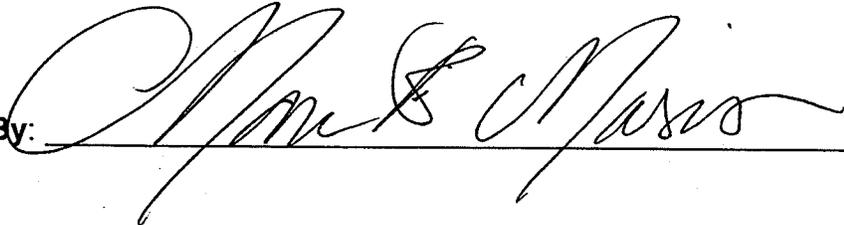


# Regional Planning Commission Transmittal Checklist

Hearing Date April 6, 2011
Agenda Item Number 7

**Project Number:** R2007-03110  
**Case(s):** Conditional Use Permit 200700209  
**Contact Person:** Jeantine Nazar

Included	NA/None	Document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Factual
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Location Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Staff Report
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Findings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Draft Conditions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPW Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	FD Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other Department's Letter(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Burden Of Proof Statement(s)
<input type="checkbox"/>	<input type="checkbox"/>	Environmental Documentation (IS, MMP, EIR)
<input type="checkbox"/>	<input type="checkbox"/>	Opponent And Proponent Letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Resolution (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance with 8.5 X 11 Map (ZC Or PA)
<input type="checkbox"/>	<input type="checkbox"/>	Aerial (Ortho/Oblique) Image(s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land Use Radius Map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan And Elevations
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Exhibits(1-6)
		Previous conditions and findings

Reviewed By: 



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6435

**PROJECT NUMBER R2007-03110 - (1)**  
**Conditional Use Permit 200700209**

<b>PUBLIC HEARING DATE</b> 4/6/2011	<b>AGENDA ITEM</b> 7
<b>RPC CONSENT DATE</b>	<b>CONTINUE TO</b>

<b>APPLICANT</b> Prakash Naik	<b>OWNER</b> Prakash Naik and Kerki Naik	<b>REPRESENTATIVE</b> Anthony Grossman
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**PROJECT DESCRIPTION**  
 The applicant requests a conditional use permit for the continued operation of a two story boarding and rooming house with a retail establishment and a manager's residence on the ground floor as well as a request to legalize five room additions and the conversion of a retail store to a manager's residence

**REQUIRED ENTITLEMENTS**  
 The applicant requests a conditional use permit to authorize the continued operation of a two-story, 22-room boarding and rooming house with a retail establishment and a manager's unit on the ground floor. This application also includes a request to legalize five room additions, the conversion of a retail store to a manager's residence and a parking lot addition with twelve parking spaces.

**LOCATION/ADDRESS**  
 4541 Whittier Blvd

**SITE DESCRIPTION**  
 The site plan depicts a two-story hotel on two rectangular shaped parcels totaling 11,407 square feet (0.26 acres), developed with 22 rooms, a retail store, a manager's unit and a parking lot.

<b>ACCESS</b> Whittier Blvd and Duncan Avenue	<b>ZONED DISTRICT</b> Eastside Unit No. 1
<b>ASSESSORS PARCEL NUMBER</b> 5247-013-018	<b>COMMUNITY</b> East Los Angeles
<b>SIZE</b> 0.26 Acres	<b>COMMUNITY STANDARDS DISTRICT</b> East Los Angeles

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Hotel	C-3 (Unlimited Commercial)
North	Residential	R-3-P (Unlimited Multiple Residence -Parking Zone)
East	Commercial store	C-3 (Unlimited Commercial)
South	Commercial store	C-3 (Unlimited Commercial)
West	Commercial store	C-3 (Unlimited Commercial)

<b>GENERAL PLAN/COMMUNITY PLAN</b> East Los Angeles	<b>LAND USE DESIGNATION</b> MC-Major Commercial	<b>MAXIMUM DENSITY</b>
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**ENVIRONMENTAL DETERMINATION**  
 Class 3 Categorical Exemption- New Construction or Conversion of Small Structures

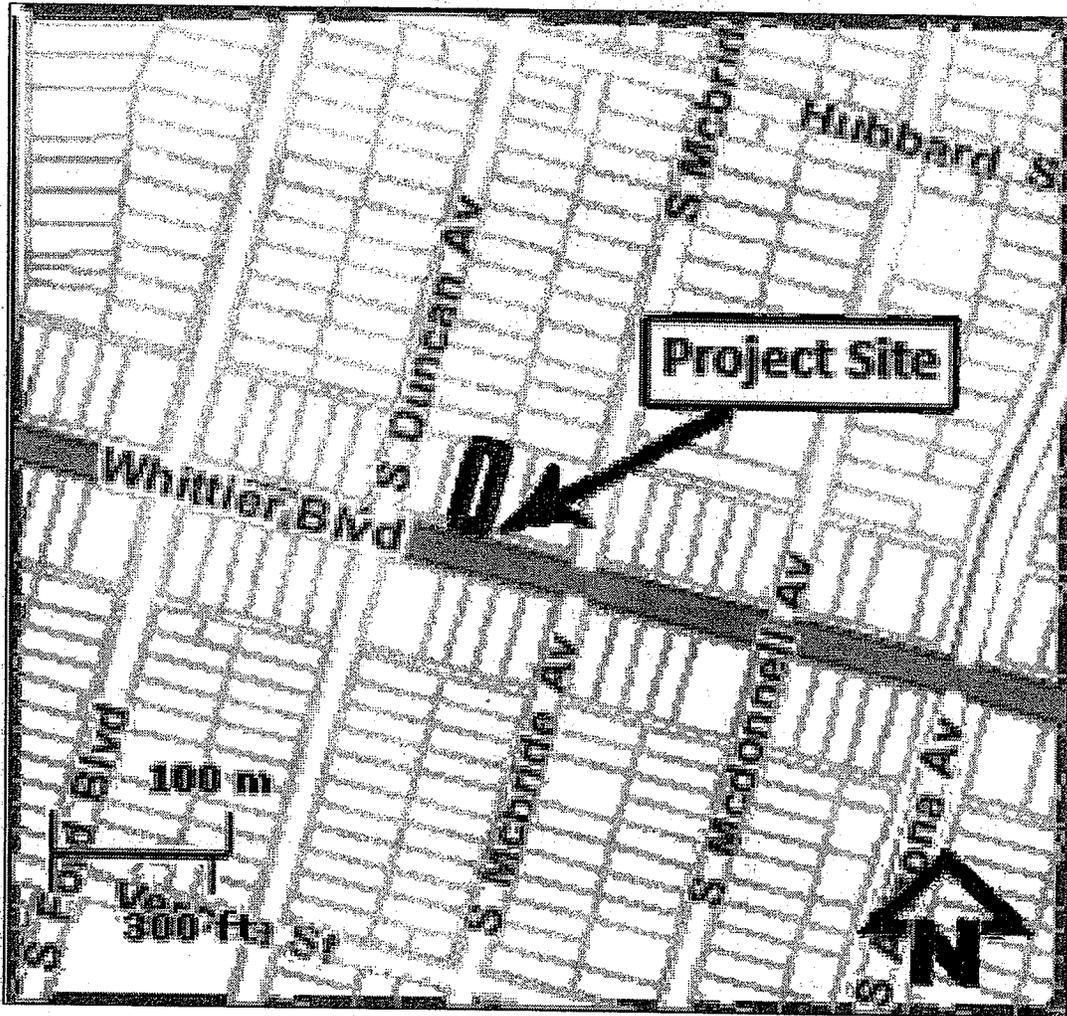
**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING/ABSENT</b>

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

<b>STAFF CONTACT PERSON:</b> Jeantine Nazar		
<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
<b>MEMBERS VOTING AYE</b>	<b>MEMBERS VOTING NO</b>	<b>MEMBERS ABSTAINING</b>
<b>STAFF RECOMMENDATION (PRIOR TO HEARING):</b>		
<b>SPEAKERS*</b> (O) 0 (F) 0	<b>PETITIONS</b> (O) 0 (F) 0	<b>LETTERS</b> (O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



**STAFF ANALYSIS**  
**PROJECT NUMBER R2007-03110 – (1)**  
**CONDITIONAL USE PERMIT 200700209**

**ENTITLEMENT REQUEST**

The applicant is requesting a conditional use permit ("CUP") pursuant to Los Angeles County Code section 22.28.210 for the conversion of an existing two-story hotel into a boarding and rooming house to allow stays of longer than 30 days, the legalization of 5 of the 22 previously constructed rooms, which were constructed without necessary permits, and the conversion of a retail store to a manager's residence.

**LOCATION**

The subject property is located at 4541 Whittier Boulevard in unincorporated East Los Angeles and the Eastside Unit number 4 Zoned District. Pedestrian access to the property is via Whittier Boulevard, and parking lot access is from Duncan Avenue.

**EXISTING ZONING**

**Subject Property**

The zoning on the subject property is C-3 (Unlimited Commercial). A rooming and boarding house is an allowed use in the C-3 zone pursuant to Code section 22.28.210 subject to approval of a conditional use permit. The project is also located within the East Los Angeles Community Standards District ("CSD").

**Surrounding Zoning**

**North:** R-3 (Limited Multiple Residence)

**East:** C-3 (Unlimited Commercial)

**West:** C-3

**South:** C-3

**EXISTING LAND USE**

**Subject Property**

The subject property is developed with an hotel containing 22 rooms, 5 of which were constructed without necessary permits, a manager's unit located in a ground floor retail space, and a beauty salon located on the ground floor of the two-story structure fronting on Whittier Boulevard.

**Surrounding Properties**

**North:** Residential

**East:** Retail Store

**West:** Retail Store

**South:** Retail / Office

**PROJECT OVERVIEW**

The proposed project is for the conversion of an existing hotel, known as the Garden Hotel, into a rooming and boarding house to allow stays of longer than 30 days, the legalization of 5 of the 22 existing rooms that were constructed without the necessary permits, and the conversion of ground floor retail space into a manager's residence for the rooming and boarding house. The project would provide 12 parking spaces on an adjacent lot

### Background

The hotel and two retail shops were established at this location in 1930 when hotel uses were permitted by right on the subject property, and did not require a CUP. Stores or shops for the conduct of retail or wholesale business were also permitted by right at that time. (Ordinance 1648, 1929) The prior owners owned and operated the property as a hotel with 17 rooms and two ground floor retail stores from 1952 until 2000. In 1993, five additional rooms were added without the necessary permits to the north end of the first floor, but could not be rented as no parking was available at the time.

The current owner purchased the subject property in 2000, and the adjacent parking lot property in 2005. One of the retail shops were then converted to a manager's residence and all five additional rooms (room numbers 9, 12, 14, 15 and 19) were rented without the approval the Department of Regional Planning. In August 2007 Zoning Enforcement issued a Notice of Violation on the property for converting the retail space to a manager's apartment and increasing the number of rental rooms. In the process of investigating and processing this matter, Regional Planning staff also learned that the rooms were being rented for long-term stays, generally in excess of 30 days.

The applicant filed an application for a CUP on December 4, 2007, requesting approval of the current uses on the subject property. The applicant's attorney has provided two letters summarizing issues presented in this case. A copy of those letters is attached to this report (Exhibit 1).

The existing hotel provides daily, weekly, and long-term rentals. Most of the clientele consists of low-income persons who tend to stay long-term and do not have vehicles but use public transportation available along Whittier Blvd. Many work in downtown Los Angeles or within the immediate area surrounding the hotel. The hotel provides a low-cost lodging alternative to families and some individuals who would otherwise be homeless who work in the area. The hotel occupancy is 40 to 60 percent throughout the year, with no specific peak times. The hotel operates 24 hours a day, 7 days a week. Buzzer access is required between the hours of 11:00 p.m. and 6:00 a.m. All rooms have a refrigerator and microwave, but the rooms do not have kitchens. There is no central kitchen, and no food is served on-site. A laundry room is available to the lodgers.

### ZONING CHRONOLOGY

- The site was zoned C-3 on April 2, 1942, and a hotel and retail stores were permitted uses in the C-3 zone at the time.
- Ordinance 8668, effective August 18, 1964, required a *special use permit* for hotels in the C-3 zone.
- Ordinance 8892, effective August 13, 1965, allowed hotels in the C-3 zone and limited the height not to exceed two stories, including the basement but excluding the cellar.
- Ordinance 10,826 effective June 18, 1974, required a CUP for hotels in the C-3 zone. Retail stores are permitted uses in the C-3 zone.
- The East Los Angeles Community Standards District, which includes the subject property, became effective in 1988.

### **PREVIOUS CASES**

CUP 98-144-(1) was approved by the Hearing Officer on May 12, 1999. This grant permitted the continued operation of a 17-room hotel (6 rooms on the first floor and 11 rooms on the second floor) with two ground floor retail establishments. No parking was provided because no parking spaces were required when this structure was originally established and permitted. The CUP staff report notes that prostitution was a concern in the past. Conditions of approval prohibited hourly rentals, and recommended surveillance cameras.

ZCR 200600296 approved the signs for the beauty salon on May 3, 2006.

### **HOTEL OPERATIONS IN LOS ANGELES COUNTY**

Most lodgers at *Garden Hotel* are long-term, low-income, or homeless families. The length of time that lodgers stay at the hotel varies, and ranges from short-term of under 30 days, to long-term stays of 30 days or more. The applicant intends to continue to offer room rentals on both a short-term and a long-term basis.

Based on the County Code definition of hotels, the Department of Regional Planning considers hotel occupancy to be "temporary" and "transient," and therefore hotel stays are less than 30 days in duration.

Section 22.08.180 of the Code defines "Rooming House" or "Boarding House" as a "lodging house, or other building or structure maintained, advertised on held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals."

Based on the characteristics of the hotel and the applicant's request to continue to provide short-term and long-term stay options to the community, staff determined that allowing for long-term stays is appropriate at this location. Therefore, in order to allow for stays of 30 days or more, the existing hotel must be converted to a rooming and boarding house.

### **SITE PLAN DESCRIPTION**

The proposed site plan, marked Exhibit "A", depicts two adjacent rectangular shaped parcels of 5,670 square-feet (lot # 36) and 5,737 square feet in size (lot # 18) for a total of 11,407 square feet. Lot number 36 contains the parking lot for the rooming and boarding house and the beauty salon with access from Duncan Avenue. The parking lot is surrounded by a 5'6" block wall on the north side, and a 7-foot chain link fence bounds the property on the south, east and west sides. There are a total of 12 parking spaces, including one handicap accessible space. Lot number 18 includes a two-story structure, developed with a 22-room rooming and boarding house, including a manager's apartment and a ground floor beauty salon with pedestrian access from Whittier Blvd. Approximately 7 percent of the site is landscaped.

### **Compliance with Development Standards**

As previously stated, the site was developed in the 1930's prior to any zoning regulations, and therefore the project cannot meet all of today's development standards.

**Lot Coverage and Landscaping**

Presently, the C-3 zone development standards allows a maximum of 90 percent of the net area to be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

*The subject property maintains approximately 7 percent of landscaping in the parking area and in the patio entrance from the parking lot. The applicant has made recent improvements to the landscaping in the parking area and along the west side of the building; however, the landscaping does not comprise 10 percent of the net area. The landscaping is nonconforming due to the establishment of the structure in 1930 when there were no landscaping requirements. The owner stated that they could not meet the landscaping standards over the entire site due to the space limitation. Lot coverage does not exceed 90 percent.*

**Parking**

The hotel was developed prior to code requirements for automobile parking, and has been operating as a conforming use in a building nonconforming due to parking, pursuant to code section 22.56.1510 E. The nonconforming use provisions in the Code state that if a new use proposed for a building nonconforming due to parking has a greater parking requirement than the existing use, a sufficient number of additional parking spaces have to be developed to accommodate the increased amount of space required by the new use.

The project includes the addition of 5 rooms that were previously constructed without permits along with the conversion of the existing hotel into a rooming and boarding house. Pursuant to Code section 22.52.1130, hotels are required to provide one parking space for each two guestrooms. However, a rooming and boarding house requires one parking space for each guestroom. Therefore, the conversion of the hotel to a rooming and boarding house, along with the addition of 5 guest rooms, resulted in an increase in parking over the existing use.

The hotel was legally established with 17 rooms and 2,000 square feet of retail space. According to then-applicable Code requirements, no parking spaces were required. A similar use would now require nine parking spaces for the 17 hotel rooms, and eight spaces for the 2,000 square feet of retail space for a total of 17 spaces that would be attributable to the existing use. Pursuant to current Code requirements of Sections 22.52.1100 and 22.52.1130, the project would be required to provide the following parking spaces:

	Current Parking Requirements
Rooming	22
Retail 1/250 square feet	3
Managers Unit	1
<b>Total</b>	<b>26</b>

The total number of spaces required for the proposed rooming and boarding and retail operation is 26, and as noted above, the number of spaces that would previously have been required is 17. Therefore, the project is required to provide the number of additional spaces required by the

new use, which is at total of 9 spaces (26 required for the project less the 17 that would previously have been required, for at total of 9 spaces). The applicant is providing 12 spaces in the parking lot adjacent to the lot on which the hotel is located. The applicant has also recorded a covenant to hold the two parcels as a single parcel so that the parking would be provided on-site. Therefore, the project satisfies the applicable parking requirements.

### **EAST LOS ANGELES COMMUNITY STANDARDS DISTRICT (CSD)**

The East Los Angeles CSD was adopted in 1988. The subject hotel was originally established in 1930, well prior to the adoption of the CSD. Therefore, the CSD provisions do not apply to the existing hotel and retail space as established prior to the adoption of the CSD. As shown in the attached letter dated September 1, 2010,(Exhibit No.4), the applicant states that bringing the existing site and structure into compliance with all of the current CSD requirements would create an undue hardship, nevertheless, the applicant currently complies or has agreed to comply with a number of the CSD standards as described below:

#### **Signage**

A previous approval granted in 2006(ZCR 200600296), approved the existing signage for the beauty salon, which is in conformance with CSD standards. CUP 98-144 approved the projecting sign and the wall sign on Whittier Blvd. The signs are consistent with the CSD requirements.

There is no permit for the directional sign on Dunham Avenue (Exhibit #5), directing patrons into the parking area. The directional sign was added in 2005, when the current owner purchased the parking lot. There are no permits associated with this sign. The existing sign shall comply with the current code requirements. The CSD does not contain specific regulations for directional signs; therefore the applicable requirements are contained in Code Section 22.52.960, which allows directional signs in the C-3 zone subject to the following standards:

- Directional and/or informational signs shall not exceed 12 square feet in sign area or 24 square feet in total sign area.
- Directional and/or informational signs shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof.
- Freestanding directional and/or informational signs shall not exceed 12 feet measured vertically from the base of the sign.

*The existing freestanding directional sign on Dunham Street is 4'6" x 4'6" (21 square feet) and the height is 11 feet.*

*Staff finds that the existing freestanding directional sign complies with the current code standards and can be approved with the final approval documents.*

**Trash Enclosure** Trash bins shall be required for commercial operations and shall be enclosed by a six-foot high decorative wall and solid doors. The location of the trash bin and enclosure shall be as distant as possible from adjacent residences and out of view of Whittier Boulevard, as required by Section 22.44.118.1.c.v of the Code.

*The property owner is sharing a trash bin with the next door neighbor. The trash bin is located on their property and is distant from adjacent residences and Whittier Boulevard. Direct access from the hotel patio area connects to the trash enclosure area. Staff has included a condition regarding the trash enclosure, stating that if the property owner terminates the agreement with the neighbor they shall provide a trash enclosure, as described above, on the premises.*

**Pedestrian Character** As required by Section 22.44.118.1c. viii of the Code, “to encourage the continuity of retail sales and services, at least 50 percent of the total width of the building’s ground floor parallel to and facing the commercial street shall be devoted to entrances, show, windows, or other displays which are of interest to pedestrians.”

*The applicant has agreed to provide a decorative accent wall in lieu of the currently opaque painted windows facing Whittier Boulevard. The previous conversion of the store front to a manager’s residential unit prevents the applicant from providing clear glass.*

#### **GENERAL PLAN CONSISTENCY**

The subject property is within the East Los Angeles Community Plan (“Community Plan”) and the land use designation is MC (Major Commercial), with areas designated for mixtures of small and large businesses. The existing C-3 zoning is consistent with the land use designation, and the use of the subject property for a rooming and boarding house and retail space is consistent with the uses contemplated within the MC designation.

The Community Plan’s land use section contains the following policies that correspond to this project:

- Encourage rehabilitation of existing commercial uses along the major corridors such as Whittier Blvd, where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development.

*The hotel was remodeled in 2005 and 2006. The applicant has also added a parking lot with 12 parking spaces to serve customers. The owner provided a maintenance and renovation schedule included with this report (Exhibit # 6). The addition of parking and landscaping to the existing property makes the rooming and boarding house more functional and provides a better service to the community.*

- Allow the intensification of land uses only if it does not adversely impact existing uses, neighborhoods and the existing character and density of the East Los Angeles Community.  
*Allowing the rental of five additional rooms will allow the full use of the existing building and increase the opportunity for low-income population to find reasonable priced lodging. This intensification will not adversely impact any surrounding land uses. The new use would not affect the character of the neighborhood.*

The Economic Development Section of the Community Plan contains the following policies that are applicable to the project:

- Improve the image of the major corridors by use of landscaping, lighting, graphics and/or other streetscape treatments.  
*The applicant proposes façade modification's to prevent graffiti along Whittier Boulevard. The applicant has indicated that they will propose facade improvements at or prior to the public hearing. At the time of this report, staff has not received or reviewed the proposed improvements.*

### **SITE VISIT**

Staff visited the hotel on December 2, 2009. The pedestrian entrance to the hotel is from Whittier Boulevard to the south. The parking entrance is on Dunham Street to the north side, and access from the parking lot to the hotel is through a patio area. The existing hotel has 22 rooms: 7 on the first floor and 15 on the second floor. There are a total of five common bathrooms and three common showers. Six rooms have private bathrooms. All rooms have microwaves and refrigerators, and none of the rooms have kitchens, nor is there a common kitchen on-site. The rates for rooms are between \$40 to \$50 per night and \$160 to \$200 per week. The parking lot is neat and clean, newly striped, and contains eleven parking spaces - one additional parking space is located on the same parcel as the hotel.

### **BURDEN OF PROOF**

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The applicant must meet the Burden of Proof requirements, which are listed below.

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.

### **ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under the California Environmental Quality Act (CEQA) guidelines. The project does not include any new construction or intensification of use beyond that which existed at the time of the environmental determination.

### **LEGAL NOTIFICATION AND PUBLIC OUTREACH**

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department of Regional Planning website posting.

### **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS**

#### **Sheriff's Department**

The Sheriff's report for the last three years, between January 1, 2008, and April 21, 2010, indicates a total of 17 crime reports at this location. Staff received a letter from the Sheriff's Department's stating that the location is clean, well kept, and well managed. In addition, the Los Angeles County Sheriff's Department determined that the location was safe. The Sheriff's Department has no objection to the continued operation on the subject property.

#### **Department of Public Works**

The applicant has submitted a will-serve letter from the water purveyor indicating that the water system will be operated adequately and a revised site plan and floor plan, as recommended by Public Works in a letter dated July 22, 2010. Building and Safety has advised that according to the Building Code, whenever there is a change of occupancy category, in this case the currently approved use is a transient occupancy (meaning a stay of not more than 30 days) changing to a non-transient use (a stay of more than 30 days), the occupancy category will change from an R-1 to an R-2 category. Furthermore, based on sections 109 and 3406, of the 2008 County of Los Angeles Building Code, the change of occupancy would require the approval by the building official. Staff has included a draft condition to this effect.

In addition, Building and Safety indicated that all rooms were permitted by them, except room number 19 and the laundry room. Public Works requests the following:

1. Add a condition requesting all illegal structures to be legalized and applicant obtain building permits, i.e., room 19 and laundry.
2. That the parking lot parcel be tied to the subject property under a covenant. Submit building plans for their review and approval, per Title 26 of the 2008 County of Los Angeles Building Code, for the approval of change of occupancy to Public Works' Building and Safety Division, East Los Angeles District office.

#### **Fire Department**

The Fire Department cleared the project for public hearing in its letter dated August 9, 2010. The letter indicates that fire flow availability test performed by California Water Service Company on August 3, 2010, is adequate. Fire apparatus access as depicted on the site plan dated August 9, 2010, is also adequate.

### COMMENTS FROM OTHER AGENCIES

#### Whittier Blvd Merchant's Association

Staff received a letter from the Whittier Boulevard Merchant's Association. They are in favor of the project stating that the hotel provides a needed service to the community with affordable prices.

### PUBLIC COMMENTS

Staff has not received any public comments on this project.

### STAFF EVALUATION

Garden Hotel was built in 1930 and has been continuously used as a hotel since that time. The hotel became a nonconforming use in 1964, when the C-3 zone designation was adopted for the area requiring a conditional use permit for hotel uses. Since its establishment, the hotel has begun to allow occupants to remain for long-term stays, which are inconsistent with the hotel designation. Therefore, the applicant submitted a request to convert the hotel to a rooming and boarding house, which is allowed in the C-3 zone with a CUP, to enable occupants to remain for longer than 30 days, as well as to continue to allow short-term stays consistent with current operations. The application was reviewed by the necessary County departments, and comments from those departments have been incorporated into the draft project conditions presented to the Commission. The applicant maintains the property in good condition, and the Sheriff's Department is in favor of the project. The applicant is proposing to improve the façade with pedestrian friendly features on Whittier Boulevard on the portion that has been converted to a manager's residence. Staff finds that this project would serve the community by providing affordable, long or short term safe stays and pedestrian friendly environment to its occupants.

### FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Regional Planning Commission.

### STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of project number R2007-03110, CUP 200700209, subject to the attached conditions.

### SUGGESTED APPROVAL MOTION

I move that the Regional Planning Commission close the public hearing and approve Conditional Use Permit 200700209 (Project number 2007-03110) with the attached findings and conditions of approval.

**Attachments:**

**Draft Conditions of Approval**

**Draft Findings**

**Applicant's Burden of Proof statement**

**Site Photographs**

**Site Plan**

**Land Use Map**

**Letters from DPW, Sherriff's, Fire Department, Public Health, Whittier Blvd Association**

**Exhibits 1-5**

**MM:JN**

# FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2007-03110 – (1)  
CONDITIONAL USE PERMIT 200700209**

## **REQUEST:**

The applicant is requesting a conditional use permit ("CUP") pursuant to Los Angeles County Code section 22.28.210 for the conversion of an existing two-story hotel into a boarding and rooming house to allow stays of longer than 30 days, the legalization of 5 of the 22 previously constructed rooms, which were constructed without necessary permits, and the conversion of a retail store to a manager's residence.

**REGIONAL PLANNING COMMISSION HEARING DATE: APRIL 6, 2011  
PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

## Findings

1. The subject property is located at 4541 Whittier Boulevard in unincorporated East Los Angeles and the Eastside Unit number 4 Zoned District. Pedestrian access to the property is via Whittier Boulevard, and parking lot access is from Duncan Avenue.
2. The zoning on the subject property is C-3 (Unlimited Commercial). A rooming and boarding house is an allowed use in the C-3 zone pursuant to Code section 22.28.210 subject to approval of a conditional use permit. The project is also located within the East Los Angeles Community Standards District ("CSD").
3. Surrounding Zoning consist of R-3 to the north and C-3 to the east, west and south.
4. The subject property is developed with an hotel containing 22 rooms, 5 of which were constructed without necessary permits, a manager's unit located in a ground floor retail space, and a beauty salon located on the ground floor of the two-story structure fronting on Whittier Boulevard.
5. Surrounding Properties are developed with residences to the north and retail and office uses to the east, west and south.
6. The proposed project is for the conversion of an existing hotel, known as the *Garden Hotel*, into a rooming and boarding house to allow stays of longer than 30 days, the legalization of 5 of the 22 existing rooms that were constructed without the necessary permits, and the conversion of ground floor retail space into a manager's residence for the rooming and boarding house. The project would provide 12 parking spaces on an adjacent lot.
7. The hotel and two retail shops were established at this location in 1930 when hotel uses were permitted by right on the subject property, and did not require a CUP.

Stores or shops for the conduct of retail or wholesale business were also permitted by right at that time (Ordinance 1648, 1929). The prior owners owned and operated the property as a hotel with 17 rooms and two ground floor retail stores from 1952 until 2000. In 1993, five additional rooms were added without the necessary permits to the north end of the first floor, but could not be rented as no parking was available at the time.

8. The current owner purchased the subject property in 2000, and the adjacent parking lot property in 2005. One of the retail shops were then converted to a manager's residence and all five additional rooms (room numbers 9, 12, 14, 15 and 19) were rented without the approval the Department of Regional Planning. In August 2007 Zoning Enforcement issued a Notice of Violation on the property for converting the retail space to a manager's apartment and increasing the number of rental rooms. In the process of investigating and processing this matter, Regional Planning staff also learned that the rooms were being rented for long-term stays, generally in excess of 30 days.
9. The existing hotel provides daily, weekly, and long-term rentals. Most of the clientele consists of low-income persons who tend to stay long-term and do not have vehicles but use public transportation available along Whittier Blvd. Many work in downtown Los Angeles or within the immediate area surrounding the hotel. The hotel provides a low-cost lodging alternative to families and some individuals who would otherwise be homeless who work in the area.
10. The hotel occupancy is 40 to 60 percent throughout the year, with no specific peak times. The hotel operates 24 hours a day, 7 days a week. All rooms have a refrigerator and microwave, but the rooms do not have kitchens. There is no central kitchen, and no food is served on-site. A laundry room is available to the lodgers.
11. The applicant filed an application for a CUP on December 4, 2007, requesting approval of the current uses on the subject property.
12. CUP 98-144-(1) was approved by the Hearing Officer on May 12, 1999. This grant permitted the continued operation of a 17-room hotel (6 rooms on the first floor and 11 rooms on the second floor) with two ground floor retail establishments. No parking was provided because no parking spaces were required when this structure was originally established and permitted.
13. ZCR 200600296 approved the signs for the beauty salon on May 3, 2006.
14. Most lodgers at *Garden Hotel* are long-term, low-income, or homeless families. The length of time that lodgers stay at the hotel varies, and ranges from short-term of under 30 days, to long-term stays of 30 days or more.

15. Based on the County Code definition of hotels, the Department of Regional Planning considers hotel occupancy to be "temporary" and "transient," and therefore hotel stays are less than 30 days in duration. Section 22.08.180 of the Code defines "Rooming House" or "Boarding House" as a "lodging house, or other building or structure maintained, advertised on held out to the public as a place where sleeping or rooming accommodations are furnished to the whole or any part of the public, whether with or without meals."
16. Based on the characteristics of the hotel and the applicant's request to continue to provide short-term and long-term stay options to the community, the Commission finds that allowing for long-term stays is appropriate at this location. Therefore, in order to allow for stays of 30 days or more, the existing hotel will be converted to a rooming and boarding house.
17. The proposed site plan, marked Exhibit "A", depicts two adjacent rectangular shaped parcels of 5,670 square-feet (lot # 36) and 5,737 square feet in size (lot # 18) for a total of 11,407 square feet. Lot number 36 contains the parking lot for the rooming and boarding house and the beauty salon with access from Duncan Avenue. The parking lot is surrounded by a 5'6" block wall on the north side, and a 7-foot chain link fence bounds the property on the south, east and west sides. There are a total of 12 parking spaces, including one handicap accessible space. Lot number 18 includes a two-story structure, developed with a 22-room rooming and boarding house, including a manager's apartment and a ground floor beauty salon with pedestrian access from Whittier Blvd. Approximately 7 percent of the site is landscaped.
18. The site was developed in the 1930s prior to any zoning regulations, and therefore the project cannot meet all of today's development standards.
19. The applicant has made recent improvements to the landscaping in the parking area and along the west side of the building; however, the landscaping does not comprise 10 percent of the net area. The landscaping is nonconforming due to the establishment of the structure in 1930 when there were no landscaping requirements. The owner stated that they could not meet the landscaping standards over the entire site due to the space limitation. Lot coverage does not exceed 90 percent.
20. The hotel was developed prior to code requirements for automobile parking, and has been operating as a conforming use in a building nonconforming due to parking, pursuant to code section 22.56.1510 E. The nonconforming use provisions in the Code state that if a new use proposed for a building nonconforming due to parking has a greater parking requirement than the existing use, a sufficient number of additional parking spaces have to be developed to accommodate the increased amount of space required by the new use.

21. The project includes the addition of 5 rooms that were previously constructed without permits along with the conversion of the existing hotel in a rooming and boarding house. Pursuant to Code section 22.52.1130, hotels are required to provide one parking space for each two guestrooms. However, a rooming and boarding house requires one parking space for each guestroom. Therefore, the conversion of the hotel to a rooming and boarding house, along with the addition of 5 guest rooms, resulted in an increase in parking over the existing use.

22. The hotel was legally established with 17 rooms and 2,000 square feet of retail space. According to then-applicable Code requirements, no parking spaces were required. A similar use would now require nine parking spaces for the 17 hotel rooms, and eight spaces for the 2,000 square feet of retail space for a total of 17 spaces that would be attributable to the existing use.

The project is required to provide the number of additional spaces required by the new use, which is at total of 9 spaces (26 required for the project less the 17 that would previously have been required, for at total of 9 spaces). The applicant is providing 12 spaces in the parking lot adjacent to the lot on which the hotel is located. The applicant has also recorded a covenant to hold the two parcels as a single parcel so that the parking would be provided on-site. Therefore, the project satisfies the applicable parking requirements.

23. The East Los Angeles CSD was adopted in 1988. The subject hotel was originally established in 1930, well prior to the adoption of the CSD. Therefore, the CSD provisions do not apply to the existing hotel and retail space as established prior to the adoption of the CSD.

24. Bringing the existing site and structure into compliance with all of the current CSD requirements would create an undue hardship; nevertheless, the applicant currently complies or has agreed to comply with a number of the CSD standards.

25. A previous approval granted in 2006 (ZCR 200600296), approved the existing signage for the beauty salon, which is in conformance with CSD standards. CUP 98-144 approved the projecting sign and the wall sign on Whittier Blvd. The projecting sign and the wall sign are consistent with the CSD requirements.

26. The Commission finds that the existing freestanding directional sign complies with the current code standards and shall be approved with the final approval.

27. The property owner is sharing a trash bin with the next door neighbor. The trash bin is located on their property and is distant from adjacent residences and Whittier Boulevard. Direct access from the hotel patio area connects to the trash enclosure area. Staff has included a condition regarding the trash enclosure, stating that if the property owner terminates the agreement with the neighbor they shall provide a trash enclosure, as described above, on the premises.

28. The applicant will provide a decorative accent wall in lieu of the currently opaque painted windows facing Whittier Boulevard. The previous conversion of the store front to a manager's residential unit prevents the applicant from providing clear glass.
29. The subject property is within the East Los Angeles Community Plan ("Community Plan") and the land use designation is MC (Major Commercial). Major Commercial areas are designated toward the greater East Los Angeles areas containing mixtures of small and large businesses. The existing C-3 zoning is consistent with the land use designation, and the use of the subject property for a rooming and boarding house and retail space is consistent with the uses contemplated within the MC designation.
30. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under the California Environmental Quality Act (CEQA) guidelines. The project does not include any new construction or intensification of use beyond that which existed at the time of the environmental determination.
31. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department of Regional Planning website posting.
32. The Los Angeles County Sheriff's Department has determined that the location is safe and has no objection to the continued operation on the subject property.
33. Staff received a letter from the Whittier Boulevard Merchant's Association. They are in favor of the project stating that the hotel provides a needed service to the community with affordable prices.
34. No public comment was received on this project.
35. The application was reviewed by the necessary County departments, and comments from those departments have been incorporated into the draft project conditions presented to the Commission.
36. The applicant maintains the property in good condition, and the Sheriff's Department is in favor of the project. The applicant is proposing to improve the façade with pedestrian friendly features on Whittier Boulevard on the portion that has been converted to a manager's residence.

37. The Commission finds that this project would serve the community by providing affordable, long or short term safe stays and a pedestrian friendly environment to its occupants.
38. Short term stays are defined as no longer than 29 days. Long term stays are defined as 30 days or more.
39. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 20 years.
40. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

The applicant shall substantiate the following facts presented for the burden of proof requirements identified by Section 22.56.040:

- A. That the requested use at the location proposed will not:
  1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
  2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
  3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.
- C. That the proposed site is adequately served:
  1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
  2. By other public or private service facilities as are required.

**AND, THEREFORE,** the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION:**

1. The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
  
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 20070209 is Approved subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

**VOTE:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

MM:JN

03/24/2011

1. This grant authorizes the conversion of an existing hotel into of a 22-room rooming and boarding house, the legalization of 5 of the 22 room, which were previously built without necessary permits, the conversion of a retail space into a manager's residence in connection with the rooming a boarding house, with a total of 12 parking spaces located on two separate, adjacent parcels, subject to all of the conditions of approval contained herein.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No 10. The recorded affidavit shall be filed and the required monies shall be paid by June 6, 2011. Notwithstanding the foregoing, this condition (No.3), and Condition Nos. 4 and condition number 5, and 6 shall be effective immediately upon the date of final approval of this grant by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or property owner if other than the permittee, shall record the terms and conditions of the grant in the office of the County Clerk/Registrar-Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or property owner if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. **This grant shall terminate on April 6, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least 6 months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to then-applicable regulations.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund that shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (every other year) inspections**. The inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in the conditions or as shown on the approved plans.
14. The permittee shall comply with all applicable requirements of the County Department of Public Health, including but not limited to any ordinances, regulations, or other requirements applicable to rooming and boarding homes. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
15. All structures, walls, and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. In the event such graffiti or other extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. A copy of these conditions shall be kept in the office and shall be made available to all enforcement personnel upon request.
17. All outdoor trash containers shall be covered and all trash enclosure areas shall be screened from public and private view corridors by landscaping, gate, berms, compatible structures or a combination of these. If the current shared trash container agreement

with the neighbor terminates, a trash enclosure that meets the above stated standards shall be provided on the premises in compliance with all applicable Code requirements.

18. Outside storage or display shall not be permitted on the subject property.
19. The permittee shall maintain the subject property in a neat and orderly fashion and shall ensure that all areas of the premises over which the permittee has control are maintained free of litter at all times.
20. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works. The permittee shall comply with all conditions set forth in the attached Los Angeles County Department of Public Works letter dated November 10, 2010, which is incorporated by this reference as if fully set forth herein.
21. The permittee shall sign and record a covenant against both of the parcels that comprise the subject property to hold APN 5247-013-036, which contains the adjacent parking lot and APN 5247-013-018, which contains the rooming and boarding house, manager's residence, and retail space, as a single lot.
22. The permittee shall provide and continuously maintain on file with Regional Planning a contact name and phone number for the current owner of the property and operator of the rooming and boarding house in the event that communication by the County is warranted relative to these conditions.
23. The permittee shall have and maintain a valid business license for the proposed uses on the subject property.
24. There shall be no neon accent lighting permitted on the exterior of any structures.
25. The permittee shall maintain the existing eight video cameras as depicted on the approved plans. Surveillance cameras shall cover both inside the lobby and outside the premises within the parking area and the entrance. The monitoring portion of the system shall be placed at a convenient location in the front lobby of the hotel where the manager/operator can conveniently monitor activities on the premises. The tapes or discs shall be kept for at least a one-month period and shall be surrendered to the Sheriff if requested.
26. The permittee shall comply with all conditions listed in the attached Fire Department letter dated August 9, 2010, which is incorporated by this reference as if set forth fully herein.
27. A minimum of 12 parking spaces shall be provided on the property. One of these spaces shall be handicapped accessible.
28. The use of amplified sound equipment audible outside the building is prohibited.

29. A manager or other responsible person shall be available 24 hours a day, 7 days a week to respond to any problems on the site.
30. The permittee shall post a current telephone number for the resident manager or other responsible person on a sign in English and Spanish at the front office so that neighbors, residents, or other interested persons may contact the manager or other responsible person with any concerns about the project. The sign shall also contain contact information for the Department of Regional Planning's Zoning Enforcement Section.
31. Repair of vehicles shall be prohibited on the site.
32. No abandoned or inoperable vehicles shall be permitted on the premises.
33. The permittee shall provide adequate lighting above the entrance of the premises, in the parking area, and in the room entrance areas. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises.
34. Telephone numbers of local law enforcement shall be posted at the front office and shall be visible to the public.
35. The project, including all structures and any lighting, fences, signs, or landscaping shall be maintained by the permittee in good repair, free from trash, debris, litter, and graffiti, and/or other forms of vandalism. Any damages from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight.
36. The subject property shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at a public hearing, 3 copies of a Revised Exhibit "A" shall be submitted to Regional Planning within 60 days of the date of final approval of this grant.
37. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing, and replacement of plants when necessary.
38. This grant allows operation and maintenance of a 22-room boarding and rooming house subject to the following conditions:
  - a. Twenty-two rental units are permitted;
  - b. Room rentals shall be provided for a minimum 24-hour basis only. No hourly rental rates shall be permitted;

- c. Any public telephones shall be within the interior of the rooming and boarding house site, no public telephones shall be allowed along the Whittier Boulevard frontage; and
- d. The permittee shall post a sign on the premises prohibiting the consumption of alcoholic beverages, and possession of open containers of alcohol within the common areas of the subject property. The signage shall be in English and Spanish.

MM:JN  
3/18/2010

**Conditional Use Permit Application - 4541 Whittier Blvd.**  
**Burden of Proof Statement**

The following is included as part of the application for renewal and modification of Conditional Use Permit No. ~~98-144~~ (RCUP 200700209)

1. The proposed location has had a 17-room hotel with 2 retail spaces operating there since 1930. The proposed location already has a valid conditional use permit (Permit No. 98-144) for operation of a 17-room hotel and 2 retail spaces. The proposed use of a 22-room hotel with 1 retail space will not substantially change the current use to affect the use and enjoyment of the persons residing and working in the area. The location has had a hotel responsibly operating for almost eighty years. Increased traffic due to additional rental rooms available will be offset by the removal of one of the retail spaces. The hotel currently operating at the location has operated in a responsible manner providing a valuable service to the transient community of the neighborhood. Increase in the hotel's capacity as requested can only increase the value of services to the transient community and the surrounding community by providing additional low-cost rooming for the transient community. Since 1999, the hotel has restricted rentals of rooms for periods of less than a 24-hour period to help alleviate any concerns with prostitution in the area. Furthermore, allowance of a caretaker's residence will allow the owner/operator to properly manage and supervise the proposed location at all times. No construction will be required for this project as all additional rooms requested to be approved were constructed, with proper permits, before applicant purchased the proposed location. No modification of the conditional use permit has been sought until now because applicant had to obtain sufficient land to provide adequate parking as required by the Code. Please note that the property applicant now provides for parking was previously owned by the Los Angeles Department of Water and Power and was leased by them for various parking purposes. Applicant's proposed use will limit the amount of vehicle traffic as it is estimated that no more than 30% of the applicant's hotel guests have vehicles.

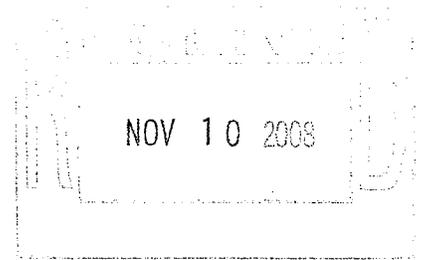
2. The proposed location has not increased in size or shape since approval of the conditional use permit in 1999, except that applicant has purchased and properly paved and marked an adjacent lot to provide parking to the hotel guests as required by the Code. The hotel fronts Whittier Boulevard, and has 6-foot high chain link fence bounding the property on the north, east and west.

3. The hotel fronts Whittier Boulevard, a major east-west thoroughfare through the neighborhood, with direct ingress and egress to and from Interstate 710. The parking lot entrance/exit is located on Duncan Avenue just north of Whittier Boulevard. Access to Whittier Boulevard from Duncan Avenue is properly and adequately controlled by traffic street signs. The proposed location will not unduly increase traffic congestion in the area.

# **EXHIBIT # 1**



**SCHOFIELD  
& GROSSMAN  
LINDEN**  
LAWYERS & COUNSELORS



November 6, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Jeantine Nazar  
Regional Planner, Zoning Permits  
LA County Dept. of Regional Planning  
320 West Temple Street  
Room 1346  
Los Angeles, CA 90012

Re: **Project R2007-03110**  
**Conditional Use Permit 200700176**  
**Project Address: 4541 Whittier Blvd., East Los Angeles**

Dear Ms. Nazar:

I am the attorney for the current property owners, Prakash and Gita Naik ("Property Owners"), and I am assisting them with the above-referenced CUP application. I writing to simply provide you with some background and hopefully a little clarity as to what is being sought in this application. I am sure that most of the information provided below can be obtained from a review of the past records and site plans for this property as well as the instant application and the materials provided therewith. However, my clients and I thought that an overview of what is actually being sought could only assist you in the processing of the application.

The Property Owners currently hold a Conditional Use Permit to operate a 17-room hotel at the subject location, along with 2 retail spaces adjacent thereto. They seek to modify the existing Conditional Use Permit to allow operation of a 22-room hotel with a caretaker's residence, along with 1 retail space adjacent thereto. The only physical modifications the Property owners made were to modify the retail spaces and create a caretaker's residence. The additional rooms that the Property Owners seek permission to rent were already properly constructed by the prior owners, but the prior owners could never obtain permission from the county to rent all of the rooms that they had constructed. Let me explain.

In 2000, the Property Owners purchased the subject property from the Miconi family ("prior owners"), who had owned and operated the property as an hotel since approximately 1967 (the hotel has actually been continuously operated as such since approximately 1930). When the prior owners first started operating the hotel, the hotel had only 17 physical rooms to rent (with some storage). When originally permitted, the hotel and retail space was permitted without a conditional use permit. At some subsequent time, a conditional use permit was required for the hotel, but not for the retail

spaces. As the hotel has continually operated as such since 1930, prior to the parking requirements, the hotel was able to obtain the conditional use permit without the requisite parking.

In approximately 1993, the prior owners made some additions to the property constructing an additional 8 rooms to the north end of the first floor of the hotel (These are designated on the current site plan submitted with the application ("current site plan") as Room Numbers 19, 20, 21, 22, 23, 24, 25 and Laundry). The prior owners obtained all necessary and proper permits and inspections for this new construction. However, when it came time to renew their CUP in 1999, the prior owners could only obtain a CUP for rental of 17 rooms, and they could not rent the additional rooms they had constructed (they could not obtain approval for all the rooms because the prior owners had no parking to provide). However, during the CUP process, the 17 rooms approved were not all the original 17 rooms existing prior to the new construction. It appears that the prior owners simply designated which rooms they wanted to use as the 17-rentable rooms, and the remaining rooms could not be rented.

When the Property Owners purchased the property, it appeared that the prior owners were renting all 23 rooms. Shortly thereafter, the Property Owners learned that they could only properly rent 17 rooms unless and until they obtain the necessary parking required to operate the additional rooms. The Los Angeles Department of Water and Power owned a parking lot adjacent to the subject property to the north. After many discussions, and months and months of back and forth with the DWP, the DWP agreed to sell the parking lot to the Property Owners in 2005. The Property Owners then proceeded to have the parking lot properly lined and designated to allow for use of the additional rooms. The Property Owners then innocently, but improperly, began to rent out the additional rooms. They did not try to conceal this fact and paid taxes on each and every rental room. The Property Owners began renting the additional rooms because they mistakenly believed that once they had the parking, they could just start renting. These are the facts that gave rise to the violation noted in the file concerning this CUP. When notified of the violation, the Property Owners immediately ceased and desisted from renting the additional rooms and proceeded to file the instant application.

In contemplation of obtaining the parking lot which would allow them to rent the additional rooms they had, the Property Owners decided to make a few changes concerning the premises. Instead of renting the retail space occupying the southwestern portion of the ground floor, the Property Owners decided to convert it to their own use. They proceeded to create some storage and a common area for use by the caretaker/manager. They also reduced the size of the retail space occupying the southeastern portion of the ground floor (currently being occupied by a beauty salon) and created a caretaker's residence.

The Property Owners now seek a modification of their conditional use permit to allow use of the subject property as modified by the changes discussed above, as well as other small modifications, all of which can be summarized as follows (all room references are to current site plan, unless otherwise noted):

- ◆ modify use of hotel to allow rental of 22 rooms: Specifically, rooms 19, 20, 21, 22, 23, 24, 25 on the first floor, and rooms 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17 on the second floor (previous use only allowed rooms 1, 2, 3, 4, 5, 6, 7, 8, 11, 16, 17, 20, 21, 22, 23, 24 and 25; did not allow rooms 9, 10, 12, 14, 15, 18, and 19 for rental even though they physically already existed at last CUP renewal in 1999)
- ◆ On site plan currently on file with the County which is the basis of the current CUP ("prior site plan"), room #10 on second floor is shown as an actual room. This is not an actual room but is simply common bathroom and shower for tenants (see current site plan)
- ◆ Room #18 on second floor designated on prior site plan will be used as storage and not as a rental room. Also, the room located on the second floor adjacent to south staircase shall be used as rental room #9. (see current site plan)
- ◆ The retail space occupying the southwestern portion of the ground floor has been converted to computer/filing room and storage on the south portion with a caretaker/manager common area with kitchen adjacent to north. (see current site plan)
- ◆ The northern portion of the retail space occupying the southeastern portion of the ground floor (currently being leased by a beauty salon) has been partitioned and converted into a caretaker's residence (listed as "Manager's Unit" on current site plan)
- ◆ The room located at the northern end of the first floor across from room #19, is a laundry room which will be used for such purpose (see site plan).

I hope this helps explain what this current CUP application is all about. My clients and I also would like to suggest arranging an appointment to meet with you in your offices to discuss the matters covered in this letter and to clarify anything else. This hopefully will make the inspection and remaining process go much smoother for all involved.

Letter to Ms. Jeantine Nazar  
Regional Planner, Zoning Permits  
LA County Dept. of Regional Planning  
Page 4  
November 6, 2008

In the meantime, if you have any questions or comments, please do not hesitate to contact my office.

Sincerely yours,



Anthony C. Grossman

CC: Mr. Prakash Naik



**SCHOFIELD  
& GROSSMAN  
LINDEN**  
LAWYERS & COUNSELORS

**RECEIVED**  
JAN 27 2010

January 26, 2010

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Jeantine Nazar  
Regional Planner, Zoning Permits  
LA County Dept. of Regional Planning  
320 West Temple Street  
Room 1346  
Los Angeles, CA 90012

Re: **Project R2007-03110**  
**Conditional Use Permit 200700176**  
**Project Address: 4541 Whittier Blvd., East Los Angeles**

Dear Ms. Nazar:

It was a pleasure to meet you and again to speak with you again on the telephone. Below is the further information you requested. For sake of clarity I reprinted each question, and I provide the response below each question.

**Question 1:** Indicate what is the room type on each floor? What is the square footage of each type of room? Type of room can be defined with or without a bathroom. Also with or without a refrigerator and a microwave.

**Response:** Downstairs, there are 7 rooms (Rooms 19, 20, 21, 22, 23, 24, and 25). Of those 7 rooms, 5 rooms are with toilet and shower (Rooms 20, 22, 23, 24, 25), the other 2 rooms (Room 19 and 21) are without toilet and shower. All 7 of the downstairs rooms have air conditioner/heating units in the rooms. 4 of the 7 rooms (Rooms 22, 23, 24, and 25) have microwaves and refrigerators while the other 3 rooms (19, 20, and 21) do not. The downstairs rooms range in size from 90 sq. ft. (Room 19) to 128 sq. ft. (Room 25).

Upstairs, there are 15 rooms (Rooms 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, and 17). None of the rooms upstairs have air conditioner/heating units, but they all have fans. Also, all upstairs rooms have a microwave and refrigerator. The upstairs rooms range in size from 65 sq. ft. (Room 7) to 111 sq. ft. (Rooms 14 and 15).

The above information as well as the specific square footage for each room is summarized in the chart enclosed herewith entitled "Gardens Hotel Room Amenities." Please also note that the room square footage is also designated on the revised site plans enclosed herewith.

January 26, 2010

**Question 2:** What is the weekly and daily rate for each type of room?

**Response:** Please refer to the chart of rates enclosed herewith entitled "Gardens Hotel Rental Rates."

**Question 3:** Please provide a copy of the agent authorization letter and also proof of ownership.

**Response:** Please find enclosed an agent authorization letter and business license and grant deeds showing the applicants as the owners of the subject property including the parking lot.

**Question 4:** Submit a parking plan with correct dimensions including access parking for standard, compact and accessible. Please show the correct proportion of the landscaping. Also, depict the lighting and the type of lighting used.

**Response:** Enclosed please find a new parking plan with correct dimensions. As you can see from the plans, a few spaces have been removed to allow for the proper back up space. Also, please note that the owner's/manager's parking is a 10' x 11' space located inside the locked gate at the southern portion of parking lot.

**Question 5:** Show the trash enclosure and relocate it to the corner area instead of in the back up area. If you are also using the trash enclosure next door, please provide proof and indicate in your plans? Do you have an agreement with the adjacent property to use their trash bin? How do you access the site? Is the gate open?

**Response:** The two trash bins that were in the parking lot area at time of inspection have been removed so that no trash bins remain in the parking lot area. Gardens Hotel has a verbal agreement with its western neighbor, Boulevard Bar, to share the trash bin located in an enclosure at the northern end of the property for Boulevard Bar adjacent to Gardens Hotel. The gate to the trash enclosure remains locked. Gardens Hotel has its own key to access the trash enclosure area. Please see the enclosed parking plan for reference to the size and location of the gate access to the trash enclosure and the location of the trash bin.

**Question 6:** Indicate the height of the fence and walls surrounding the property and surrounding the parking area?

**Response:** Please see the enclosed parking plan which indicate the height of the fences

and walls surrounding the property and parking area.

**Question 7:** Please provide a sign plan showing the signs?

**Response:** Enclosed please find a sign plan showing the size and location of the exterior signs for the hotel and parking.

**Question 8:** Please explain what type of clients are you serving as well as in which areas is the motel serving?

**Response:** Most of the hotel's clientele are working-class people in the neighborhood of the Whittier Boulevard Business District and City of Commerce. Some of the visitors are tourists as well. Most of the clientele tend to be long-term guests, made up of neighborhood families, friends and some of the homeless working families of the area as well.

**Question 9:** What are the amenities in the area that will serve the travelers?

**Response:** The hotel is situated in the middle of the Whittier Boulevard Business District which contains various business and commercial establishments intertwined with residential areas off the boulevard. The immediate area provides many amenities, such as: retail shops and services; grocery stores, liquor stores and other convenience stores; fast food and other dining establishments; business and other commercial establishments; movie, social and musical entertainment; banks and other financial services; recreation area and a community park; as well as public services such as transportation hubs for bus and metro train lines and community hospitals and schools. The hotel is situated very close to Downtown Los Angeles and the City of Commerce, which contains the Commerce Casino and the outlets stores of the Citadel Mall.

**Question 10:** Why do you think the motel is needed at that location?

**Response:** The hotel is situated in the Whittier Boulevard Business District comprised of business and shopping intermixed with residential uses. The area attracts tourists and working people from outside the area with a need for lodging. Some temporarily displaced persons and family and guests of neighborhood residents in the area also find a need for nearby lodging. The subject hotel provides a centrally located and low cots lodging alternative to those who may require it. The subject hotel is needed in the area as there is no similar lodging alternative in the area. The subject hotel's operation has contributed greatly

to the growth and development of the neighborhood over the past 80 years.

**Question 11:** What is the market justification for the use?

**Response:** In the tough economic times, low cost alternatives provide great benefit to the economy and the public. The subject hotel provides a low cost lodging alternative for those lower income persons in the area who are in need of temporary lodging. The area does contain many commercial and business establishments but very few lodging alternatives, and no lodging alternative similar to the subject hotel. Although business has decreased during the recent recession, the subject hotel has always and continues to provide year-round lodging to the people, families and businesses of the community.

**Question 12:** During the site visit, staff noted that the hotel is used for extended stay? Please provide the occupancy percentage in average and its' peak times. Describe the extended stay.

**Response:** More than 80% of the guests stay as weekly and long-term occupants throughout the year. Extended stay is meant as occupants staying over 30 days at a time. The other 20% of guests are daily guests that only stay for a few days at a time. The hotel maintains approximately 40% to 60% throughout the year, with no specific peaks times during the year.

**Question 13:** Do you have building permits for the conversion of rooms and also for the parking addition? It appears that there is an addition to the setback area without a permit from Building and Safety.

**Response:** The structure originally contained only 17 rooms for rent. In approximately 1993, the prior owner, Sam Miconi, made some additions to the property constructing an additional 8 rooms to the north end of the first floor of the hotel (Rooms 19, 20, 21, 22, 23, 24, 25 and Laundry). This includes the addition to the setback area referenced in your question. In 2000, the current owners/applicants purchased the property with the above-mentioned additions already completed. At all times during and after the purchase of the property, they were informed and led to believe that Mr. Miconi obtained all necessary and proper permits and inspections for the additions mentioned above, including the addition to the setback area.

In 2005, the current owners/applicants purchased the parking lot from the Los Angeles Department of Water and Power. At the time of purchase, the property was already

being used as a parking lot. The current owners/applicants have simply reconfigured the parking lot spaces to accommodate the hotel better. Subsequent to that purchase, the current owners/applicants made some renovations to the southern portion of the downstairs. Instead of renting the retail space occupying the southwestern portion of the ground floor, they converted the area for some storage and a common area for the caretaker/manager. They also reduced the size of the retail space occupying the southeastern portion of the ground floor and created a caretaker's residence. Enclosed please find copies of permits for these conversions.

**Question 14:** Please describe the motel operation as well as the hours of operation.

**Response:** The hotel provides daily and long-term weekly rentals of rooms to guests. Each room comes furnished with a bed, chairs, dresser, a sink, and a television with cable and HBO. Most rooms also contain a microwave and refrigerator (only three rooms do not). The hotel also offers a few rooms with air conditioner units. The hotel also has daily rental rooms with toilet and shower (otherwise, a common toilet/shower is available). The hotel offers no food service, but does provide daily room cleaning of the daily rental units and once a week room cleaning of the long-term rentals is available for additional charge. There also exists a public payphone and a coin-operated laundry area for guest use.

Hotel operates 24 hours a day, 7 days a week, 365 days a year. Buzzer access required between the hours of 11:00 p.m. and 6:00 a.m.

**Question 15:** Explain the measures you take to ensure the safety of the transients, such as security cameras, closed gates etc

**Response:** The hotel is an interior hotel, with a lockable security door located approximately 25 feet inside the exterior front entrance. Buzzer access is required for that door between the hours of 11:00 p.m. and 6:00 a.m. The rear of the hotel is protected by a locked 8½ foot high chain link fence topped with razor wire separating the parking lot from the rear of the hotel. Access through that gate only with manager's permission. Manager maintains only key to that gate. The parking lot also has sufficient lighting to keep the entire parking area illuminated.

The hotel is further protected by a digital surveillance system with a 60-day loop DVR recording system. There are 8 separate security cameras monitoring the premises. On the enclosed revised site plans, I have designated the security camera locations with a

Letter to Ms. Jeantine Nazar  
Regional Planner, Zoning Permits  
LA County Dept. of Regional Planning

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number inside a circle (written in red ink) corresponding to the list below detailing coverage of each camera:

- Camera 1 Covers registration desk and downstairs hallway north from reception desk to waiting area.
- Camera 2 Covers front entryway and portion of stairs leading to upstairs
- Camera 3 Covers rear downstairs hallway
- Camera 4 Covers the stairway and the upstairs common area adjacent to stairway
- Camera 5 Covers rear upstairs common area and the hallway east towards Room #4
- Camera 6 Covers upstairs eastern hallway
- Camera 7 Covers outdoor walkway from parking lot to rear of structure, including owner's parking space
- Camera 8 Covers parking lot

Please contact me if you have any questions or you need any further information or documentation. Thank you for your prompt attention and assistance in this matter.

Sincerely yours,



Anthony C. Grossman

Enclosures

cc: Mr. Prakash Naik (w/o site plan enclosures)

# EXHIBIT # 2

GARDENS HOTEL ROOM AMENITIES

12/2009

RM #	SIZESQ/FET	M/R	FAN	A/C-HEAT	T.V.	CHAIR	BED	NIGHT-ST	CHEST	RES-BATH	CLOSET
1	90.00	1	1	NO	1	1	1	2	1	NO	NO
2	91.00	1	1	NO	1	1	1	2	1	NO	NO
3	91.00	1	1	NO	1	1	1	2	1	NO	NO
4	91.00	1	1	NO	1	1	1	2	1	NO	NO
5	91.00	1	1	NO	1	1	1	2	1	NO	NO
6	91.00	1	1	NO	1	1	1	2	1	N	NO
7	65.00	1	1	NO	1	1	1	2	1	N	NO
8	91.00	1	1	NO	1	1	1	2	1	N	NO
9	95.00	1	1	NO	1	1	1	2	1	N	NO
11	95.00	1	1	NO	1	1	1	2	1	N	NO
12	100.00	1	1	NO	1	1	1	2	1	N	YES
14	111.00	1	1	NO	1	1	1	2	1	N	YES
15	111.00	1	1	NO	1	1	1	2	1	N	YES
16	106.00	1	1	NO	1	1	1	2	1	N	NO
17	105.00	1	1	NO	1	1	1	2	1	N	NO
18	85.00	STORE ROOM									
19	90.00			YES	1	1	1	2	N	N	NO
20	104.00			YES	1	1	1	2	1	Y	NO
21	100.00			YES	1	1	1	2	1	N	NO
22	102.00	1		YES	1	1	1	2	1	Y	NO
23	122.00	1		YES	1	1	1	2	1	Y	NO
24	122.00	1		YES	1	1	1	2	1	Y	NO
25	128.00	1		YES	1	1	1	2	1	Y	NO
TOTAL	0	19	15	7	22	22	22	44	21	5	3

M/R- MICROWAVE- REFRIGERATO

# EXHIBIT # 3

## Gardens Hotel Rental Rates

### Daily Room Rates

Room Description	Room Rate (per day)	Tax (12%)	Total Rate (per day)
Room w/o Bath and Shower (One Person)	\$35.71	\$4.29	\$40.00
Room w/o Bath and Shower (Two People)	\$40.18	\$4.82	\$45.00
Room w/ Bath and Shower (One Person)	\$44.64	\$5.36	\$50.00
Room w/ Bath and Shower (Two People)	\$49.11	\$5.89	\$55.00
Room w/ Bath and Shower (Two People: Friday - Sunday)	\$53.57	\$6.43	\$60.00

### Long-term Room Rates (Weekly/monthly)\*

Room Description	Room Rate (per 7 days)	Tax (12%)	Total Rate (per day)
Room w/o Bath and Shower - One Person (no room cleaning service)	\$160.00	\$19.20	\$179.20
Room w/o Bath and Shower - Two People (no room cleaning service)	\$180.00	\$21.60	\$201.60
Room w/ Bath and Shower - One Person (no room cleaning service)	\$200.00	\$24.00	\$224.00
Room w/ Bath and Shower - Two People (no room cleaning service)	\$220.00	\$26.40	\$246.40

\*Long-term rates are provided as special low rates for guests intending to stay at least 30 days

# EXHIBIT # 4

Estate Planning  
Estate Tax Returns  
Estate Settlements/Probate  
Tax Audits  
Corporate/Business  
Contracts

Law Offices of  
**Schofield & Grossman**  
201 South Lake Avenue, Suite 702  
Pasadena, California 91101  
Telephone (626) 578-0708  
Facsimile (626) 578-0244

Charles T. Schofield  
Anthony C. Grossman  
Morris G. Bird  
Lawyers and Counselors

September 1, 2010

Ms. Jeantine Nazar  
Regional Planner, Zoning Permits  
LA County Dept. of Regional Planning  
320 West Temple Street  
Room 1346  
Los Angeles, CA 90012

Re: **Project R2007-03110**  
**Conditional Use Permit 200700176**  
**Project Address: 4541 Whittier Blvd., East los Angeles**

Dear Ms. Nazar:

I am writing you on behalf of the property owners, Prakash Naik and Ketki Naik ("Applicants") for the above-referenced project to request a modification and/or waiver of some of the CSD requirements as described in more detail below.

It is important to remember and note that this is not a new development or even an a physical expansion of an existing development. This project simply seeks to utilize the entire hotel (all 22 rooms) that they purchase from the prior owner. To recap, in 2000, the Applicants purchased the subject property from the Miconi family ("prior owners"), who had owned and operated the property as an hotel since approximately 1967 (the hotel has actually been continuously operated as such since approximately 1930). When the prior owners first started operating the hotel, the hotel had only 17 physical rooms to rent (with some storage). When originally permitted, the hotel and retail space was permitted without a conditional use permit. At some subsequent time, a conditional use permit was required for the hotel, but not for the retail spaces. As the hotel has continually operated as such since 1930, prior to the parking requirements, the hotel was able to obtain the conditional use permit without the requisite parking. Then, in approximately 1993, the prior owners made some renovations to the property in that they remodeled the interior of the hotel space to create additional guest rooms. However, when it came time to renew their CUP in 1999, the prior owners could only obtain a CUP for rental of 17 rooms, and they could not rent the additional rooms they had constructed (they could not obtain approval for all the rooms because the prior owners had no parking to provide). When the Applicants purchased the property, it appeared that the prior owners were renting all 23 rooms. Shortly thereafter, the Applicants learned that they could only properly rent 17 rooms unless and until

Letter to  
September 1, 2010  
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they obtain the necessary parking required to operate the additional rooms.

Since purchasing the hotel, the Applicants have expended a large amount of money in an attempt to comply with the county ordinances to obtain the Conditional Use Permit that they are requesting. Applicants purchased the vacant parking lot adjacent to the hotel. Applicants then repaired the fences, resurfaced and lined the parking lot, adding in lighting, a hose bib, and landscaping buffers to secure and beautify the lot in line with the spirit of the community plan. Once the economic recession hit, Applicants have been tightening their purse strings in an effort to remain in business. At this time, due to the economic recession, any large additional expenditures could put Applicants out of business. Accordingly, Applicants seek the following modifications or waivers of the following CSD requirements:

#### Landscape and Buffering

1. Section 22.44.118D4ci requires that a parking area adjacent to a property line provide a landscaped buffer strip of at least five feet in width. Applicant requests a waiver of this requirement in that application of this standard would result in practical difficulties and unnecessary hardship to the applicant.

Due to the space provided in the parking lot, providing a five foot buffer between the parking spaces and the wall separating the residential units from the lot would decrease the size of the space provided for cars to back out to less than the required 26 feet. Thus, Applicants would have to redesign and reline the parking lot which would further limit the number of parking spaces provided. Not to mention the additional cost of adding the 5-foot landscaping buffer itself. This seems unnecessary in light of the fact that only 25% of the parking lot has been filled at any one time. To require Applicants to add the required buffer would create an unnecessary financial hardship for Applicants in these difficult economic times. It is important to note that the hotel has been operating in the same location for over 50 years without any parking. The parking lot that applicant purchased and is subject of this project also existed for many years as a parking lot prior to applicant purchasing the subject hotel.

2. Section 22.44.118D4ciii requires that a 15-gallon tree be provided for every 50 square feet of landscaped area. Applicant is unsure whether or not Applicants have properly complied with this requirement and therefore include it here for modification.

Applicant has planted plants and trees in a neat and orderly manner in the landscaping strips of the parking lot. Applicants at this time cannot recall nor determine if 15-gallon trees were used or not. However, as can be seen from the enclosed pictures, the plants and trees in those areas have

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grown and thrived nicely. Applicants believe that the landscaping planted provides an inviting and interesting pedestrian environment in accordance with the goals of the community plans. If it is determined that Applicants' landscaping does not technically comply with the standards, Applicants request a modification to accept the landscaping currently planted. To require Applicants to remove all the landscaping and replant would be an undue financial hardship and a waste of the plant materials that could not be reused.

3. Section 22.44.118E1diii(3) requires a landscaped planter or planter box with a minimum depth of one foot be located along the building frontage. Applicant requests a waiver of this requirement.

Compliance with this requirement would create an undue hardship for Applicant. During this economic recession, Applicant has been struggling to keep his business going. Providing a planter box in the frontage of the building would create unnecessary and undue financial hardship to comply with this requirement. Granting a waiver of this requirement would not be materially detrimental to the property or improvements in the area. The hotel has been a fixture of the Whittier Boulevard District since 1930 and it is adjacent to many older buildings along Whittier Boulevard that also do not have any planter boxes along their frontages. Requiring Applicant to provide a planter box would actually disrupt the current continuity of the frontages of the business along that portion of Whittier Boulevard. The existence of a planter would make the subject property stand out from and detract from the other businesses along that portion of Whittier Boulevard.

4. Section 22.44.118E1diii(4) requires a permanent watering system or hose bibs within 50 feet of the landscaping to be provided to satisfactorily irrigate the planted areas. Applicant requests a modification of this requirement.

All landscaping of the project is located in the parking lot at the rear of the property away from Whittier Boulevard. Applicant has installed a hose bib adjacent to the 2-light pole located at the approximate midpoint of the southern border of the parking lot. Although this hose bib is over 50 feet from the outermost landscaping strips in the parking lot, Applicant has a 120-foot hose that can easily reach all of the landscaped area. Applicant believes that this arrangement sufficiently allows Applicant to keep all landscaping in a good and healthy condition as required. To require more would create an undue financial hardship to Applicant. The property, when Applicant acquired it, was already a tarmacked parking lot. To provide additional hose bibs or to provide an alternative permanent watering system would require Applicant to tear up the tarmac to lay pipe underneath. This would create an undue financial hardship for Applicants.

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Parking

1. Section 22.44.118E1dii(2) requires that all parking areas have a six-foot high wall between the property and contiguous residentially zoned properties. Applicant requests a modification of this requirement.

The northern property line of the parking lot abuts a residential property. There currently exists a 5'6" high cinder block wall along that property line except the western 20' of the property line has a seven foot wall and fence (cinder block wall 26" high with a 3-foot chain link fence topped by 21" of barbed wire). To add 6" to an existing masonry wall (that has existed since prior to the Applicants purchasing the property) would require a tear down of the existing wall to ensure structural integrity of the wall. This would cause undue noise and dust for the adjacent residents. The costs of tear down and rebuilding of the wall to a height of six feet would create an undue financial burden on the Applicant (all to correct a 6" deficit in height). The 20' wall/fence portion is consistent with the frontage of the residential units along Duncan Avenue which allow see-through security along Duncan Avenue.

2. Section 22.44.118E1ci requires that automobile parking be provided in accordance with Part 11 of Chapter 22.52. As Applicant understands, for a 22-room hotel with a caretaker residence and one retail store, Applicant is required to provide fourteen (14) parking spaces. Applicant requests a modification of this requirement to allow Applicant's project to proceed with only twelve (12) parking spaces as shown in the plans submitted (please note that the owner's/manager's parking is a 10' x 11' space located inside the locked gate at the southern portion of parking lot).

As stated above, Applicants did not build the parking lot but simply acquired an adjacent lot in an attempt to provide parking as required to obtain a conditional use permit for a 22-room hotel. Applicant has attempted to design the parking lot to maximize the number of spaces provided while still providing sufficient room for maneuverability. Unfortunately, Applicant has only been able to provide twelve parking spaces and to require Applicants to provide more spaces or lose the use of several rooms in their hotel would create a real practical difficulty and undue hardship. The lack of the required spaces will not unduly increase traffic congestion or problems in the area. Most of the clients at the hotel and retail store do not have automobiles or otherwise have need for use of a parking lot. Since Applicants' purchase of the parking lot, the lot has never been more than one-quarter full at anytime. Applicant believes that the parking provided is sufficient to reduce or avoid traffic congestion from the operation of the project in concert with the goals and policies of the community plan.

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September 1, 2010  
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Trash Enclosure

1. Section 22.44.118E1dv requires commercial operations to have trash bins enclosed by a six-foot high decorative wall and solid doors. Applicant requests a waiver of this requirement.

The subject project does not have any separate trash bins. Instead, Gardens Hotel has a verbal agreement with its western neighbor, Boulevard Bar, to share the trash bin located in an enclosure at the northern end of the property for Boulevard Bar adjacent to Gardens Hotel. The gate to the trash enclosure is seven feet high, has solid dark fabric to obscure view and remains locked. Gardens Hotel has its own key to access the trash enclosure area. Requiring Applicants to obtain a trash bin and enclose it on its own would create a financial hardship to Applicants and could also create some practical difficulties as to situating it in the parking lot without losing more parking spaces. Finally, Applicants submit that requiring them to obtain their own trash bin could increase traffic and noise congestion by creating another stop for a garbage truck on its normal route. There has been no complaints from Boulevard Bar and the other surrounding neighbors as to Garden Hotels use of Boulevard Bar's trash bin up to the present.

Applicants believe that the requested modifications and/or waivers will not be materially detrimental to the property and other improvements in the area. Applicants believe that they have made changes to substantially comply with the CSD requirements in a manner consistent with the goals of the community plans to protect the health, safety and general welfare of the clients of the hotel and retail store, as well as the surrounding residential and commercial neighbors in the area. To Applicant's knowledge, no property owners have expressed opposition to the requested modifications and/or waivers.

Applicants believe and submit that the project otherwise complies with all CSD requirements not discussed herein. However, if it is determined that there remain CSD requirements that Applicants have not complied with, Applicants reserve the right to amend and supplement their request for modifications and/or waivers of CSD requirements to include any additional modifications or waivers, if necessary.

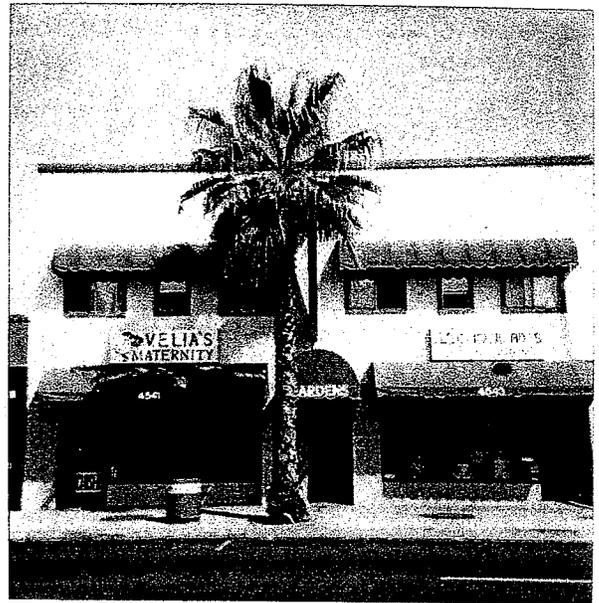
Letter to  
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If you have any questions or comments, or need any further information, please do not hesitate to contact my office. Thank you for all of your assistance and cooperation in the handling of this Conditional Use Permit application.

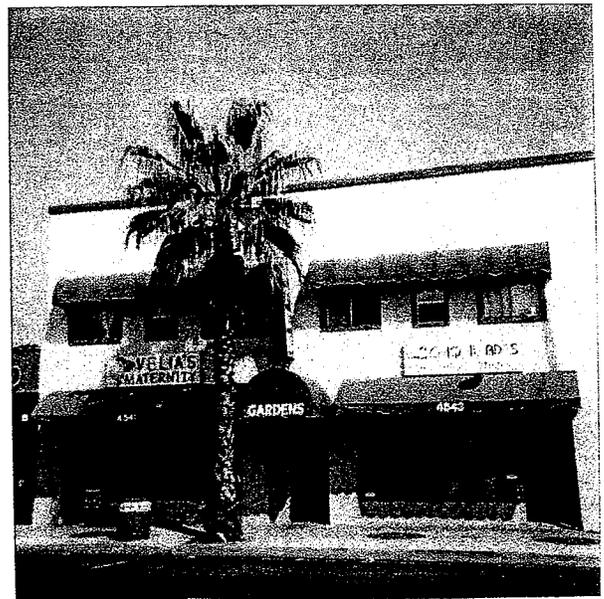
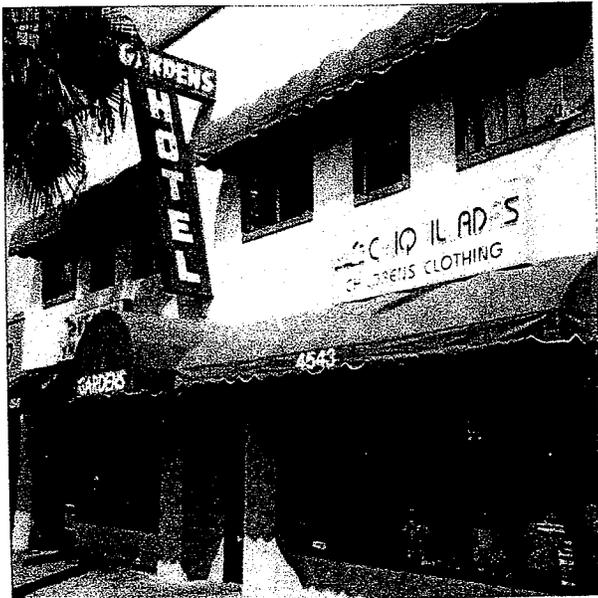
Sincerely yours,

**Anthony C. Grossman**

# **EXHIBIT # 5**



98 144



FACADE OF BUILDING WITH CENTER HOTEL FRONT  
ENTRANCE. FRONTED BY A CHILDRENS CLOTHING  
AND MATERNITY WEAR RETAIL STORES.

- Directional and the Advertising Sign -

Parking Lot

Jun-21-2010



01	Sign Board - 4'6" x 4'6"
02	Two Front Poles - Metal - 80"
03	Two Back Support - wood - 90"
04	Sign - 54" + Poles - 80" = 134"

# **EXHIBIT # 6**

**GARDENS HOTEL**  
4541 Whittier Blvd, Los Angeles, CA 90022  
Ph. No. 323-266-4346

**Hotel Property Maintenance since October 2000 to February 2011**

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- 1) Exterior- Interior new Paint 2002, 2005 and 2009
- 2) New Carpets-2003, 2006 and 2008
- 3) Vinal Flooring in rooms and common areas
- 4) Bath-Shower-Restrooms and Sinks renovated.
- 5) New Window curtains- 2004 and 2008
- 6) New Exosts Fans and Lighting.
- 7) Upgraded Security Camera System.
- 8) New Flat Screen LCD HD TV's.
- 9) New Microwave/Refrigerators.
- 10) All New Bed Frames/ Mattresses 2002 and 2006.
- 11) New Night Stands/ Chairs
- 12) New Fans- 7 new A/C With Heater
- 13) Coin Laundry room for Guests
- 14) Pay Phone Facility
- 15) Purchased in 2005 Hotel-Adjustant Parking Lot and renovated new fences/ wall paint and new total parking area- recarpeting with Lighting vegetation – flowers
- 16) Developed Hotel Website [www.gardenshotelinn.com](http://www.gardenshotelinn.com).
- 17) Neon Sign renovated
- 18) New Water Heaters – 2003 and 2008



**COUNTY OF LOS ANGELES  
FIRE DEPARTMENT**

**5823 Rickenbacker Road  
Commerce, California 90040-3027**

**DATE:** August 9, 2010

**TO:** Department of Regional Planning  
Permits and Variances

**PROJECT #:** CUP R2007-03110

**LOCATION:** 4541 Whittier Blvd., East Los Angeles (Co.)

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is \_\_\_\_ gallons per minute for \_ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. \_\_\_ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is \_\_\_\_\_ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing \_\_\_\_\_ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Verify and flow test* \_\_ 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.
- Water:** Fire flow availability test performed by California Water Service Company on 08-03-2010 is adequate.
- Access:** Fire apparatus access as depicted on the Site Plan dated 08-09-2010 is adequate.
- Special Requirements:** All gates shall comply with LACoFD Regulation 5.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: ***SCOTT JAEGGI***

**Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783**



COUNTY OF LOS ANGELES  
**Public Health**

**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**ALFONSO MEDINA, REHS**  
Director of Environmental Protection Bureau

**KEN HABARADAS, MS, REHS**  
Environmental Health Staff Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5382 • FAX (626) 960-2740



**BOARD OF SUPERVISORS**

**Gloria Molina**  
First District

**Mark Ridley-Thomas**  
Second District

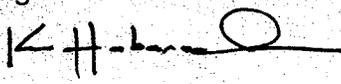
**Zev Yaroslavsky**  
Third District

**Don Knabe**  
Fourth District

**Michael D. Antonovich**  
Fifth District

February 17, 2011

**TO:** Jeantine Nazar  
Zoning Permits II Section  
Department of Regional Planning

**FROM:** Ken Habaradas, M.S., REHS   
Environmental Health Division  
Department of Public Health

**SUBJECT: PROJECT NO. R2007-03110**  
**RCUP 200700209**  
**LOCATION: 4541 WHITTIER BLVD., LOS ANGELES**

- Environmental Health recommends approval of this CUP.
- Environmental Health does **NOT** recommend approval of this CUP.

This is in response to the project consultation for the above-referenced project that was forwarded to the Department of Public Health – Environmental Health Division for review and comment. The project is for renewal and modification of CUP No. 98-144 to operate a 22-room hotel with caretaker residence and one retail space on ground floor.

The Department has reviewed the information provided and has no objection to the approval of this CUP provided the applicant meets the following conditions:

1. The project shall remain connected to public water and public sewer.
2. The project shall comply with all Public Health requirements, regulations, and ordinances relating to boarding homes.

KH:kh



LEROY D. BACA, SHERIFF

County of Los Angeles  
Sheriff's Department Headquarters  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169  
(323) 264-4151



February 25, 2011

MAR - 3 2011

Ms. Jeantine Nazar  
Regional Planning Assistant II  
Los Angeles County Department of Regional Planning  
Zoning Permits II Section  
320 West Temple Street  
Los Angeles, California 90012

Re: **Project number R2007-03110 (4541 Whittier Bl, Los Angeles 90022)**  
**DBA: Gardens Hotel**

Dear Ms. Nazar:

We reviewed calls for service and arrests for the last four years for Gardens Hotel. Members of my Special Problems Team have advised me that the location is well kept, clean and properly managed. Currently, I have no issues with Mr. Naik continuing business at this location.

If you have any questions concerning this report, please contact Lieutenant John Rueff or Captain Henry Romero at (323) 264-4151.

Sincerely,

LEROY D. BACA, SHERIFF

  
Henry M. Romero, Captain  
East Los Angeles Sheriff's Station

*A Tradition of Service*

EAST LOS ANGELES  
04/21/2010

Report RAPS\_300A  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2008 To 04/21/2010

Incident Date: 01/04/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	4541 WHITTIER BLVD, ELA	18		W/A DRIVER RE TINTED WINDOWS.,, WILCO.	23	250	401

Incident Date: 01/27/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA "GARDENS HOTEL"	243	D/P IN ROOM #15, REFUSES TO PAY, CONT ANAIK.	C/GERARDO VASQUEZMUNIZ MH/090166 RE:415B, 918 HANDLED BY 918B DEP SPEAR 264274, CATHRYN SCHOFIELD FW/ADULT DMH.	24	1744	1810

Incident Date: 03/04/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	4541 WHITTIER BL, ELA	418		ARR/CTD S/ RE WARRANT	20N4	1905	1916

Incident Date: 05/03/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA DIAMOND HOTEL	105	CONT HOTEL MANAGER, CUST IN ROOM 415D REFUSING TO LEAVE	CONT INF RE 415B, W/A D/P,,, NOT 415D,, WILCO,, LOC CKS OK,,	24	1149	1252

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA DIAMOND HOTEL	105	CONT HOTEL MANAGER, CUST IN ROOM 415D REFUSING TO LEAVE		25	1149	1253

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA GARDENS HOTEL	178	CONT NAIK, GUEST REFUSING TO LEAVE	CONT INF RE 415B, W/A DP,,, WHO WAS UNCOOP AND DIFFICULT,,, DP FAKED A FALL, BROKE HIS GLASSES/PERSONAL PROPERTY,,, REQ 902R,, DP HAD PRIOR BACK INJURY/BRUISE	24	1135	1243

Incident Date: 10/28/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
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EAST LOS ANGELES  
04/21/2010

Report RAPS\_300A  
Regional Allocation of Police Services  
Location Inquiry from 01/01/2008 To 04/21/2010

Incident Date: 10/28/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	4541 WHITTIER BL, ELA	318	X-GANET	A/GOMEZ, ALBERT MH/121561 AND DELA RIVA, ARLEEN FH/120968 RE 11351 HS. SEE RPT 08-1822-36	20E3	1650	1946

Incident Date: 11/28/2008

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA "THE GARDEN HOTEL"	10	MH/A, WRING BLU JACKET, LT BLU JEANS SLEEPING IN LOBBY OF LOC, REFUSING TO LEAVE, D/P NOT GUEST OF LOC, CONT INF NAIK //UD//10-22 PER INF, D/P GPA	10-22 PER INF	20D	57	101

Incident Date: 02/07/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA	262	3 MH/A WRNG DK CLOTHES BOTHERING MANAGER AND TENANTS	GPA/VTL. LOC CHECKED CLEAR	24	1922	1926

Incident Date: 02/15/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	4541 WHITTIER BL, ELA	45		CITTD JAIRO MENDEZ SANTIAGO RE: 12500A CVC WARR.	22	340	418

Incident Date: 11/23/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA "GARDENS HOTEL"	317	TO RETRIEVE PERSONAL ITEMS, CONT VINCENT IN WHT TOYT 4RUNNER	X/CITIZEN RE:RETRIEVING PROFORM LOC, BOTH PARTIES COOP	24	1728	1917

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C	D	R	4541 WHITTIER BL, ELA "GARDENS HOTEL"	317	TO RETRIEVE PERSONAL ITEMS, CONT VINCENT IN WHT TOYT 4RUNNER		24B	1728	1849

Incident Date: 12/15/2009

<u>S</u>	<u>R</u>	<u>P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O	D	R	4541 WHITTIER BLVD, ELA	348	GARDEN HOTEL	ARRESTED 21 FOR 647B	20E1	1851	330

Incident Date: 01/27/2010

EAST LOS ANGELES  
04/21/2010

Report RAPS\_300A

Page 3 of 3

Regional Allocation of Police Services  
Location Inquiry from 01/01/2008 To 04/21/2010

Incident Date: 01/27/2010

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
O D R	4541 WHITTIER BL, ELA	102	290 REG	SEE ARREST.	20E2	814	841
O D R	4541 WHITTIER BL, ELA	103	290 CHECK	X-SVU SAFE TEAM RE:290 CHECKS	20E1	815	842

Incident Date: 03/07/2010

<u>S R P</u>	<u>Location</u>	<u>Tag</u>	<u>Dispatch Text</u>	<u>Clearance Text</u>	<u>Unit</u>	<u>Entry</u>	<u>10/98</u>
C D R	4541 WHITTIER BL, ELA "GARDEN HOTEL"	120	2 MH/GANG TYPE'S LOTTERING IN FRONT OF LOC,D/P'S VEH IS PARKED IN P/LOT, ON GOING PROBLEM	ASSIST 25A RE 415B	24	1215	1242
C D R	4541 WHITTIER BL, ELA "GARDEN HOTEL"	120	2 MH/GANG TYPE'S LOTTERING IN FRONT OF LOC,D/P'S VEH IS PARKED IN P/LOT, ON GOING PROBLEM	C/DHAVAL NAIK, MO/30 RE:415B,, D/P, S GPA UTL,,, VEH WAS REMOVED BY NEIGHBOR.	25A	1215	1336



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

November 10, 2010

IN REPLY PLEASE  
REFER TO FILE: LD-1

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Jeantine Nazar

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 200700209**  
**PROJECT NO. R2008-03110**  
**4541 WHITTIER BOULEVARD**  
**UNINCORPORATED COUNTY AREA OF EAST LOS ANGELES**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed CUP No. 200700209 seeking to operate a 22-room hotel with caretaker residence and retail space on the first floor. The existing CUP, No. 98-144, is for a hotel with 17 rooms and 2 retail spaces.

**Upon approval of the site plan, we recommend the following conditions:**

1. Building and Safety
  - 1.1 Submit building plans for the review and approval, per Title 26 of the 2008 County of Los Angeles Building Code, for the approval of change of occupancy to Public Works' Building and Safety Division, East Los Angeles District office.

For questions regarding the building and safety comment, please contact Juan Madrigal at (626) 458-6370 or by e-mail at [jmadriga@dpw.lacounty.gov](mailto:jmadriga@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

P:\dpub\SUBMGTCUP\Project R2008-03110 CUP 200700209 4541 Whittier Blvd - Gardens hotel expansion approved.docx



Los Angeles County Department of Regional Planning  
 320 West Temple Street, Los Angeles, California 90012  
 Telephone (213) 974-6443

PROJECT No. 98-144-(1)  
CONDITIONAL USE PERMIT

RPC/HO MEETING DATE <b>5-12-99</b>	CONTINUE TO
AGENDA ITEM <b>5</b>	
PUBLIC HEARING DATE April 14, 1999	

APPLICANT Sam Miconi		OWNER Same		REPRESENTATIVE Same	
REQUEST To authorize the continued operation and use of a 17-room hotel and two ground floor retail establishments in an existing two story structure in East Los Angeles.					
LOCATION/ADDRESS 4541 Whittier Blvd., Los Angeles			ZONED DISTRICT East Side Unit # 4		
ACCESS from Whittier Blvd to the south.			COMMUNITY East Los Angeles		
SIZE 0.13 acres			EXISTING ZONING C-3		
EXISTING LAND USE Hotel / Retail			SHAPE Rectangular		
SURROUNDING LAND USES & ZONING			TOPOGRAPHY Level		
North: Parking lot/R-3-P			East: Commercial establishments/C-3		
South: Commercial establishments/C-3, R-3-P			West: Commercial establishments/C-3		
GENERAL PLAN		DESIGNATION		MAXIMUM DENSITY	
COUNTYWIDE					
AREA PLAN East Los Angeles		Commercial Manufacturing			
ENVIRONMENTAL STATUS Categorical Exemption					
DESCRIPTION OF SITE PLAN The site plan depicts a .13 rectangular shaped parcel, developed with a 17 room hotel and two retail establishments. A walkway leading into the ground level portion of the structure leads to the hotel rooms and the hotel office. The site plan also depicts a stair case on the westerly side of the structure providing access to hotel rooms on the second floor. The property is fenced on the north, east and west by a 6 foot high chain link fence. The structure fronts on Whittier Boulevard. No parking spaces exist on the hotel property.					
KEY ISSUES - Satisfaction of Section 22.56.090, Title 22 Los Angeles County Code Burden of Proof requirements - The off-site parking  <i>(If more space is required, use opposite side)</i>					

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

STAFF CONTACT PERSON					
RPC HEARING DATE(S)		RPC ACTION DATE		RPC RECOMMENDATION	
MEMBERS VOTING AYE		MEMBERS VOTING NO		MEMBERS ABSTAINING	
STAFF RECOMMENDATION (PRIOR TO HEARING)					
SPEAKERS*		PETITIONS		LETTERS	
(O)	(F)	(O)	(F)	(O)	(F)

\*(O) = Opponents (F) = In Favor

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**CONDITIONAL USE PERMIT NO. 98-144-(1)**

**COMMISSION HEARING DATES**

April 14, 1999

**SYNOPSIS:**

**PROCEEDINGS BEFORE THE COMMISSION:**

April 14, 1999

A duly noticed public hearing was held. One person, the applicant presented testimony in support of the request. The applicant expressed concerns relating to the conditions relating to the expiration date (Condition 5), inspection fees (Condition 7) and landscape (Condition 14). The applicant also expressed that the hotel has been operated in a responsible manner and would like to continue to operate for a longer period of time than the one recommended in the draft conditions for approval; 10 years. The Planning Commission noted the applicant's concerns and indicated that the conditions would remain as stated with an exception to the condition relating to the number of inspections.

There being no further testimony, the Regional Planning Commission closed the public hearing and expressed its intent to approve the project by a vote of 5-0 and instructed staff to prepare findings and conditions. The Commission also instructed staff to modify the condition relating to the number of inspections to read: quarterly inspection for the first 4 years, biannual inspections for the following two years and annual inspections for the remaining 4 years.

**Findings**

- 1 To authorize the continued operation of a 17-room hotel and two ground floor retail establishments in an existing two-story structure in East Los Angeles at 4541 Whittier Blvd. The site is also located in the East Side Unit # 4 Zoned District and within the East Los Angeles Community Standards District.
- 2 The zoning on the subject site is C-3 (Unlimited Commercial).
- 3 Surrounding zoning consist of R-3-P (Limited Multiple Residence) to the north, C-3 and R-3-P to the south; and C-3 to the east and to the west.
- 4 The subject property is currently developed with a hotel and two retail establishments on the ground floor.

- 5 The surrounding land uses consist of a parking lot and single family residences to the north; and commercial establishments to the south, east and west.
- 6 There are no previous case filings on the property.
- 7 The subject site is under the Commercial/Manufacturing land use designation in the East Los Angeles Community Plan. The subject site complies with the local plan designation.
- 8 Section 22.28.210 of the Los Angeles County Code, Title 22, requires a conditional use permit in the C-3 zone for hotel uses. Retail uses in the C-3 Zone are permitted as a matter of course without a permit.
- 9 The use of the property as a hotel and retail were established in 1930. The C-3 zone on the subject site became effective April 2, 1942. When originally permitted, the retail and hotel use were permitted without a conditional use permit.
- 10 The site plan depicts a .13 acre rectangular shaped parcel, developed with a 17-room hotel and two ground floor retail establishments. A walkway leading into the ground level portion of the structure leads to the hotel rooms and the hotel office. The site plan also depicts a staircase on the westerly side of the structure providing access to hotel rooms on the second floor. A 6-foot high chain link fence bounds the property on the north, east and west. The hotel structure fronts on Whittier Boulevard. No parking spaces exist on the hotel property.
- 11 The use of a hotel in the C-3 zone is a use permitted subject to a conditional use permit.
- 12 The proposed hours of operation for the hotel are seven days a week, twenty-four hours a day. The hours of operation of the two retail uses on the ground floor of the hotel are 9:00 a.m.-6:00 p.m. Monday through Saturday.
- 13 Burden of proof per code. Los Angeles County, requires the applicant meet burden of proof requirements for conditional use permit specified in Section 22.56.040.
- 14 The project was granted a Categorical Exemption under California Environmental Quality Act (CEQA) guidelines.
- 15 Staff received two letters expressing support for the conditional use permit request and a petition with 20 signatures.

- 16 The existing hotel and retail uses at the site are consistent with Countywide General Plan and the local plan. There is no history of zoning violations on this site and no zoning violations enforcement record. The applicant has operated the hotel without significant problems and has maintained the premises clean and free of prostitution activities.
- 17 Prostitution activity is a continuing concern in the area. The hourly rental of hotel rooms encourages this situation. Prohibition of room rentals for less than 24-hour periods has been included in the draft conditions to discourage this activity.
- 18 No parking spaces were required when this structure was originally established and permitted. The hotel is currently nonconforming due to parking standards. Section 22.56.1510(E) of the Los Angeles County Code specifies that a building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that (1) the use has the same or lesser parking requirements as the existing or previous use. Since the use of the subject property has remained the same as when the building was constructed the parking requirements then in effect are still applicable.
- 19 The hotel has continually operated in the neighborhood since 1930. According to departmental enforcement records the hotel has operated in conformance with conditions of approval with no zoning enforcement violations. The hotel has operated on an hourly basis in the past. Conditions to prevent hourly rentals shall be included in the conditions for approval. Staff is also recommending the installation of a surveillance system on the property. The system and monitor shall be placed in the hotel lobby at a location where the hotel manager/operator can monitor activities within hotel common areas and in front of the premises.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

**REGARDING THE CONDITIONAL USE PERMIT:**

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through implementation of the attached conditions.

**AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).**

**COMMISSION ACTION:**

1. The Commission has considered the Negative Declaration for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact presented above, Conditional Use Permit No. 98-144-(1) is **APPROVED**, subject to the attached conditions.

**VOTE :**

**Concurring:**

**Dissenting:**

**Abstaining:**

**Absent:**

**Action Date:** May 5, 1999

**Attachments:** Conditions of Approval

JG:REG:reg  
5-12-99

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant will terminate April 14, 2009.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges here under shall cease to be effective.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2,400.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 16 quarterly inspections for the first four years, 4 biennial inspections for the subsequent two years and 4 annual inspections thereafter.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
9. The permittee shall submit three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following conditions as can be shown on a plan. Said revised plans shall depict all fencing along the north, east and west property lines to a maximum height of 6 feet. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.
10. The permittee shall post a sign at the entrance of the subject site in English and the predominant second language displaying contact telephone numbers for the site's manager, the Department of Regional Planning Zoning Enforcement Section and the closest sheriff station for reporting any problems which may occur related to the operation of said establishment and shall implement a program to address and promptly resolve such problems should they occur.
11. The permittee shall install surveillance cameras capturing the image of all persons entering and exiting the premises in front of the hotel entry areas (Whittier Blvd.) and within the hotel common areas. The permittee shall make available recording tapes if necessary to the Los Angeles County Sheriff's Department. Tapes shall be kept for back-up a minimum of two months. The monitoring portion of the system shall be placed at a convenient location in the front lobby of the hotel where the manager/operator can conveniently monitor activities on the premises.

12. The permittee shall construct and maintain fences and gates on the perimeter of the property to prevent trespassing and other inappropriate activities.
13. This grant allows the continued operation and maintenance of a 17-room hotel at the site subject to the following conditions:
  - a. Seventeen rental units are permitted;
  - b. Room rentals shall be provided for on a 24-hour basis only. No hourly rental rates shall be permitted;
  - c. Any public telephones shall be within the interior of the hotel site, no public telephones shall be allowed along the hotel's frontage; *loitering cond.*
  - d. The permittee shall refuse to provide room service to any person using the rooms for the sole purpose of prostitution or other suspected criminal activities;
  - e. The permittee shall not rent to any know or suspected prostitute;
  - f. There shall be no loitering permitted on the premises under the control of the permittee;
  - g. The permittee shall post a sign on the premises prohibiting consumption of alcoholic beverages within the public areas on site, open containers and prohibiting loitering. The signage shall be in English and Spanish;
  - h. The permittee shall maintain free of litter all areas of the premises under which the applicant has control.
14. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before the issuance of a building permit. The landscape plan shall show the size, type and location of all grass areas, plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

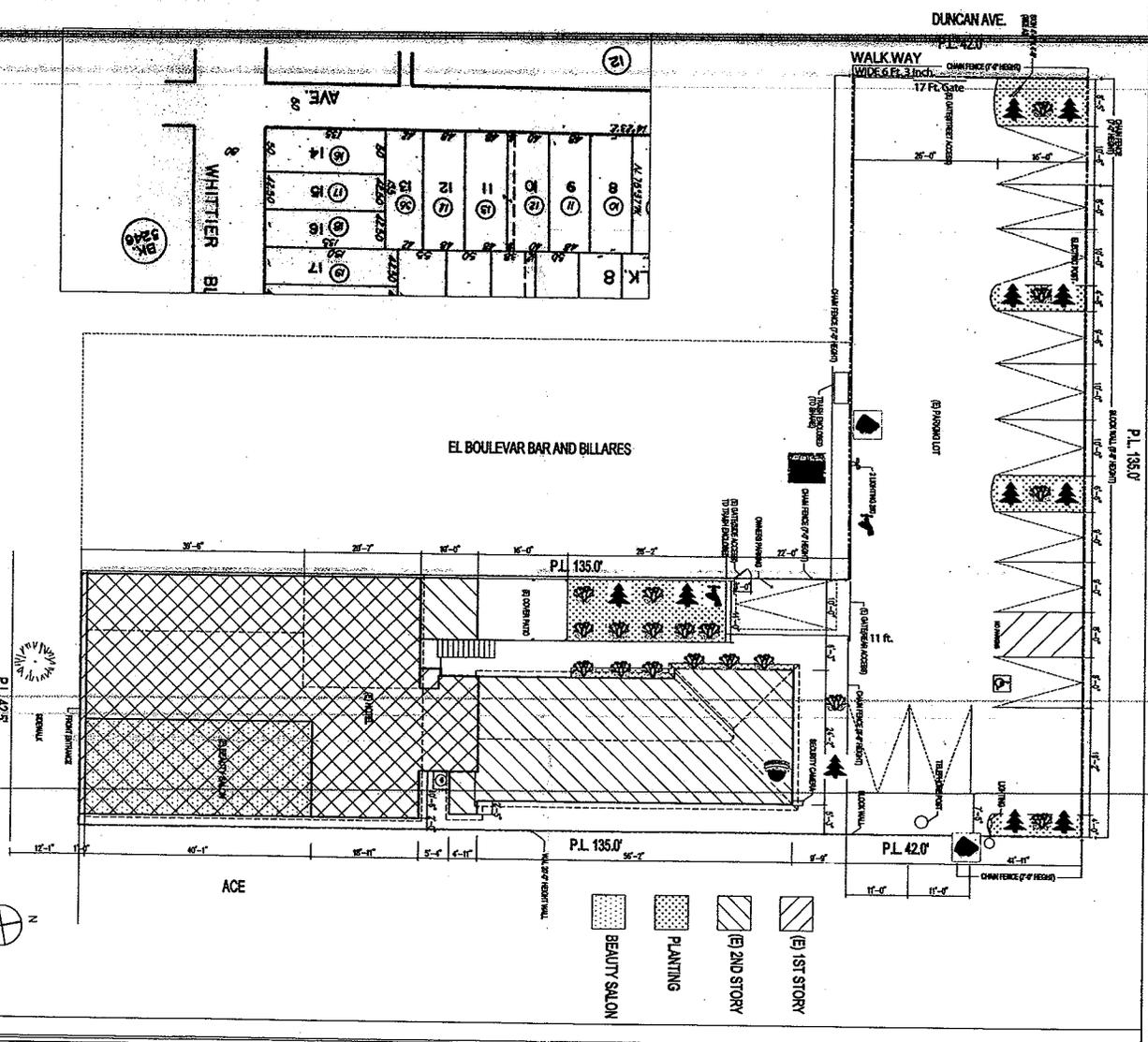
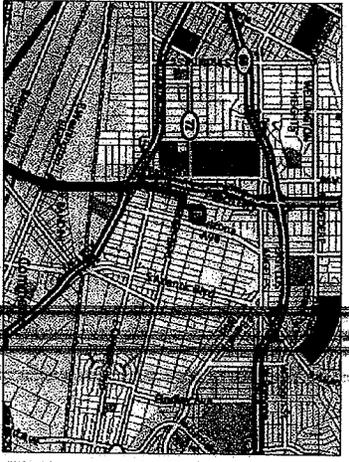
JG:REG:reg

5-12-99

# GARDENS HOTEL

4541 WHITTIER / L.A. - CA

AREA CALCULATIONS:	
EXIST. HOTEL 1ST FLOOR	3471 S.F.
EXIST. HOTEL 2ND FLOOR	2730 S.F.
EXIST. HOTEL TOTAL	6201 S.F.
EXIST. BEAUTY SALON	688 S.F.
EXIST. COVER PATIO	175 S.F.
LEGAL DESCRIPTION	
TRACT NO 4190	
LOT 16 AND 13	
BLK 8	
Assessor's ID No. 5247-013-018	
PLANNING AND ZONING	
ZONING	COMMERCIAL INDUSTRIAL
OCCUPANCY GROUP	TYPE V
NUMBER OF STORIES	2
APPROX. HEIGHT OF BUILDING	25'-0"
LOT 16 AREA:	5737.5 S.F.
LOT 13 AREA:	5670.0 S.F.
PARKING SPACES	
STANDARD	11
COMPACT	1
ADA	1



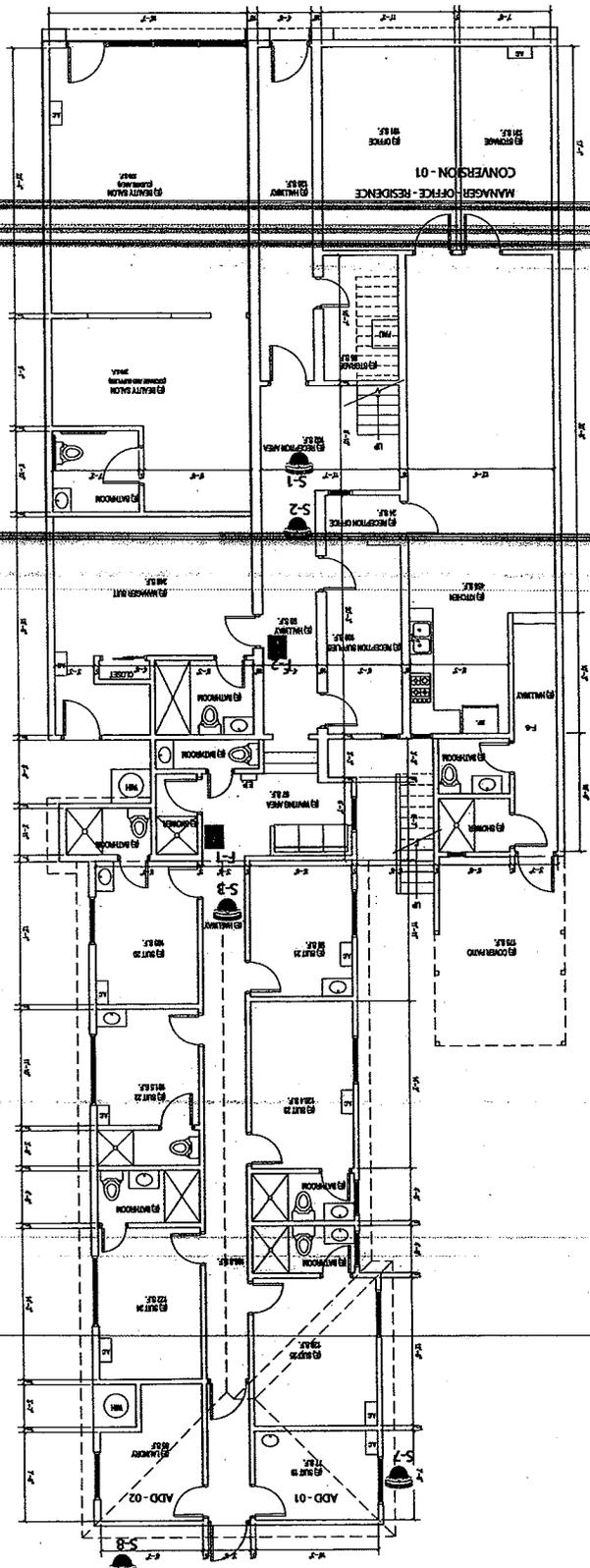
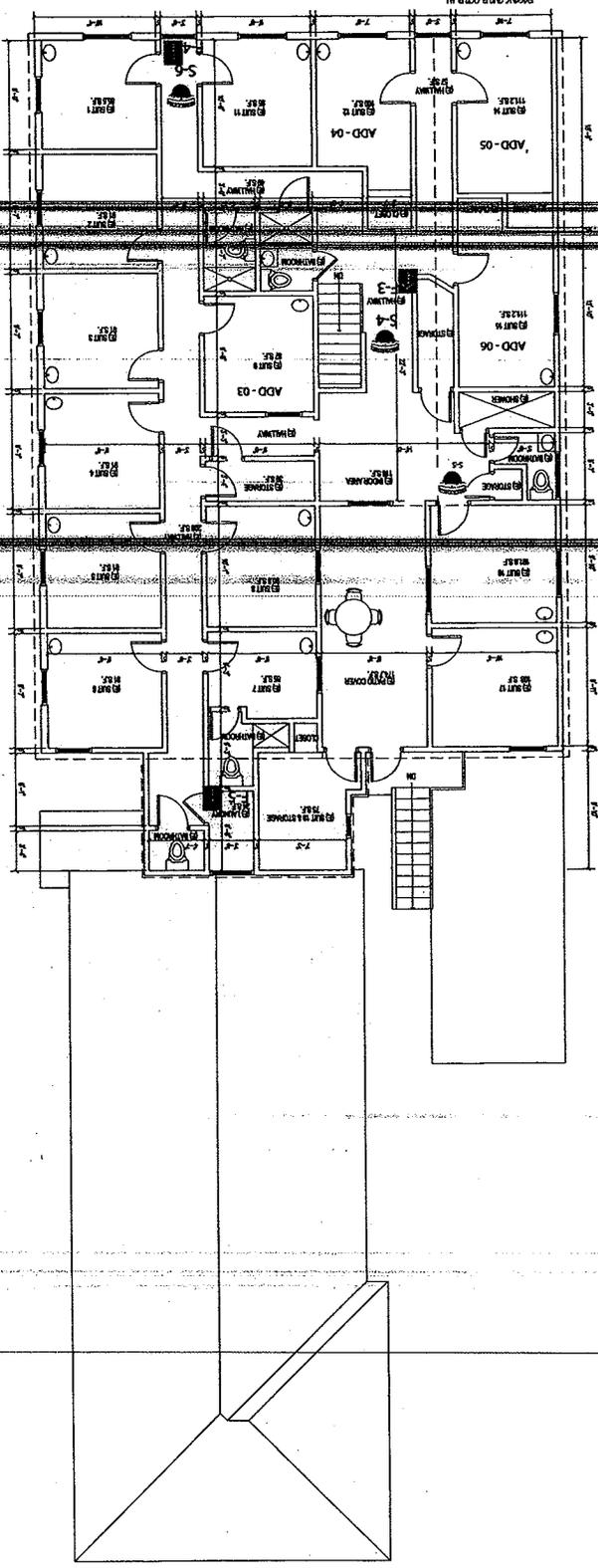
SITE PLAN  
SCALE: 1/8" = 1'0"

WHITTIER BLVD.



<p><b>A-1</b></p>	<p><b>SITE PLAN</b></p>	<p><b>GARDENS HOTEL</b> 4541 WHITTIER BLVD. L.A. - CA</p>	<p><b>PABLO GALIN</b> Tel. No.: (310) 463 01 84 Fax No.: (310) 427 76 37 1606 STEINHART AVE. REDONDO BEACH-CA 90278</p>	

S-1 to S-8 Security Camera  
 F-1 to F-6 Fire Extinguishers







## Whittier Boulevard Merchant's Association

Tel: (323) 981-9377 / Fax: (323) 981-9488 / 4700 Whittier Blvd. Los Angeles, CA 90022

September 9, 2010

County of Los Angeles Regional Planning Department  
320 W. Temple Street, Room 1348  
Los Angeles, CA 90012

Re: Garden Hotel  
Owner: Prakash Naik  
4541 Whittier Blvd  
Los Angeles, CA 90022

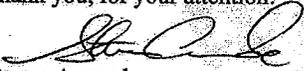
Dear Regional Planning Department:

We understand that Mr. Prakash Naik, the property and business owner of Garden Hotel is renewing his CUP.

I am writing on behalf of the Whittier Boulevard Merchants Association to express our support of the renewal of their CUP. The hotel provides a needed service to the community of East Los Angeles at affordable prices. In addition, Mr. Prakash Naik has been a dedicated business owner who is involved in community service.

If you need additional information, I can be reached at (323) 262-0576.

Thank you, for your attention!

  
Steven Acevedo  
President

[www.shoponwhittierblvd.com](http://www.shoponwhittierblvd.com)

**GARDENS HOTEL -4541-WHITTIER BLVD-L.A.CA. 90022**

**PROJECT NO . R-2008-03110 / CUP NO. 200700209**

**ARCHITECTURAL PLANS- CURRENT USES AND PROPOSED EXPANSION AND USES -- PLAN-A-2**

7/27/2010

NO OF RMS	DESCRIPTION
	<b>SECOND FLOOR</b>
1	Suite-1-Approved
2	Suite-2-Approved
3	Suite-3-Approved
4	Suite-4-Approved
5	Suite-5-Approved
6	Suite-6-Approved
7	Suite-7-Approved
8	Suite-8-Approved
9	<b>PROPOSED ADDITION SUITE-09-ADD-03</b>
11	Suite-11-Approved
12	<b>PROPOSED ADDITION SUITE-12-ADD-04</b>
14	<b>PROPOSED ADDITION SUITE- 14-ADD-05</b>
15	<b>PROPOSED ADDITION SUITE -15 -ADD-06</b>
16	Suite-16-Approved
17	Suite-17-Approved
18	<b>STORAGE</b>
	<b>FIRST FLOOR- GROUND</b>
19	<b>PROPOSED ADDITION SUITE-19- ADD-01</b>
	<b>PROPOSED ADDITION LAUNDRY -ADD-02</b>
20	Suite-20-Approved
21	Suite-21-Approved
22	Suite-22-Approved
23	Suite-23-Approved
24	Suite-24-Approved
25	Suite-25-Approved

**Approved Suites 17 + STORAGE + ADD 06 = 23 Total**

Remarks: Approved 2 retail spaces- 1st Floor  
Proposed Conversion 01 Manager Office-Residence  
Retail Space 02- Beauty Saloon

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**CONDITIONAL USE PERMIT NO. 98-144-(1)**

**COMMISSION HEARING DATES**

April 14, 1999

**SYNOPSIS:**

**PROCEEDINGS BEFORE THE COMMISSION:**

April 14, 1999

A duly noticed public hearing was held. One person, the applicant presented testimony in support of the request. The applicant expressed concerns relating to the conditions relating to the expiration date (Condition 5), inspection fees (Condition 7) and landscape (Condition 14). The applicant also expressed that the hotel has been operated in a responsible manner and would like to continue to operate for a longer period of time than the one recommended in the draft conditions for approval; 10 years. The Planning Commission noted the applicant's concerns and indicated that the conditions would remain as stated with an exception to the condition relating to the number of inspections.

There being no further testimony, the Regional Planning Commission closed the public hearing and expressed its intent to approve the project by a vote of 5-0 and instructed staff to prepare findings and conditions. The Commission also instructed staff to modify the condition relating to the number of inspections to read: quarterly inspection for the first 4 years, biannual inspections for the following two years and annual inspections for the remaining 4 years.

**Findings**

- 1 To authorize the continued operation of a 17-room hotel and two ground floor retail establishments in an existing two-story structure in East Los Angeles at 4541 Whittier Blvd. The site is also located in the East Side Unit # 4 Zoned District and within the East Los Angeles Community Standards District.
- 2 The zoning on the subject site is C-3 (Unlimited Commercial).
- 3 Surrounding zoning consist of R-3-P (Limited Multiple Residence) to the north, C-3 and R-3-P to the south; and C-3 to the east and to the west.
- 4 The subject property is currently developed with a hotel and two retail establishments on the ground floor.

- 5 The surrounding land uses consist of a parking lot and single family residences to the north; and commercial establishments to the south, east and west.
- 6 There are no previous case filings on the property.
- 7 The subject site is under the Commercial/Manufacturing land use designation in the East Los Angeles Community Plan. The subject site complies with the local plan designation.
- 8 Section 22.28.210 of the Los Angeles County Code, Title 22, requires a conditional use permit in the C-3 zone for hotel uses. Retail uses in the C-3 Zone are permitted as a matter of course without a permit.
- 9 The use of the property as a hotel and retail were established in 1930. The C-3 zone on the subject site became effective April 2, 1942. When originally permitted, the retail and hotel use were permitted without a conditional use permit.
- 10 The site plan depicts a .13 acre rectangular shaped parcel, developed with a 17-room hotel and two ground floor retail establishments. A walkway leading into the ground level portion of the structure leads to the hotel rooms and the hotel office. The site plan also depicts a staircase on the westerly side of the structure providing access to hotel rooms on the second floor. A 6-foot high chain link fence bounds the property on the north, east and west. The hotel structure fronts on Whittier Boulevard. No parking spaces exist on the hotel property.
- 11 The use of a hotel in the C-3 zone is a use permitted subject to a conditional use permit.
- 12 The proposed hours of operation for the hotel are seven days a week, twenty-four hours a day. The hours of operation of the two retail uses on the ground floor of the hotel are 9:00 a.m.-6:00 p.m. Monday through Saturday.
- 13 Burden of proof per code. Los Angeles County, requires the applicant meet burden of proof requirements for conditional use permit specified in Section 22.56.040.
- 14 The project was granted a Categorical Exemption under California Environmental Quality Act (CEQA) guidelines.
- 15 Staff received two letters expressing support for the conditional use permit request and a petition with 20 signatures.

- 16 The existing hotel and retail uses at the site are consistent with Countywide General Plan and the local plan. There is no history of zoning violations on this site and no zoning violations enforcement record. The applicant has operated the hotel without significant problems and has maintained the premises clean and free of prostitution activities.
- 17 Prostitution activity is a continuing concern in the area. The hourly rental of hotel rooms encourages this situation. Prohibition of room rentals for less than 24-hour periods has been included in the draft conditions to discourage this activity.
- 18 No parking spaces were required when this structure was originally established and permitted. The hotel is currently nonconforming due to parking standards. Section 22.56.1510(E) of the Los Angeles County Code specifies that a building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that (1) the use has the same or lesser parking requirements as the existing or previous use. Since the use of the subject property has remained the same as when the building was constructed the parking requirements then in effect are still applicable.
- 19 The hotel has continually operated in the neighborhood since 1930. According to departmental enforcement records the hotel has operated in conformance with conditions of approval with no zoning enforcement violations. The hotel has operated on an hourly basis in the past. Conditions to prevent hourly rentals shall be included in the conditions for approval. Staff is also recommending the installation of a surveillance system on the property. The system and monitor shall be placed in the hotel lobby at a location where the hotel manager/operator can monitor activities within hotel common areas and in front of the premises.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. Compatibility with surrounding land use will be ensured through implementation of the attached conditions.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**COMMISSION ACTION:**

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgement and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact presented above, Conditional Use Permit No. 98-144-(1) is **APPROVED**, subject to the attached conditions.

**VOTE:** 4-0-1

**Concurring:** Toy, Campbell, Vargo and Pederson

**Dissenting:** None

**Abstaining:** None

**Absent:** Feldman

**Action Date:** May 12, 1999

**Attachments:** Conditions of Approval

JG:REG:reg  
5-12-99

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein. The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant will terminate April 14, 2009.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges here under shall cease to be effective.

7. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$2,400.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 16 quarterly inspections for the first four years, 4 biennial inspections for the subsequent two years and 4 annual inspections thereafter.

If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
9. The permittee shall submit three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following conditions as can be shown on a plan. Said revised plans shall depict all fencing along the north, east and west property lines to a maximum height of 6 feet. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.
10. The permittee shall post a sign at the entrance of the subject site in English and the predominant second language displaying contact telephone numbers for the site's manager, the Department of Regional Planning Zoning Enforcement Section and the closest sheriff station for reporting any problems which may occur related to the operation of said establishment and shall implement a program to address and promptly resolve such problems should they occur.
11. The permittee shall install surveillance cameras capturing the image of all persons entering and exiting the premises in front of the hotel entry areas (Whittier Blvd.) and within the hotel common areas. The permittee shall make available recording tapes if necessary to the Los Angeles County Sheriff's Department. Tapes shall be kept for back-up a minimum of two months. The monitoring portion of the system shall be placed at a convenient location in the front lobby of the hotel where the manager/operator can conveniently monitor activities on the premises.

12. The permittee shall construct and maintain fences and gates on the perimeter of the property to prevent trespassing and other inappropriate activities.
13. This grant allows the continued operation and maintenance of a 17-room hotel at the site subject to the following conditions:
  - a. Seventeen rental units are permitted;
  - b. Room rentals shall be provided for on a 24-hour basis only. No hourly rental rates shall be permitted;
  - c. Any public telephones shall be within the interior of the hotel site, no public telephones shall be allowed along the hotel's frontage;
  - d. The permittee shall refuse to provide room service to any person using the rooms for the sole purpose of prostitution or other suspected criminal activities;
  - e. The permittee shall not rent to any know or suspected prostitute;
  - f. There shall be no loitering permitted on the premises under the control of the permittee;
  - g. The permittee shall post a sign on the premises prohibiting consumption of alcoholic beverages within the public areas on site, open containers and prohibiting loitering. The signage shall be in English and Spanish;
  - h. The permittee shall maintain free of litter all areas of the premises under which the applicant has control.
14. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before the issuance of a building permit. The landscape plan shall show the size, type and location of all grass areas, plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

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5-12-99