

FINDINGS OF APPROVAL AS APPROVED BY THE PLANNING AND LAND USE MANAGEMENT COMMITTEE ON MAY 2, 2023

As presented in the information documented herein through correspondence and public testimony by affected parties, it is hereby determined and affirmed that the operation of the subject hotel, known as the Stuart Hotel has created public nuisance impacts at the site. The imposed corrective conditions are necessary to ensure that the prior nuisance activity will not return.

Corrective Actions

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 – The City hereby eliminates the language “or other illegal activity” as it could lead to unintended consequences, such as precluding tenants who were previously homes and have related citations on their records from securing housing, or evicting tenants for participating in “other illegal activity”.

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. 17 – The City hereby eliminates this condition because it is overly broad and could allow for any number of makeshift items such as ball point pens, foil to be labeled as narcotic paraphernalia. Furthermore, overall, punitive measures can destabilize someone’s life resulting in more difficulty to achieve and maintain sobriety from problematic substance use.

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 – The City hereby eliminates this condition because this contradicts the City's commitment to promoting health and safety for all its residents. As many communities in our City continue to face high rates of Sexually Transmitted Diseases (STDs) and Sexually Transmitted Infections (STIs), there should be an increased focus on raising access to condoms and safe sex education.

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.

Discussion

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 to 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 City 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 City, 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.