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November 26, 1997

Extended Stay America (O)
Management, Incorporated
2525 Cherry Avenue, #310
Signal Hill, CA 90806-2037

Robert Katherman (R)
The Katherman Company
461 West 6th Street, #215
San Pedro, CA 90731

Department of Building and Safety

CASE NO. ZA 97-0805(ZAI)
ZONING ADMINISTRATOR'S
INTERPRETATION
18602 Vermont Avenue
Harbor Gateway Planning Area
Zone : M2-1
D. M. : 60B197
C. D. : 15
CEQA : Not Applicable
Fish and Game: Exempt
Legal Description: Lot A, of
Parcel Map 4032

The development of an "extended stay" business hotel with kitchenettes and full bathrooms in the guest rooms is considered a hotel for the purpose of classifying the use under the City's zoning regulations.*

Section 12.21-A,2 of the Los Angeles Municipal Code provides in pertinent part as follows:

"2. Other Uses Determined by Administrator - The Administrator shall have authority to determine other uses, in addition to those specifically listed in this Article, which may be permitted in each of the various zones, when in his judgement, such other uses are similar to and no more objectionable to the public welfare than those listed."

This provision has also been interpreted to permit resolution of conflicts between disparate sections of the Code and to provide clarity where ambiguity exists.

* - As a hotel, the use is subject to all regulations and requirements applicable to such use under the City's zoning regulations. Additionally, it should be afforded all rights and privileges of hotels that are contained in the zoning regulations.



Background

Extended Stay America (ESA) operates a nation-wide chain of extended stay business hotels that caters to the needs of the business community. Companies send employees to seminars, training or corporate offices and make the guest rooms available to their employees which rooms are outfitted with business communications hook-up devices. The hotel does not offer such amenities as meeting room areas, ballrooms, restaurants, bars, lounges, gift shops and other retail facilities.

ESA is currently in escrow to purchase the property located at 18602 Vermont Avenue in the Harbor Gateway Community. The site is zoned M2-1. The site will be developed with 140-room extended stay hotel with varying room types with all of these individual facilities having kitchenettes, except the manager's unit which will have a full kitchen. ESA has opened such hotels across the country and more are projected in the future. ESA is meeting a need created by a developing trend in the hotel market for such extended stay business hotels. In many cases, the guest at the hotel is attending seminars or corporate training.

Discussion

The Department of Building and Safety has indicated that a hotel room with a kitchenette is not a guest room but is considered an efficiency unit under the strict application of the zoning Code. Under applicable City of Los Angeles regulations, efficiency units make up an apartment building not a hotel. The definitions that establish this interpretation are as follows:

Hotel - a residential building designed or used for or containing six or more guest rooms or suites of rooms, which may also contain not more than one dwelling unit.

Guest Room - is any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.

Efficiency Room - located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen and a living and sleeping quarters combined therein, and which complies with the requirements of Section 91.4930.2 of this Code.

The proposed project is not to function as an apartment building as ESA is in the hotel business. There are differences between the hotels and apartments in the required discretionary actions, the calculation of density, the construction and the type of fees and taxes. In this instance, the applicant has filed for several discretionary actions with the Department of City Planning, including conditional use permit for a hotel within an M2 Zone (see below).

As noted, supra, the proposed project is for the development of a 140-room extended stay hotel project at Vermont Avenue and the 405 Freeway at 186th Street. This project is a three-story building containing 139-hotel rooms and one manager's unit. There is no on-site eating establishment or other amenities for hotel guests. The units range in size from

approximately 220 square feet to 350 square feet. All rooms, with exception, of the manager's unit are efficiency studio units with a full bathroom and mini-kitchenette area.

On August 26, 1997, the Los Angeles City Planning Commission approved Conditional Use, and Site Plan Review, CPC 97-0116(CU/SPR), to permit the construction of a 55,600-square foot hotel/motel with 140 rooms in the M2 Zone on a vacant 143,269 square-foot (3.29 acre) lot with 154 surface parking spaces. Hours of operation are to be 24 hours daily. The project has been issued a Mitigated Negative Declaration (MND 97-0172).

The Harbor Gateway District Plan footnote No. 8 permits hotel uses in the M1 and M2 Zones by Conditional Use. Neither the General Plan, nor the City of Los Angeles Zoning Code permit residential dwellings in an M zone. This hotel project and plans have been reviewed and approved in the public hearing by the City of Los Angeles Planning Commission.

The kitchenettes in each room are hospitality kitchen areas only. The guest rooms are all serviced with a single compartment sink, a two-burner cook top, and an under-the-counter mini-refrigerator. The appliances in these rooms provide hospitality conveniences only to business travelers. These are not full apartment kitchens which would typically include the following additional conveniences: full 4-burner stove top range and oven, full size refrigerator, garbage disposal, and dishwasher. As a result, this kitchen area should not be classified as a full dwelling unit kitchen, but rather a small hospitality area in a hotel guest room.

The typical kitchen-area in these units measures approximately 25 square feet, which is too small to be classified as a "habitable room". The Zoning Code defines a habitable room (Room Habitable) as:

"...A recess from a room or an alcove (other than a dining area) having 50 square feet or more of floor area and so located that it could be partitioned off to form a habitable room, shall be considered a habitable room."

Based on the definition in the Municipal Code, the provided kitchen areas cannot be classified as a habitable room. The above findings should support the determination that these units are only guest rooms, and not dwelling units.

The applicant will follow all conditions of approval imposed by the City Planning Commission for development of this project. The applicant has attended several community meetings to address concerns of surrounding residents. In addition to Planning Commission imposed conditions, the applicant and the 186th Area Homeowners Association have agreed on a set of additional conditions for development (see attached letter). This project is intended to benefit business travelers and be a convenience to the community. The proposed project will not be detrimental to surrounding properties or the public welfare.

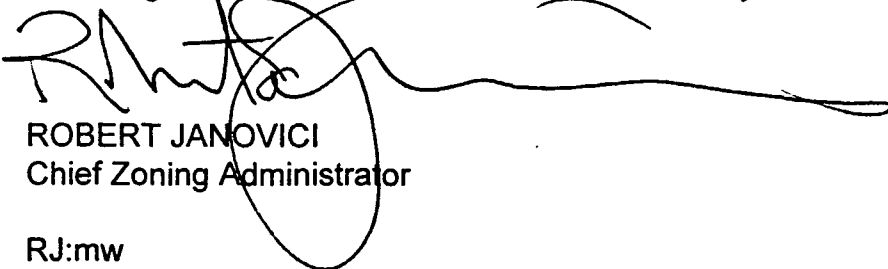
The guest is provided business specific services at a rate approximately less than other hotels. ESA is able to provide these rates because they are not incurring costs associated with the additional amenities normally provided for vacationers.

Conclusion

As noted, supra, over the course of years, Section 12.21-A,2 of the zoning regulations has been drawn upon to provide some rational result from application of various sections of the Code to an individual set of circumstances. This Section has also been interpreted to include authority to resolve conflicts between disparate narrative passages, to transcend unnecessary bureaucratic hurdles, and to provide logical results from sometimes arcane, esoteric, nuances obscured within the City's zoning regulations.

Under the circumstances of this particular situation, the proposed extended stay accommodations should be considered a hotel within the context of the City's zoning regulations. The City of Los Angeles codes were written before this marketing trend was established and have not been updated to address this new type of hotel use. The applicant understands that there is a concern that this type of building could be converted to an apartment without the benefit of Planning Department or Building and Safety review. To eliminate this possibility, ESA must record a Covenant and Agreement to maintain and operate the proposed extended stay hotel as a commercial hotel only, and shall comply with all applicable City rules and regulations for commercial hotels.

Further, the proposed hotel shall not be converted nor operated as an apartment house or apartment hotel at any time. This agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. Further, the agreement must be submitted to the Office of Zoning Administration for approval before being recorded. After recordation, a copy bearing the Recorder's number and date must be given to the Office of Zoning Administration for attachment to the subject case file.



ROBERT JANOVICI
Chief Zoning Administrator

RJ:mw