

11/12
From
CD4

Final Revision to Conditions of Approval (for Conditional Use):
Case No. CPC 2013-3554-ZC-HD-CU-ZV-ZAA

The following revision to the Conditions Of Approval presented on page C-1 of the CPC Determination dated August 19, 2014 for the subject Case No. is requested:

A.2. Use

- a) The use of the westerly 16,500 square-foot portion of the subject site shall be limited to a new 4-story, 33,811 square-foot, 73-guest room hotel building, plus one manager's unit.
- b) There shall be no hourly rates for room rentals, and customers will be billed at the market rate, a pre-negotiated rate, or a contractually established rate.
- c) The hotel owner and/or manager shall comply with all applicable laws and conditions and the hotel manager shall be made completely familiar with these conditions and shall implement them as required.
- d) The hotel manager shall make duplicate electronic room keys available if needed by emergency services personnel to gain entry.
- e) Lighting within the parking lot and along pedestrian pathways shall be provided for the purposes of providing for the security and safety of hotel patrons, and shall be directed on-site to avoid spill-over onto adjacent properties, as appropriate.
- f) Property upkeep and maintenance shall be provided on a regular and routine basis, including graffiti removal in a color that matches the surface to which it was applied, and trash, debris and weed removal; landscaping shall be established in substantial conformance with the Preliminary Landscape Plan, and maintained on a regular and ongoing basis. The Council Office will be provided a copy of the Preliminary Landscape Plan for review/comment.
- g) The hotel operator/property owner shall establish and maintain an ongoing proactive relationship with the LAPD Senior Lead Officer for Van Nuys to facilitate continued dialog relevant to hotel operators, and to receive appropriate training and notifications. The LAPD shall provide 10-day advance notice to the hotel operator/property owner of the date, time, and location of meetings, in writing by means of either email or U.S. Postal Service.
- h) On-Site Security. Closed Circuit Cameras will be provided within the parking lot and all common areas of the hotel property, and will have a

storage capacity consistent with industry standard. Entrances to the hotel building, other than the main entry to the building on Sepulveda Blvd. and the entrance to the building adjacent to the parking lot, will have controlled (electronic key) access at all times. Similar controlled (electronic key) access will be provided after hours at the main entry to the building and at the entrance to the building adjacent to the parking lot. Locked access gates along the side yard areas adjacent to N. Sepulveda Boulevard and N. Halbrent Avenue will be maintained. A state-licensed security patrol with on-demand response capability will be provided as needed.

i) Maximum prices for accommodations will be posted as required by state/City Codes.

j) The only telephones provided on the hotel property will be located within the hotel office areas and guest rooms. No pay phones are permitted, in keeping with La Quinta Inns & Suites operational standards and requirements.

k) The property owner will post at least one sign in view of prospective guests entering the hotel property stating "No Trespassing".

l) Four locked access gates to the sideyard areas along the north and south sides of the subject property (i.e., two access gates proximate to the Sepulveda Blvd. frontage and two access gates proximate to the Halbrent Ave. frontage) shall be provided as depicted on the site plan (Exhibit B-3), and shall remain locked at all times, except for the purposes of routine property/landscape maintenance activities performed by hotel/landscape maintenance personnel.

m) No employee parking shall be permitted on Halbrent Avenue.

n) Condition Compliance. In order to provide for reexamination of the matter 6 months after the operation (issuance of the Certificate of Occupancy) and if the applicant/operator or owner of the land wishes to continue operation as herein authorized, an "Approval of Plans" shall be filed. Said application must be filed no later than three months prior to the initial 6 month period and said application must be made on the appropriate forms and fees paid. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-I of the LAMC, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by owner notice labels for abutting properties include the Council District, and individuals on the interested parties list related to the subject authorization. The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Approval of Plans review application. An application without

such documentation shall be accompanied by a fee payment governed by Section 19.01-C of the LAMC. Further, any requested modification to the discretionary action shall also result in the increased fee. The applicant shall submit proof that at least a summary of the compliance documentation was mailed to address labels noted above which included a statement that:

“In compliance with the conditions of approval, the attached documentation is mailed to interested parties. To assist the Planning Department in determining if a public hearing shall be held, interested parties should contact the Planning Department.”

The Director of Planning (or designee) may elect to waive the public hearing if the applicant has fully complied with the conditions of approval, continued operation of the facility would not adversely impact the surrounding community, and the matter is not likely to evoke public controversy. If a public hearing is required, the Director reserves the right to either modify the conditions of approval of the Conditional Use Permit by imposing new and/or different substitute conditions or revoke the Permit if, in the Director’s opinion, its revocation is necessary for the protection of persons in the surrounding neighborhoods or occupants of adjacent properties.

A.5. Bicycle Parking

- a) a minimum of 5 short term bicycle parking spaces shall be provided within the front yard as shown on the site plan (Exhibit B-3).

#12

**Suggested Conditions by Staff in Response
to Appealed Case No. CPC-2013-3554-ZC-HD-CU-ZV-ZAA**

Page C-2 (Conditional Use Conditions), Condition No. A.8.a,

A.8.a. Vehicular and pedestrian ingress and egress from the subject property shall be prohibited from Halbrent Avenue, except for emergency access as may be required by the Fire Department or for landscape maintenance purposes. Otherwise, the gates located at Halbrent Avenue shall be locked at all times.

Page C-2 (Conditional Use Conditions), Condition No. A.9,

A.9. Landscaping. The landscaping shall be in substantial conformance with the citywide landscape ordinance (L.A.M.C. Section 12.42-B) and as shown on the plans submitted by the applicant and attached to the case file as Exhibit **B-13**.

11/12
from CD4

**Final Revision to Conditions For Effectuating (T) Tentative
Classification Removal (for Zone Change):
Case No. CPC 2013-3554-ZC-HD-CU-ZV-ZAA**

The following revision to the Conditions For Effectuating (T) Tentative Classification Removal presented on page T-1 of the CPC Determination dated August 19, 2014 for the subject Case No. is requested:

- 2.a. Sepulveda Boulevard (Major Highway Class II) - That a 2-foot wide strip of land along the property frontage be dedicated to allow for the construction of a 7.5-foot wide sidewalk.
- 2.b. Sepulveda Boulevard - Construct an additional 2-foot concrete sidewalk along the property frontage to complete a 7.5-foot wide sidewalk. Close any unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements.

A-12
from CD4

**RE: Appeal in Part of Case No. CPC-2013-3554-ZC-HD-CU-ZV-ZAA
Applicable to the Proposed La Quinta Inns & Suites Hotel Project
Located at 5746 – 5750 North Sepulveda Blvd. and 5747 – 5751 North
Halbrent Ave.**

The following final revisions to the CPC's Determination dated August 19, 2014 for Case No. CPC-2013-3554-ZC-HD-CU-ZV-ZAA applicable to the proposed La Quinta Inns & Suites Hotel Project (the "Proposed Project") located at 5746 – 5750 North Sepulveda Blvd., and 5747 – 5751 North Halbrent Ave. are submitted on behalf of the Applicant (El Cortez Motel, Inc.), and identify the specific points of Appeal (shown in **bold strike-out and underline** format).

I. The Applicant seeks approval of the following requested entitlements denied by the CPC:

Page 1, CPC Actions:

1. **Approve Denied**-a Zone Variance to allow bicycle parking in the front yard setback area.
2. **Approve Denied** an Adjustment for a bike rack within the required front yard.
3. **Approve Denied**-an Adjustment for a paved surface area for bikes in the front yard in lieu of the required landscaping.

Justifications in support of Approval are as follows:

Page F-5, Paragraph 3 - Variance Findings: "Bicycle Parking in the Front Yard Setback"

Strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. Specifically, the Code requires that a yard be open "from the ground to the sky", and yet given the special circumstances of no parkway along the Subject Property's frontage on Sepulveda Boulevard within which to locate required short-term bicycle parking spaces, there exists a real practical difficulty in complying with the Code's requirement for short-term bicycle parking (including the siting requirements), while also complying with the Code's requirement that a yard be open from the ground to the sky (Section 12.21.C.1(g), and balancing the competing interest of not displacing any of the 10 additional parking spaces which exceed the Code's requirement for the proposed hotel use, but which are provided by the Applicant based on operating experience, and the desire to ensure compatibility with the adjacent land uses.

Page F-6, Paragraph 3 - Variance Findings: "Bicycle Parking in the Front Yard Setback"

The special circumstance is that the Subject Property's frontage along N. Sepulveda Boulevard does not include a parkway, an appropriate location for

locating required short-term bicycle parking spaces which meets the siting requirements of the Code. Noteworthy is that the Code also requires that such short-term bicycle parking spaces shall be located within 50 feet of walking distance from a main pedestrian entrance. Because the Subject Property has no parkway, and in order to comply with the requirement that bicycle parking spaces be located within 50 feet of the main entrance, the only remaining available space is the front yard area.

Page F-7, Paragraph 4 - Variance Findings: "Bicycle Parking in the Front Yard Setback"

With regard to the requested use of the front yard to locate required short-term bicycle parking spaces, the Subject Property is denied the ability to use the adjacent parkway as the site for required short-term bicycle parking spaces, because no parkway exists adjacent to the Subject Property. As envisioned by the Code amendment requiring bicycle parking, other properties within the City in the same zone have a parkway available to them which can be used to site required short term bicycle parking spaces, and as such can provide a Code compliant project meeting both the requirement for short-term bicycle parking and also providing a front yard area "open from the ground to the sky", without having to compromise available automobile parking spaces. As such, a zone variance is necessary to bring parity between the Applicant's property and other similarly situated parcels.

Page F-9, Paragraph 1 - Variance Findings: "Bicycle Parking in the Front Yard Setback"

With regard to the requested zone variance to permit short-term bicycle parking spaces within the required front yard area, the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The front yard area will be fully improved with landscaping, consistent with the City's requirements and as shown on the attached Preliminary Landscape Plan, and the short-term bicycle parking area will be fully improved as a hardscape component within this landscaped area.

Page F-10, Paragraph 1 - Variance Findings: "Bicycle Parking in the Front Yard Setback"

Granting the requested zone variance to permit bicycle parking in the front yard setback will not adversely affect any element of the General Plan inasmuch as the proposed use of the property will be compatible with the uses in the adjacent and surrounding area including a motel and 6 unit apartment building with associated surface parking to the north, an apartment building and associated surface parking to the south, and single-family residential neighborhood to the east across N. Halbrent Avenue, all of which are compatible with the proposed bicycle parking, as presented and discussed above. As such, and by extension, the proposed project would not have an adverse affect on the General Plan.

The proposed zone variance will also will further the goals of the Van Nuys North Sherman Oaks Community Plan. While the Community Plan is silent with regard to zone variances, its intent is to support the maintenance of a commercial base. As an accessory use to the proposed La Quinta Inns & Suites brand hotel, a commercial land use, the proposed bicycle parking within the front yard would support the commercial base within the Van Nuys North Sherman Oaks Community Plan Area, and to the City in general.

Page F-11, Paragraph 2 - Adjustment Findings: "Encroachment into the Front Yard Setback"

The proposed project is required to provide 5 short-term bicycle parking spaces outside, "...located to maximize visibility from the main entrance...no farther than 50-feet of walking distance from a main pedestrian entrance" (LAMC 12.21.A.16(e)2). However, the public right-of-way adjacent to the proposed hotel's entrance has no parkway, and as a result, the remaining viable option is to locate them within the front yard. Further, and consistent with the requirements of the Code, the front yard area will be landscaped with the exception of entrance walkways, driveways, and the short-term bicycle parking area. Therefore, the functional requirement of providing hardscape within the bicycle parking area will balance the competing yet equally important purpose of providing landscape adjacent to a building.

Page F-12, Paragraph 2 - Adjustment Findings: "Encroachment into the Front Yard Setback"

The proposed project will provide 5-foot landscaped side yards, a 15-foot landscaped front yard along N. Halbreth Avenue, and a variable width (approximately 4.5 foot average) front yard along N. Sepulveda Boulevard. As identified above, the purposes of adequate light and air, as well as landscaping will be provided within the hotel building front yard area along N. Sepulveda Boulevard, which will also serve the public benefit of providing short-term bicycle parking spaces consistent with Code requirements. As such, the requested adjustment to yards to permit a bike rack within the required 5-foot front yard will clearly be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

Page F-13, Paragraph 2 - Adjustment Findings: "Encroachment into the Front Yard Setback"

Approving the requested adjustment to encroach into the required front yard to establish 5-short term bicycle parking spaces will be in substantial conformance with the purpose intent and provisions of the Van Nuys-North Sherman Oaks Community Plan which intends to promote a safe, secure, and high quality environments and a strong and competitive commercial sector to best serve the needs of the community. Granting the requested adjustment will result in a commercial in-fill development that is in harmony with the

recent developments such as the Target Store and office complex across the street, the Hampton Inn located to the south along Sepulveda Boulevard, and the commercial developments north of Hatteras Street.

Page F-14, paragraph 3 - Conditional Use Findings

The proposed hotel development has been designed to integrate into the adjacent and existing surrounding land uses while remaining consistent with both the Neighborhood Office Commercial and Medium Density Residential land use designations of the Van Nuys-North-Sherman Oaks Community. The proposed 4-story hotel structure and use will be limited to the westerly portion of the 28,519.6 square-foot property adjacent to Sepulveda Boulevard, a Major Highway Class II and situated between an existing motel to the north and a medium density multi-family use to the south. Pedestrian and vehicular access to the hotel property will be along the major highway. The easterly portion of the 28,519.6 square-foot site, within the Medium Density land use category, will be developed with the " proposed two-level partially subterranean parking structure and a 15-foot landscaped buffering area within the required front setback along Halbrent Avenue. **Consistent with Zone Change Condition 2.a. on page T-1, the Applicant will be required to "Close any unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements." As such, the** The unused driveways abutting the easterly portion of the project site will be closed and reconstructed to **prohibit any vehicular access to the site from Halbrent Avenue.** limit access to the' property to pedestrians and patrons.

In addition, and as required by Condition A.2.1 on page C-1, locked access gates to the sideyard areas along the north and south sides of the subject property shall be provided as depicted on the site plan (Exhibit B-3), and shall remain locked at all times, except for the purpose of routine property/landscape maintenance activities performed by hotel/landscape maintenance personnel.

II. *The Applicant seeks revision of the Conditions for Effectuating (T) Classification Removal as follows:*

Page T-1 – "Conditions For Effectuating (T) Tentative Classification Removal"

- 2.a. Sepulveda Boulevard (Major Highway Class II) - That a **2-foot 6-foot** wide strip of land along the property frontage be dedicated to allow for the construction of a **7.5-foot 12-foot** wide sidewalk.

- 2.b. Sepulveda Boulevard - Construct an additional **2-foot 6.5-foot** concrete sidewalk along the property frontage to complete a **7.5-foot 12-foot** wide sidewalk. Close any unused driveways with standard curb height, gutter and sidewalk and upgrade all driveways to comply with ADA requirements.

III. *The Applicant seeks revision of the Conditions of Approval (for Conditional Use) as follows:*

Page C-1 – “Conditions of Approval”

Pursuant to Section 12.24.W.24.C 12.32-G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A.2.b) There shall be no hourly rates for room rentals, and customers will be billed at the market rate, a pre-negotiated rate, or a contractually established rate. The hotel is prohibited from renting any guest room by the hour or for any period of fewer than twelve consecutive hours.

~~A.2.c) The hotel is prohibited from renting any guest room more than once within any consecutive twelve-hour period measured from the start of one rental to the start of the next.~~

~~A.2.d) The hotel is prohibited from advertising an hourly rate or any other rate for a guest room based on a rental period of fewer than twelve consecutive hours.~~

A.2.c. The hotel owner and/or manager shall comply with all applicable laws and conditions and the hotel manager shall be made completely familiar with these conditions and shall implement them as required.

A.2.d. The hotel manager shall make duplicate electronic room keys available if needed by emergency services personnel to gain entry.

A.2.e. Lighting within the parking lot and along pedestrian pathways shall be provided for the purposes of providing for the security and safety of hotel patrons, and shall be directed on-site to avoid spill-over onto adjacent properties, as appropriate.

A.2.f. Property upkeep and maintenance shall be provided on a regular and routine basis, including graffiti removal in a color that matches the surface to which it was applied, and trash, debris and weed removal; landscaping shall be established in substantial conformance with the Preliminary Landscape Plan, and maintained on a regular and ongoing basis. The Council Office will be provided a copy of the Preliminary Landscape Plan for review/comment.

A.2.g. The hotel operator/property owner shall establish and maintain an ongoing proactive relationship with the LAPD Senior Lead Officer for Van Nuys to facilitate continued dialog relevant to hotel operators, and to receive appropriate training and notifications. The LAPD shall provide 10-day advance notice to the hotel operator/property owner of the date, time, and location of meetings, in writing by means of either email or U.S. Postal Service.

A.2.h. On-Site Security: Closed Circuit Cameras will be provided within the parking lot and all common areas of the hotel property, and will have a storage capacity consistent with industry standard. Entrances to the hotel building, other than the main entry to the building on Sepulveda Blvd. and the entrance to the building adjacent to the parking lot, will have controlled (electronic key) access at all times. Similar controlled (electronic key) access will be provided after hours at the main entry to the building and at the entrance to the building adjacent to the parking lot. Locked access gates along the side yard areas adjacent to N. Sepulveda Boulevard and N. Halbrent Avenue will be maintained. A state-licensed security patrol with on-demand response capability will be provided as needed.

A.2.i. Maximum prices for accommodations will be posted as required by state/City Codes.

A.2.j. The only telephones provided on the hotel property will be located within the hotel office areas and guest rooms. No pay phones are permitted, in keeping with La Quinta Inns & Suites operational standards and requirements.

A.2.k. The property owner will post at least one sign in view of prospective guests entering the hotel property stating "No Trespassing".

A.2.l. Four locked access gates to the sideyard areas along the north and south sides of the subject property (i.e., two access gates proximate to the Sepulveda Blvd. frontage and two access gates proximate to the Halbrent Ave. frontage) shall be provided as depicted on the site plan (Exhibit B-3), and shall remain locked at all times, except for the purposes of routine property/landscape maintenance activities performed by hotel/landscape maintenance personnel.

A.2.m. No employee parking shall be permitted on Halbrent Avenue.

A.2.n. Condition Compliance. In order to provide for reexamination of the matter 6 months after the operation (issuance of the Certificate of Occupancy) and if the applicant/operator or owner of the land wishes to continue operation as herein authorized, an "Approval of Plans" shall be filed. Said application must be filed no later than three months prior to the initial 6 month period and said application must be made on the appropriate forms and fees paid. The application shall be accompanied by the payment of appropriate fees, as governed by Section 19.01-I of the LAMC, and must be accepted as complete by the Planning Department public counter. The completed application shall be accompanied by owner notice labels for abutting properties include the Council District, and individuals on the interested parties list related to the subject authorization. The

applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Approval of Plans review application. An application without such documentation shall be accompanied by a fee payment governed by Section 19.01-C of the LAMC. Further, any requested modification to the discretionary action shall also result in the increased fee. The applicant shall submit proof that at least a summary of the compliance documentation was mailed to address labels noted above which included a statement that:

“In compliance with the conditions of approval, the attached documentation is mailed to interested parties. To assist the Planning Department in determining if a public hearing shall be held, interested parties should contact the Planning Department.”

The Director of Planning (or designee) may elect to waive the public hearing if the applicant has fully complied with the conditions of approval, continued operation of the facility would not adversely impact the surrounding community, and the matter is not likely to evoke public controversy. If a public hearing is required, the Director reserves the right to either modify the conditions of approval of the Conditional Use Permit by imposing new and/or different substitute conditions or revoke the Permit if, in the Director’s opinion, its revocation is necessary for the protection of persons in the surrounding neighborhoods or occupants of adjacent properties.

A.5.a. a minimum of 5 short term bicycle parking spaces shall be provided within the front yard as shown on the site plan (Exhibit B-3) 12-foot-wide sidewalk.