table 2-3)</i>	Reduce rear yard setback for 837-849 properties to a zero setback and a reduced four foot rear yard setback and five foot side yard setback on the 850 San Vicente property.
Urban Art Program <i>(Chapter 19.38)</i>	Allow waiver of the urban arts program requirements, including installation of urban art onto the property or payment of in-lieu fee for art program.

3.0 FEES

- 3.1) 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)
- 3.2) 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)

4.0 BONDS

- 4.1) If at any time applicant fails or refuses to comply with or violates any of the conditions upon demand of City, applicant shall post a cash bond with City in an amount specified by the City to guarantee and secure such compliance in the event of a future violation. City shall have the right to issue a stop work order that shall not be lifted until the bond is

posted; moreover, no other permit of any kind shall be issued unless and until such bond is posted. The bond shall be held by City in an interest bearing account with interest inuring to applicant for as long as compliance with any of the conditions is required. City may, without notice to applicant, fulfill the conditions and draw upon the bond to reimburse the City for any costs or expenses incurred in so doing. This shall be in addition to any other remedy provided under this permit or by law. After three substantial code violations, the City will hire a third party to monitor the site until all of the conditions are brought into compliance. The City may, without notice to the applicant, draw upon the bond to pay the costs of hiring the third party. (____ Code Compliance)

5.0 CONSTRUCTION PHASE

- 5.1) A laminated copy of the conditions of approval shall be posted on-site during the construction phase. (____ B&S)
- 5.2) 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)
- 5.3) A construction mitigation plan shall be prepared by the applicant and submitted to the Building Official, City Engineer and Director of Community Development for approval prior to issuance of a building permit. As applicable, this plan shall:
- a) Specify the names, addresses, telephone numbers and business license numbers of all contractors, subcontractors, the developer and the architect.
 - b) List a designated on-site construction manager, with 24-hour contact information to be used only in case of emergency. Install construction sign.
 - c) Describe how demolition of any existing structures is to be accomplished, equipment to used, and placement of construction debris.
 - d) Designate the permitted waste haulers and recyclers and include the construction period disposal and recycling plan.
 - e) Indicate where any cranes are to be located for erection and construction.
 - f) Describe how much of the public street, alleyway, or sidewalk is proposed to be used in conjunction with construction.
 - g) Set forth the extent and nature of any pile-driving operations.
 - h) Describe the length and number of any tiebacks which must extend under the property of other persons.
 - i) Provide a drainage plan and describe all BMPs (best management practices) that will be used to prevent construction debris from entering the storm drain system.
 - j) Specify the nature and extent of any dewatering and its effect on any adjacent buildings.
 - k) Describe anticipated construction-related truck routes, number of truck trips, hours of hauling and parking locations. Attach a site map if necessary.
 - l) Specify the nature and extent of any helicopter hauling.
 - m) State whether any construction activity beyond normally permitted hours is proposed.
 - n) Describe any proposed construction noise mitigation measures.
 - o) Describe construction-period security measures including any fencing, lighting, and security personnel.
 - p) Provide a construction-period parking plan which shall minimize use of public streets for parking. Describe where workers will park, efforts to carpool to the job site.
(____ B&S, Engineering, Code Compliance)
- 5.4) During the demolition and 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)

- 5.5) 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, Environmental Services)
- 5.6) 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, Environmental Services)
- 5.7) 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 the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving and Christmas Day
 - 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)
- 5.8) There shall be an on-site construction manager present at all times during construction. (___ B&S)
- 5.9) 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)
- 5.10) 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)

6.0 BUILDING AND SAFETY/ENGINEERING

6.1) 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)

6.2) All curbs, gutters, sidewalks, and curb ramps along the property frontage on San Vicente Blvd shall be replaced. The applicant shall show this on a street and parkway improvement plan designed to the satisfaction of the City Engineer and approved prior to the issuance of building permits. Plan shall be prepared by a registered Civil Engineer licensed to practice in the State of California. (____Engineering)

6.3) The location of any new driveway access points to the subject property shall be reviewed and approved by the City Engineer with the street and parkway improvement plan for the project's frontage. Unused driveway approaches shall be removed and replaced to full height curb, with sidewalk and landscaping to match the adjacent area. The existing pedestrian path of travel on San Vicente Blvd shall be continued and the alignment of curb shall not be altered. (____Engineering)

6.4) Drainage of storm water, dewatered groundwater, or any other NPDES Permitted discharge from the subject property shall be disposed of under the sidewalks in a manner satisfactory to the City Engineer. 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 issuance of Building Permits. Discharges to the street gutter which create a public safety nuisance will not be allowed. (____Engineering)

6.5) 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)

6.6) 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 – renewed monthly
- 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)

6.7) All utility systems shall meet the requirements of the respective agency. (____Engineering)

- 6.8) A General NPDES (National Pollutant Discharge Elimination System) Permit may be required by the State of California Regional Water Quality Control Board (RWQCB) 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 RWQCB regarding NPDES compliance for the site. (____ Engineering)
- 6.9) For sites involving less than 1 acre of disturbed area, an Owner's Certification must be prepared. For sites on hillsides, or those with at least 1 acre of disturbed area a Local Storm Water Pollution Prevention Plan (LSWPPP) must be prepared. (____ Environmental Services)
- 6.10) If construction will be carried out on the project between October 1 and April 15, a Wet Weather Erosion Control Plan must be prepared. The preparation, submittal and adherence to all City requirements are the responsibility of the Contractor. (____ Environmental Services)
- 6.11) A Standard Urban Stormwater Mitigation Plan (SUSMP) must be incorporated into the project design and will require a detailed review and approval by the City prior to the issuance of the building permits. This plan must specify the various infrastructure components and Best Management Practices (BMPs) for the project post construction which will control/prevent non-storm water discharges. SUSMP is required for the following: (____ Environmental Services)
- a) Development of 10 or more unit homes, including multiple family homes, condominiums, apartments, etc.
 - b) Industrial or commercial development with 1 acre of more of impervious surface
 - c) Automotive Repair Shops
 - d) Retail Gasoline Outlets
 - e) Restaurant
 - f) Parking lots of 5000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff.
 - g) Redevelopment Projects – land disturbing activity that results in the creation, addition or replacement of 5000 square feet or more of impervious surface area on an already developed site.
 - h) Any project located in, adjacent to or discharging directly to an Environmentally Sensitive Area AND creates 2500 square feet or more of impervious surface area.
(____ Environmental Services)

7.0 LANDSCAPING

- 7.1) All landscaping shall be served by a permanent irrigation system with equipment as required by Section 19.26.070.B for this project. An irrigation system shall be installed to assure complete coverage of the landscaped area. Automatic controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation. (____ CHPP)
- 7.2) 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)

8.0 DESIGN REQUIREMENTS

- 8.1) All character-defining features of the cultural resource shall be retained and preserved in accordance with the *Secretary of the Interior's Standards for Rehabilitation*. (____ CHPP)

- 8.2) All improvements to the property affecting the cultural resource shall be in compliance with the approved 10-year Restoration/Rehabilitation and Maintenance Plan and shall be in accordance with the *Secretary of the Interior's Standards for Rehabilitation*. (____ CHPP)
- 8.3) Wherever feasible and applicable, any alterations that are permanent in nature shall take full advantage of the State Historic Building Code and the Uniform Code for Building Conservation. (____ CHPP)
- 8.4) Exterior color and material samples, along with final construction plans for the project, shall be subject to the review and approval of the Director of Community Development prior to issuance of building permits. (____ CHPP)
- 8.5) Mechanical equipment and utilities shall be architecturally screened from view to the satisfaction of the Director of Community Development. (____ CHPP)
- 8.6) Prior to issuance of a building permit, the applicant shall submit to the City's Urban Designer a revised set of plans to address the design refinements recommended by the Planning Commission Design Review Subcommittee, including but not limited to:
 - a) Removal of refinement of the entry canopy on the west side of the project.
 - b) Refine design of fence and gate between north and middle building on west side, and/or provide hedges or vines at the fence.
 - c) Provide final and refined landscape plan with all planting identified prior to building permit after Public Works has signed off on streetscape plan.
 - d) Refine design of elevations on west parcel including window-to-wall ratio, fenestration and/or texture and detail at the west elevations.
 - e) Redesign metal rail at bungalow at 850 San Vicente building to better complement the bungalow design.
 - f) Provide vine planting and/or hedges at base of building at front and sides at the 850 San Vicente building.
 - g) Revise design of elevator tower and other elements that may be out of place.
 - h) Revise the front window on the fourth floor of the 850 San Vicente building.
 - i) Consider providing projection at vertical windows at north and south elevations of 850 San Vicente building.

9.0 OPERATIONS

- 9.1) The table below indicates the hours of operation for the ancillary uses. (____ CHPP, Code Compliance)

	Hours
Restaurant (Interior)	6:00 am to 2:00 am (daily)
Restaurant (Outdoor Patio)	8:00 am to 12:00 am (daily)
Sale & Service of Alcohol (Interior)	8:00 am to 1:30 am (daily)
Sale & Service of Alcohol (Outdoor)	8:00 am to 12:00 am (daily)
Guest Room Cabinet	8:00 am to 2:00 am (daily)

Auxiliary and Recreation Rooms	6:00 am to 2:00 am (daily)
Outdoor Special Events	8:00 am to 10:00 pm (daily)
Roof-Top Patio at 850 San Vicente Blvd	8:00 am to 10:00 pm (daily)

- 9.2) Live music and dancing shall be allowed episodically during a hosted event only and shall not be considered part of the Inn's daily activities, except for any dance classes, which may be offered as part of the Inn's amenities. Live music and related dancing shall be restricted to the auxiliary room building and not allowed outdoors. (___CHPP, Code Compliance)
- 9.3) All restaurant patrons shall exit the establishment by the closing times indicated in Condition 9.1 above. (___Code Compliance)
- 9.4) The operations of the restaurant shall include table service of meals and drinks, inside the restaurant and in the outdoor dining areas. (___CHPP, Code Compliance)
- 9.5) The urban inn operator shall not sublet the premises, including outdoor patios, restaurant or auxiliary room building, to outside promoters for activities other than a private function in compliance with all conditions of approval included herein. (___CHPP, Code Compliance)
- 9.6) The urban inn restaurant shall not impose a cover charge or membership for entry to the premises. (___ CHPP)
- 9.7) The urban inn restaurant shall not limit the entry of minors into the establishment at any time. (___CHPP)
- 9.8) At least one on-duty manager with authority over the activities within the establishment shall be on the premises at all times. (___CHPP, Economic Development)
- 9.9) 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)
- 9.10) 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. (___ CHPP, Code Compliance)
- 9.11) Urban Inn and 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. (___CHPP, Code Compliance)
- 9.12) Precautions shall be taken to minimize the noise impacts of the establishment on adjoining properties in compliance with the Municipal Code Chapter 9.08 (Noise) (___ Code Compliance)
- 9.13) Any sound amplifying equipment shall be directed away from residential uses and its placement and design shall be approved by the Community Development Director. The amplified sound shall be in compliance with all applicable provisions of Section 19.20.090

(Noise Mitigation) and Chapter 9.08 (Noise Control Ordinance) of the City of West Hollywood Municipal Code. (____ CHPP, Code Compliance)

- 9.14) There shall be no amplified sound or music in the outdoor dining, patio areas, and rooftop except that ambient background music is permitted. Any use amplified sound equipment shall comply with the following:
- a) Outdoor speakers shall be oriented to direct sound away from any neighboring residential uses.
 - 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) Cardioid (directional) loudspeaker technology shall be implemented and aimed inwards.
 - e) A distributed approach to any sound system design shall be implemented. This involves multiple smaller speakers which are operated at a lower level.
(____ CHPP, Code Compliance)
- 9.15) Prior to commencement of use of any sound amplifying equipment, the applicant shall demonstrate, to the satisfaction of the Director and the Code Compliance Manager, that the interior portions of the establishment have been adequately soundproofed.
(____ CHPP, Code Compliance)
- 9.16) All required business licenses shall be obtained prior to opening. (____ Code Compliance)
- 9.17) All applicable provisions of Chapter 1 of Article V (Health Code) of this Code shall be observed in all areas of the restaurant. (____ Code Compliance)
- 9.18) Failure to operate the urban inn and its ancillary uses in substantial compliance with approved site conditions shall be grounds for revocation or modification of this permit.
(____ CHPP, Code Compliance)
- 9.19) Prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Public Safety Officer a public safety and security plan for the project. The following design and security measures should be considered as appropriate in the security plan:
- a) alarms and surveillance cameras;
 - b) security lighting;
 - c) on-site security personnel;
 - d) clear and identifiable address indicators
(____ Public Safety)
- 9.20) The urban inn shall use West Hollywood as their business address on all stationery, advertisements, and business identification materials. (____ Economic Development)
- 9.21) At no time shall the majority of guest units be occupied by the same tenants for more than thirty days, pursuant to Chapter 17.20 of the WHMC. (____ Rent Stabilization)
- 9.22) All guests and operators shall comply with smoking regulations set forth by the State of California and the City of West Hollywood. (____ Code Compliance)
- 9.23) No loading of goods, supplies or persons shall take place in the public right-of-way except where there is a designated on-street loading area. Any use of the public right-of-way for loading of goods, supplies or persons shall require approval of an encroachment permit from the City in advance of such loading activity. (____ Public Works)

- 9.24) Applicable licenses shall be obtained and maintained from the State Alcoholic Beverage Control Board. (____ CHPP)
- 9.25) 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)
- 9.26) The applicant shall post signs of at least 10" x 10" at exits to the restaurant requesting patrons to respect residents of nearby residential neighborhoods by being quiet when leaving the restaurant. (____ CHPP)
- 9.27) 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)
- 9.28) All 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 sale of alcohol within 90 days or as required by ABC. The training shall be offered to new employees on no less than a quarterly basis. (____ Code Compliance)
- 9.29) 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)
- 9.30) The sale of alcohol for consumption off the premises is prohibited. (____ Code Compliance)
- 9.31) No live entertainment shall be permitted at this establishment, except that allowed the WHMC and subject to an Entertainment Business License. (____ Code Compliance)
- 9.32) The service of alcoholic beverages to any patron at the restaurant shall be permitted only if incidental to meal service. The service of appetizers and desserts qualifies as meal service. The entire food menu shall be available during all business hours and the kitchen shall be operational during all business hours. All tables shall be furnished with cutlery, condiments and other eating utensils. No alcohol service shall be permitted within the rooftop patio at 850 San Vicente Boulevard, except through a Special Event Permit. (____ Code Compliance)
- 9.33) The restaurant shall provide and submit receipts for food and alcohol upon the request of the City. (____ CHPP)
- 9.34) All four properties located at 837-849 and 850 San Vicente Boulevard shall be operated and maintained as one unified urban inn establishment. (____ CHPP)
- 9.35) The Community Development Director may review this permit in one year to determine if the conditions of approval need to be modified to minimize any disturbances on the adjacent commercial and residential properties. (____ CHPP)
- 9.36) The urban inn shall provide a guest check-in area on each side of the street. (____ CHPP)

10.0 SOLID WASTE AND RECYCLING

- 10.1) The project shall be designed to meet the requirements for solid waste storage as shown in Table 3-4, Non-Residential Project Storage Requirements, Zoning Ordinance - Section 19.20.180, and constructed according to the Director's approval. (_____ Environmental Services)
- 10.2) Solid waste and recyclable materials storage areas shall be conveniently located for the franchise waste hauler and comply with one or more of these 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)
- 10.3) Prior to issuance of the Demolition Permit, the applicant shall submit to the Environmental Services 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. For a list of companies that accept demolition debris, contact Environmental Services at (323) 848-6404. (_____ Environmental Services)
- 10.4) 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 Services Specialist at (323) 848-6404. (_____ Environmental Services)
- 10.5) Prior to issuance of the Certificate of Occupancy, the applicant shall submit to the Environmental Services Coordinator recycling manifests from all disposal sites, recycling sites and landfills that accepted demolition, excavation and/or general construction waste and recycled materials from this site. (_____ Environmental Services)
- 10.6) Prior to issuance of the Certificate of Occupancy, the applicant shall provide proof of issuance of an Industrial Waste Permit from the County of Los Angeles for the commercial kitchen. (_____ Environmental Services)
- 10.7) Waste from the project's commercial kitchen and dining area shall be included in the City of West Hollywood's Food Waste Program provided by the City's franchised waste hauler. (_____ Environmental Services)
- 10.8) To mitigate solid waste impacts, PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, permittee shall submit a post construction 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)

11.0 TRANSPORTATION, PARKING AND CIRCULATION

11.1) The project shall provide the minimum parking spaces within an off-site parking facility as follows:

Use	Number of Guest Units or Square Footage	Parking Required (per Parking Demand Study)
Guest Units	32	16
Restaurant	2,199 SF	10.64
Outdoor Dining	900 SF	4.36
Auxiliary Room	983 SF	13.35
Recreation Room	1,153 SF	15.65
Total Parking Required		60

- 11.2) The applicant shall maintain a continuous lease agreement for up to 45 off-site parking spaces at 815 N. Palm Avenue. Between the hours of 6:30 pm to 11 pm daily, the operator shall maintain a continuous lease agreement for up to 15 parking spaces. Any required parking use permit shall be obtained prior to any building permit issuance. Proof of off-site parking lease agreement shall be submitted to the Community Development Department annually by January 31. Any alternate or secondary off-site parking facility shall be reviewed by the Director of Community Development through a parking use permit. (_____ CHPP)
- 11.3) Any parking agreements/leases for required off-site parking spaces shall be recorded with property records at the County Recorder's office. (_____ CHPP)
- 11.4) The permittee (applicant) shall notify the City within thirty (30) days of any change of ownership or use of the property at 815 N. Palm Avenue and of any termination or change of terms of the off-site parking lease agreement that affects the availability of the 45 parking spaces.
(_____ CHPP)
- 11.5) Prior to issuance of Building Permits, the applicant shall submit a parking operations plan to the Director of Community Development for review and approval. The plan shall require a loading and unloading area on each side of the street and specify valet staging and operations, rates charged for parking if any, method of payment for parking, whether parking for employees will be subsidized, etc. (_____ LRMP)
- 11.6) The applicant shall obtain a valet parking business license prior to commencement of any business activity. (_____ CHPP)

- 11.7) The operation of the off-site parking lot shall comply with the City's Noise Ordinance, Chapter 9.08 in the Municipal Code. (____ Code Compliance)
- 11.8) The off-site 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)
- 11.9) The off-site parking lot shall provide adequate security lighting throughout the parking and entry areas. (____ CHPP)
- 11.10) Vehicles belonging to independent contractors, subcontractors, and/or employees who are doing construction or renovations to the property shall require an encroachment permit 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)
- 11.11) Prior to issuance of a Certificate of Occupancy, the applicant shall develop a management and use plan for delivery vehicles, for approval by Director of Community Development. 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
- (____ LRMP)
- 11.12) The applicant shall include in all leases a clause, the content and form of which must be approved by the Director that binds all tenants to these conditions of approval. (____ LRMP)
- 11.13) 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. (____ Parking)
- 11.14) Prior to issuance of Building Permits, the applicant shall submit building plans, which identify the location of the rideshare board(s) to the Director of Community Development for review and approval. The plan shall specify the location of no less than one bulletin board, display case, or kiosk which will be used to display transportation information and which will be located where the greatest number of employees are likely to see it. It shall also specify when information will be updated and who will update the information. The Transportation information displayed shall include, but not be limited to, the following:
- a) Current maps, routes and schedules for public transit routes serving the site.
 - b) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators.
 - c) Ridesharing promotional material supplied by commuter-oriented organizations.
 - d) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
 - e) A listing of facilities available for car-poolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

f) A statement that preferential carpool or vanpool spaces for employees are available and a description of the method for obtaining such spaces.
(____LRMP)

11.15) Prior to issuance of Building Permits, the applicant shall submit building plans which identify driveway and driveway landscaping visibility to the Director of Community Development for review and approval. Driveways and driveway landscaping shall be designed so as to minimize interference with pedestrians. Nothing shall obstruct the motorists view from 5 feet back from the property line to a distance of 10 feet from the side of the driveway on to the driver's right side and 10 feet from the centerline of the driveway to the driver's left side. The landscaping in the vicinity of each driveway and the walls of the building shall be designed in a manner so as not to interfere with the view that motorists have to the sidewalk. Shrubs shall be kept below 28 inches in height and the base of the foliage on trees shall be kept at a 5 foot minimum. (____LRMP)

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 2nd day of February, 2015 by the following vote:

AYES:	Councilmember:	Duran, Land, Mayor Pro Tempore Heilman and Mayor D'Amico.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN D'AMICO, MAYOR

ATTEST:



YVONNE QUARKER, CITY CLERK

