(TY OF LOS ANGELE.
CALIFORNIA

ROBERT JANOVICI
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS
R. NICOLAS BROWN
ANIK CHARRON
EMILY J. GABEL-LUDDY
DANIEL GREEN
LOURDES GREEN
DAVID KABASHIMA
ALBERT LANDINI
JON PERICA
SARAH RODGERS

JAMES K. HAHN
MAYOR

DEPARTMENT OF
CITY PLANNING
CON HOWE
DIRECTOR

FRANKLIN P. EBERHARD
DEPUTY DIRECTOR

OFFICE OF
ZONING ADMINISTRATION
200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012
(213) 978-1318
FAX: (213) 978-1334

January 30, 2003

Pritty "Tina" Patel (A)(O)
K & N Investments, LLC
4301 West Sunset Boulevard
Los Angeles, CA 90029

Robert Lamishaw (R)
JPL Zoning Services
6257 Van Nuys Boulevard, Suite 101
Van Nuys, CA 91401

Department of Building and Safety

CASE NO. ZA 2002-4605(CU)(ZV)
CONDITIONAL USE AND
ZONE VARIANCE
4301 Sunset Boulevard
Silver Lake-Echo Park
Planning Area
Zone : C1-1VL
D. M. : 145.5A201
C. D. : 13
CEQA : ENV 2002-4607-MND
Fish and Game: Exempt
Legal Description: Lots 8 and 9,
Bates Sunset Boulevard Tract

Pursuant to Los Angeles Municipal Code Section 12.24-W,24, I hereby DENY:

a conditional use permit to permit a 14,779 square-foot, 29-unit motel (plus one manager's unit) within the 500 feet of an R (residential) Zone; and

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27, I hereby DENY:

a variance from Section 12.21-A,4 of the Code to permit 24 parking spaces in lieu of the required 31 parking spaces.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on December 17, 2003, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have not been established by the following facts:

BACKGROUND

The subject property is a sloping, rectangular-shaped, corner, record lot, consisting of approximately 0.27 acres, having a frontage of approximately 100 feet on the northerly side

of Sunset Boulevard and a uniform depth of 120 feet. The subject site is developed with a three-story motel.

Surrounding properties are within the R1, R2, RD1.5, RD2, C1, C2, [Q]C2, and [T][Q]C2 Zones and are characterized by sloping topography and improved streets. The surrounding properties are developed with one- and two-story single-family dwellings, apartments and commercial buildings.

Adjoining properties to the north of the site are zoned C1-1VL and R4-1VL and are developed with one- and two-story single-family dwellings and commercial buildings occupied by an automobile repair facility.

Adjoining properties to the south of the intersection of Sunset Boulevard and Bates Avenue are zoned (Q)C2-1D and [T][Q]C2-1D and are developed with two-story commercial buildings occupied by a mini-shopping center with various retail uses.

Adjoining properties to the east of Bates Avenue are zoned R4-1VL and C1-1VL and are developed with one- and two-story single-family dwellings, apartments and commercial buildings occupied by the Silver Lake Community Jewish Center.

Adjoining properties to the west of Sunset Boulevard are zoned C2-1D and are developed with one-story single-family dwellings, apartments and commercial buildings occupied by an auto related use, restaurants and retail uses.

Sunset Boulevard, adjoining the subject property to the southwest, is a designated Scenic Major Highway dedicated a width of 100 feet and improved with curb, gutter and sidewalk.

Bates Avenue, adjoining the subject property to the southeast, is a Local Street dedicated a width of 50 feet and improved with curb, gutter and sidewalk.

Previous zoning related actions on the site/in the area include:

Subject Property:

Case No. ZA 2000-2598(RV)(PAD) - On January 3, 2002, the Zoning Administrator discontinued the motel use for non-compliance of conditions and constituting a public nuisance. The owner appealed the decision of the Zoning Administrator and on March 5, 2002, the Planning and Land Use Management Committee upheld the determination of the Zoning Administrator. On March 13, 2002, the full City Council denied the appeal of the owner of the Sunset Pacific Motel, and the use was revoked.

Case No. ZA 2000-2598(RV) - On December 18, 2000, the Zoning Administrator required the modification of the operation of Sunset Pacific Motel in order to mitigate adverse impacts caused by its operation on adjacent residential and commercial uses.

Surrounding Properties:

Case No. ZA 91-1100(CUZ) - On March 24, 1992, the Zoning Administrator denied a conditional use permit, at 4200 Sunset Boulevard to allow a mobile recycling operation in the parking area of a studio movie set company in the C2-1 Zone.

Case No. ZA 92-0941(CUB) - On December 3, 1992, the Zoning Administrator approved a conditional use permit, at 4356 Sunset Boulevard to allow sale of alcoholic beverages for on-site consumption.

Case No. ZA 97-0532(PAD) - On September 10, 1997, the Zoning Administrator granted an approval of plans at 4311 Sunset Boulevard to allow an automotive repair within 300 feet of an R Zone, that already exists.

Case No. ZA 98-0234(CUX) - On June 18, 1992, the Zoning Administrator approved a conditional use permit, at 4356 Sunset Boulevard to allow sale of a full line of alcoholic beverages with dancing.

Case No. ZA 99-0007(ZV/YV) - On May 20, 1999, the Zoning Administrator denied a yard variance, at 1213 Myra Avenue and 4206 Fountain Avenue, permitting auto detailing, parking in the front, rear and side yards and reduced front and side yards.

On December 18, 2000, the Zoning Administrator issued a determination in connection with a review of conditions imposed in conjunction with a nuisance abatement action regarding the operation of the motel known as the Sunset Pacific Motel at 4301 Sunset Boulevard. The subject business had a past history of complaints and arrest reports identifying prostitution, drug dealing, loud noises, spousal abuse, failure to maintain a proper motel register, use/under the influence of controlled substances, loitering and the removal of three dead bodies from this location. The action of the Zoning Administrator became effective after January 2, 2001.

The Plan Approval application was due April 2, 2001. The Office of Zoning Administration has sent the operator/owner three letters (March 8, 2001, April 26, 2001 and June 14, 2001) advising of the requirement to file the Plan Approval application. Further, the owner appealed the decision of the Zoning Administrator and on March 5, 2002, the Planning and Land Use Management Committee upheld the determination of the Zoning Administrator. On March 13, 2002, the full City Council denied the appeal of the owner of the Sunset Pacific Motel, and the use was revoked.

According to applicant information from the file, "the site will be completely re-habilitated with new facades, the total number of guest rooms from 37 to 29 rooms by the creation of suites that are more consistent with upscale tourist and business travelers. There will not be any restaurants, live entertainment or other activities that will have a negative impact on any adjacent uses and the re-occupancy and re-design of the structure will represent a significant improvement to the existing structure. The proposed bed and breakfast inn will cater to business and leisure travelers and will comply with conditions of approval that will ensure that no adverse of illegal activities are allowed at this site."

Staff conducted the land use analysis on December 6, 2002. The Sunset-Bates Motel is a two- and three-story structure over parking on a sloping lot. There are two driveways for access to the motel, one fronting Sunset Boulevard and the other along Bates Avenue, both entrances are gated and closed. The motel has a very unseemly appearance. Additionally, it is located in the Silver Lake District which is now an extremely hip and trendy area of the City.

Information from the environmental clearance states:

> "The project site has been the subject of numerous complaints and criminal activity relating to the previous motel use. The previous operation was forced by the City to cease its operations because of repeated nuisance activities, noncompliance with City imposed conditions, and violations of said conditions. The proposed use is the same use under different ownership. Because the site has been the subject of criminal and nuisance activities, the proposed motel use may draw such activity again onto the site. In order to effectively plan and enforce the spirit of the Planning and Zoning Code, General Plan, and to ensure the safety and health of the surrounding community, certain constraints and conditions must be placed on the subject project to avoid a recurrence of such activities."

PUBLIC HEARING

The public hearing for the subject request was held on December 17, 2002. The applicant representatives briefly described the request being made and commented as follows:

- The prior operator of the hotel created a great amount of problems for the neighborhood.
- The new owner proposes to refurbish the hotel as a bed and breakfast inn.
- There will be a major remodel including removing the pool and adding a breakfast room.
- This will be a business oriented bed and breakfast facility which is a strong market segment.
- It can be an attractive and useful benefit to the community.
- They have volunteered conditions which will assure no illegal activities.
- The applicant will be a resident manager at this facility.
- They could add more parking.
- The improvements will totally change the clientele.
- They have met with the Council Office.

Representatives of the Los Angeles Police Department commented as follows:

- Previously there was lots of crime in this area, but since the hotel closed down, their records show a reduction in crime.
- They recall conversations with the prior owner who intended to attract good clientele, but that those clientele never materialized and he could not deal with the crime.
- His concern is what is going to happen if good people don't come to the hotel.
- They want a successful business there.
- There are two other hotels in the area which are not successful.
- For twenty years this location has been a crime problem and when the hotel closed there was almost no crime and more business at the local center.
- There has been historical problems of condoms and needles found and seen by students of the middle school.
- The vice unit is limited in staff and prostitution problems are very much alive so that this hotel would be an attraction.
- They don't have the resources to monitor the hotel.
- There is a nearby massage parlor which is a prostitution problem.

Persons, residents and community representatives, in opposition to the subject request commented as follows:

- Parking is an issue in this area and since crime is down more people come into the area which results in more parking congestion.
- Residents's don't have any place to park when they come home.
- There no reason for a parking variance and public transportation is not relevant for a motel.
- This is too close to the residential zone and school.
- The credibility of the applicant should be considered as other motels operated by the applicant are not well operated.
- Motels don't work here as this location is too far east of Hollywood and there are not enough amenities here.
- There are high vacancy rates citywide and in Hollywood it is 30 percent. This does not translate into a public need.
- This doesn't service the neighborhood.
- There are other uses more desirable so the applicant is not deprived of any use of the property.
- They came into this project with the full knowledge of the problems and limitations of the property.
- There is still a gang problem here.
- They met with the applicant and it appears that the applicant's plan is not well thought out for an upscale bed and breakfast.
- There are problems such as handicapped room locations and unappealing views.
- All this building has is small rooms and not enough parking.
- Sixteen parking spaces for 29 rooms is not enough.
- They are not going to attract the right clientele.
- The exterior of the property is now littered and shows a lack of care for the property.
- This is not a location for an upscale hotel.
- This is doomed if not enough parking is provided and they don't get return business.
- They would love to see the property utilized, but there are other options.
- In the evening when the Vista Theater has a good movie, there is no parking in the area so a parking variance is not desirable.
- The neighborhood has been more pleasant since the motel was closed.
- She wouldn't put anyone up in the hotel.
- He is grateful that the Los Angeles Police Department and the City closed this business.
- The problem of this proposed use being there is that it attracts criminal behavior and that has been documented in the past.
- Since King Middle School increased their enrollment, parking is now scarcer than it was two years ago.
- The school was a victim of the prior use.
- They have met with the applicant and are not convinced that the same problems would not happen.
- It took years and years to close down the previous motel.
- A motel here does not attract business or tourist clientele because there are no such attractions. It would attract transients and others needing a location for illegal activity.
- Even with the addition of a breakfast room, this is still a motel.
- The impact on their community center is severe since two entrances on Bates and limits their walking field trips for their school of seventy children ages 2 to 5 years.
- The lack of parking forces parking and criminal activity on to the residential areas.
- Motel owners say they can't control guest behavior.
- The applicant appears to have good intentions but has a spotty track record at other locations.

- The intended market is unrealistic considering the amenities and surroundings.
- The shortage of parking would affect the residential areas.
- The hotel here would be a step backwards for the community.

The applicant representative responded to testimony and concluded as following:

- The applicant is willing to withdraw the parking variance and will reduce the number of rooms to 20 to 22.
- The larger rooms would be more upscale.
- The issues of the property are in the past.
- With reasonable conditions, this use could benefit the community.
- Left vacant, this property would attract crime and transients.
- Yes, there are other options, but no interest from anyone.
- They have no problems with the prior revocation conditions except that they would want a one year plan approval.

The representative of the Council Office commented as follows:

- This site might be economically viable for a hotel use, however, the Zoning Administrator should not base this decision on economic viability.
- Other such uses have been unsuccessful and became nuisances.
- At first, they thought that this project could work with its quirky architecture and lots of activity, but this project is not community based and would depend on tourists from outside. This area doesn't generate that type of interest.
- The applicant has not addressed the concerns of the community and the homeowners have made persuasive arguments against the project.
- They recommend denial of this request.
- They may be able to use the adaptive reuse ordinance for senior citizen housing.

At the close of the public hearing, the Zoning Administrator took the matter under advisement and indicated that the record would be held open for at least thirty days.

Subsequent to the public hearing four declarations of police officers were submitted to the file. These declarations involved other motel/hotel operations owned by the owners of the subject property and indicate that those other uses have operational problems. Additionally, five letter of opposition to the hotel have been received and express sentiments similar to that of the public hearing. One of those letters is from the Rampart Community Police Advisory Board who request that the strictest conditions possible be imposed to mitigate the severe problems of prostitution.

Correspondence in the file include letters and petitions of opposition from members of the community and the following community organizations:

Franklin Hills Residents Association
East Hollywood Community Association
The Greater Griffith Park Neighborhood Council
Thomas Starr King Middle School

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular

zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24 of the Los Angeles Municipal Code. In order for a motel to be authorized, certain designated findings have to be made.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **The proposed location will not be desirable to the public convenience or welfare**.

   The applicant indicates that this area of Hollywood is known as a tourist and entertainment center and the location of the subject premises as an upscale facility for tourists and business travelers serves the public welfare, as does the re-use of the existing building ans a productive and legal business.

   Public testimony disputes this contention. It has been indicated that this area is too far to the east of Hollywood and lacks the necessary amenities for the type of clientele sought by the applicant. Motel vacancy rates of approximately 30 percent in the Hollywood area and that other motels in the area are having a hard time succeeding. Public testimony notes that this location has been problematic in the past, as evidenced by the revocation of the use, and that it will be a problem again if it is allowed to be reestablished.

   The Zoning Administrator observes that the prior use of the subject property as a motel was not desirable to the public convenience or welfare. The applicant has not convincingly demonstrated that there is a demand this type of business here and that it would be desirable to the public convenience and welfare. Recent past experience at this location indicates that a upscale hotel at this location would not be desirable to the public convenience or welfare.

2. **The location is not proper in relation to adjacent uses or the development of the community**.

   The reason that hotels are a conditional use when located within 500 feet of an R Zone is that often hotels and residential uses are not compatible, that hotels often have adverse impacts on adjacent residential uses. In this case, the proposed hotel backs up to residential uses and with almost 200 residential units within the 500-foot radius. Testimony of residents and homeowners associations indicated past problems of prostitution, drugs and gangs due to the location of the previous motel. Residents and the Los Angeles Police Department indicate that crime in the area dropped considerably upon the closure of the motel. Also within 500 feet of the subject property is a Jewish community center and the Starr King Elementary School. Both of these operate with young children as students and representatives of both oppose this location as a hotel due the potential impact on the children associated with their uses.

   Although part of the problem is attributed to the previous operator, it appears that the surrounding conditions of the neighborhood contributed to a predisposition towards the problems of prostitution, drugs and gangs at the previous hotel. In this case, it appears that the motel has closed but that the neighborhood has not changed

significantly as the motel closure was only recent. Reestablishment of a hotel use at this location would probably result in the same problems. This is a reasonable expectation expressed by most who testified in opposition to this request.

3. **The use will be materially detrimental to the character of the development in the immediate neighborhood.**

Given that this location is not the proper location for a hotel operation, it can be assumed that there will be issues of compatibility between the subject use and the adjacent residential uses, community center, secondary school and other businesses along Sunset Boulevard.

The Los Angeles Police Department testified that, previously there was lots of crime in this area, but since the hotel closed down, their records show a reduction in crime. successful. For twenty years this location has been a crime problem and when the hotel closed there was almost no crime and more business at the local center. There has been historical problems of condoms and needles found and seen by students of the middle school. The vice unit is limited in staff and prostitution problems are very much alive so that this hotel would be an attraction to prostitutes. They don't have the resources to monitor the hotel. There is a nearby massage parlor which is a prostitution problem.

All of those factors indicate that this hotel at this location would be materially detrimental to the immediate residential and commercial neighborhood. The Los Angeles Police Department representative recalled conversations with the prior owner who intended to attract good clientele, but that those clientele never materialized and he could not deal with the crime. His present concern is what is going to happen if good people don't come to the hotel. They want a successful business there. There are two other hotels in the area which are not successful.

The representative of Council Office indicated that, at first, they thought that this project could work with its quirky architecture and lots of activity, but this project is not community based and would depend on tourists from outside. This area doesn't attract that type of interest. The representative was concerned that the applicant has not addressed the concerns of the community and the homeowners have made persuasive arguments against the project. They recommended denial of this request and suggested that the applicant may be able to use the adaptive reuse ordinance for senior citizen housing.

The applicant has volunteered some minimal conditions to mitigate potential impacts and has agreed to the application of the nuisance abatement conditions imposed on the prior motel. The Zoning Administrator notes that as strict as the nuisance abatement conditions were, they were not successful in abating the nuisance created by the prior motel use. At this time, the expectation of the Zoning Administrator is that given the present problem of prostitution in the area and the presence of gangs, the reestablishment of the hotel use will result in problems similar to the past problems of this location despite the stated good intentions of the applicant.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Silver Lake-Echo Park Community Plan designates the subject property for Neighborhood and Office Commercial with corresponding zones of C1, C1.5 and P and Height District No. 1VL. The plan does not specifically address the issue of conditional use permits and the nature of the land use is consistent with the plan designation.

VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

5. **The strict application of the provisions of the Zoning Ordinance would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant representative at the public hearing testified that the applicant was willing to withdraw the parking variance request and would be able to provide the required parking by reducing the number of guestrooms in the hotel.

Even without that withdrawal, the intent of the zoning regulations relative to parking requirements is to assure that every use provides adequate parking so as to not impact a given area. In this case, the applicant did not submit credible evidence indicating that the proposed use would not need as much parking as needed. This is an area with existing parking congestion issues. Granting of the variance would not be consistent with the intent of the zoning regulations and the practical difficulties involved appear to be strictly financial and self imposed inasmuch as the required parking spaces are easily provided.

6. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

Unlike other properties in the area, this property is already improved with a motel/hotel building and existing parking somewhat dictated by the terrain. As the present structure covers almost the entire lot it would be difficult to add additional improvements or parking. It is also a vacant building which, at this time, can be converted to other uses where the parking provided would be adequate.

7. **Such variance is not necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

Other properties in the area in the area do not meet the present code requirements for parking yet are able to enjoy the use of their property due to the nonconforming provisions of the code. However, as this project does not have practical difficulties or unnecessary hardships inconsistent with the intent of the zoning regulations, this finding cannot be made in the affirmative. As the existing improvements were previously utilized as a motel but, subsequently, the motel use was revoked, no nonconforming rights to a motel use now apply to this property.

8. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The applicant indicates that the re-habitation of the existing building combined with the type of operation being proposed will have a salutary effect on the community. Further, that the existing structure is in a very sorry state of repair and to allow further degeneration of the site can only serve to exacerbate a problem that has long existed and which the applicant proposes to remedy.

Granting of a variance for reduced parking is expected to adversely impact the existing parking congestion in the area and in the residential area in particular. Public testimony at the hearing indicate that residents often cannot find a place to park when they come home from work. There was also concern that without adequate parking the proposed hotel certainly will not attract the upscale clientele that they are seeking.

9. **The granting of the variance will not adversely affect any element of the General Plan.**

The Silver Lake-Echo Park Community Plan designates the subject property for Neighborhood and Office Commercial with corresponding zones of C1, C1.5 and P and Height District No. 1VL. The plan does not specifically address the issue of variances for reduced parking and the nature of the land use would still be consistent with the plan designation.

ADDITIONAL MANDATORY FINDINGS

11. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 154,405, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding. (No shading)

12. On November 6, 2002, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2002-4607-MND (Article V - City CEQA Guidelines) and determined that by imposing conditions the impacts could be reduced to a level of insignificance.

13 Fish and Game: The subject project, which is located in Los Angeles County, will not have an impact on fish or wildlife resources or habitat upon which fish and wildlife depend, as defined by California Fish and Game Code Section 711.2.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after FEBRUARY 14, 2003, 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 www.lacity.org/pln.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street, #300
Los Angeles, CA 90012
(213) 977-6083

6251 Van Nuys Boulevard
First Floor
Van Nuys, CA 91401
(818) 756-8596

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

DAVID KABASHIMA
Associate Zoning Administrator
Direct Telephone No. (213) 978-1312

DK:lmc

cc: Councilmember Eric Garcetti
Thirteenth District
Adjoining Property Owners
County Assessor