

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
OFFICE OF ZONING ADMINISTRATION

STAFF INVESTIGATOR REPORT

June 4, 2019

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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
CEQA : ENV 2018-5644-CE
Legal Description : Lot 18, Block 10,
Part of the Fairmount Tract

Request

The purpose of the hearing is to obtain testimony of the property owner and/or business operator, plus affected and/or interested persons regarding a site that has generated numerous complaints and required consistent police enforcement. As the present use may jeopardize and adversely affect the public health, peace, and safety of persons residing and working on the premises and in the surrounding area, and has documented reports of repeated nuisance activities, the City has responded with a public hearing for possible imposition of conditions to abate the nuisance or to revoke said use. Pursuant to Los Angeles Municipal Code Section 12.27.1, the Zoning Administrator may require the discontinuance of the use, or may impose corrective conditions regarding its use in order to mitigate any land use impacts. The public is invited to submit written comments prior to the hearing.

The Zoning Administrator will consider:

1. An Exemption from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies) and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Pursuant to Section 12.27.1 of the Los Angeles Municipal Code and Case No. DIR-2002-3323-RV-PA1, Condition No. 1 of Associate Zoning Administrator's determination letter dated September 14, 2004, an Approval of Plans (Compliance Review) for the purpose of reviewing compliance with the conditions and

effectiveness of the conditions in eliminating the public nuisance problems related to the subject site.

3. The applicant requests Modification of Condition No. 1 - No further Plan Approvals (Condition Review), No. 5 - On call security in lieu of 24-hour security, No. 9 - No public telephones in lieu of indoor public telephones, No. 11 - Relief of full cost recovery fees, No. 23 - Revise hotel registration to reflect on-line computer technology, and No. 26 - Revise "Do No Duplicate" on keys to reflect electronic keycard entry system.

Authority

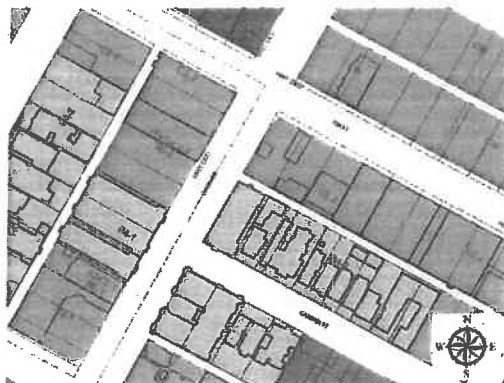
The Director of Planning, through the Office of Zoning Administration, has the authority to modify or discontinue the use, or to impose corrective conditions on the operation of the existing business under Section 12.27.1 (land use impacts caused by any use) of the Los Angeles Municipal Code.

Property Description

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 same. The only vehicle parking spaces available are on the street. 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 repairs to the entire property





ZIMAS Aerial, 2017

Streets

Union Avenue, west of the property is designated Avenue III, dedicated to a width of 85 feet and is fully improved.

Cambria Street, adjoining the subject property to the south, is a Local Street dedicated a width of 60 feet and is improved.

An alley, adjoining the subject property to the north, is a through alley, although it is gated on both ends. The alley is improved with asphalt pavement and concrete gutter within a 16-foot dedication.

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.

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 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 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 action requires 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 conditions and to determine whether the public nuisance problems have been reduced or eliminated.

On September 14, 2004, the last Condition Compliance review determination under Case No. DIR 2002-3323-RV-PA1; the Zoning Administrator on behalf of the Director of Planning determined that the operation of the business known as 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, 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 19.01.1-1 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.

The required Plan Approval was due to be filed with the Department of City Planning by December 30, 2004. However, the subject application was filed on August 17, 2018. The subject application is the second review for condition compliance.

Nuisance Investigation

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 modified by Council Action CF 03-0589. 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-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.

Applicant's Statement: The letter from the Chief Zoning Administrator dated April 20, 2018 stated that the required Plan Approval application needed to be filed by May 20, 2018. On June 19, 2018, the applicant contacted the zoning consultant and formally engaged the consultant by contract on June 28, 2018. The day prior, the consultant contacted City staff to ask when the filing needed to be completed. City staff advised by email that the filing should be completed prior to mid-August. The instant filing is in compliance with this timeframe, to the best ability of the consultant.

Documents in the Planning Department case files for Case No. DIR-2002-3323-RV-PA1 indicate that similar communications from the Department were sent to the applicant on June 9, 2005, two months after the due date for filing a Plan Approval pursuant to the December, 2004 action; and on July 21, 2015.

The applicant can no longer recall why the Plan Approval application was not originally filed timely by March 20, 2005. However, as time passed over the years, and the conditions were ongoing and being complied with and documented, the applicant stated it was his belief that filing a Plan Approval was no longer an actual necessity. The applicant stated that it was a surprise to receive the letter from the Chief Zoning Administrator in April, 2018.

Investigator's Comment: Not 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.

Applicant's Statement: To the knowledge of the applicant, there have been no violations of this condition. See the response to Condition No. 29 (compliance with

Orders to Comply or similar enforcement requirements) for a more detailed discussion of such matters.

Investigator's Comment: In compliance. Staff research did not reveal any open enforcement orders by Los Angeles Housing and Community Investment Department (LAHCID) or Los Angeles Department of Building and Safety (LADBS).

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.

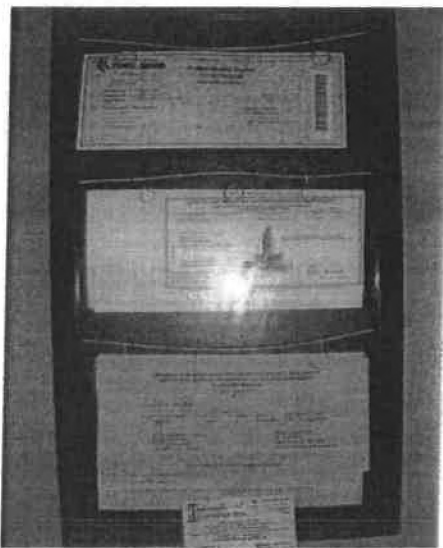
Applicant's Statement: The hotel office is presently undergoing extensive remodeling throughout, which can partially be observed in the photographic exhibit. There is presently not a dedicated location for the conditions of approval. Notwithstanding, they are being retained in plain sight by office staff.

Investigator's Comment: Not in compliance. Staff requested the conditions of compliance the desk clerk did not have them readily had them available.

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.

Applicant's Statement: As noted supra, the hotel office is undergoing remodeling. Presently, required permits are being displayed in plain sight.

Investigator's Comment: In compliance. All required operating permits appeared to be maintained as required.



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.

Applicant's Statement: A full time security guard would be cost-prohibitive for a business with the revenue stream of the subject hotel. The condition would require a security guard 24 hours per day, 365 days per year. That totals 8760 labor hours per year. At a typical per-hour salary for a security guard of \$22, the annual expense would be \$192,720. The stated gross income of the hotel, which is approximately \$250,000 annually, could not support such expense.

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. This is substantially the same information which was provided in the 2004 Plan Approval case (page 15). In consideration of the overall lack of crime at the hotel, that has been deemed to be a sufficient security presence. **The applicant requests this condition be modified to reflect the arrangement which has been in place for 14 years.**

Investigator's Comment: Not in compliance. 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 staff that security personnel patrol the establishment three times per day.

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

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: Not in compliance. The desk clerk was aware of the conditions. No security was at the site during the condition compliance inspection. Therefore, staff could not confirm if security is familiar with the hotel conditions.

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.

Applicant's Statement: The applicant states that calls to the Police Department are made perhaps once or twice per year. No log has been maintained of such calls. The preferred method for addressing safety and security concerns is to contact the private security service.

Investigator's Comment: Not in compliance. Staff requested a log of calls made to LAPD. The desk clerk was not aware of any log being maintained for calls made to LAPD.

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.

Applicant's Statement: There are 16 video cameras set up at required locations. Their feeds are visible on a monitor located in the hotel office (2 of the 16 screens were not operating at the time the property was inspected).

Investigator's Comment: In compliance. 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. Staff observed that all 16 cameras were functioning.



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

Applicant's Statement: Vending machines are provided in the lobby of the hotel. No public telephones are provided because of changed technology. **The applicant requests this condition be modified to reflect current technology.**

Investigator's Comment: In compliance. Staff observed vending machines in the lobby area. No public phones were observed in the lobby or in the hallways of the hotel.

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.

Applicant's Statement: There are two light fixtures mounted in the street at the northerly and southerly facades of the hotel.

Investigator's Comment: 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.

Applicant's Statement: The applicant is unaware of any payments having been made to the City. The magnitude of a filing fee for a nuisance-abatement plan approval has grown vastly over the years.

In the early 2000s, the fee was several thousand dollars. The fee is presently \$59,264 under LAMC Sec. 19.01-N. It would be cost-prohibitive for the applicant to pay a double fee (or perhaps triple fee) at this time, since the basis for calculating such fees has changed significantly over the years. It would be very difficult to establish parity with the method for calculating those fees in the early 2000s. It should be sufficient now to pay the present fee for the instant application. **The applicant requests that this condition be modified to require the payment of a single filing fee, for the instant application.**

Investigator's Comment: The fee is presently \$59,264 under LAMC Sec. 19.01-N, this is the amount charged when modification of conditions are requested under LAMC 12.27.1. E. This is the standard fee when a use is deemed a public nuisance, and conditions of operation are imposed on said use. There is no relief mechanism for discount of fees.

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."

Applicant's Statement: See Exhibit 7, the signage is provided at the entrance to the building.

Investigator's Comment: In compliance. 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.

Applicant's Statement: See Exhibit No. 8. The required form has been provided. The current copy is dated June 22, 2018.

Investigator's Comment: 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 6/22/18-6/21/19.

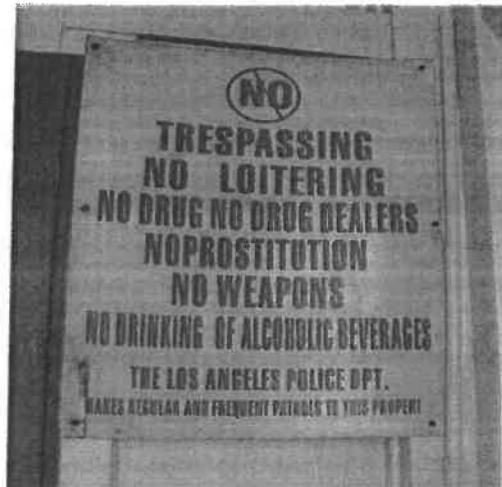
14. The property owner shall post signs in letters at least two inches in height, in English and in Spanish, at locations determined to be visible and conspicuous after consultation with the Police Department, stating:

"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."

Applicant's Statement: See Exhibit Nos. 9 and 10.A sign containing the following language in English is posted on the exterior of the building: "No

loitering, gambling or drinking on the premises. Violators will be prosecuted. 41.27 C LAMC." A sign containing the complete language required by this condition is posted in Spanish in the lobby of the hotel adjacent to the elevator.

Investigator's Comment: In compliance. 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".



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.

Applicant's Statement: The applicant confirms that this condition is being complied with. Since April, 2004, the applicant has contracted with Calloway Private Security Service Inc. 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.

In the contract, the applicant has explicitly authorized the security service "to arrest, remove, or advise any person present on the property without lawful business....

Officers of Calloway Private Security Service Inc. may act (to) keep guests and property safe from any and all unwanted activity without further consent or signature."

Investigator's Comment: The desk clerk informed staff that they evict and refund the money to those individuals partaking in any illegal activities on the hotel premises. Staff could not verify.

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.

Applicant's Statement: The applicant confirms that this condition is being complied with. The services of Calloway Private Security Service Inc., documented under Condition No. 15, is applicable here as well.

Investigator's Comment: 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.

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: 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 hotel manager or employees.

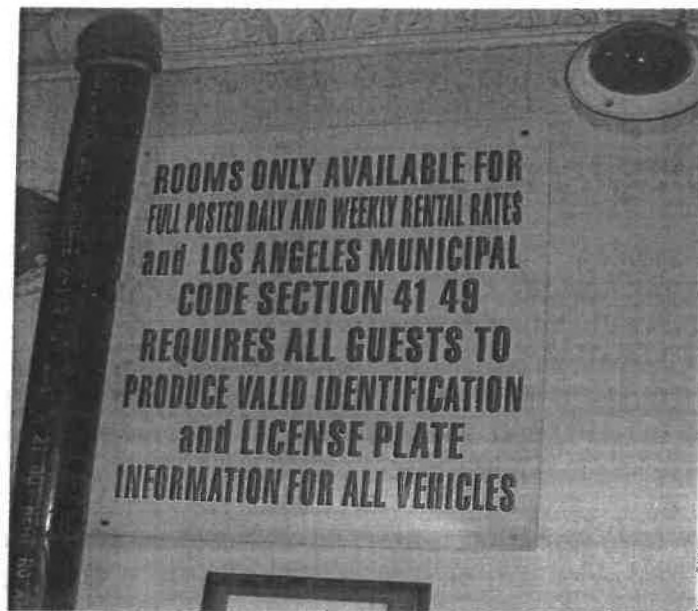
18. The following signs in English and in Spanish in letters at least two inches in height shall be posted at the check-in/registration counter stating:

"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."

Applicant's Statement: A sign containing the language required by this condition is posted in English in the lobby of the hotel adjacent to the elevator.

Investigator's Comment: In compliance. The said sign 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.

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: In compliance. The desk clerk stated that guests pay the full rates and there are no hourly rates. 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.

Applicant's Statement: The manager stated compliance with the condition.

Investigator's Comment: In compliance. The desk clerk informed staff that no person can rent a room on behalf of another.

21. No room may be rented to a juvenile.

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: In compliance. Staff observed that a person's identification is scanned into the computer and indicated to 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.

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

Investigator's Comment: Not in compliance. Staff asked the desk clerk if an access key is provided to LAPD and was uncertain. The above statement is admission that a master access key is not provided to LAPD.

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.

Applicant's Statement: Registration and record-keeping technology have changed considerably since 2004. The great majority of room reservations are now made online, and all required information is stored digitally and is viewable on the monitors maintained by the hotel. **The applicant requests this condition be modified to reflect current technology.**

Investigator's Comment: In compliance. During site investigation staff observed that registration procedures require that a person's identification or passport information is scanned into the computer and such information is saved on the computer system and on-line. The clerk informed staff that it is available to LAPD upon request.

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.

Applicant's Statement: The applicant has provided a copy of the hotel rules in English and Spanish which are given to each guest.

Investigator's Comment: Not in compliance. During site investigation staff was allowed to view the guest rooms. Visual inspection did not indicate any hotel rules posted in the guest rooms.

25. Firearms are not allowed on the property.

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: Not in compliance. The desk clerk informed staff that they would not rent to persons carrying firearms.

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.

Applicant's Statement: 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.**

Investigator's Comment: The desk clerk informed staff that the rooms use an electronic key card entry. He further stated that the electronic entry expires at 11:00 a.m. daily.



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.

Applicant's Statement: As is evident in the photographic exhibits, the subject property is maintained free of graffiti and of trash.

Investigator's Comment: 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.

Applicant's Statement: The applicant states that visitors to the property are monitored by electronic recordkeeping as well as by hardcopy information.

Investigator's Comment: In compliance. As stated in Condition 23, during site investigation, staff observed that registration procedures require that a person's identification or passport information is scanned into the computer and such information is saved online and 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.

Applicant's Statement: The applicant confirms that this condition is being complied with. The consultant researched City records and provided the following information:

Police Department: The consultant contacted the Rampart Division (both its vice section and records section) and was advised that they do not release records for a specific property to the general public. They suggested that the LAPD's central Records & Identification section be contacted. That section also advised that they do not provide records for a specific property to the public and suggested the Rampart Division be contacted.

The Police Department records contained in the case file of the Planning Department were reviewed. The most recent documents relating to Police activity pertained to Booking No. 550986, which documented activity in early July, 2004, which predated the ZA determination issued in September, 2004 and the City Council action dated December, 2004. No Police records subsequent to those dates were found in the Planning Department files.

Department of Building & Safety (LADBS): The online records of LADBS were researched. Various activities dating from July, 2006 to December, 2017 were noted. The only building permits found Online pertained to a "change of use of one guest room to a kitchen for two private guest rooms (light housekeeping room)" (dated January 3, 2013 – Permit No. 12016-10001-21023); and to repair of minor fire damage (dated February 1, 2016 – Permit No. 16016-20000-01374). The latter evidently also related to a code enforcement order dated September 25, 2015 (#57138034, still indicated as open in online records). There were no other open code enforcement items shown in online records.

Housing+Community Investment Department (HCID): HCID in February, 2016, recommended to the City Council that the subject property be removed from the Rent Escrow Account Program (REAP), terminating rent reductions and an escrow account. The City Council shortly after took that action.

Investigator's Comment: In compliance. 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.

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.

Applicant's Statement: As is evident in a photograph taken shortly after 2004, the required wrought iron fence/gate had been installed and existed at that time. However, the Los Angeles Department of Building & Safety (LADBS) required that the gate be removed because, when opened, it swung into the public right of way. The gate could not be modified to open into the property, because a flight of stairs ascends from the street to the front door of the building. In any case, the hotel is open 24 hours per day, 365 days per year, and is constantly staffed in the lobby and/or office.

Investigator's Comment: Not in compliance. However, 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.

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.

Applicant's Statement: The applicant states that this has not occurred, although the present manager of the hotel has received such training for previous places of employment.

Investigator's Comment: Not in compliance. No evidence of property management training 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.

Applicant's Statement: The applicant confirms that this condition is being complied with.

Investigator's Comment: In compliance. Staff asked if condoms or adult content is kept on-site and the desk clerk said no condoms or adult content is provided. 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.

Applicant's Statement: 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 evidently pursuant to Condition No. 33 of the 2004 determination.

It is anticipated that a covenant between the applicant and the Planning Department will be recorded after the present Plan Approval action is taken.

Investigator's Comment: Not in compliance. The covenant was recorded by City Planning staff on June 18, 2014.

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 – March 6, 2019. A total of **174 responses** to the property address of 718 S Union Avenue, ranging from 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: 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: Brandishing Weapons – 6.

Arrest and Investigative Reports:

LAPD submitted arrest and investigative reports for incidents at 718 South 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 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.
- 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.
- 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.
- 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)

Certificate of Occupancy – Issued April 9, 1923, for a 4-story, 66-room hotel.

No Comments from the general public have been received.

Permit No. 16016-20000-01374 – 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 – Issued on November 12, 2014, supplemental permit to 12016-10004-21023. Revise 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 – Issued on January 3, 2013, supplemental permit to 12016-10004-21023. Revise work description to read, "Change of use from guest room with kitchen (light housekeeping)."

Permit No. 02016-10000-16886 – 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.

On-Site Cases, Affidavits, Permits, and Orders

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 has 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 herein be subject to another review for compliance with conditions. The Plan Approval was appealed to the City Council and on December 14, 2004, upheld the decision of the Zoning Administrator.

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.

Surrounding Properties

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.



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PVQ:

