



# City Council Report

City Council Regular Meeting: November 10, 2015  
Agenda Item: 3.G

To: Mayor and City Council  
From: David Martin, Director, Planning and Community Development, Development Services (PCD)  
Subject: Statement of Official Action denying Appeal 14-006 and Appeal 14-007 and upholding the Planning Commission's approval of Conditional Use Permit 13CUP-017 and Parking Variance 13VAR-012 to amend existing alcohol and parking variance permits for the Georgian Hotel located at 1415 Ocean Avenue.

## Recommended Action

Staff recommends that the City Council approve the attached Statement of Official Action denying Appeal 14-006 and Appeal 14-007 and upholding the Planning Commission's approval of Conditional Use Permit 13CUP-017 and Parking Variance 13VAR-012 to amend existing alcohol and parking variance permits for the Georgian Hotel located at 1415 Ocean Avenue.

## Executive Summary and Discussion

This staff report transmits for City Council certification the Statement of Official Action for Appeal 14-006 and Appeal 14-007. After holding a public hearing on September 29, 2015, the City Council denied both appeals and upheld the Planning Commission's approval of the Conditional Use Permit and Variance amendments with revised findings and conditions of approval. The City Council's decision was based upon the findings and conditions contained in the attached Statement of Official Action.

Specifically, the Council's approval included the following changes to staff's recommended findings and conditions:

- The Council upheld the Planning Commission's condition related to the use of the basement restaurant's southern exterior doorway, and further limited the use of the doorway for emergency access only. Condition 13 has been revised accordingly.
- The Council removed the restriction that only patrons intending to purchase meals shall be served alcoholic beverages in all dining areas of the lobby, veranda, and basement restaurants. Accordingly, Condition 14 has been removed and Condition 15 (now listed as Condition 14 per the attached STOA) modified to reflect this change of the requirement.

- Condition 12 includes revised language, as presented to the Council during the hearing, to be consistent with language provided in other related conditions. As mentioned by staff during the hearing, the revised language does not result in any changes to the requirement.
- Council provided additional conditional use, alcohol outlet, and parking variance findings, specifically adding the finding that the site includes distinct characteristics as a historic resource from other properties in the vicinity, adding the importance of maintaining the economic vitality of hotel as an historic resource, and adding that allowing public use of the basement level restaurant would improve the public's overall accessibility of the historic resource. Accordingly, conditional use permit finding 9, alcohol outlet finding 8, and parking variance findings 1, 3, and 10 have been revised.

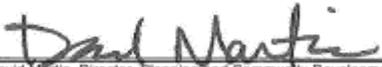
**Financial Impacts & Budget Actions**

There is no immediate financial impact or budget action necessary as a result of the recommended action.

**Prepared By:** Steve Mizokami, Associate Planner

**Approved**

**Forwarded to Council**

  
 David Martin, Director, Planning and Community Development

10/28/2015

  
 Rick Cole, City Manager

11/2/2015

**Attachments:**

- A. Statement of Official Action (STOA)(Council 11-10-15)



# City Council Report



City of Santa Monica  
City Planning Division

## CITY COUNCIL STATEMENT OF OFFICIAL ACTION

### PROJECT INFORMATION

CASE NUMBERS: Appeals 14APP006 & 14APP007

LOCATION: 1415 Ocean Avenue

APPLICANT: Juan Viramontes, General Manager (Georgian Hotel)

APPELLANT 1: Juan Viramontes, General Manager (Georgian Hotel)

APPELLANT 2: Melanie Luthern, Unite Here Local 11

PROPERTY OWNER: 4DS, LP

CASE PLANNER: Steve Mizokami, Associate Planner

REQUEST: Appeals 14APP-006 and 14APP-007 of the Planning Commission's approval of Conditional Use Permit 13CUP-017 and Parking Variance 13VAR-012 to amend existing alcohol and parking variance permits for the Georgian Hotel located at 1415 Ocean Avenue.

CEQA STATUS: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303, New Construction or Conversion of Small Structures, of the State Implementation Guidelines in that the project involves modifications to existing restaurant operations within the Georgian Hotel, with minor interior improvements and no increase in floor area to the building.

**CITY COUNCIL ACTION**

September 29, 2015 Determination Date  
Appeals 14-006 and 14-007 denied and Planning Commission's approval upheld based on the following findings and subject to the conditions below.  
X  
Other:

<b>EFFECTIVE DATES OF ACTIONS IF NOT APPEALED:</b>	Not Appealable
<b>EXPIRATION DATE OF ANY PERMITS GRANTED:</b>	March 29, 2017
<b>LENGTH OF ANY POSSIBLE EXTENSION OF EXPIRATION DATES*:</b>	6 months

\* Any request for an extension of the expiration date must be received in the City Planning Division prior to expiration of this permit.

The City Council, having held a public hearing on September 29, 2015, hereby denies Appeal 13-006 and Appeal 13-007, and upholds the Planning Commission's decision to amend the Georgian Hotel's existing Conditional Use Permit 08-014 and Parking Variance 08-020 based on the findings and determinations below.

Each and all of the findings and determinations are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information contained herein or in the findings are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**FINDINGS:**

**CONDITIONAL USE PERMIT FINDINGS**

1. The proposed use is one conditionally permitted within the subject district and complies with all of the applicable provisions of the "City of Santa Monica Comprehensive Land Use and Zoning Ordinance", in that SMMC Section 9.04.08.12.040 (c) provides that eating and drinking establishments permitting alcoholic beverages may be permitted in the Residential-Visitor Commercial district. Furthermore, pursuant to Conditional Use Permit 08CUP-014, Condition No. 39, changes to the approved concept shall be subject to Planning Commission approval.
2. The proposed use would not impair the integrity and character of the district in

which it is to be established or located, in that the Residential-Visitor Commercial district permits eating and drinking establishments with alcohol. Allowing an expansion of the service areas within the restaurant to the general public would provide the hotel with flexibility in restaurant operations and will allow for additional dining opportunities at the site. Restaurants are encouraged in the downtown area, and will be consistent with and complementary to other uses in the area. Updated alcohol-related conditions of approval have been added to the existing 08CUP-014 conditions to further mitigate potential impacts associated with alcohol consumption to ensure that the integrity and character of the neighborhood is maintained.

3. The subject parcel is physically suitable for the type of land use being proposed, in that the parcel is a standard lot developed with an eight-story hotel that includes an existing restaurant that can accommodate the proposed amendments to the restaurant operations, which will affect the basement, lobby, and veranda areas of the building.
4. The proposed use is compatible with any of the land uses presently on the subject parcel if the present land uses are to remain, in that the existing restaurant is a service provided by the Georgian Hotel that currently provides food and alcohol service to hotel patrons and the general public. The proposal to expand the restaurant service areas to the general public would provide the hotel with flexibility in restaurant operations and will allow for additional dining opportunities at the site. Restaurants are encouraged in the downtown area, and will be consistent with and complementary to other uses in the area. Furthermore, Conditions No. 1 through 33 will ensure that the use operates in a harmonious manner with nearby land uses.
5. The proposed use would be compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located, in that the subject property is located within the RVC district which encourages visitor serving uses such as hotels and restaurants. Alcohol service is ancillary to the primary hotel establishment and as conditioned, the restaurant will continue to operate in a harmonious manner with the adjacent land uses, and will not create any alcohol-related problems in the area. Furthermore, the Police Department has not indicated any issues regarding the restaurant's operations since food and alcohol service to the public commenced in 2009, and no code compliance cases related to the hotel's restaurant operations have been filed by the City during this time.
6. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety, in that the site is located in an urbanized area adequately served by existing infrastructure.
7. Public access to the proposed use will be adequate, in that the vehicular access

is provided from the 1<sup>st</sup> Court alley and pedestrian access is provided via Ocean Avenue. In addition, valet parking service is provided for patrons along Ocean Avenue. Additionally, the project is located adjacent to the City's Transit Mall as well as in the center of the City's largest area of pedestrian activity.

8. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood, in that the proposed CUP amendments will provide the hotel with flexibility in restaurant operations and will allow for additional dining opportunities at the site. Restaurants are encouraged in the downtown area, and the restaurant will be consistent with and complementary to other uses in the area, promoting day and night pedestrian activity along Ocean Avenue.
9. The proposed use is consistent with the goals, objectives, and policies of the Land Use and Circulation Element (LUCE), in that the proposed amendments would provide additional flexibility in the restaurant's operations by expanding areas of the restaurant accessible to the public, improving its viability as a restaurant along Ocean Avenue where pedestrian activity is highly encouraged. Consistent with Citywide Goal HP1 which seeks to preserve and protect historic resources in Santa Monica through the land-use decision-making process, allowing expanded restaurant service in the lobby and basement level area available to the general public would help maintain the economic vitality of the Georgian Hotel, a designated City landmark. Furthermore, allowing residents and visitors to access and utilize the basement level restaurant in particular would be consistent with that facility's historic use as a speakeasy, and would improve the public's overall accessibility to and appreciation of the historic resource. Consistent with Downtown District Policy D7.1 which seeks to encourage a broad mix of uses that creates dynamic activity in both the daytime and evening hours, the proposed alcohol service would complement food service to all patrons, creating pedestrian activity in both daytime and evening hours that is needed in this particular portion of Ocean Avenue between the hotel and Broadway that currently lacks active ground-floor pedestrian-oriented uses.
10. The proposed use would not be detrimental to the public interest, health, safety, convenience, or general welfare, in that the proposed use is consistent with the Zoning Ordinance and the Land Use and Circulation Element (LUCE), and alcohol specific conditions have been added to mitigate any potential adverse impacts.
11. The proposed use conforms precisely to the applicable performance standards contained in Subchapter 9.04.12 of the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, in that no performance standard permit is required.
12. The proposed use will not result in an over-concentration of such uses in the immediate vicinity, in that the proposed CUP amendments will not increase the

number of alcohol serving establishments in the District. Furthermore, the Police Department has not indicated any alcohol-related issues or concerns regarding the restaurant's operations since food and alcohol service to the public commenced in 2009, and no code compliance cases related to the hotel's restaurant operations have been filed by the City during this time.

### ALCOHOL OUTLET FINDINGS

1. The proposed use will not adversely affect the welfare of neighborhood residents in a significant manner in that the Residential-Visitor Commercial district conditionally permits eating and drinking establishments that serve alcoholic beverages. Updated alcohol-related conditions of approval have been added to the existing 08CUP-014 conditions to further mitigate potential impacts associated with on-site alcohol consumption to ensure the restaurant will not adversely affect the welfare of neighborhood residents in a significant manner. Specifically, Condition No. 12 prohibits the use of the basement level restaurant area as a separate bar or a nightclub.
2. The proposed amendments will not contribute to an undue concentration of alcohol outlets in the area in that the restaurant currently has an existing alcohol license that permits alcohol sales to hotel patrons and the general public within a portion of the lobby and entire veranda, and therefore will not increase the number of alcohol serving establishments in the District. Expanding the existing restaurant service areas available to the public provide the hotel with flexibility in restaurant operations and will allow for additional dining opportunities at the site and along Ocean Avenue that is not highly concentrated with restaurants with alcohol licenses. Furthermore, the Police Department has not indicated any alcohol-related issues or concerns for the proposed use.
3. The proposed use will not detrimentally affect nearby neighborhoods considering the distance of the alcohol outlet to residential buildings, churches, schools, hospitals, playgrounds, parks, in that there are no nearby churches, schools, hospitals or playgrounds nearby, and the conditions for approval, such as the hours of operation and compliance with the provisions of the Noise Ordinance, will minimize the potential effect on any residential uses in the vicinity. Palisades Park is the only park located within a 500-foot radius of the subject site. The Community and Cultural Services Department has reviewed the project and has indicated no comments or objections to the proposal. Furthermore, updated alcohol-related conditions of approval (standard conditions) have been added to further mitigate potential impacts associated with on-site alcohol consumption to ensure the restaurant will not adversely affect the welfare of nearby neighborhoods in a significant manner.
4. The proposed use is compatible with existing and potential uses within the general area in that the Zoning Ordinance conditionally permits hotels and eating and drinking establishments permitting alcoholic beverages. Conditions No. 1

through 33 will ensure that the use operates in a harmonious manner with the adjacent land uses and will not create any alcohol-related problems in the area. Furthermore, the Police Department has not indicated any alcohol-related issues or concerns regarding the restaurant's operations since food and alcohol service to the public commenced in 2009, and no code compliance cases related to the hotel's restaurant operations have been filed by the City during this time.

5. Traffic and parking congestion will not result from the proposed use in that the parking demand and traffic patterns in the neighborhood will not change due to the provision of incidental alcohol sales in conjunction with the existing restaurant within the hotel. The offering of alcoholic beverages as a service component of the restaurant would not, in and of itself, increase traffic and parking demand in the neighborhood.
6. The public health, safety, and general welfare are protected in that the project is consistent with the provisions of the Zoning Ordinance, and the Land Use and Circulation Element (LUCE), and alcohol specific conditions have been added to mitigate any potential adverse impacts.
7. No harm to adjacent properties will result in that the updated conditions of approval will ensure that the establishment operates in a manner which protects adjacent neighbors.
8. The proposed use is consistent with the goals, objectives, and policies of the Land Use and Circulation Element, in that the proposed amendments would provide additional flexibility in the restaurant's operations by increasing areas of the restaurant accessible to the public, improving its viability as a restaurant along Ocean Avenue where pedestrian activity is highly encouraged. Consistent with Citywide Goal HP1 which seeks to preserve and protect historic resources in Santa Monica through the land-use decision-making process, allowing expanded restaurant service in the lobby and basement level area available to the general public would help maintain the economic vitality of the Georgian Hotel, a designated City landmark. Furthermore, allowing residents and visitors to access and utilize the basement level restaurant in particular would be consistent with that facility's historic use as a speakeasy, and improve the public's overall accessibility to and appreciation of the historic resource. Consistent with Downtown District Policy D7.1 which seeks to encourage a broad mix of uses that creates dynamic activity in both the daytime and evening hours, the proposed alcohol service would complement food service to all patrons, creating pedestrian activity in both daytime and evening hours that is needed in this particular portion of Ocean Avenue between the hotel and Broadway that currently lacks active ground-floor pedestrian-oriented uses.

#### PARKING VARIANCE FINDINGS

1. There are special circumstances or exceptional characteristics applicable to the

property involved, including size, shape, topography, location, or surroundings, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification. Specifically, the site is improved with an existing City Landmark consisting of an eight-story hotel with limited surface parking toward the rear of the property. The existing on-site improvements, building configuration and the building's designation as a City Landmark precludes the site from providing additional required parking on-site. These limitations present a distinct characteristic and special circumstance applicable to the property. However, available parking from underutilized parking locations within the immediate area, can accommodate parking demand generated by the restaurant through the use of valet parking service. Accordingly, Condition No. 38 requires that the Georgian Hotel (via valet parking operations) to secure 15 available off-site parking within the immediate area to accommodate parking demand generated by restaurant patrons. In addition, the recommended TDM program would reduce parking demand generated by the proposed restaurant expansion. As conditioned, valet parking service is required in order to maximize use and operation of the on-site parking, and to facilitate the use of additional off-site parking required per Condition No. 38.

2. The granting of such variance will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located in that 15 off-site parking spaces within underutilized parking locations within the immediate area is required to accommodate parking demand generated by the restaurant, achieved through the use of valet parking service. Moreover, it is anticipated that restaurant patrons will visit other commercial uses in the area, and utilize transit or nearby public parking facilities within the nearby downtown area, resulting in a lower parking demand for the hotel. Furthermore, it is anticipated that restaurant parking demand will not substantially increase based on the proposed expansions. The reconfigured lobby would result in an increase of only 13 seats. Similar to the existing restaurant characteristics, the restaurant will comprise of a mix of hotel and public patrons, indicating a lower parking demand generated by the public for restaurant service compared to the parking demand suggested by current parking requirements. In addition, the proposed TDM program would reduce parking demand generated by the proposed restaurant expansion.
3. The strict application of the provisions of this Chapter would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships in that opportunities to provide flexibility to the existing restaurant's operation to allow expanded service areas to the general public is limited due to the inability to provide the additional parking spaces required by Code on-site due to existing site conditions and the building's designation as a City Landmark. Specifically, the site is improved with an existing City Landmark consisting of an eight-story hotel with limited surface parking toward the rear of the property. The existing on-site improvements and the building's landmark designation, which further limit physical improvements to the site, constrains the

property from allowing additional required parking to be provided on-site which presents a practical difficulty. Furthermore, the historic use of the basement level area as a speakeasy, could not be enjoyed by the general public due to the strict application of applicable parking requirements. Allowing public access to the basement level restaurant would be consistent with the historic use of the basement area, improve the public's overall accessibility to, utilization of and appreciation for the historic resource and place the restaurant on par with other eating and hotel establishments in the vicinity

4. The granting of a variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives, and policies of the General Plan. The project is consistent with LUCE Downtown District Goal D11, which seeks to address parking needs comprehensively, identifying shared parking opportunities, and to pursue opportunities for shared parking agreements with private parking facilities, in that the project proposes a parking variance that would require the Georgian Hotel (via valet parking operations) to secure 15 available off-site parking within the immediate area to accommodate parking demand generated by restaurant patrons. Furthermore, the project is consistent with LUCE Citywide Land Use Goal LU8 that seeks the reduction of vehicular trips in that the project includes a Transportation Demand Management (TDM) program that includes financial incentives for employees to consider alternate modes of transit to the site, provides incentives for restaurant patrons including discounts on food items, and includes bike valet services to promote bicycling as an alternate mode of transit to the site by restaurant patrons.
5. The variance would not impair the integrity and character of the district in which it is to be located in that the existing on-site parking, with the use of valet parking service, and a provision to provide 15 additional off-site parking spaces within the immediate area, can accommodate any additional parking demand generated by the restaurant. In efforts to encourage alternate modes of transit such as bicycling, the proposed TDM plan requires that the property provide complimentary bicycle valet services for restaurant patrons, in addition to the existing valet parking services provided for vehicle arrival. The plan also includes transit passes for employees as no cost, and an employee transportation allowance provision. Furthermore, based on the hotel's location immediately adjacent to the downtown districts (Bayside, C3, C3C districts), it is anticipated that restaurant patrons will visit other commercial uses in the area, and utilize transit or nearby public parking facilities within the nearby downtown area, resulting in a lower parking demand. For these reasons, the proposed parking variance would not create any parking impacts to the property and surrounding area.
6. The subject site is physically suitable for the proposed variance in that the site is improved with an existing eight-story hotel with a surface parking area that can accommodate 35 parking spaces through valet parking service. Any additional parking demand would be accommodated by use of the 15 additional off-site

parking spaces required to be secured within the immediate area, pursuant to Condition No. 38. Additionally, the site is served by Ocean Avenue and 1<sup>st</sup> Court alley. Furthermore, the TDM program includes a provision to provide bike valet parking requiring not more than 2 vehicle parking spaces at the property to be used for parking bicycles at any one time for bike valet service, which can be accommodated at the site.

7. There are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed variance would not be detrimental to public health and safety in that the subject property is located within a developed urbanized environment that is adequately served by existing infrastructure, public utilities and services. It is not anticipated that approval of the subject application will create a need for additional utilities or services.
8. There will be adequate provisions for public access to serve the subject variance proposal in that vehicular access to the site is provided from 1<sup>st</sup> Street Court, and pedestrian access to the site is provided from Ocean Avenue. In addition, valet parking service is provided for patrons along Ocean Avenue. Additionally, the project is located adjacent to the City's Transit Mall as well as in the center of the City's largest area of pedestrian activity.
9. For the reduction of the automobile parking space requirements, the reduction is based and conditioned upon an approved parking reduction plan that incorporates transportation control measures that have been demonstrated to be effective in reducing parking needs and that are monitored, periodically reviewed for continued effectiveness, and enforced by the City. Specifically, Condition No. 34 requires the implementation of a Transportation Demand Management (TDM) program that provides financial incentives for employees to consider alternate modes of transit to the site, and provides incentives for restaurant patrons including discounts on food items. The program includes providing full-time employees with monthly transit passes at no cost, and monthly employee transportation allowances for full-time employees who walk, bike, or carpool to the workplace. The provision of no cost monthly transit passes and parking cash out have been demonstrated to significantly reduce the use of single-occupancy vehicle to the workplace. The program also includes providing complementary bike valet service, an amenity for both local patrons and visitors using bike rentals traveling throughout the downtown area, in which no more than 2 vehicle parking spaces at the property would be used at any one time for bike parking services. Encouraging bicycle use to the site warrants the use of vehicle parking spaces on-site to accommodate bike parking demand. Staff anticipates the proposed TDM program will reduce the parking demand generated by the public use of the restaurant facility at the hotel. To further reduce the hotel parking demand and allow for any additional parking demand generated by the restaurant, the plan requires transit service information be provided to guests prior to hotel arrival to encourage alternate modes of transportation other than private vehicle to the site. Information about local services, restaurants,

commercial areas, and bicycle facilities (routes and rental locations) within walking distances of the hotel, will also be included to inform patrons of transit opportunities while in the area. To ensure the maximum use of the hotel's on-site parking, and to facilitate the use of approved off-site parking within the immediate area, Condition No. 37 requires that the existing valet attendant parking service be available to both hotel and restaurant patrons.

10. The strict application of the provisions of this Chapter would result in unreasonable deprivation of the use or enjoyment of the property in that due to the existing improvements, practical use or enjoyment of the subject parcel would not be possible due to the inability to provide the additional parking spaces required by code on-site to allow additional areas within the existing restaurant to be accessible by the general public. Furthermore, the historic use of the basement level area formerly utilized as a speakeasy, could not be enjoyed by the general public due to the strict application of applicable parking requirements. Allowing public access to the basement level restaurant would restore the historic use of the basement area, help maintain the vitality of the Georgian Hotel as an historic resource in the Downtown, improve the public's overall accessibility to and appreciation of the historic resource, and place the restaurant on par with other eating and hotel establishments in the vicinity.

## **CONDITIONS OF APPROVAL:**

### **PLANNING AND COMMUNITY DEVELOPMENT**

#### **Project Specific Conditions**

1. This approval is for a Type 47 (On-Sale Beer, Wine, & Distilled Spirits within a Bona-Fide Eating Place) alcohol license, and a Type 66 alcohol license to allow the continued use of liquor cabinets accessible through key access in the guest rooms (permitted by 94CUP-001). Any request to modify these license types shall require approval from the Planning Commission.
2. The permitted alcohol service for the restaurant basement, lobby, and veranda areas shall be from 7:00 AM to 12:00 AM, Sunday through Wednesday, and 7:00 AM to 2:00 AM, Thursday through Saturday. Complete closure of the restaurant and all employees exiting of the restaurant must occur within one hour after closing hours. No "after hours" operations shall be permitted.
3. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries or other maintenance activity generating noise audible from the exterior of the building shall occur during the hours of 11:00pm to 7:00am daily. In addition, there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00pm to 7:00am daily. Trash containers shall be secured with locks. All deliveries shall take place at the rear if the building accessed from First Court alley.

4. Food and alcohol service may be provided to hotel patrons and the general public in the basement, lobby and veranda dining areas. Total restaurant seating shall not exceed 144 seats. The lobby would consist of 35 seats and the veranda would consist of 28 seats, for a total of 63 seats, including bar seats. The basement level restaurant dining area shall be limited to 81 seats, including 7 bar seats.
5. In the guest rooms, alcohol shall be stored only within the approved liquor cabinets, which shall be accessible through key access only to registered guests 21 years of age or older. Restocking of the liquor cabinets shall be performed in the course of scheduled room service activities, and shall not be performed between the hours of 2:00 AM and 6:00 AM. Room service of alcoholic beverages is allowed during the permitted alcohol service hours for the restaurant, in accordance with Condition No. 2.
6. The conditions of this approval (13CUP-017) shall supersede the approvals granted by Conditional Use Permit 08CUP-014, 00CUP-029 and 94CUP-001, and incorporates all of the relevant conditions of the prior approval.

### **Project Operations**

7. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
8. No alcoholic beverage shall be sold for consumption beyond the premises.
9. Except for special events, alcohol shall not be served in any disposable container such as disposable plastic or paper cups.
10. No more than 35% of total gross revenues per year shall be from alcohol sales for the restaurant. The operator shall maintain records of gross revenue sources which shall be submitted annually to the City of Santa Monica City Planning Division at the beginning of the calendar year and also available to the City of Santa Monica and the State ABC upon request.
11. The primary use of the premises shall be a hotel. Alcohol may be served to registered hotel patrons and their guests via room service and by controlled access cabinets in the hotel rooms. Alcohol may also be served to registered hotel patrons and their guests, and the general public in the lobby, the veranda, and the downstairs restaurant, in accordance with the approved seating plan and all of the conditions of this alcohol permit.
12. The primary use of the basement level restaurant seating area shall be for sit-down meal service. No stand-up service is permitted in the basement level

restaurant, and the basement area shall be prohibited from operating as a nightclub, or separate bar only establishments.

13. The entry and exit to the basement level restaurant shall be from the interior of the hotel, from the interior hotel lobby. Entry and exit from the exterior of the hotel into the basement level restaurant through the southern doorway shall be prohibited. This southern doorway may only be utilized for emergency exiting purposes.
14. The primary use of the outdoor dining area located on the veranda and the lobby dining areas shall be for sit-down meal service. No stand-up service is permitted in the veranda and the lobby. No portion of these areas may operate as a nightclub or serve as a separate bar only establishment.
15. Bottle service shall mean the service of any full bottle of liquor, wine, or beer, of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer. Liquor bottle service shall be prohibited. Wine and beer bottle service shall not be available to patrons unless full meal service is provided concurrent with the Bottle service. All food items shall be available from the full service menu.
16. The establishment shall maintain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises.
17. The establishment shall serve food to patrons during all hours when alcohol is served.
18. Customers shall be permitted to order meals at all times alcohol is served.
19. There shall be no cover charge or minimum drink purchase requirement.
20. Any minimum purchase requirement may be satisfied by the purchase of beverages or food.
21. Take out service shall be only incidental to the primary sit-down use.
22. No dancing or live entertainment beyond that allowed in the restaurant definition contained in the Zoning Ordinance shall be permitted on the premises.
23. No organized queuing of patrons at the entry or checking of identification to control entry into and within the establishment shall be permitted. There shall not be any age limitation imposed restricting access to any portion of the restaurant.
24. The restaurant shall not organize or participate in organized "pub-crawl" events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.

25. No video or other amusement games shall be permitted on the premises.
26. No more than three television screens, including video projectors or similar audio/visual devices, shall be provided within all dining areas combined. None of these televisions or projections surfaces shall exceed 60 inches measured diagonally. This condition does not apply to guest rooms.
27. Parking lot illumination shall be provided and maintained.
28. The owner shall prohibit loitering in the parking area and outside the restaurant frontage, and shall control noisy guests and visitors leaving the hotel.
29. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.
30. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.
31. Applicant is on notice that all temporary signage is subject to the restrictions of the City sign ordinance.
32. The use shall at all times comply with the provisions of the Noise Ordinance (SMMC Chapter 4.12).
33. Pursuant to SMMC Section 4.12 (Noise), establishments with amplified music may be required to provide entrances and exits, except exits which are solely emergency exits, designed as two-door vestibules, so that only one set of doors is open at a time. Doors shall be of solid core design. Windows shall be constructed with double-paned glass.

### **Parking Variance Conditions**

34. The project's Transportation Demand Management (TDM) Program shall consist of the following measures, and shall be implemented prior to the commencement of the approved CUP amendments. The hotel shall advise employees on initial hire and annually of the benefits included in the program.
  - *Transportation Information*  
The hotel shall provide transportation information to guests prior to and upon hotel arrival to encourage modes of transportation other than private vehicle to and from the site (provided through website or other digital means). This shall include information about location destinations to services, restaurants, commercial areas, and attractions. Furthermore, on-site transportation information shall be located in a highly visible area available to employees and

customers. Such transportation information may be provided in an on-site physical location, such as a bulletin board or kiosk, through other media, such as on a website or other digital means, or both. Information shall include, but is not limited to, the following:

- i. Current maps, routes and schedules for public transit routes within one-half mile of the project site;
  - ii. Transportation information including regional ridesharing agency, local transit operators, and certified TMO where available;
  - iii. Ridesharing promotions material supplied by commuter-oriented organizations;
  - iv. Bicycle route and facility information, including rental and sales locations, regional/local bicycle maps, and bicycle safety information within one-half mile of the project site;
  - v. A list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site;
  - vi. Walking and biking maps for employees and visitors, which shall include but not be limited to information about convenient local services and restaurants within walking distance of the project; and
  - vii. Information to commercial tenants and employees of the project regarding local rental housing agencies.
- **Customer Incentive TDM Program**  
The applicant, or property owner (and its successor and assignees) shall submit to the City for approval a Customer TDM Program to incentivize restaurant customers of the lobby, veranda, and basement dining areas to utilize non-single occupancy vehicle travel to the property. The Customer TDM Program shall be reviewed and approved by staff prior to commencement of this CUP. Program elements may include but are not limited to incentives such as free or discounted food and giveaways from the property or partner organizations. The Planning Director shall have the authority to amend the program based upon information from the property owner to ensure the incentives are provided only to customers who otherwise would have driven to the downtown area.
  - **Bike Valet Parking**  
The applicant, or property owner (and its successor and assignees) shall provide complementary bike valet parking for all patrons arriving via bicycle. Bike valet service hours of operation shall be concurrent with the automobile valet parking service, and bikes shall be parked as close, or closer, than the nearest auto valet parking space. Bike valet parking area shall be reviewed and approved by staff prior to commencement of this CUP. In no case shall the required valet operation utilize more than two (2) vehicle parking spaces at the property at any one time. Moreover, should the hotel utilize existing on-site vehicle parking spaces to accommodate bike valet parking demand, an equal number of parking spaces utilized for bike valet must be provided off-site in accordance with Condition 39 (off-site parking requirement).

- **Employee Transit Passes**  
 The applicant, or property owner (and its successors and assignees) shall provide a monthly regional transit pass (e.g. Metro EZ Pass or equivalent), that includes access to light rail, at no cost to each full-time employee of the property who primarily utilizes the bus to travel to the workplace. Said employee shall execute a contract agreeing to utilize non-single occupancy vehicle travel for at least 75% of their daily commute distance, shall not utilize single occupancy vehicle travel more than 5 business days per month, and shall demonstrate compliance as reasonably required by the property owner. This condition shall be incorporated into the annual employer trip reduction plan for the worksite.
- **Employee Transportation Allowance**  
 The applicant shall offer a monthly Transportation Allowance (equal to 50% of the cost of a monthly regional transit pass - e.g. Metro EZ Pass or equivalent) to each full-time employee of the property who utilizes non-single occupancy vehicle transportation to the workplace and does not claim the Employee Transit Pass referenced above. Said employee shall execute a contract agreeing to utilize non-single occupancy vehicle travel for at least 75% of their daily commute distance, shall not utilize single occupancy vehicle travel more than 5 business days per month, and shall demonstrate compliance as reasonably required by the property owner. The employee may choose to use the transportation allowance to cover expenses associated with non-single occupancy vehicle commuting including but not limited to Bike Center memberships (providing access to showers and secure bike parking), Big Blue Bus expenses, vanpool and carpool expenses, and bike share expenses. This condition shall be incorporated into the annual employer trip reduction plan for the worksite.
- *Employee Orientation and Commuter Matching Services*  
 Employees shall be given information about Employee Transit Passes, Employee Transportation Allowance and any other available TDM facilities and services upon hire. Commuter matching services shall also be provided for all employees on an annual basis, and for all new employees upon hiring.
- *Employee Guaranteed Ride Home*  
 The applicant, owner, operator, and/or successor shall provide employees who carpool, vanpool, bicycle, walk, or take transit with a return trip to the point of commute origin up to two times in a twelve month period at no additional cost to the employee, when a Personal Emergency Situation, such as a personal or family illness or injury, requires it. The applicant, owner, operator, and/or successor may register with Metro's Guaranteed Ride Home program to provide this service for such commuters which shall be deemed satisfaction in full of this condition.
- *Transportation Management Organizations/Associations (TMO)*

Active participation in the formation and ongoing activities of a TMO, if established and includes the project site, attendance at organizational meetings, providing parking and travel demand data to the TMO, and making available information to project tenants relative to the services provided by the TMO.

35. Local Hiring Policy For Permanent Employment. The Hotel shall implement a local hiring policy (the “**Local Hiring Policy**”), consistent with the following guidelines:

I. Purpose. The purpose of the Local Hiring Policy is to facilitate the employment by the Hotel of residents of the City of Santa Monica (the “**Targeted Job Applicants**”) and in particular, to facilitate the employment of those residents who are “Low-Income Individuals” (defined below) in efforts to reduce the distance and number of employee vehicular trips to the workplace by ensuring Targeted Job Applicants are aware of hotel employment opportunities and have a fair opportunity to apply and compete for such jobs. The goal of this policy is local hiring.

II. Definitions.

a. “**Hospitality Training Academy**” or “HTA” means the hotel worker job training resource program to be developed in Santa Monica through a Taft-Hartley Labor-Management Partnership between certain local hotels, UNITE HERE Local 11 and others to be determined.

b. “**Low Income Individual**” means a resident of the City of Santa Monica whose household income is no greater than 80% of the Median Income.

c. “**Median Income**” means the median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area, as published from time to time by the City in connection with its Affordable Housing Production Program pursuant to SMMC Section 9.56.

d. “**On-Site Jobs**” means all jobs at the Hotel, regardless of whether such job is in the nature of a part time or full time employee or an independent contractor.

e. “**Hotel**” means the Georgian Hotel.

III. Priority for Targeted Job Applicants. Subject to Section VI below, the Local Hiring Policy provides that the Targeted Job Applicants shall be considered for each On-Site Job in the following order of priority:

a. First Priority: Any resident of a household with no greater than 80% Median Income that resides with the low and Moderate Income Areas identified in Figure 3-12 of the City of Santa Monica’s 2013-2021 Housing Element;

b. Second Priority: Any resident of a household with no greater than 80% Median Income that resides within the City; and

c. Third Priority: Any resident of a household with no greater than 80% Median Income that resides within a five (5) mile radius of the project site.

For purposes of this Local Hiring Policy, the Hotel is authorized to rely on the most recent year's income tax records (W-2) and proof of residency (e.g. driver's license, utility bill, voter registration) if voluntarily submitted by a prospective job applicant for purposes of assessing a Targeted Job Applicant's place of residence and income.

IV. Coverage. The Local Hiring Policy shall apply to all hiring for On-Site Jobs. Notwithstanding the foregoing, the Local Hiring Policy shall not apply to temporary employees utilized while a permanent employee is temporarily absent or while a replacement is being actively sought for a recently-departed permanent employee. Furthermore, the Local Hiring Policy shall not preclude the re-hiring of a prior employee or the transfer of an existing employee from another location.

V. Recruitment.

a. Advanced Local Recruitment - Initial Hiring for New Business. So that Targeted Job Applicants are made aware of the availability of On-Site Jobs, at least 30 days before recruitment ("**Advanced Recruitment Period**") is opened up to general circulation for the initial hiring by a new business, the Hotel shall advertise available On-Site Jobs in the *Santa Monica Daily Press*, or Santa Monica Police Activity League or similar organization, or similar local media and electronically on a City-sponsored website, if such a resource exists. In addition, the Hotel shall consult with and provide written notice to the HTA and at least two first source hiring organizations, which may include but are not limited to the following:

- i. Local first source hiring programs
- ii. Trade unions
- iii. Apprenticeship programs at local colleges
- iv. Santa Monica educational institutions
- v. Other non-profit organizations involved in referring eligible applicants for job opportunities

The Hotel shall hold the positions open for no more than 30 days in order to allow for referrals from the first source hiring organizations. The Hotel shall review information provided by the selected organizations with respect to all applicants referred by such organizations and interview

those individuals, who, following a review of such information, are determined by the Hotel to meet the Hotel's written minimum qualifications for the position. The Hotel shall maintain a written record explaining the reasons for not selecting any individual referred to the Hotel by the selected organizations who was interviewed by the Hotel for the position.

- b. Advanced Local Recruitment - Subsequent Hiring. For subsequent employment opportunities, the Advanced Recruitment Period for Targeted Job Applicants can be reduced to at least 7 days before recruitment is opened up to general circulation. Alternatively, the Hotel may also use an established list of potential Targeted Job Applicants of not more than one year old.
- c. Obligations After Completion of Advanced Recruitment Period. Once these advanced local recruitment obligations have been met, the Hotel is not precluded from advertising regionally or nationally for employees.

VI. Hiring. The Hotel shall consider in good faith all applications submitted by Targeted Job Applicants for On-Site Jobs in accordance with their normal practice to hire the most qualified candidate for each position and shall be make good faith efforts to hire Targeted Job Applicants when such Applicants are most qualified or equally qualified as other applicants. The City acknowledges that the Hotel shall determine in their respective subjective business judgment whether any particular Targeted Job Applicant is qualified to perform the On-Site Job for which such Targeted Job Applicant has applied.

VII. Proactive Outreach. Hotel shall designate a “**First-Source Hiring Coordinator**” (FHC) that shall manage all aspects of the Local Hiring Policy. The FHC shall be responsible for actively seeking partnerships with local first-source hiring organizations prior to employment opportunities being available. The FHC shall also be responsible for encouraging and making available information on first-source hiring to the Hotel. The FHC shall contact the Hotel to inform them of the available resources on first-source hiring. In addition to implementation of the Local Hiring Policy, the FHC can have other work duties unrelated to the Local Hiring Policy.

- 36. The parking reduction plan, inclusive of the Transportation Demand Management Program (per Condition No. 34), shall be monitored annually, concurrent with the hotel's annual employer trip reduction plan for the worksite, periodically reviewed for continued effectiveness, and enforced by the Planning and Community Development Department. The applicant shall prepare and submit to the City, a report that shall include documentation of the Customer Incentive TDM Program effectiveness by mode, bike valet utilization, employee transit pass distribution, and employee transportation allowance distribution by mode.

37. The hotel's existing on-site valet parking shall provide parking services for restaurant patrons, unless the valet service is approved by the Planning and Community Development Director to be provided in combination with other establishments.
38. The applicant shall secure a minimum of 15 off-site parking spaces for the restaurant concurrent with the use of the expanded dining areas at all times. Two additional off-site parking spaces shall be secured if on-site parking spaces will be utilized for bicycle valet. The applicant shall demonstrate availability of parking spaces to the satisfaction of City Staff through the submission of parking utilization studies and similar documentation. After approval of an off-site parking location by the City, the applicant shall provide a copy of a current lease agreement(s) consisting of the number of spaces leased, prior to the commencement of the approved CUP amendments and annually with the hotel's annual employer trip reduction plan submittal to the City. The term of the required lease agreement(s) shall be a minimum of 12 months. The required off-site parking spaces must commence within 300-feet of the subject property and within a 1,000-foot perimeter [or within the Downtown Core through a Shared Parking Permit pursuant to the City's Interim Zoning Ordinance No. 2490 (CCS) ("IZO")]. In the event that the hotel in the future does not open the basement level restaurant to the general public, the hotel may request a modification to the 15 required off-site parking spaces as a minor amendment, subject to approval by the Director of Planning.

### **Administrative**

39. The approval of this permit shall expire if the rights granted are not exercised within eighteen (18) months from the permit's effective date. Exercise of rights shall mean actual commencement of the use granted by the permit.
40. Within ten days of City Planning Division transmittal of the Statement of Official Action, project applicant shall sign and return a copy of the Statement of Official Action prepared by the Planning Division, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. By signing same, applicant shall not thereby waive any legal rights applicant may possess regarding said conditions. The signed Statement shall be returned to the Planning Division. Failure to comply with this condition shall constitute grounds for potential permit revocation.
41. Within thirty (30) days after final approval of the project, a sign shall be posted on site stating the date and nature of the approval. The sign shall be posted in accordance with the Zoning Administrator guidelines and shall remain in place until a building permit is issued for the project. The sign shall be removed promptly when a building permit is issued for the project.

42. Prior to commencement of the approved use, the applicant shall post a notice at the building entry stating that the site is regulated by a Conditional Use Permit and the Statement of Official Action, which includes the establishment's conditions of approval, and the establishment's approved floor plan, is available upon request. This notice shall remain posted at all times the establishment is in operation.
43. Within thirty (30) days from date of the approval of the Statement of Official Action, the applicant shall provide a copy of the approved Statement of Official Action for this project to the local office of the State Alcoholic Beverage Control department.
44. Prior to issuance of a Certificate of Occupancy, or a business license, or commencement of alcohol service as applicable, the operator shall submit a plan for approval by the Director of Planning regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete a California Department of Alcoholic Beverage Control (ABC) sponsored alcohol awareness training program within 90 days of the effective date of this approval. In the case of new employees, the employee shall attend the alcohol awareness training within 90 days of hiring. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Director of Planning and Community Development. The operator shall provide the City with an annual report regarding compliance with this condition. This project shall be subject to any future City-wide alcohol awareness training program condition affecting similar establishments.
45. Prior to issuance of a Certificate of Occupancy, or a business license, or commencement of alcohol service as applicable, the operator shall also submit a plan describing the establishment's designated driver program, which shall be offered by the operator to the establishment's patrons. The plan shall specify how the operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of two or more ordering alcoholic beverages.
46. In the event permittee violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.
47. Applicant is advised that projects in the California Coastal Zone may need approval of the California Coastal Commission prior to issuance of any building permits by the City of Santa Monica. Applicant is responsible for obtaining any such permits.

## **Conformance with Approved Plans**

48. This approval is for those plans dated March 17, 2015, a copy of which shall be maintained in the files of the City Planning Division. Project development and restaurant seating areas shall be in accordance with the approved plans, except as otherwise specified in these conditions of approval.
49. Minor amendments to the plans shall be subject to approval by the Director of Planning. An increase of more than 10% of the square footage, an increase of seating, or a significant change in the approved concept shall be subject to Planning Commission Review. Construction shall be in substantial conformance with the plans submitted or as modified by the Planning Commission, Architectural Review Board, or Director of Planning. No expansion in number of seats, intensity of operation, or outdoor areas shall occur without prior approval from the City of Santa Monica and State ABC.
50. Project plans shall be subject to complete Code Compliance review when the building plans are submitted for plan check and shall comply with all applicable provisions of Article IX of the Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica prior to building permit issuance.

## **Fees**

51. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.

## **Standard Conditions**

52. Mechanical equipment shall not be located on the side of any building which is adjacent to a residential building on the adjoining lot, unless otherwise permitted by applicable regulations. Roof locations may be used when the mechanical equipment is installed within a sound-rated parapet enclosure.
53. Final approval of any mechanical equipment installation will require a noise test in compliance with SMMC Section 4.12.040. Equipment for the test shall be provided by the owner or contractor and the test shall be conducted by the owner or contractor. A copy of the noise test results on mechanical equipment shall be submitted to the Community Noise Officer for review to ensure that noise levels do not exceed maximum allowable levels for the applicable noise zone.

## **Environmental Mitigation**

54. To mitigate solid waste impacts, prior to issuance of a Certificate of Occupancy, project owner shall submit a recycling plan to the Department of Public Works for its approval. The recycling plan shall include:
- 1) List of materials such as white paper, computer paper, metal cans, and glass to be recycled;
  - 2) Location of recycling bins;
  - 3) Designated recycling coordinator;
  - 4) Nature and extent of internal and external pick-up service;
  - 5) Pick-up schedule; and
  - 6) Plan to inform tenants/ occupants of service.
55. Ultra-low flow plumbing fixtures are required on all new development and remodeling where plumbing is to be added, including dual flush toilets, 1.0 gallon urinals and low flow shower heads.

## **Police**

56. Prior to issuance of a Certificate of Occupancy, or a business license, or commencement of alcohol service as applicable, a security plan shall be submitted to the Chief of Police for review and approval. The plan shall address both physical and operational security issues.
57. Prior to the commencement of alcohol service, the applicant shall participate in the Santa Monica Alcohol Awareness for Retailers Training (S.M.A.A.R.T) program conducted by the Santa Monica Police Department

## **Miscellaneous Conditions**

58. Street and/or alley lighting shall be provided on public rights of way adjacent to the project if and as needed per the specifications and with the approval of the Department of Environmental and Public Works.
59. The building address shall be painted on the roof of the building and shall measure four feet by eight feet (32 square feet).
60. Pursuant to Municipal Code Section 9.04.10.02.420, two signs shall be posted as follows: one (1) sign indicating that the basement-level restaurant space is limited to 81 total seats, and one (1) sign indicating that the lobby and veranda is limited to a combined total of 63 seats. Both signs shall be a minimum of twelve inches by eighteen inches, and shall be posted by the restaurant entrance, or other such location as required by the Zoning Administrator.

**Compliance**

61. The applicant authorizes reasonable City inspection of the property to ensure compliance with the conditions of approval imposed by the City in approving this project and will bear the reasonable cost of these inspections as established by Santa Monica Municipal Code Section 2.72.010 and Resolution No. 9905 (CCS) or any successor legislation thereto. These inspections shall be no more intrusive than necessary to ensure compliance with conditions of approval.

**VOTE**

*Ayes:* Mayor Pro Tempore Vasquez, Davis, Mayor McKeown, O’Day, O’Connor  
*Nays:* None  
*Abstain:* None  
*Absent:* Himmelrich, Winterer

**NOTICE**

If this is a final decision not subject to further appeal under the City of Santa Monica Comprehensive Land Use and Zoning Ordinance, the time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which provision has been adopted by the City pursuant to Municipal Code Section 1.16.010.

**I hereby certify that this Statement of Official Action accurately reflects the final determination of the City Council of the City of Santa Monica.**

\_\_\_\_\_  
Sarah Gorman, City Clerk

\_\_\_\_\_  
Date

Acknowledgement by Permit Holder

I hereby agree to the above conditions of approval and acknowledge that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval.

\_\_\_\_\_  
Print Name and Title                      Date

\_\_\_\_\_  
Applicant’s Signature                      Date

