



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: BIR-2002-3323-RV-PA2

Project Address: 718 South Union Ave., Los Angeles, CA 90017

Final Date to Appeal: 2/12/2020

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative
☒ Applicant

- ☒ Property Owner
☐ Operator of the Use/Site

- ☐ Person, other than the Applicant, Owner or Operator claiming to be aggrieved

- ☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative
☐ Applicant

- ☐ Owner
☐ Operator

- ☐ Aggrieved Party

3. APPELLANT INFORMATION

Appellant's Name: Balubhai G. PATEL, INDIVIDUALLY AND TRUSTEE Balubhai PATEL Trust

Company/Organization: _____

Mailing Address: 718 South Union Ave.

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 386-2286 E-mail: mayur.patel@aol.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

- ☒ Self ☐ Other: _____

b. Is the appeal being filed to support the original applicant's position? ☒ Yes ☒ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): FRANK A. WEIRER - ATTORNEY AT LAW
Company: LAW OFFICES OF FRANK A. WEIRER
Mailing Address: 3460 WILSHIRE BLVD, Suite 1212
City: Los Angeles State: CA Zip: 90010
Telephone: (213) 384-6964 E-mail: mamaw@aol.com

5. JUSTIFICATION/REASON FOR APPEAL

- a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part
b. Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☐ The reason for the appeal ☐ How you are aggrieved by the decision
☐ Specifically the points at issue ☐ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Sh. A. Weir - Attorney for Date: 2/12/20
APPELLANT

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

- a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Appeal Application (form CP-7769)
☐ Justification/Reason for Appeal
☐ Copies of Original Determination Letter

b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1. Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.**

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2. Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.**

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☒ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee: \$4250.00	Reviewed & Accepted by (DSC Planner): Terri Osborne	Date: 2/12/20
Receipt No: 0104153230	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ATTACHMENT TO APPEAL
BY BALUBHAI G. PATEL,
INDIVIDUALLY AND AS
TRUSTEE TO THE BALUBHAI
PATEL TRUST
PROPERTY ADDRESS:
THE STUART HOTEL
718 S. UNION STREET
LOS ANGELES, CA 9001/
CASE NO. DIR 2002-3323-RV-PA2
REVIEW OF CONDITIONS

There is not substantial or sufficient evidence to support any of the findings that the Stuart Hotel constitutes at present a public nuisance or that there is any nuisance activity justifies imposition of any conditions on its operation or the subject property . The owner Balubhai Patel, Individually and as Trustee of his family trust (the appellant) has invested a substantial sum of money in renovating and policing the property. Any concerns originally intended by the imposition of the conditions has been mitigated by the actions taken by the appellants since the original case was filed. Imposition of the discontinuance of the use of the motel at this time given the lack of substantial evidence that this property is presently a public nuisance to the community or that any nuisance such activity exists at the subject property requiring the reimposition of conditions of the use compels the conclusion that the Zoning Administrator prejudicially abused his discretion. Further, the subject property is not a residential hotel and the requirement to operate as such violates state law, the City of Los Angeles' zoning ordinances, and the federal Fifth Amendment Takings Clause and the Fourteenth Amendment Due Process Clause and Equal Protection Clause of the U.S. Constitution and parallel provisions of the California Constitution.

The proposed imposition of conditions of the use is also unconstitutional under the First Amendment Petition Clause, Fourth Amendment Search and Seizure Clause, Fifth Amendment Takings Clause and the Fourteenth Amendment Due Process Clause and Equal Protection Clause of the U.S. Constitution and parallel provisions of the California Constitution actionable under 42 U.S.C. Section 1983.

Further, the proposed decision by the Zoning Administrator violates my clients' federal fair housing rights under 42 U.S.C. Section 3604(b), et seq.

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
THEODORE L. IRVING
FRANKLIN N. QUON
CHARLES J. RAUSCH JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

City of Los Angeles
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ERIC GARCETTI
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LISA M. WEBBER, AICP
DEPUTY DIRECTOR

January 29, 2020

Balubai G. Patel (A)(O)
Balubai Patel Trust
5011 Elton Street
Baldwin Park, CA 91706

John Parker (R)
Pacific Crest Consultants
2197 Stacy Lane
Camarillo, CA 93012

The Stuart Hotel
718 South Union Street
Los Angeles, CA 90017

CASE NO. DIR-2002-3323-RV-PA2
REVIEW OF CONDITIONS
718 South Union Avenue
Westlake Planning Area
Zone : R4-2
D. M.: 130.5A205
C. D.: 1-Cedillo
CEQA: ENV-2018-5644-CE
Legal Description: Lot 18, Block 10,
Part of the Fairmount Tract

Pursuant to California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record, as supported by the justification prepared and found in the case file, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15321, and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways or hazardous waste sites or historical resources applies;

Pursuant to Los Angeles Municipal Code Section 12.27.1, I hereby DETERMINE:

that the operation of the motel, known as the Stuart Hotel, located at 718 South Union Avenue, has substantially complied with corrective conditions set forth in Case No. DIR-2002-3323-RV-PA1, and the continued imposition of conditions is necessary in order to mitigate the land use impacts caused by the hotel;

Pursuant to Los Angeles Municipal Code Section 12.27.1, I hereby DENY:

the request for modification of Condition No. 1, so that no further Plan Approval for condition compliance is required; and the request to modify Condition No. 5, to provide on-call security in lieu of providing 24-hour State licensed security guard;

Pursuant to Los Angeles Municipal Code Section 12.21.1-E, I hereby MODIFY, ADD AND DELETE:

Condition Nos. 1, 5, 9, 15, 16, 18, 19, 23, 24, 26, 28, 29, 31, 32, 34, and add Conditions Nos. 35 and 36. Delete Condition Nos. 11, 22, and 30;

The Zoning Administrator hereby retains, adds to or modifies (as shown in underlined and/or strikeout text) the existing Conditions as follows:

1. **[MODIFIED]** No sooner than 18 months and no later than 24 months ~~90 day~~ from the effective date of this action, the business operator shall file a Plan Approval application at the Los Angeles City Planning Development Services Center, together with a filing fee or deposit pursuant to ~~Section 19.01.4-I~~ Section 19.01-E,3 or Section 19.01-N of the Los Angeles Municipal Code and a mailing list of property owners and occupants within a 500 foot radius. A public hearing with notification to said owners and occupants shall be conducted to determine the effectiveness of compliance with the Conditions herein, following receipt of a Planning Staff investigator's report. The Zoning Administrator, may modify the conditions to make them more restrictive so as to protect the neighborhood and to mitigate impacts of the use or may modify the conditions to make them less restrictive if deemed no longer needed to mitigate the impacts of the use. Failure to comply with these conditions and to file the Plan Approval application for review of compliance with said conditions may result in revocation of the hotel use.
2. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Zoning Administrator to impose additional corrective Conditions if such Conditions are proven necessary for the protection of the neighborhood. The Zoning Administrator may also modify or delete Conditions if they are no longer necessary or have proven ineffectual.
3. A copy of these Conditions shall be maintained in view of the managers in the hotel office. If a manager requires translation of these Conditions, the business operator shall provide such translation.
4. All required permits and licenses shall be maintained in view of the manager and shall be made available to all enforcement personnel upon request.
5. **[MODIFIED]** ~~A minimum of one State-licensed security guard shall be on duty at all times.~~ The business operator shall retain a 24-hour State-licensed security patrol service, which shall routinely patrol the premises on a daily and nightly basis in an effort to prevent loitering, noise, public disturbance and any criminal activity

from occurring on the property. The guard shall wear a uniform with a patch on each shoulder identifying the name of the registered security company, which employs them. The guards shall not be employees of the business operator or conduct any activities at the facility other than those of a security guard, which includes checking identification and escorting undesirable patrons out of the premises. The guards shall be responsible for monitoring activities inside the premises and preventing loitering adjacent to the premises. The guards shall request the assistance of the Los Angeles Police Department if, based upon their training, the situation so warrants. The guards shall cooperate with all law enforcement personnel during any investigations or inspections at the premises. A patrol log shall be maintained by the guards indicating the dates, times of security checks, and shall be produced when requested by the Police Department.

a. The property owner shall provide a copy of a valid contract for such service to the Zoning Administrator within 30 days of the effective date of this action.

b. A copy of a valid emergency contact phone number for the security patrol service shall be maintained in the manager's office and presented upon request to any law enforcement officer.

6. All employees and security guards shall be made completely familiar with these Conditions and implement them as necessary.
7. Phone calls made to Police for service initiated by the business operator or staff shall not be considered as grounds for revocation. However, a high incidence of such calls may indicate the need for stricter Conditions affecting the mode and character of operation. The business operator shall maintain a log of all calls for service.
8. Video cameras shall be installed to provide surveillance of the front entrance, the fire escape, the exterior perimeter of the property, and each interior hallway. The recorded tapes or other medium shall be retained for at least two weeks and shall be made available to the Police upon request. One or more video monitors connected to the video cameras shall be located in the office to be seen by the manager of the facility. Signs in English and in Spanish shall be posted outside indicating the use of a surveillance system.
9. **[MODIFIED]** ~~Public telephones and~~ All vending machines, if any, shall be located inside the building.
10. All exterior portions of the site, including the adjoining alley, shall be adequately illuminated in the evening as determined by the Police Department. All lighting shall be directed onto the site and adjoining sidewalk and no floodlighting shall be located as to be seen directly by the adjacent properties. All lighting shall be properly maintained.
11. **[DELETED]** ~~Within 60 days of the effective date of this determination, the business operator shall provide documentation to the Zoning Administrator of two full~~

payments of the fee amount stated in Section 10.01-P of the Los Angeles Municipal Code to offset the City's costs in processing the matter both during the original imposition of conditions and for the last review of conditions as set forth in Sections 12.27.1-C, 2 and 10.01-P of the Municipal Code.

12. The property owner shall post and maintain signs on the exterior of the building in letters at least two inches in height in English and in Spanish in accordance with Municipal Code Section 41.24(a) stating:

"This property is closed to the public. No entry without permission.
Los Angeles Municipal Code Section 41.24."

13. The property owner shall, within 10 days of the effective date of this determination, sign and deliver to the Rampart Vice Unit a "Trespass Arrest Authorization" form authorizing the Los Angeles Police Department to arrest individuals unlawfully loitering on the property pursuant to Los Angeles Municipal Code Section 41.24. A copy of the executed form shall also be provided to the Zoning Administrator within the same 10 days.

14. The property owner shall post signs in letters at least two inches in height, in English and in Spanish, at locations determined to be visible and conspicuous after consultation with the Police Department, stating:

"No trespassing, no loitering, no drugs, no drug dealers, no prostitution, no weapons, no drinking of alcoholic beverages. The Los Angeles Police Department makes regular and frequent patrols of this property."

15. **[MODIFIED]** The business operator shall evict all ~~occupants~~ tenants engaging in narcotics, prostitution, or other illegal activities. The business operator shall not rent to prospective ~~occupants~~ tenants previously arrested for narcotics, prostitution, or other illegal activities when notified of such arrests by a police officer or City Attorney when such arrests become otherwise personally known to the business operator. The business operator can deny a prospective tenant if there has been an arrest or conviction within the past year. Any evictions shall comply with the rules, laws and regulations established by the Los Angeles Housing and Community Investment Department (HCID).

16. **[MODIFIED]** Neither the business operator nor any manager shall allow access onto the property by ~~persons~~ non-tenants known to them to be prostitutes, pimps, prostitution customers, parolees with prior narcotic or prostitution offenses, ~~narcotics users, narcotics possessors, narcotics sellers or manufacturers of illegal controlled substances.~~ narcotics users, possessors, sellers and/or manufacturers of illegal controlled substances.

17. The business operator and managers shall inform the Police Department immediately if any person on the property is engaging in narcotics activity, or if narcotics paraphernalia is observed on the property. All trespassers and loiterers

on the property shall be immediately reported to the Police Department or the security guard employed by the property owner.

18. **[MODIFIED]** The following signs in English and in Spanish in letters at least two inches in height shall be posted at the check-in/registration counter stating:

"Rooms only available for full posted daily, weekly and monthly rental rates",
and

"Los Angeles Municipal Code Section 41.49 requires all guests tenants to produce valid identification and license plate information for all vehicles."

19. **[MODIFIED]** ~~Guests~~ Tenants shall be required to pay the full posted ~~daily, or weekly, or monthly~~ rental rate. ~~Weekday, weekend, and weekly~~ Rates shall be posted at the check-in/registration counter and in each ~~guest~~ tenant's room. The customary full ~~daily, weekly or monthly~~ rate shall be collected for each and every rental. No room shall be rented ~~more than one time during each 12-hour period~~ for a period less than 30 days.

20. No individual may rent more than one room at a time nor on behalf of another person.

21. No room may be rented to a juvenile.

22. **[Deleted]** ~~Conditioned replaced by City Council, May 14, 2003] No room may be rented to any individual for more than 29 consecutive days. The business operator shall provide the Los Angeles Police Department with an access key to the subject property.~~

23. **[MODIFIED]** ~~The business operator shall establish uniform motel registration procedures including the following: all persons renting a room shall produce a valid drivers license or other valid identification. The register shall include the identification card number and expiration date. A photocopy of each identification card shall be retained. The business operator and all managers shall cooperate with the Police Department when requested to produce registration records. Pursuant to Los Angeles Municipal Code Section 41.49, the register shall include the name and address of each guest resident and the name and address of each member of that party; and if the guest resident or party arrives by motor vehicle, the register shall specify the make, type and license number of the vehicle and the year of registration. Guests Residents shall list all reported vehicles.~~

Pursuant to Los Angeles Municipal Code Section 47.85, the operator shall maintain a daily log documenting the status of each room, whether it is occupied or vacant, the name under which each adult occupant is registered, the type of identification used to verify the identity of the occupants, and the amount charged. The operator shall provide receipts to each adult occupant and maintain copies of the receipts showing the following: the room number, the name of each adult occupant, the rental amount and period paid for and any associated charges

imposed and paid for the unit, including, but not limited to, security deposits and any taxes. The daily log and copies of receipts shall be made available for inspection and investigation by any HCIDLA or Los Angeles City Planning Department staff upon request.

24. **[MODIFIED]** The business operator shall post in each guest tenant room a copy of the hotel rules in English and in Spanish which specify, at a minimum:
- a. No firearms are permitted on the property.
 - b. Any of the following activities is grounds for ~~immediate~~ termination of room rental and eviction under policies set forth by the Los Angeles Housing and Community Investment Department:
 - 1) Occupant commits any violation of the law regarding the possession, use, storage, or sale of illegal narcotics on or adjacent to the property.
 - 2) Occupant negligently allows or permits his or her fellow occupant to commit any violation of the law regarding the possession, use, storage, or sale of illegal narcotics on or adjacent to the property.
 - 3) Occupant allows lewd conduct or prostitution to occur in the room, within the property, or adjacent to the property.
 - 4) Occupant uses or permits the room to be used for any illegal purpose.
25. Firearms are not allowed on the property.
26. **[MODIFIED]** The business operator shall maintain ~~locks and keys~~ a master access key-card for each guest tenant room. All access key-cards shall state, "Non-transferable be stamped "Do not duplicate." The manager shall have ~~duplicate keys~~ a master access card available at all times for emergency and law enforcement personnel. A key card deposit system shall be maintained to prevent ~~keys~~ key-cards from being circulated or duplicated.
27. Graffiti shall be removed daily from the exterior walls of the building, as well as stairways, halls and the lobby in the same color as the surface to which it was applied. Debris shall also be removed daily from the property.
28. **[MODIFIED]** All To maintain site control, all tenants, guests and visitors to the property shall sign in at the check-in/registration counter and produce a valid driver's license or other valid identification. The desk clerk shall note the identification card number and expiration date on the register. A photocopy of each identification card shall be retained.

29. **[MODIFIED]** The property owner shall comply in a timely manner with all Orders to Comply or similar enforcement requirements of the Department of Building and Safety, the Fire Department, Los Angeles Housing and Community Investment Department (HCIDLA) ~~the Housing Department~~, the County Department of Health, and any other public agency.
30. **[DELETED]** ~~Wrought iron style fencing 8 feet in height shall be installed at the entrance to the hotel to prevent trespassing and shall be maintained in good condition.~~
31. **[MODIFIED]** The property owner and the business operator shall enroll in a property management-training program approved by the HCIDLA Housing Department. Evidence of attendance shall be submitted to the Zoning Administrator.
32. **[MODIFIED]** Condoms shall not be sold or otherwise offered unless the business operator is required to do so by law. ~~The sale and/or rental of pornographic videos, tapes, DVD discs, compact discs, or other media is prohibited. This Condition does not preclude satellite television channels.~~
33. Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
34. **[ADDED]** Residential Hotel operations shall adhere to all laws, rules, code enforcement and regulations established by the Los Angeles Housing and Community Investment Department (HCIDLA).
35. **[ADDED]** This hotel shall be maintained as a residential hotel containing only residential units pursuant to LAMC 47.76.A. No short term or tourist rental shall be allowed.
36. **[ADDED]** INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of

subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action.

The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

TRANSFERABILITY

These conditions of operation run with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the owner advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter 1 of the Municipal Code and shall be subject to the same penalties as any other violation of such Chapter. (Section 12.27.1 of the Municipal Code)

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after **February 12, 2020**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

San Fernando Valley

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Rm 251
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West Los Angeles

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If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the staff member assigned to this case. This would include clarification, verification of Condition compliance, submittal of all required evidence as required in this determination, and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Staff Investigator thereon, and the statements made at the public hearing before the Zoning Administrator on **June 11, 2019**, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there has been substantial compliance with the imposed conditions based upon the provisions of Section 12.27.1 of the Municipal Code as established by the following facts:

NUISANCE ABATEMENT AUTHORITY - SECTION 12.27.1 OF THE LOS ANGELES MUNICIPAL CODE

The Zoning Administrator, on behalf of the Director of Planning, has the authority to investigate and initiate corrective actions against any use which constitutes a public nuisance, adversely affects the safety of persons residing or working in the surrounding area, and does so on a repeated basis, pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, established under Ordinance No. 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989 under Ordinance No. 164,749.

The Director of Planning, through the Office of Zoning Administration, has the authority to modify or discontinue the use, or to impose corrective conditions on the operation of an existing use under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

It has been the City's practice and policy to impose corrective conditions when a property is initially determined to be a nuisance location and to give any owner/operator an opportunity to correct the problems before any possible revocation.

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use

have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

Section 12.27.1 authorizes the Director of Planning to eliminate conditions imposed by a previous administrative nuisance abatement decision if there has been substantial changes in the nature and operation of the land use, or if there has been a change in circumstances such that the continued enforcement of the previously imposed conditions is no longer reasonable or necessary. The subject property is a residential hotel/motel, the provisions of Section 12.27.1-D, shall apply.

BACKGROUND

On February 20, 2003, the Zoning Administrator issued a determination which required modification of the hotel's operation by the imposition of 32 corrective conditions. The hotel operator filed an appeal of the entire Zoning Administrator's determination. On May 6, 2003, the Planning and Land Use Committee of the City Council held a public hearing on the appeal and after listening to testimony from all involved parties, recommended that the City Council deny the business operator's appeal and sustain the determination of the Zoning Administrator. On May 14, 2003, the City Council denied the appeal and imposed corrective conditions on the operation of the hotel. Condition No. 1 of the City Council's action required that the business operator file a Plan Approval application, including fees, between 60 and 75 days from the effective date of the determination to review the effectiveness of the corrective conditions and to determine whether the public nuisance problems have been reduced or eliminated.

The Plan Approval, Case No. DIR 2002-3323-RV-PA1, was timely filed. On September 14, 2004, the Zoning Administrator's issued its determination of the Review of Conditions concluding that the operation of "the business known as the Stuart Hotel has generally improved its operations but continued to be a nuisance because the owner/operator had only partially complied with the corrective conditions previously established by the City Council on May 14, 2003," and for the purpose of continued abatement of nuisance shall be subject to another review for compliance with conditions.

Condition No. 1 of Case No. DIR-2002-3323-RV-PA1, which became effective September 29, 2004, states:

1. [Modified by this action] No later than 90 days from the effective date of this action, the business operator shall file a Plan Approval application at the Planning Department Public Counter, together with a filing fee pursuant to Section 19.01.1-I of the Los Angeles Municipal Code and a mailing list of property owners and occupants within a 500 foot radius. A public hearing with notification to said owners and occupants shall be conducted to determine the effectiveness of compliance with the Conditions herein, following receipt of a Staff investigator's report. The Zoning Administrator, may modify the conditions to make them more restrictive so as to protect the neighborhood and to mitigate impacts of the use or may modify the conditions to make them less restrictive if deemed no longer needed to mitigate the impacts of the use. Failure to comply with these conditions and to file the Plan

Approval application for review of compliance with said conditions may result in revocation of the hotel use.

The required Plan Approval was due to be filed with the Department of City Planning by December 30, 2004. The filing did not occur in a timely manner and therefore, Condition No. 1 was not met. On August 17, 2018, the subject application was filed and it is the second review for condition compliance.

The Westlake Community Plan map designates the property for Community Commercial use, with corresponding zones of C4, C2, C1, CR, P and PB and Height District No. 2. The property is not currently within the area of any specific plans, interim control ordinances, or CPIO's. The site is also located within the Transit Priority Area (ZI-2452) and State Enterprise Zone (ZI-2374), and Residential Hotel Unit Conversion Demolition Ordinance (ZI-2353). The subject site is in the Los Angeles Police Department's Central Bureau Rampart Station and is in reporting District No. 269.

The subject property is a level, rectangular-shaped, corner, R4-2 zoned, record lot consisting of approximately .17 acres, having a frontage of 127 feet on the east side of Union Avenue and a frontage of 60 feet on the north side of Cambria Street. Abutting the north side of the property is a 16-foot-wide alley which is gated.

The property is improved with a four-story, 66-room hotel. A Certificate of Occupancy was issued on April 9, 1923 for existing use. The project does not include on-site automobile parking. The hotel exterior appears to have been recently painted. In general, the hotel's interior and exterior appearance seems to have improved since the last hearing. The property owner is in the process of making tenant improvements to the entire property.

Surrounding Land Uses

Surrounding properties are within the C2-2, R5-2, and R4-1 Zones and are characterized by level topography and fully improved streets. The surrounding properties are generally developed with multi-story residential and commercial buildings.

Property to the north, across the alley, is zoned C2-2 and is developed with an auto body repair shop.

Property to the south, across Cambria Street, is zoned R4-1 and is developed with a three-story, multi-family residential building.

Property to the east is zoned R4-2 and is developed with a structure that appears to be either a single-family dwelling or a duplex.

Property to the west, across Union Avenue, is zoned R5-2 and is developed with a parking lot and three-story commercial structure occupied by a shoe store.

Previous Zoning Related Actions in the Area:**Applicant's Property**

Case No. DIR-2002-3323-RV-PA1 - On September 14, 2004, the Zoning Administrator determined that the Stuart Hotel had generally improved its operations but continued to be a nuisance because the owner/operator had only partially complied with the corrective conditions previously established by the City Council on May 14, 2003. The subject hotel was also subject to another review for compliance with conditions for the purpose of continued abatement of nuisances. The Plan Approval grant was appealed to the City Council and on December 14, 2004, the decision by the Zoning Administrator (CF 03-0589) was upheld.

Case Nos. DIR-2002-3323-RV, CF 03-0589 - On February 20, 2003, the Zoning Administrator imposed corrective conditions on the operation of the subject hotel. The hotel operator appealed the determination to the City Council which denied the appeal but also deleted one condition and included one additional condition.

Permit No. 16016-20000-01374 – A building permit was issued on February 1, 2016, to remove and replace fire damage, window (same type, same size, same location) and related window framing, stucco and drywall; damage <10% inspector to verify; comply with Department Order effective date September 25, 2015.

Permit No. 12016-10004-21023 – A building permit was issued on November 12, 2014, supplemental permit to 12016-10004-21023. Revised work description to: convert one (1) guest room (#115) with new kitchenette. No change of use and no floor area added.

Permit No. 12016-10004-21023 – A building permit was issued on January 3, 2013, supplemental permit to 12016-10004-21023. Revised work description to read, "Change of use from guest room with kitchen (light housekeeping)."

Permit No. 02016-10000-16886 – A building permit was issued on August 28, 2002, general rehab, change windows (change windows (same size and same location) 5% drywall repairs, paint, patching replace doors (same size and location), per substandard work order issued on August 29, 2002.

Surrounding Properties

Case No. DIR-2002-3709-RV-PA1 - On February 27, 2003, the Zoning Administrator issued a determination which required modification of the Holland Hotel's operation, located at 1404 West 7th Street, with the imposition of 32 corrective conditions. The hotel operator filed an appeal of the entire Zoning Administrator's determination. On May 13, 2003, the Planning and Land Use Committee held a public hearing on the appeal and after hearing testimony from all involved parties, recommended that the City Council deny the appeal and sustain the determination of the Zoning Administrator. On May 21, 2003, the City Council denied the appeal and imposed corrective conditions on the operation of the hotel.

Comments from Other Departments and/or the General Public

The Los Angeles Police Department submitted the following reports:

Calls for Service – Between March 5, 2017 and March 6, 2019. A total of **174 responses** to the property address located at 718 S. Union Avenue occurred, inclusive of a fight, death investigation, theft, trespassing, noise, landlord/tenant disputes and domestic violence.

Detective Case Tracking System - From March 2017 – March 2019, a total of 75 incidents including the following: Property – 8; Death – 5; ID Theft – 2; Intimate Partner Abuse – 13; Rape – 3; Burglary – 8; Suspected Child Endangerment – 6; Vandalism – 2; Crime Against Child – 2; Theft – 5; Missing Persons – 4; Bookings – 12; and Brandishing Weapons – 6.

Arrest and Investigative Reports:

LAPD submitted arrest and investigative reports for incidents at 718 S. Union Avenue, between March 2017 – March 2019:

- 04/03/2019 316PC-Disorderly House (Motel/Hotel Violation) according to LAPD – Rampart Vice the hotel desk clerk knowingly rented a hotel room for prostitution, rented room for \$35.00/hour.
- 12/11/2018 Injury investigation. Investigation of child abuse. Victim was screaming that she did not want to go to school. LAPD officers checked victim for signs of physical abuse and did not observe any. Victim eventually revealed that she was being bullied and made fun of at school. LAPD followed-up with school principal and determined there was no abuse.
- 11/11/2018 Investigation of Burglary. Unknown suspect(s) entered victim's hotel room and removed US currency from his bag. Suspect(s) fled with property in unknown directions. (On-site)
- 11/04/2018 Investigation of Rape. Suspect (1) penetrated victim's vagina with erect penis. Suspect (2) inserted erect penis in victim's mouth. (On-site)
- 12/23/2017 Investigation of Burglary. Suspect entered hotel room with unknown tool. Suspect removed victim's property and fled location in unknown direction. (On-site)
- 12/15/2017 Injury investigation. LAPD officers investigate suspect child abuse report. Minor and siblings were alleged victims of neglect and emotional abuse by parents.
- 07/27/2017 Arrest for Possession of Heroin for Sales (11351HS). Rampart Division, Narcotic Enforcement Detail, of LAPD made arrest of white male living in the Stuart Hotel and selling narcotics in the area. (On-site)

- 06/13/2017 Investigation of Vandalism. Suspect used baseball bat to damage victim's vehicle. Suspect smashed the hood, side doors, gas cap, and side mirror. Suspect fled in unknown direction.
- 05/14/2017 Investigation of Identity Theft. Unknown suspect(s) used victim's information to withdraw funds from the victim's Brinks prepaid card. (On-site)
- 04/24/2017 Investigation of Intimate Partner Altercation w/Injury. Suspect and victim have children in common. Suspect and victim became involved in a physical altercation. As a result, the victim sustained visible injuries to back, breast, arm, neck and wrist. (On-site)
- 03/16/2017 Investigation of Criminal Threat. Victim and suspect have one child, in common, and have been together-on and off- for approximately nine years. Suspect placed the straight end of a crowbar in the victim's throat and stated "If you leave me. I will kill you." (On-site)
- 03/15/2017 Investigation of Identity Theft. Unknown suspect(s) withdrew and used victim's funds from prepaid card via unknown means. (On-site)

A letter from Detective Dana Harris dated June 8, 2019, stating in part:

"As a part of my investigation, I conducted an administrative inquiry for 718 S. Union, utilizing LAPD administrative means. I found that over a two year period, there were over 150 separate incidents in which the police were called for service. That is a staggering number. These calls for service included, Domestic Violence, Assault with a Deadly Weapon, Burglary, Brandishing of a Weapon, Child Neglect (on two separate occasions), Sexual Assault (twice) and multiple arrests for crimes against person.

This is far from what is expected at any motel in the City of Los Angeles. We expect our motel owners to maintain a respectable establishment. One in which patrons visiting from out of town are able to visit in an environment in which they are not exposed to crime nor violence.

I can see that there has been a change in management at this establishment. Upon my inspection, the rooms appeared clean as did the hallway. I did have conflicting reports from residents. One resident, who lives at the motel stated that in the past, the motel was dangerous, but with the current management, there is a distinct change in the patrons who live at the motel and the overall environment for the better.

However, when I met a family that was moving out for the day, they were none too happy with what they had been exposed (smell) and regarding narcotics use by patrons.

This is an establishment that caters via the internet to out of state guests at a lowered cost. For many this is their first foray into Los Angeles. The over 175 incidents and crimes that correspond with that number is too many.

It is my recommendation that this motel have full time security at the establishment to assist in regulating patrons who do not follow the expressed direction of the motel management that does not force the manager to leave his/her post to deal with troubles outside or in the motel."

The complete letter is located in the case file.

PUBLIC HEARING

The Associate Zoning Administrator held a public hearing on June 11, 2019 at 10:00 a.m. at 200 North Spring Street. The hearing was noticed and mailed to the applicant/property owner, and to the owners and occupants of properties within a 500-foot radius, in compliance with the Municipal Code. The purpose of the hearing was to obtain testimony from the owner/operator of the subject facility and from any other affected or interested parties regarding the operation of the subject Stuart Hotel, and to determine whether the use continues to constitute a public nuisance and whether conditions should be maintained, added, or eliminated on the operation of the subject business.

In attendance at the hearing and testifying were the business owner and his representative, a representative from the Los Angeles Police Department, a representative from Council District 1 and members of the public. Prior to opening the hearing to public testimony, the Department of City Planning staff investigator presented a summary of the staff report, which is included in the case file.

The following is a summary of the testimony provided at the public hearing:

John Parker Pacific Crest Consultants – Representative

- Received letter from the Chief ZA to file a PA in April 2018, and Pacific Crest was retained June 2018.
- Applicant can no longer remember why case was not filed, thought it was not necessary.
- Would like to summarize the submittal of the file.
- The site, overall, is in substantial compliance with the conditions.
- We request relief from Condition No. 1, and there be no future Plan Approval; we request relief from Condition No. 2, and that there be "on-call security."
- Request relief from Condition No. 5 – 24 hour security. The cost is \$22/hour for our security, about \$200K per year, contracted with Calloway Security in April 2004. They patrol 3 times per night, on-call day and night, 365 days per year and have been operating as such for 3 years.
- We request relief from Condition No. 9 – regarding public telephones; this condition request reflects current technology, and that people have cell phones.
- Request relief from Condition No. 11 - Fees. Plan Approval costs \$59k, we request to modify the payment, which is cost prohibitive.

- Request relief from Condition No. 23 to reflect current technology record keeping, everything is digital and have modified to online registration.
- Finally, request relief from Condition No. 26. Currently, the site uses key card entry that expires at 11:00 am.
- Address Issues with the Staff Report:
 - In the application's submittal, the applicant admitted that Condition Nos. 1,5,7,25,30, 31, 33 were non-compliant, and was addressed in the filing.
 - Condition No. 1 - The Conditions should be readily available to any enforcement agency.
 - Condition No. 6 – Security should be familiar with conditions.
 - Condition No. 22 – Provide a key to front door for LAPD, however door is always opened and unlocked, and there is a clerk at the front of the lobby.
 - Condition No. 24 - Hotel rules will be posted in rooms.
- The disorderly house violation; they had a new employee who did not fully understand that there were Conditions of Operation.
- We request a Plan Approval with 10-15 years for review of compliance with conditions that are reasonable or as needed.

Los Angeles Police Department

Senior Lead Officer (SLO) James Chong Los Angeles Police Department-Rampart

Division:

- Experience with LAPD for 30 years, 6 months; 15 years as a SLO; 10 years at Rampart; 5 years in the Chief's office. The location of 718 S. Union in Rampart is in the patrol area of responsibility.
- There are concerns regarding illegal activity, prostitution, transients, and loitering in the lobby.
- We have tried to educate the patrons and operator, reached out to the operator, left a business card with the operator with no response.
- Rampart Vice conducted operations in April 2019: U/C Officers entered the establishment and rented a room for \$35 rate, the desk clerk gave the Officer a key to RM 105 and directed him to said room. The officer asked for condoms, and the desk clerk told him to go the liquor store. Cited for 316 pc, violation.
- Between 5/29/18-5/29/19 – 57: 911 calls from the site for battery, domestic violence, rape, disorderly conduct, and prostitution. Of those calls, 11 police reports were taken.
- Beginning of April 2019, after being contacted by City Planning, SLO visited the Stuart Hotel and made observations of transients loitering in lobby, asked persons loitering for keys; if they had none, they were asked to leave. Left business card with the desk clerk.
- Received complaints for noise from residents late night, creating a disturbance, and loitering in the front. There are repeat offenders loitering in the front of the hotel.

Barbara Schultz, Attorney – Legal Aid Foundation of Los Angeles

- We are neighbors of the hotel; our offices are located at 8th Street and Union Avenue,
- I've advocated for residential hotels for 20 years,
- Residential Hotels are used for long term housing; they're a protected class of

- housing that cannot be removed from the market or "Ellised".
- They cannot be used for short term rentals under the Residential Hotel Ordinance,
 - Most in the City do not understand the Residential Hotel Ordinance,
 - No short term rentals or conversion under the Residential Hotel Ordinance are allowed,
 - The hotel falls under the residential/hotel conversion ordinance,
 - The conditions facilitate the use of short term housing, see Conditions 19, 23, and-24 facilitate the use – monthly,
 - Condition No. 19 discusses daily and weekly rates (not monthly), should include monthly,
 - Condition No. 23 intimates that it is a commercial hotel,
 - Condition No. 24 grounds for eviction. Tenants have to go through the unlawful detainer process. Conditions are geared toward occupants and tenants and should be aimed at the hotel owners to operate a good business.
 - Condition No. 24, long term tenants have to go through the eviction process.
 - Not renting or to deny tenancy to those convicted of a crime is a housing violation and there are HUD opinions.
 - The city should work with the tenants to improve their living conditions.

Laura Ruiz – Stuart Hotel Resident

- Lives at the Stuart with her brother; the room needs repairs,
- There is still a problem with prostitution at the hotel,
- I have seen people sleep in the lobby and people enter and exit that do not live there,
- The rent is high, and owner raises it every year.

Pilar Pugh- Community Resident

- Homeowner on Cambria Street, and is a 50 year resident.
- The neighborhood has had its ups and downs through the years; there have been issues.
- The manager has worked with LAPD Rampart Station and shares SLO Chong's concern.
- The surrounding area has had problems with drug dealers, homeless, and prostitution; there is a lot of crime in the area.
- Residents are obligated to try to keep the community safe and expects businesses, such as the Stuart Hotel, to do the same for the community.

Gerard Alexander – Stuart Hotel Resident

- Nine year resident, at the Stuart since 2010.
- There have been drugs and prostitution, but in the last 7 years nothing.
- Cannot stop transients from sleeping in front of the building.
- In the lobby I see children playing, people working on their computer.
- No complaints, when repairs are needed the management makes repairs.
- The manager has done a good job managing the hotel.
- Live on a fixed income; can't afford to move.
- Stuart Hotel has improved over the years.

Previn (Peter) Ahir –Stuart Hotel Owner/Manager

- Has been the manager last 3 years.
- Worked hard to fix the hotel, there are challenges in the neighborhood.
- Area has a lot of activity from the outside.
- Try to make in safe and make repairs in timely manner.
- On April 2019, a disorderly house citation was issued; new employees were not familiar with conditions and rented to undercover LAPD officers.
- Tenants month to month, week to week, and tourists.

Dimas Calderon-Community Resident

- Property manager for a 40 unit Cambria Apartment which offers low income affordable housing.
- Have been in the area for 13 years.
- Noticed improvements at the hotel and in the surrounding neighborhood.
- There are transients in the neighborhood and need help.

Steve Massey Union Avenue -Community Resident

- Lives in the neighborhood on Union Ave, in the apartment west of the Stuart Hotel.
- Crime is part of living downtown.
- Unit oriented towards the Stuart Hotel have not witnessed nuisance activities.
- Do not close the Stuart Hotel need the housing.

Ray Myllyla Neighbor - Community Resident

- Adjacent property owner to the east.
- Lived in the community since the early 60's.
- Have been changes in the hotel over time good and bad.
- Management has helped and never had a problem with the hotel.
- Drug users, homeless, and prostitution from other areas cause problems in the community.
- Students from the nearby middle school smoke and do drugs in the alley.
- We should have more LAPD patrols in the alley.
- Hotel operator have done a good job and have had no problems with them.
- Parking in the area is an issue.

Gerald Gubatan -Senior Council Deputy Council District 1, Gilbert Cedillo

- We urge the ZA to keep the plan approval review process.
- It's residential hotel,
- Revocation process use the Code's police process to deal with nuisance issues.
- Housing and Community Investment Department (HCID) has a list of residential hotels.

Joe Alaniz - Cambria Street Resident

- Feel safe in the area, born and raised in the area.
- The area has transformed and has seen the good and the bad, most important thing is to feel safe.
- The hotel was problematic.

- Hotel owners have improved and made efforts to improve, the lighting has improved and made the surrounding area safer.
- The Hotel owners have made an effort to improve the operations.

John Parker - Representative

- Regarding the Hotel's legal status, the original ZA action did not address that issue
- Hotel has long term residential use.
- Operator is a combination long term hotel use and commercial hotel.
- Litigation with the City of LA regarding this long term use.
- No contract with the City of LA – HCID.
- Ask the ZA to keep the record open for 60 days to provide evidence of compliance.

After testimony was taken, the case was taken under advisement for 60 days until August 9, 2019, in order to allow the business owner to provide evidence of compliance with Condition Nos. 3, 4, 6, 7, 15, 24, and 31.

WRITTEN COMMUNICATIONS RECEIVED

Written communication were received from the Barbara Schultz of Legal Aid, on June 11, 2019, stating that the Stuart Hotel not be discontinued, but rather enforcement of the "Stuart" under The Residential Hotel Unit Conversion and Demolition Ordinance. Further, Condition Nos. 16, 19, 23, 24(b) should be modified so as not to violate the rights of tenants.

Also, a written communication was received from the applicant's representative via e-mail on August 8, 2019. The purpose of the submittal is to document compliance with the conditions of DIR-2002-3323-RV-PA1. The applicant's representative provided documentation of compliance with Condition Nos. 3, 4, 6, 7, 15, 24, and 31. It also restates request made in the original Plan Approval filing for modification of Condition Nos. 1, 5, 9, 11, 23, and 25.

REVIEW OF COMPLIANCE WITH CONDITIONS

The following section identifies the degree of compliance with the Conditions based upon testimony at the public hearing, City Planning staff visit to the site and other information in the case file. The Conditions are based on Case No. DIR-2002-3323-RV-PA1. Strikethrough are eliminations and additions are illustrated with underline. City Planning staff and a vice officer of the Los Angeles Police Department (LAPD) of the Detective Support and Vice Division, conducted a field analysis on April 24, 2019 at approximately 11:00 a.m., as part of the nuisance investigation to observe compliance with the operating conditions of Case No DIR-2002-3323-RV-PA1. Planning staff observed the following:

1. [Modified by this action] No later than 90 days from the effective date of this action, the business operator shall file a Plan Approval application at the Planning Department Public Counter, together with a filing fee pursuant to Section 19.01.1-1 of the Los Angeles Municipal Code and a mailing list of property owners and occupants within a 500 foot radius. A public hearing with notification to said owners and occupants shall be conducted to determine the effectiveness of

compliance with the Conditions herein, following receipt of a Staff investigator's report. The Zoning Administrator, may modify the conditions to make them more restrictive so as to protect the neighborhood and to mitigate impacts of the use or may modify the conditions to make them less restrictive if deemed no longer needed to mitigate the impacts of the use. Failure to comply with these conditions and to file the Plan Approval application for review of compliance with said conditions may result in revocation of the hotel use.

Status: In compliance. A letter from the Chief Zoning Administrator was sent on April 20, 2018. The plan approval application was filed on August 17, 2018.

2. The use of the property shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the Zoning Administrator to impose additional corrective Conditions if such Conditions are proven necessary for the protection of the neighborhood. The Zoning Administrator may also modify or delete Conditions if they are no longer necessary or have proven ineffectual.

Status: In compliance. Planning staff research did not reveal any open enforcement orders by Los Angeles Housing and Community Investment Department (HCIDLA) or Los Angeles Department of Building and Safety (LADBS). HCIDLA, provided documentation, on June 11, 2019, stating that the Stuart Hotel is a Residential Hotel for Residential Units only and no tourist units.

3. A copy of these Conditions shall be maintained in view of the managers in the hotel office. If a manager requires translation of these Conditions, the business operator shall provide such translation.

Status: In compliance. As of August 8, 2019, The City conditions of operation are kept in the hotel office in a three-ring binder.

4. All required permits and licenses shall be maintained in view of the manager and shall be made available to all enforcement personnel upon request.

Status: In compliance. All required operating permits appeared to be maintained as required and are posted on the wall of the office.

5. A minimum of one State-licensed security guard shall be on duty at all times. The guard shall wear a uniform with a patch on each shoulder identifying the name of the registered security company which employs them. The guards shall not be employees of the business operator or conduct any activities at the facility other than those of a security guard which includes checking identification and escorting undesirable patrons out of the premises. The guards shall be responsible for monitoring activities inside the premises and preventing loitering adjacent to the premises. The guards shall request the assistance of the Los Angeles Police Department if, based upon their training, the situation so warrants. The guards shall cooperate with all law enforcement personnel during any investigations or inspections at the premises. A patrol log shall be maintained by the guards

indicating the dates and times of security checks and shall be produced when requested by the Police Department.

Status: Non-compliance. The condition states, "A minimum of one State-licensed security guard shall be on duty at all times." No security guard was on duty at the time of field investigation, which occurred on April 24, 2019 at 11:30 a.m. The desk clerk informed Planning staff that security personnel patrol the establishment three times per day. The representative stated that the applicant contracts with Calloway Private Security Service Inc. (see Condition Nos. 15 and 16), and has done so since April 5, 2004. The private security service is on call at all times, day and night, throughout the year. In addition, the security service inspects the property three times per night: in the evening; at approximately midnight; and in the early morning. **The applicant requests this condition be modified to reflect the arrangement which has been in place for 15 years.**

6. All employees and security guards shall be made completely familiar with these Conditions and implement them as necessary.

Status: In compliance. As of August 8, 2019, Exhibit 4: a letter dated July 31, 2019, on Stuart Hotel letterhead, signed by Anthony Leon, the head of Leon Private Security, certifies that they are aware of the conditions of operation placed on the Stuart Hotel.

7. Phone calls made to Police for service initiated by the business operator or staff shall not be considered as grounds for revocation. However, a high incidence of such calls may indicate the need for stricter Conditions affecting the mode and character of operation. The business operator shall maintain a log of all calls for service.

Status: In compliance. As of August 8, 2019, Exhibit 5, provided by the applicant's representative, a three ring binder with a log of calls to LAPD is maintained in the office.

8. Video cameras shall be installed so as to provide surveillance of the front entrance, the fire escape, the exterior perimeter of the property, and each interior hallway. The recorded tapes or other medium shall be retained for at least two weeks and shall be made available to the Police upon request. One or more video monitors connected to the video cameras shall be located in the office so as to be seen by the manager of the facility. Signs in English and in Spanish shall be posted outside indicating the use of a surveillance system.

Status: In compliance. Planning staff observed 16 video cameras set up at the required locations that can be viewed from the desk monitor. The recording/monitoring system is recorded on a hard drive system. Planning staff observed that all 16 cameras were functioning.

9. Public telephones and vending machines, if any, shall be located inside the building.

Status: In compliance. No public phones were observed in the lobby or in the hallways of the hotel. No public phones were observed outside of the hotel. **The applicant requests this condition be modified to reflect current technology.**

10. All exterior portions of the site, including the adjoining alley, shall be adequately illuminated in the evening as determined by the Police Department. All lighting shall be directed onto the site and adjoining sidewalk, and no floodlighting shall be located as to be seen directly by the adjacent properties. All lighting shall be properly maintained.

Status: In compliance. The field investigation was performed during daylight hours therefore the adequacy of the lighting could not be determined. However, there are numerous large floodlights located on the exterior perimeter of the building which appeared to be in working condition.

11. [Modified by this action] Within 60 days of the effective date of this determination, the business operator shall provide documentation to the Zoning Administrator of two full payments of the fee amount stated in Section 19.01-P of the Los Angeles Municipal Code to offset the City's costs in processing the matter both during the original imposition of conditions and for the last review of conditions as set forth in Sections 12.27.1-C,2 and 19.01-P of the Municipal Code.

Status: Not in compliance. The Nuisance Abatement Proceedings fees pursuant to LAMC Section 12.27.1 are currently listed under LAMC Section 19.01-N. These are standard fees when a use is deemed a public nuisance, and conditions of operation are imposed on said use. Said conditions were imposed due to the fact that after numerous notifications to file a "Plan Approval" application, none was filed and a "Plan Approval" hearing was initiated by The City. There is no relief mechanism for discount of fees. **The applicant requests that this condition be modified to require the payment of a single filing fee, for the instant application.**

12. The property owner shall post and maintain signs on the exterior of the building in letters at least two inches in height in English and in Spanish in accordance with Municipal Code Section 41.24(a) stating:

"This property closed to the public. No entry without permission.
Los Angeles Municipal Code Section 41.24."

Status: In compliance. Planning staff observed the appropriate signage is posted at the entrance of the hotel.

13. The property owner shall, within 10 days of the effective date of this determination, sign and deliver to the Rampart Vice Unit a "Trespass Arrest Authorization" form authorizing the Los Angeles Police Department to arrest individuals unlawfully loitering on the property pursuant to Los Angeles Municipal Code Section 41.24.

A copy of the executed form shall also be provided to the Zoning Administrator within the same 10 days.

Status: In compliance. A trespass authorization form is attached to the file authorizing the Los Angeles Police Department to arrest individuals unlawfully loitering on the property was submitted to the file dated 6/22/2018-6/21/2019.

14. The property owner shall post signs in letters at least two inches in height, in English and in Spanish, at locations determined to be visible and conspicuous after consultation with the Police Department, stating:

"No trespassing, no loitering, no drugs, no drug dealers, no prostitution, no weapons, no drinking of alcoholic beverages. The Los Angeles Police Department makes regular and frequent patrols of this property."

Status: In compliance. Planning staff observed signs posted in conspicuous places on the building exterior which contain similar language but not verbatim. There is one sign which states, "NO TRESPASSING". Another sign states, "NO LOITERING, DRINKING OR GAMBLING ON PREMISES". A sign containing the complete language required by this condition is posted in Spanish in the lobby of the hotel adjacent to the elevator.

15. The business operator shall evict all occupants engaging in narcotics, prostitution, or other illegal activities. The business operator shall not rent to prospective occupants previously arrested for narcotics, prostitution, or other illegal activities when notified of such arrests by a police officer or City Attorney when such arrests become otherwise personally known to the business operator.

Status: In compliance. The desk clerk informed Planning staff that they evict and refund the money to those individuals partaking in any illegal activities on the hotel premises. The document submitted to Planning on August 8, 2019, Exhibits 6 and 7, are photographs of the signs informing visitors and residents of the hotel's rules are posted throughout the building. The applicant has contracted with private security services, and has explicitly authorized the security to remove, arrest or advise any person present on the property without lawful business.

16. Neither the business operator nor any manager shall allow access onto the property by persons known to them to be prostitutes, pimps, prostitution customers, parolees with prior narcotic or prostitution offenses, narcotics users, narcotics possessors, narcotics sellers or manufacturers of illegal controlled substances.

Status: In compliance. The desk clerk stated that he calls security if any illegal activity is occurring.

17. The business operator and managers shall inform the Police Department immediately if any person on the property is engaging in narcotics activity, or if narcotics paraphernalia is observed on the property. All trespassers and loiterers

on the property shall be immediately reported to the Police Department or the security guard employed by the property owner.

Status: In compliance. The desk clerk stated that LAPD is contacted if any of the above is occurring. The Calls for Service confirm that there were 13 calls to LAPD from the hotel manager or employees.

18. The following signs in English and in Spanish in letters at least two inches in height shall be posted at the check-in/registration counter stating:

“Rooms only available for full posted daily and weekly rental rates”, and

“Los Angeles Municipal Code Section 41.49 requires all guests to produce valid identification and license plate information for all vehicles.”

Status: In compliance. The said sign, with the language required is posted near the elevator in the lobby area.

19. Guests shall be required to pay the full posted daily or weekly rental rate. Weekday, weekend, and weekly rates shall be posted at the check-in/registration counter and in each guest room. The customary full daily or weekly rate shall be collected for each and every rental. No room shall be rented more than one time during each 12-hour period.

Status: In compliance. The desk clerk stated that guests pay the full rates and there are no hourly rates. Planning staff located the hotel for rates on an on-line booking website. The rate quoted for a five night stay from May 31, 2019-June 5, 2019, is \$516.00.

20. No individual may rent more than one room at a time nor on behalf of another person.

Status: In compliance. The desk clerk informed Planning staff that no person can rent a room on behalf of another.

21. No room may be rented to a juvenile.

Status: In compliance. Planning staff observed that a person's identification is scanned into the computer and indicated to Planning staff that all I.D.s are over 18 years of age.

22. [Conditioned replaced by City Council, May 14, 2003] ~~No room may be rented to any individual for more than 29 consecutive days.~~ The business operator shall provide the Los Angeles Police Department with an access key to the subject property.

Status: The applicant states that the front access doors of the hotel are open 24 hours per day, 365 days per year. In addition, hotel staff is always present in the office and/or the lobby of the premises.

23. The business operator shall establish uniform motel registration procedures including the following: all persons renting a room shall produce a valid drivers license or other valid identification. The register shall include the identification card number and expiration date. A photocopy of each identification card shall be retained. The business operator and all managers shall cooperate with the Police Department when requested to produce registration records. Pursuant to Los Angeles Municipal Code Section 41.49, the register shall include the name and address of each guest and the name and address of each member of that party; and if the guest or party arrives by motor vehicle, the register shall specify the make, type and license number of the vehicle and the year of registration. Guests shall list all reported vehicles.

Status: In compliance. During site investigation, Planning staff observed that registration procedures require that a person's identification or passport information be scanned into the computer and such information is saved on the computer system and on-line. The clerk informed Planning staff that it is available to LAPD upon request. **The applicant requests this condition be modified to reflect current technology.**

24. The business operator shall post in each guest room a copy of the hotel rules in English and in Spanish which specify, at a minimum:
- a. No firearms are permitted on the property.
 - b. Any of the following activities is grounds for immediate termination of room rental and eviction:
 - 1) Occupant commits any violation of the law regarding the possession, use, storage, or sale of narcotics on or adjacent to the property.
 - 2) Occupant negligently allows or permits his or her fellow occupant to commit any violation of the law regarding the possession, use, storage, or sale of narcotics on or adjacent to the property.
 - 3) Occupant allows lewd conduct or prostitution to occur in the room, within the property, or adjacent to the property.
 - 4) Occupant uses or permits the room to be used for any illegal purpose.

Status: In compliance. The photographic evidence document submitted to Planning on August 8, 2019, Exhibit 8, depicts the posted rules in English and Spanish, and that no illegal activities are permitted.

25. Firearms are not allowed on the property.

Status: In compliance. The desk clerk informed Planning staff that they would not rent to persons carrying firearms. The Planning staff report stated non-compliance in error.

26. The business operator shall maintain locks and keys for each guest room. All keys shall be stamped "Do not duplicate." The manager shall have duplicate keys available at all times for emergency and law enforcement personnel. A key deposit system shall be maintained to prevent keys from being circulated or duplicated.

Status: The desk clerk informed Planning staff that the rooms use an electronic key card entry. He further stated that the electronic entry expires at 11:00 a.m. daily. Hotel room key technology has changed significantly since 2004. All room keys are electronic and have the appearance of credit cards. They are usable only for a specific room for which the guest has registered and, upon the termination of the rental period or the departure of the guest, the electronic keys are no longer functional. **The applicant requests this condition be modified to reflect current technology.**

27. Graffiti shall be removed daily from the exterior walls of the building, as well as stairways, halls and the lobby in the same color as the surface to which it was applied. Debris shall also be removed daily from the property.

Status: In compliance. No graffiti was present on the building's interior or exterior at the time of field investigation. Refuse and debris was observed on the street adjacent to the hotel where the trash bins are maintained along Cambria Street. However, the overall appearance of the hotel is relatively clean and neat.

28. All visitors to the property shall sign in at the check-in/registration counter and produce a valid driver's license or other valid identification. The desk clerk shall note the identification card number and expiration date on the register. A photocopy of each identification card shall be retained.

Status: In compliance. As stated in Condition 23, during site investigation, Planning staff observed that registration procedures require that a person's identification or passport information is scanned into the computer, such information is saved online, and hard copy is available to LAPD upon request.

29. The property owner shall comply in a timely manner with all Orders to Comply or similar enforcement requirements of the Department of Building and Safety, the Fire Department, the Housing Department, the County Department of Health, and any other public agency.

Status: Planning staff researched LADBS records and the permits stated above are attached to the case file. LAPD provided calls for service and arrest reports for the period of March 2017-March 2019, and are summarized in the report. A document submitted to planning from HCID on June 11, 2019, stated that all 66

rooms are to be rented for long term. No short term or tourist units are allowed, although it appears that the Hotel operator continues to offer short-term rentals.

30. Wrought iron style fencing 8 feet in height shall be installed at the entrance to the hotel to prevent trespassing and shall be maintained in good condition.

Status: The gate that was installed opened onto the public right-of-way, and was required to be removed by LADBS. In addition, the stairs of the hotel prevented the gate to be opened inward. Therefore, this condition could not be complied with. Moreover, the hotel is open 24 hours per day, 365 days per year, and is constantly staffed in the lobby and/or office.

31. The property owner and the business operator shall enroll in a property management training program approved by the Housing Department. Evidence of attendance shall be submitted to the Zoning Administrator.

Status: In compliance. Exhibit 9, is photographic evidence dated January 11 2010, that the hotel manager completed manager training. A photocopy of a "Room Condition General Manager Certification Test" certificate was submitted to the file.

32. Condoms shall not be sold or otherwise offered unless the business operator is required to do so by law. The sale and/or rental of pornographic videos, tapes, DVD discs, compact discs, or other media is prohibited. This Condition does not preclude satellite television channels.

Status: In compliance. Planning staff asked if condoms or adult content is kept on-site and the desk clerk said no condoms or adult content is provided. Planning staff conducted a channel search and no adult channels were provided by the cable/satellite provider.

33. [Added by this action] Within 30 days of the effective date of this determination, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Status: On June 18, 2014, the Department of City Planning filed, with the Los Angeles County Recorder's Office, a "Notice of Restrictions Imposed on Real Property by a Municipal Entity Recorded Pursuant to Government Code Section 27281.5". This action was taken pursuant to Condition No. 33 of the 2004 determination.

FINDINGS AND DISCUSSION

Modification and Deletion of Conditions

The following modification, deletion, and addition to conditions have been made based upon the current review of administrative records, request received from the applicant/operator, and testimony received at the public hearing:

Condition No. 1 – This condition was modified to reflect that the fee sections of the Los Angeles Municipal Code were changed to LAMC Sections 19.01-E,3 and 19.01-N. Furthermore, the condition was modified to require the applicant to file for a Plan Approval within 18 to 24 months from the effective date of this determination, because the operation is found to be in partial compliance with conditions, and based on LAPD testimony and continued reported crime and nuisances at and surrounding the site. An earlier review may not allow the business operator sufficient time to implement necessary physical or management changes. A later review is also inappropriate as failure to comply may result in continued significant impacts to the community and the City has an interest in correcting significant breaches of public safety.

Condition No. 5 – This condition was modified to require 24-hour on-site security. A letter was submitted to City Planning on June 19, 2019, along with public testimony from Los Angeles Police Department requesting full time security. There is ample evidence in the LAPD reports and 911 calls demonstrating public safety is problematic at this hotel. Between March 5, 2017 and March 19, 2017, for the two-year period a total of 174 – 911 calls to 718 South Union Avenue, ranging from altercations, death investigation, theft, trespassing, noise, landlord/tenant disputes and domestic violence. Full time security would assist with any ongoing nuisances such as trespassing, illegal narcotics sales, fights and disturbances. 24-hour security may curtail said type of activity. Since the hotel employs a guard on call and provides three-security inspection three times per night, between those inspections, site security services defaults to the Los Angeles Police Department.

Condition No. 9 – This condition was modified to reflect current technology, including the prevalence of mobile/smart phones. Public phones can create a nuisance, although most are being phased out citywide because of the advent of cellular/smart phones. Currently, there are no public telephones outside or inside of the hotel. Vending machines are located in the hotel lobby.

Condition No. 11 – This condition was deleted because the previous review was initiated by the City. Said condition was imposed because after numerous notifications to file a "Plan Approval" application, none was filed and the "Plan Approval" hearing was initiated by the City. The regular Plan Approval fee is reflected in Condition No. 1.

Condition No. 15 – This condition was modified to reflect that since the initial abatement action in 2003, when the Stuart Hotel was a transient hotel with short-term rentals, documents submitted from HCIDLA indicate that the Stuart Hotel is and contains residential units. This residential hotel is subject to the Residential Hotel Unit Conversion and Demolition Ordinance (Ordinance No. 180,175) as provided in LAMC Chapter IV,

Article 7.1. The Stuart Hotel, pursuant to LAMC 47.76-A is determined to be a Residential Hotel. Occupants and guest are referred to as *tenants*. In addition, any evictions shall comply with the rules and regulations established by HCIDLA.

Condition No. 16 – This condition was modified to refer to any persons on the premises that are not *tenants* to be considered *non-tenants*, and if engaging in any illegal activities, as described in said Condition, shall not be allowed on the property.

Condition No. 18 – This condition was modified to prohibit daily and weekly rates that would reflect short term tenancy. Only monthly rates should be posted to reflect the Residential Hotel status and rental for residential units are on a monthly basis.

Condition No. 19 – This condition was modified to change the term guest to *tenant*, to reflect monthly rental rates, similar to Condition 18, as opposed to daily and weekly rates, all consistent with Residential Hotel Status.

Condition No. 22 – This condition was deleted because it may be in conflict with Residential Hotel tenant's right-to-privacy. In addition, the prohibition of rentals for more than 29 days conflicts with the concept of a Residential Hotel.

Condition No. 23 – This condition was modified and replaced to mirror Section 47.85 (Records of Use) of the Residential Hotel Unit Conversion and Demolition Ordinance. The modified language reflects the current use status as a Residential Hotel, based on LAMC Section 47.85 (Records of Use) of Article 7.1, Residential Hotel Unit Conversion and Demolition Ordinance.

Condition No. 24 – This condition was modified to change the term guest to *tenant* to reflect the use status as a Residential Hotel per HCIDLA. In addition, Condition No. 24(b) language is added so that any eviction must abide by the rules and regulations of the Rent Stabilization Ordinance administered by HCIDLA. Illegal narcotics are stated because the State of California recognizes the legal use of Marijuana/Cannabis.

Condition No. 26 – This condition modified to change the term guest to *tenant*. The hotel no longer uses traditional "keys", that can have "Do Not Duplicate" embossed, but uses electronic key cards. In the past, duplicating keys could allow unauthorized persons to gain entry to the hotel. Therefore, the term "Non-Transferable" shall be stated on the key-cards.

Condition No. 28 – This condition was modified to allow the owner to have some control of visitors entering the building. The intent is not to preclude legitimate visitors from visiting tenants. However, these persons need to check in at the front desk and provide corroboration as to who they claim to be in order to deter and prevent criminal activity on the premises.

Condition No. 29 – This condition was modified to update the name of the Housing Department to Los Angeles Housing and Community Investment Department (HCIDLA).

Condition No. 30 – This condition was deleted because of the Department of Building and Safety required the security gate be removed because it swung out into the public right-of-way. The orientation of the building made it physically impossible to comply with the condition.

Condition No. 31 – This condition was modified to update the name of the Housing Department to Los Angeles Housing and Community Investment Department (HCIDLA).

Condition No. 32 – This condition was modified at the time of the initial nuisance abatement action on February 20, 2003, and September 14, 2004, when the Stuart Hotel operated as a tourist hotel. Currently, the Stuart Hotel is designated as a Residential Hotel by HCIDLA and if a tenant wishes to view adult content in their room it is their personal business. It is a right to privacy issue.

Condition Nos. 34 and 35 – These conditions were added to this action because it was determined that, pursuant to LAMC Section 47.76-A, HCIDLA determined that the Stuart Hotel is a Residential Hotel that contain Residential Units only. No tourist or short-term rental of units is allowed.

Condition No. 36 – This condition was added as it contains City Indemnification language as a standard condition for any Los Angeles City Planning Letter of Determination issued, as advised by the City Attorney's Office. The purpose of the Indemnification language is to notify the applicant that in the event of a legal challenge to a case, the applicant shall defend, indemnify, and hold harmless, the City. It serves as a promise to pay for the cost of possible future damages relative to lawsuits against the City.

On February 20, 2003, the Zoning Administrator issued a determination which required modification of the hotel's operation by the imposition of 32 corrective conditions. The hotel operator filed an appeal of the entire Zoning Administrator's determination. On May 6, 2003, the Planning and Land Use Committee of the City Council held a public hearing on the appeal and after listening to testimony from all involved parties, recommended that the City Council deny the business operator's appeal and sustain the determination of the Zoning Administrator. On May 14, 2003, the City Council denied the appeal and imposed corrective conditions on the operation of the hotel. Condition No. 1 of the City Council's action required that the business operator file a Plan Approval application, including fees, between 60 and 75 days from the effective date of the determination to review the effectiveness of the corrective conditions and to determine whether the public nuisance problems have been reduced or eliminated.

The Plan Approval, Case No. DIR 2002-3323-RV-PA1, was timely filed. On September 14, 2004, the Zoning Administrator's issued its determination of the Review of Conditions concluding that the operation of "the business known as the Stuart Hotel has generally improved its operations but continued to be a nuisance because the owner/operator had only partially complied with the corrective conditions previously established by the City Council on May 14, 2003," and for the purpose of continued abatement of nuisance shall be subject to another review for compliance with conditions.

Prior to an action by the Zoning Administrator, on behalf of the Director of Planning, requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and that the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use. In this case, the operator has made a good faith effort to comply with the conditions and the overall result has been an operation, which is significantly better than the use, which triggered the original review. The conditions will remain in that they are not onerous for the operator to comply with and will improve the safety and security of the hotel and the adjacent residential neighbors.

The nuisance activity from the initial abatement action for Case No. DIR-2002-3323-RV, dated February 20, 2003, included information provided by LAPD. The determination stated that between the periods April 1 through December 31, 2000, there were 13 criminal incidents summarized that occurred at the hotel or which involved residents of the hotel. For calendar year 2001, there were 30 such incidents. For calendar year 2002, 10 such incidents. The number of calls for service to the hotel from April 2000 to May 2002 totaled 252.

For the first review of conditions, a Consolidated Crime Analysis Database (CCAD) report was submitted by the Office of the City Attorney. The CCAD shows the following incidents which occurred at the subject hotel since the May 14, 2003 City Council action up to July 9, 2004:

- July 5, 2003 - Non-crime report
- July 9, 2003 - Injury report
- July 28, 2003 - Misdemeanor battery
- January 20, 2004 - Burglary
- January 20, 2004 - Miscellaneous crime
- March 25, 2004 - Misdemeanor battery
- April 8, 2004 - Suicide
- April 10, 2004 - Non-crime report

Additionally, during the first review of conditions, LAPD stated with the implementation of corrective conditions and the crime situation that was initially very bad, had improved since the first hearing.

However, at the most recent hearing on June 11, 2019, public testimony and arrest reports provided by LAPD indicate that there is still a considerable amount of nuisance activity. Senior Lead Officer (SLO) James Chong stated that the Stuart Hotel has problems with illegal activity, prostitution, transients, and loitering in the lobby. They have received complaints regarding the hotel for noise from residents late at night, creating disturbances and loitering in front of the building. SLO Chong has visited the establishment and has left his LAPD contact information with the operator but never received a call back from the owner/operator. SLO Chong stated that Rampart Vice conducted an undercover operation on April 3, 2019, and was rented a room by the hotel

clerk for the purpose of prostitution. The clerk was cited for 316PC-Keeping a Disorderly House.

Additionally, SLO Chong cited the high incidence of 911-calls for service generated from the Stuart Hotel- 57 calls between May 29, 2018 to May 29, 2019, ranging from battery, domestic violence, rape, disorderly conduct and prostitution. Of those 57 calls, 11 police reports were generated.

Detective Dana Harris, of Detective Support and Vice Division-Community Problems Unit, submitted a letter dated June 8, 2019. Stating in part:

"As a part of my investigation, I conducted an administrative inquiry for 718 S. Union, utilizing LAPD administrative means. I found that over a two year period, there were over 150 separate incidents in which the police were called for service. That is a staggering number. These calls for service included, Domestic Violence, Assault with a Deadly Weapon, Burglary, Brandishing of a Weapon, Child Neglect (on two separate occasions), Sexual Assault (twice) and multiple arrests for crimes against person.

This is far from what is expected at any motel in the City of Los Angeles. We expect our motel owners to maintain a respectable establishment. One in which patrons visiting from out of town are able to visit in an environment in which they are not exposed to crime nor violence.

I can see that there has been a change in management at this establishment. Upon my inspection, the rooms appeared clean as did the hallway. I did have conflicting reports from residents. One resident, who lives at the motel stated that in the past, the motel was dangerous, but with the current management, there is a distinct change in the patrons who live at the motel and the overall environment for the better.

This is an establishment that caters via the internet to out of state guests at a lowered cost. For many this is their first foray into Los Angeles. The over 175 incidents and crimes that correspond with that number is too many.

It is my recommendation that this motel have full time security at the establishment to assist in regulating patrons who do not follow the expressed direction of the motel management that does not force the manager to leave his/her post to deal with troubles outside or in the motel."

Information provided by LAPD was for the period, between March 5, 2017 through March 6, 2019. There were 174 calls for service responses to the property, ranging from fights, death investigation, theft, trespassing, noise, landlord/tenant disputes and domestic violence. Nine police reports that occurred on the hotel premises were submitted to the file. Therefore, to eliminate the Plan Approval review of operating conditions and 24-hour security may be premature.

From the date of the initial nuisance abatement until recently, the Stuart Hotel became subject to the Residential Hotel Unit Conversion Ordinance (Ord. 180,175) administered by the Los Angeles Housing and Community Investment Department (HCIDLA). No short term or tourist rentals are allowed. The Stuart Hotel is a designated Residential Hotel and shall contain residential units only, thus the tenants and units have protected status under the aegis of HCIDLA. The Stuart Hotel contains 66 units of permanent housing and the corrective conditions can assist the management in providing safe, low-income, permanent housing. The previous conditions were relevant to a tourist hotel offering short term guest rentals. Therefore, conditions were modified to be consistent with a residential hotel for longer-term tenancy.

The Zoning Administrator hereby finds that without the imposition of the corrective conditions previously established and modified herein, the operation of the hotel located at 718 South Union Avenue could adversely impact nearby uses, jeopardize or endanger public health or safety of persons residing or working on the premises or in the surrounding area, constitute a public nuisance and/or continue to repeat instances of nuisance activities. It is through these conditions that the use will be compatible with the neighborhood.

Finally, it is further determined that the instant action by the Zoning Administrator, as the designee of the Director, is in substantial compliance with LAMC Section 12.27.1 and has been conducted so as not to impair the constitutional right of any person. Further, conditions imposed are not so burdensome as to prevent the viable operation of the subject business.

Inquiries regarding this matter shall be directed to Plo Vincent Quitoriano, Planning staff for the Office of Zoning Administration at (213) 202-5481.

VINCENT P. BERTONI, AICP
Director of Planning



THEODORE L. IRVING, AICP
Associate Zoning Administrator

TI:SMP:VQ

cc: Councilmember -- Gil Cedillo
Council District 1
Adjoining Property Owners
Public Hearing Sign-in/Notification Sheet: