

PLANNING DEPARTMENT TRANSMITTAL TO THE CITY CLERK'S OFFICE

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
DIR 2015-0094(RV)(PA1)	ENV 2016-4120(CE)	10 - Wesson
PROJECT ADDRESS:		
4901 – 4917 ½ West Adams Boulevard		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
City of Los Angeles Office of Zoning Administration 200 North Spring Street, #763 Los Angeles, CA 90012 <input type="checkbox"/> New/Changed	213-202-5402	Aleta.james@lacity.org
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
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PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Aleta James	213-202-5402	Aleta.James@lacity.org
APPROVED PROJECT DESCRIPTION:		
N/A		

COMMISSION ACTION(S) / ZONING ADMINISTRATOR ACTION(S): (CEA's PLEASE CONFIRM)

Determined that the repeated administrative attempts to improve the operation of the motel known as the Adams Garden Inn Motel located at 49 01- 4017 ½ have not resulted in the elimination of the nuisance impacts and therefore ordered the motel use at the subject location discontinued.

ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:

RV- Nuisance Abatement/Revocation

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

RV- Nuisance Abatement/Revocation

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☒ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other _____

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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):

FISCAL IMPACT STATEMENT:	
<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No	
*If determination states administrative costs are recovered through fees, indicate "Yes".	
PLANNING COMMISSION:- N/A	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> City Planning Commission (CPC) <input type="checkbox"/> Cultural Heritage Commission (CHC) <input type="checkbox"/> Central Area Planning Commission <input type="checkbox"/> East LA Area Planning Commission <input type="checkbox"/> Harbor Area Planning Commission </div> <div style="width: 45%;"> <input type="checkbox"/> North Valley Area Planning Commission <input type="checkbox"/> South LA Area Planning Commission <input type="checkbox"/> South Valley Area Planning Commission <input type="checkbox"/> West LA Area Planning Commission </div> </div>	
PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
N/A	N/A
LAST DAY TO APPEAL:	APPEALED:
February 2, 2017	Yes (1/27/17)
TRANSMITTED BY:	TRANSMITTAL DATE:
Rocky Wiles	2/7/17

LINN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG
HENRY CHU
LOURDES GREEN
THEODORE L. IRVING
ALETA D. JAMES
CHARLES J. RAUSCH, JR.
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

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January 18, 2017

Director of City Planning (A)
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

Patel, Balubhai G Tr (O)
Balubhai Patel Trust
255 S Reno Street
Los Angeles, CA 90057

Adams Garden Inn Motel
4905 West Adams Boulevard
Los Angeles, CA 90016

CASE NO. DIR 2015-0094(RV)(PA1)
REVOCATION / DISCONTINUANCE
OF USE

4901 – 4917 ½ West Adams Boulevard;
2545 South Rimpau Boulevard
West Adams – Baldwin Hills – Leimert
Park Community Plan Area

Zone : C2-1

D. M. : 123B181

C. D. : 10

CEQA : ENV-2016-4120-CE

Legal Description: Lot 188, Arb 2; Lot
189, Arbs 1 and 2; Lot 190; Tract 4416

Pursuant to the provisions of Section 12.27.1 of the Los Angeles Municipal Code, I
hereby **REQUIRE**:

the discontinuance of the land use of motel and any similar land uses at
the property which is currently occupied by the Adams Garden Inn Motel,
located at the use address of 4905 West Adams Boulevard and property
addresses of 4901 through 4917 ½ West Adams Boulevard and 2545
South Rimpau Boulevard.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after **February 2, 2017**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

FINDINGS OF FACT

After thorough consideration of the statements, letters and correspondence contained in the file, the report of the Staff Investigator thereon, and the statements made at the public hearing on December 6, 2016, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find as follows:

BACKGROUND

Effective October 21, 2015, the Zoning Administrator determined in Case No. DIR 2015-0094(RV) that the operation of the Adams Garden Inn constituted a public nuisance and imposed corrective conditions pursuant to LAMC Section 12.27.1 in order to mitigate adverse impacts caused by the operation of the motel. The hearing testimony included community allegations of ongoing nuisance activities associated with the use and Los Angeles Police Department calls for service and arrest report documentation of murder, rape by force, assault with a deadly weapon, possession/sale of narcotic controlled substance, solicitation/engaging in lewd act in public, drinking in public, criminal threats, loitering in a public place for illegal drugs, keeping a disorderly house, gang violence, prostitution, grand theft, vandalism, panhandling, noise, after-hours parties, trash/debris, and graffiti. The determination was appealed and the City Council sustained the decision of the Zoning Administrator with a minor revision to Condition No. 17.

The Zoning Administrator sent a letter to the property owner on April 25, 2016 directing the owner to comply with Condition No. 29 requiring a Plan Approval no later than 90 days from the effective date of the determination to determine the effectiveness of compliance with the conditions. A Plan Approval, however, was not submitted.

As the operation of the motel has generated numerous community complaints, has required consistent police enforcement over a substantial time period, and may jeopardize and adversely affect the public health, peace, and safety of persons residing and working on the premises and in the surrounding area, the City responded with a public hearing to determine whether compliance with conditions had been achieved, whether the establishment continued to constitute a public nuisance, and whether said use warranted revocation.

Property Description

The site is comprised of three lots, one of which is a portion of a lot. The corner lot is irregularly shaped and the remaining lots are rectangular. The site is approximately 13,646 square feet and is located on the northwest corner of Adams Boulevard and Rimpau Boulevard. The site has a frontage of approximately 140 feet on the north side of Adams Boulevard and a depth of approximately 100 feet along the west side of Rimpau Boulevard.

The property is zoned C2-1 and is developed with a motel, comprised of one two-story building with one dwelling unit and 35 guest rooms. The building presents itself along Adams as a solid unarticulated wall with two barred doors, six barred windows, and one window covered with wood. Along the eastern part of the building, four rooms directly face Rimpau on the second level of the building. At the ground level there is a metal door, a wooden fence approximately eight feet in height on the southern end of the property, and a metal fence about six feet in height on the northern end. The property is separated from the alley between West View Street and Rimpau Boulevard by a metal fence about six feet in height that can be opened to allow access to the property.

In order to access rooms, guests must pass through a motel office with a public entry near the corner of Adams Boulevard and Rimpau Boulevard. The guest rooms face to the east, to the west, and onto an interior courtyard. On the western and eastern sides of the building, as well as on the interior courtyard, there are paved areas underneath the rooms that are used for parking and storage. On the west and south side of the courtyard are a couch, a chair, and a microwave on an end table.

Streets

Adams Boulevard, adjoining the property to the south, is designated an Avenue I. It has a width of 90 feet and is fully improved.

Rimpau Boulevard, adjoining the property to the east, is designated a Local Street. It has a width of 60 feet and is fully improved.

The Alley, adjoining the property to the north, has a width of 15 feet and is improved with asphalt pavement.

Surrounding Land Uses

Properties to the north across the alley are zoned RD1.5-1-O along the west side of Rimpau Boulevard. The nearest property is developed with two-story multiple-family buildings.

Properties to the east across Rimpau Boulevard are zoned C2-1 along the north side of Adams Boulevard. The nearest property is developed with a one-story commercial use operating as a fish market.

Properties to the south across Adams Boulevard are zoned C2-1. The property on the east side of Rimpau, 4876 West Adams Boulevard, is developed with a market that sells liquor. The property on the west side of Rimpau is developed with a fitness studio.

Adjacent properties to the west are zoned C2-1 along the north side of Adams Boulevard. The property immediately adjacent is a two-story commercial and residential structure with a beauty salon on the ground floor and dwellings located above.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property

Council File No. CF 15-1038 – On October 21, 2015, the City Council denied the appeal and sustained the decision of the Zoning Administrator to impose corrective conditions from Case No. DIR 2015-0094(RV), modifying Condition 17.

Case No. DIR 2015-0094(RV) – On July 29, 2015, the Zoning Administrator issued a determination stating the modification of the operation of a motel, known as the Adams Garden Inn located at 4905 West Adams Boulevard, in order to mitigate adverse impacts caused by said operation and any potential impacts caused by any future operation of the motel.

Certificate of Occupancy – Issued on February 9, 1965 for 4905 West Adams Boulevard for a two-story, 121-foot by 100-foot hotel and attached garage with 1dwelling unit, 35 guest-rooms, and 23 required parking stalls.

Building Permit No. 54933 – Issued on December 23, 1963 for 4905 West Adams Boulevard for two story 121'X100' a hotel use with a height of approximately 20 feet.

Additional Parcel Information

General Plan:

The West Adams-Baldwin Hills-Leimert Community Plan Map designates the property for General Commercial land use with a corresponding zone of C2-1.

The property is within the Fast Food Establishments General Plan Amendment area. The case is not affected.

Specific Plans, Interim Control Ordinance and Other Site Information:

The property is within the South Los Angeles Alcohol Sales Specific Plan area. The case is not affected.

The property is within the Los Angeles State Enterprise Zone. The case is not affected.

The property is within the Mid-City Recovery Redevelopment Project area. The case is not affected.

The property is subject to the Freeway Adjacent Advisory Notice for Sensitive Uses. The case is not affected.

CORRESPONDENCE AND REPORTS RECEIVED PRIOR TO THE PUBLIC HEARING**Los Angeles Police Department**

The Los Angeles Police Department submitted the following reports:

Arrest and Investigative Reports:

There was one arrest report submitted for 4905 West Adams since the Zoning Administrator issued the initial Letter of Determination:

1. August 26, 2016, 5:00 p.m. – Notice to Appear – Police Department officers issued a notice to appear to the motel manager for failure to comply with revocation conditions issued by the Zoning Administrator – Condition No. 5 granting the Police Department authorization to arrest individuals unlawfully loitering; Condition No. 13 failure to provide video recordings for the Police Department review; Condition No. 15 failure to keep site free of trash and debris; Condition No. 18 failure to participate in Community Police Advisory Board; Condition No. 19 failure to be familiar with the implementation and have knowledge of conditions listed in revocation case; Condition No. 20 failure to posting of conditions on the site; Condition No. 22 relating to the loitering in vehicles within the site and areas within the operator's control; Condition No. 23 failure to participate in property management training program approved by the Los Angeles Housing Department; Condition No. 24 failure to provide the required California licensed private security guard providing service on the site; Condition No. 25 failure to have tenant's entry log. Last entry July 2015; Condition No. 27 failure to have a lock front door (door lock broken); and Condition No. 28 failure to have a contact and/or hotline number on site.

Calls for Service Report:

There were 38 calls for service submitted for 4905 W. Adams between October 5, 2015 and October 9, 2016:

No.	Date and Time	Call Description
1.	10/9/2016	Mental Illness
2.	10/4/2016	Landlord Tenant Dispute
3.	9/9/2016	Landlord Tenant Dispute
4.	8/26/2016	Officer Reporting Location
5.	6/28/2016	Business Dispute
6.	6/1/2016	Ambulance Suspect
7.	5/23/2016	Landlord Tenant Dispute
8.	5/23/2016	Business Dispute
9.	5/7/2016	Narcotic Activity
10.	5/5/2016	Landlord Tenant Dispute
11.	5/5/2016	Landlord Tenant Dispute
12.	4/30/2016	Trespass Suspect/Prowler
13.	4/26/2016	Landlord Tenant Dispute

14.	4/26/2016	Landlord Tenant Dispute
15.	4/25/2016	Landlord Tenant Dispute
16.	4/24/2016	Man in Possession of Fire Arm
17.	4/16/2016	Landlord Tenant Dispute
18.	4/16/2016	Landlord Tenant Dispute
19.	4/14/2016	Intoxicated Man
20.	3/25/2016	Domestic Violence Dispute
21.	3/25/2016	Landlord Tenant Dispute
23.	3/24/2016	Family Dispute
24.	3/23/2016	Domestic Violence
25.	3/23/2016	Domestic Violence
26.	3/22/2016	Battery
27.	3/7/2016	Family Dispute
28.	3/4/2016	Assault (man assaulted woman)
29.	3/4/2016	Assault
30.	2/22/2016	Battery Possible Suspect
31.	2/17/2016	Officer Reporting Location
32.	2/17/2016	Officer Reporting Location
33.	12/14/2015	Landlord Tenant Dispute
34.	12/14/2015	Landlord Tenant Dispute
35.	12/5/2015	Vandalism Investigation
36.	11/24/2015	Ambulance
37.	10/18/2015	Family Dispute
38.	10/5/2015	Officer Reporting Location

General Public

At the time of staff report preparation, there were seven emails submitted to the Planning Department expressing concerns with the motel operations and the negative impacts the subject motel creates in the surrounding neighborhood.

An email was submitted by Derek Japha, dated December 5, 2016, in which he states, "As a local resident, and as a professor emeritus of architecture, I have been watching the insidious effects of the Adams Garden Inn on the surrounding neighborhood. It has been extremely damaging to the quality of life of this area. The owner has shown no sign of using the second chance he got in the last hearing to address the ongoing safety concerns, and I feel strongly that the time has come revoke the rights to operate this use on the site."

PUBLIC HEARING

A public hearing was held by a Zoning Administrator on December 8, 2016 at 10:00 a.m. in City Hall, located at 200 North Spring Street. The hearing was noticed and mailed to the business operator, to the property owner, and to owners and occupants of nearby properties within 500 feet, in compliance with Municipal Code requirements.

The purpose of the hearing was to obtain testimony from the owner/operator of the subject facility and from any other affected or interested parties regarding the operation of the motel to determine whether the use continued to constitute a public nuisance and

to determine whether the use should be revoked or whether Conditions should be maintained, added, or eliminated on the operation of the premises.

In attendance and testifying were Planning Department staff, members of the Los Angeles Police Department, a planning deputy for Councilmember Herb J. Wesson, Jr., 10th Council District, a representative of the property owner/business owner, a prospective property buyer, motel residents, and members of the community.

The Department of City Planning staff investigator presented a summary of background information and other pertinent information regarding the subject site. The presentation was a summary of the staff report, which is attached to the case file.

The following is a summary of the remaining testimony provided at the public hearing:

Officer Orlando Levingston – Los Angeles Police Department

- Since 2007, there has not been a change in the crimes from the subject location, except the gang activity has been reduced.
- The Police Department has since made additional suggestions with no results relating to locking the rear gate, shots fired, prostitution activities, narcotics, domestic violence, and disputes.
- LAPD has issued citations relating to graffiti, loitering, and violations of the Revocation conditions.
- There has been an increase in calls from the site, 59 in total, to the Police Department relating to:
 - Loud music
 - Domestic violence
 - Landlord disputes
 - Shots fired
 - Inoperable vehicles on the site
 - Trash around the site
 - Multiple complaints from the site
- Recommend revocation of the use given the lack of compliance with the conditions and unwillingness to comply.

Frank Weiser – Representative of Property Owner

- Current court actions against the City of Los Angeles are still pending.
- Property owner did not receive City Council final action nor subject hearing notice.
- Neither residents nor financial institution received hearing notice for subject public hearing.
- Shootings were at other locations, a liquor store and a restaurant, and did not originate from the subject site.
- Evidence of crimes from the subject location needs to be produced by the Police Department.
- No actual court filing from the City Attorney against the manager.
- Private security service is being provided by Mr. Calloway, a former Compton police officer.
- Litigation regarding Municipal Code Section 41.49 showed that the ordinance

was unconstitutional.

- The property owner is in escrow with a buyer who intends to change the motel to a top grade Motel 6.
- The 24 hour security requirement is a concern for the buyer.
- Mr. Patel wants to divest himself from ownership.

Hugh Terlinden – Escrow for Prospective Buyer

- Prospective buyer owns Best Westerns, Holiday Inns, and Motel 6s.
- Escrow for 120 days - Purchase agreement signed on November 17, 2016. Escrow would close on March 1, 2017.
- Name brand to be put on motel.

Mike Patel – Son of Property Owner

- Logs of current residents and security personnel can be provided.
- The security drive by on a regular basis and if any issues arise they are called to respond.

Clifton Bell – Current Resident

- Resident since 2014.
- The type of activities are not any different than other neighborhood.
- He has not seen drugs or prostitution.

Laqueta Artis – Current Resident

- Resident for two years.
- Feel very safe.
- Family environment.
- Before new owners, there were police 24 hours a day.
- There is no trash, prostitution, or graffiti on the site.
- She picks up trash and cleans the graffiti herself if she sees it.
- Given the current housing situation, finding another place to live would be a hardship.

Eddie Gomez – Current Resident

- Lived there for three years.
- Criminal activity is present.
- It is a pretty bad area.
- Lived in other bad areas and this location “takes the cake.”
- However, there is no prostitution on the site nor gang activities.
- Some loitering and gang activity is going on in the alley in the back.
- He is the night attendant while manager is asleep.
- He kicks people out as soon as he gets a hint that there is something going on.
- Roaches and other bugs are present.
- Current occupants are long-term.
- Approximately only five rooms are available for nightly rent.
- Was never hired to be security guard, but was volunteered by management because he had an expired guard card.
- People are at risk outside the motel but not inside the motel.

- It will have the same problems if it is a Motel 6.

Officer Brian Richardson – Los Angeles Police Department, Southwest Vice

- Fifteen years as a LAPD officer.
- Familiar with the subject location since he began working with LAPD.
- A lot of time spent at Adams Garden.
- Site has been known to have problems with narcotic and gang activity, loitering, drinking in public, and domestic violence, which still occur at the site.
- A couple of arrests for prostitution in front took place this year.
- Almost all crime problems in the neighborhood originate from the motel or end there.
- Continuous violations of security and other revocation conditions.

Officer John Biondo – Los Angeles Police Department, Southwest Vice

- Fifteen years of experience in the Southwest Division, including having been Senior Lead Officer (SLO) from 2008 to 2013.
- First-hand experience with Adams Garden Inn on patrol and as liaison to the community and talking with business owners.
- There is a lot of activity in and around the location that the community is dealing with.
- There are a lot of kids around, and a bus stop a block away makes it so children have to walk past the motel.
- The owner/manager relationship has been difficult to ascertain.
- Have tried to work with the manager regarding responsible operations and it has been largely unsuccessful.
- Absentee management has difficulty with general knowledge of motel operations.
- Inconsistency keeping motel manager for long periods of time.
- The lack of responsible management and operations has allowed a permissive environment for nuisance activities to take place in and around the motel.
- The Calloway situation is inadequate – no one is stationed full-time, their officers are spread between numerous locations, and they only stop by once or twice a night.
- Residents around the motel complain about the motel's operations and nuisances originating from the site.
- Lack of supervision and security, as well as general degradation of the property.

Officer Ana Maria Mejia, Senior Lead Officer – Los Angeles Police Department, Southwest Vice

- Senior Lead Officer in the area for two years.
- There is continued concern over nuisance activities both inside and outside the location.
- The art center adjacent to the subject motel caters to children, who witness activities in the back alley relating to narcotics, prostitution, and loitering.

Officer Mike Dickes, Detective Support and Vice Division, Nuisance Abatement – Los Angeles Police Department

- Thirteen years with LAPD in nuisance abatement in South Los Angeles.

- The revocation conditions are required to be complied with in full regardless of pending legal actions.
- Regarding Municipal Code Section 41.49, the search portion was overturned but the rest of the section is still in effect.
- Property owner has not been responsive to City actions and requests, showing that he is out of touch.
- The applicant and the attorney admitted during the hearing that they are out of compliance, having roving security.
- The property owner has failed to comply with the conditions listed in the revocation action, including the condition requiring a 24-hour private security guard as well as simple conditions such as signing a "Trespass Arrest Authorization" form.
- The applicant also failed to comply with condition relating to property management training.
- Management turnover is often cited as an excuse to circumvent condition compliance.
- The conditions should remain until the new property owner applies for the termination of the revocation proceedings and all these conditions are satisfied.
- The Los Angeles Police Department has made efforts to meet with the property owner and make recommendations over many years to no avail.

Jordan Beroukhim, Planning Deputy – Council District No. 10

- The Councilmember reiterates opposition to the continuance of the use of the site as a motel.
- The business represents a threat to the community's welfare for the last 25 years.
- It has been a destination for gang members.
- The establishment requires the continued expense for security services at the adjacent community center.
- Over 50 letters have been received expressing opposition to the motel operation.
- The Council District recommends the revocation for this use.

SUBMISSIONS RECEIVED AT AND IMMEDIATELY PRIOR TO PUBLIC HEARING

A letter was received from Councilmember Herb J. Wesson, Jr., 10th District. He specified that the Council District had received over 50 letters of opposition, voicing concerns about the site and asking for the discontinuance of use of the site. He indicated that the operators continued to show poor faith in failing to attempt to comply with conditions, including the condition to have a security guard on site, and called for the Director of Planning to find that compliance has not been met and that public nuisance still exists.

The Los Angeles Police Department submitted a Release from Custody Arrest Report from October 19, 2016, documenting violation of Condition Nos. 3, 5, 11, 13, 14, 15, 18, 19, 20, 23, 24, 25, 27, and 28.

Two handwritten letters were received from Stella Elquinley and Sabrina Wright, both living on Supplemental Security Income (SSI). Ms. Elquinley stated that "everyone in

here would be homeless without this place.” She said that her rent is \$800 a month and that she cannot afford the going rate of about \$1100 for other apartments. Ms. Wright indicated that she has lived at the Adams Garden motel for thirteen years and that it will be difficult to move and find a new place to live on low income.

Frank Weiser submitted photographs of the exterior and interior of the motel.

The escrow agent submitted a list of properties owned by the prospective buyer, Positive Investments LLC, including Best Westerns, Holiday Inns, Hampton Inns, and Motel 6s, among other hotels.

The escrow agent submitted a Residential Income Property Purchase Agreement and Joint Escrow Instructions dated November 8, 2016 and signed by Positive Investments LLC and Balubhai Patel.

A letter was submitted from Srinivas Yalamanchili of Positive Investments, Inc. Mr. Yalamanchili said that he intends to “clean up and renovate the said location immediately by painting, updating the units and creating a nicer curb appeal,” as well as converting the operation “into a Motel 6 franchised establishment that will be more professionally managed with only daily rentals.”

The representative for the property owner submitted a Summons in a Civil Action, Notice of Interested Parties, Notice to Counsel, and Complaint for Damages, all dated December 1, 2016.

The representative for the property owner submitted an invoice for patrol services from October 1, 2016 to November 15, 2016 from Cal & Cal Private Protection Security.

The representative for the property owner submitted a Security Patrol Log Sheet, showing patrol officers making stops once a day from March 27, 2015 through August 1, 2015, as well as from August 1, 2016 through December 5, 2016.

Fifty-six (56) letters from members of the surrounding community were submitted containing variations of the following text:

“The property at 4905 West Adams Blvd., the Adams Garden Inn, continues to be a negative influence on the surrounding commercial and residential properties. The City stipulated very precise conditions which the property owner has failed to meet. The owner has not dealt with the persistent loitering, and has allowed trash and debris to accumulate. The owner was required to have a security guard, but failed to provide one as required. When the police asked for security camera footage, the owner was unable to provide it. Crime has continued at this location: including assault with a deadly weapon, firearm possession, drug use and public intoxication, vandalism and disputes. This activity has had extremely negative consequences for people who live and work in proximity to this property. In October 21, 2015, the Zoning Administrator determined that the Adams Garden Inn constituted a public nuisance (including murder, rape, criminal threats, drugs, prostitution), and the ZA set out conditions that the owner had to meet in order to keep operating a motel. Given that the owner has not met this conditions, I am asking the City to revoke the use of the existing business.”

Some of the fifty-six letters included personal additions such as:

"I have personally witnessed many of the nuisance behaviors described above. I travel this part of Adams Blvd frequently, and have participated in three years of community action as a part of a West Adams Avenues task force which had extensive success in dealing with problem properties. I became very familiar with the blight and sordid conditions of this motel. I saw early morning and late afternoon prostitution activities, and many bouts of public intoxication. I have had to dodge incapacitated individuals who were weaving in and out of traffic during rush hour. Please help this neighborhood recover from the impacts of a business which has caused extensive problems in the area. Please shut down this motel."

A twelve-page letter was received which detailed drinking in public, narcotics sales, drug use, drug overdoses, littering, illegal dumping, loitering, fighting, prostitution, child endangerment, an assault with a firearm, and parking issues at the Adams Garden Inn, calling for it to be closed down as a public nuisance.

SUMMARY – ALETA JAMES – ASSOCIATE ZONING ADMINISTRATOR

In the review of the case file and all public testimony, the Zoning Administrator stated that based on evidence presented and a history of 25 years of problems at the site, that there was no indication of compliance from the property owner and that it was not clear that the answer should be an additional Plan Approval. She stated that the reason why conditions are placed on a property are to make an owner or operator responsible to the community. The fact that there was no demonstrable compliance and that the property owner was not present at the hearing indicated a lack of responsibility. She said that the notice was mailed in conformance with Municipal Code requirements and that the bank was not required to be notified. The Zoning Administrator closed the hearing and said that there would be a decision followed by a 15 day appeal period.

REVIEW OF COMPLIANCE WITH CONDITIONS OF CASE NO. DIR 2015-0094(RV), EFFECTIVE OCTOBER 21, 2015, PER LOS ANGELES MUNICIPAL CODE SECTION 12.27.1

The condition compliance investigation includes statements from the applicant during the site visit, as well as observations from staff with respect to the terms and conditions of the Zoning Administrator's determination DIR 2015-0094(RV), effective October 21, 2015. The applicant did not submit a Plan Approval application, so an Applicant Condition Compliance Report (ACCR) was not received.

Staff conducted field analyses as part of the condition compliance investigation on October 25, 2016 from 1:30 p.m. to 3:00 p.m. and November 22, 2016 from 9:30 a.m. to 10:30 a.m. All photos were taken at those dates and times. During the days of the investigations, the motel was open to the public. Statements from the manager during the field visits are included for each condition under the sections titled "Applicant Response." Staff observations are listed for each condition under the sections titled "Investigator Response."

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

Applicant Response: No Comment.

Investigator Response: Use is in compliance with the requirements of the Los Angeles Municipal Code Section 12.14 A, which authorizes motel use within the C2 Zone classification for the subject site.

STATUS: In compliance.

2. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Applicant Response: The applicant stated to be in good relations with surrounding uses and has not received any complaints from the neighborhood to date.

Investigator Response: No comment.

STATUS: Not in compliance. The use has not been conducted with due regard for the character of the surrounding neighborhood, attested to by approximately 65 comments from surrounding neighbors as well as Council President Wesson calling for revocation of use.

3. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Applicant Response: No comment.

Investigator Response: There was a small amount of graffiti on the building façade along Rimpau Avenue and along the alleyway.

STATUS: Not in compliance.

4. The following signs shall be posted and maintained on the property:
 - a) Signs (A minimum of four) on the property in accordance with Los Angeles Municipal Code Section 41.24 (a) that state the following:

"This property is closed to the public. No entry without permission, Los Angeles Municipal Code Section 41.24." The signage shall have lettering of at least 2 inches in height.

Applicant Response: No Comment

Investigator Response: There is a sign above the entry registry prohibiting trespassing, loitering and drinking. There are other signs posted on the site warning trespassers.

STATUS: In partial compliance.

- b) Signs (A minimum of three) in English and Spanish, in visible and conspicuous locations on all sides of the property stating the following:

"No trespassing, no loitering, no drugs, no drug dealers, no prostitution, no weapons or firearms, no drinking of alcoholic beverages. The Los Angeles Police Department makes regular and frequent patrols of this property." The signage shall have lettering of at least 2 inches in height.

Applicant Response: No comment

Investigator Response: There is a sign prohibiting drug use, drug dealers, loitering, and weapons. The sign was posted behind the glass at the register window in English only.

STATUS: In partial compliance.

- c) Signs at the check in/registration counter stating the following:

"Rooms are only available for the full posted daily rate." and

"Los Angeles Municipal Code Section 41.49 requires that each guest provide identification upon checking in along with your party's vehicle information."

Applicant Response: No comment.

Investigator Response: No sign was present on the site prohibiting "hourly rates." There is a sign requiring for government-issued identification card posted with other rules at the registration window.

STATUS: In partial compliance.

- d) Signs (A minimum of four) indicating that the aforementioned premises is under 24-hour surveillance and all criminal activities will be directly reported to the Los Angeles Police Department. The signage shall have lettering of at least 2 inches in height.

Applicant Response: No Comment.

Investigator Response: There was no sign relating to the 24-hour surveillance on the site. However, there is a closed circuit television system on the site with approximately 14 cameras.

STATUS: Not in compliance.

5. The property owner and/or the operator shall sign a "Trespass Arrest Authorization" form authorizing the Los Angeles Police Department to arrest individuals unlawfully loitering on the property.

Applicant Response: No Comment.

Investigator Response: There are signs prohibiting trespassing on the site

STATUS: Not in compliance.

6. The property owner and/or the operator shall not knowingly allow any access to the property of persons known to be prostitutes, pimps, prostitution customers John's), parolees with prior narcotics or prostitution related offenses and no users, possessors, sellers or manufacturers of illegal controlled substances. No illegal drug sales shall be knowingly permitted on the property of the motel. Any guests/long term tenants engaging in such activities shall be ordered to leave the property and shall not be allowed to return to the property.

Applicant Response: No comment.

Investigator Response: There are copies of various state-issued identification cards affixed to a cardboard inside the office.

STATUS: In partial compliance.

7. Guests shall be required to pay the full-posted daily rental rate (no short time rentals). Post weekday and weekend rates at the check-in desk and in each room. No rooms shall be rented for less than a 12-hour period (no short time rentals).

Applicant Response: No comment.

Investigator Response: No hourly rates were observed on the site.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

8. No individual shall be permitted to rent more than one room at a time or to rent rooms without complying with motel registration procedures. No individual shall be permitted to rent a room on behalf of any other person. No room shall be rented to a person under the age of 18.

Applicant Response: No comment.

Investigator Response: Unclear whether in compliance.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

9. The property owner and/or the operator shall require all guest long-term residents to fill out a registration form and identify all vehicles to be parked on the property. A motel parking placard shall be placed on the windshield of all vehicles.

Applicant Response: No comment.

Investigator Response: No guest long-term registration was present on the site.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

10. Any visitor to the property must sign in at the motel desk and produce valid identification. The operator shall photocopy such ID and attach it to the room number he/she is visiting.

Applicant Response: No comment.

Investigator Response: No evidence of visitors' identification photocopy was found on the site.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

11. All vehicles on the premises must be documented, even those utilized by visitors or guests. All unknown or undocumented vehicles shall be removed from the property.

Applicant Response: No comment.

Investigator Response: No evidence of a log system for guests' vehicles was presented.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

12. Each room shall have posted "Motel House Rules", which specify certain rules provided for by the motel owner/operator that if any illegal activity is committed it is grounds for immediate termination of the room rental and/or eviction. In addition, these rules shall be included in any registration application. Evicted tenants shall not be allowed to return to the property.

Applicant Response: No comment.

Investigator Response: There were rules posted on the registry window.

STATUS: In partial compliance. Rooms did not appear to have house rules posted.

13. The owner/operator shall install and maintain video surveillance cameras with inside/outside views of all common areas including the entrance to any storage areas. Management shall routinely monitor the cameras and keep the video tapes/DVD for at least thirty days. Management shall immediately notify the LAPD when criminal activity is observed and shall keep and make available to the LAPD and the City Attorney's office any and all tapes, which indicate possible criminal activity, including making these available via the internet. All employees shall be familiar with the system and be capable of providing such video upon request by any law enforcement official. Any cameras that the manager/owner has no access to, shall be removed.

Applicant Response: No Comment.

Investigator Response: There is a video surveillance camera system with indoor and outdoor cameras throughout the site.

STATUS: In partial compliance. Employees were not able to provide recordings of footage to LAPD.

14. A key deposit system shall be implemented to prevent keys from being circulated or duplicated or serial use of a room rented by unauthorized persons. All keys shall be stamped "Do Not Duplicate." All rooms shall be locked when not in use or being cleaned. The on-site manager shall have duplicate keys for emergency purposes. All locks shall be changed on any part of the property that is vacant for an extended period of time. Vacated areas shall be kept locked and secured at all times when not legally occupied.

Applicant Response: No comment.

Investigator Response: During the field visit, keys did not contain "Do Not Duplicate" stamp on them.

STATUS: Not in compliance.

15. The premises, including the parking lot, sidewalks and alley, shall be cleaned of trash and debris on a daily basis and free of any other items including benches and boxes, that encourage loitering.

Applicant Response: No comment.

Investigator Response: There were low amount levels of trash and debris around the site. The level noticed was not out of character from an urban setting.

STATUS: In partial compliance. It appeared there were junk cars on the site.

16. High-intensity lighting shall be installed and maintained in the parking lot and courtyard area, in all open spaces between buildings, in all portions of the driveway and walkway (both covered and uncovered) and along the exterior perimeter of the property.

Applicant Response: No comment.

Investigator Response: Lighting on the site appears adequate. Although the site visit took place during daylight conditions, the side of the motel facing Adams Boulevard and Rimpau Boulevard appeared to be well-lit. There were two street lights, one on each end of the property. Additionally, there were four lights positioned on the top edge of the building oriented downwards. On the eastern side of the property facing Rimpau, there were three flood lights mounted on the roof's edge oriented downwards. On the northern side of the property facing the alley, there were three flood lights mounted on the electrical pole oriented downwards. Above each room throughout the motel there was one light surface mounted on the covered walkway at each room doorway. Surrounding the interior courtyard there was one light per room on the exteriors of the hallways facing the courtyard. Additionally, there were flood lights at the ground level illuminating the parking area.

STATUS: In substantial compliance.

17. There shall be no sale or giving away of condoms, unless directed to do so by a governmental agency.

Applicant Response: No comment.

Investigator Response: No evidence of distributing or selling of prophylactics was observed.

STATUS: Unable to determine compliance.

18. All owners and operators shall join and actively participate in the Southwest Area neighborhood watch, CPAB (Community Police Advisory Board) council meetings, residential association meetings and provide proof of such attendance to the Police Department and Zoning Administrator.

Applicant Response: No comment.

Investigator Response: No evidence of participation with the Community Police Advisory Board was found have taken place.

STATUS: Not in compliance.

19. It shall be the responsibility of the property owner and operator to ensure compliance of these conditions at all times. The manager on duty shall be made

familiar with these conditions and implement them as required. All employees shall be trained with respect to all of these procedures and provided with written instructions and informed that they may be disciplined for violation of the procedures.

Applicant Response: No comment.

Investigator Response: The manager on duty appeared to be familiar with the conditions of operations imposed on the site.

STATUS: Not in compliance. It did not appear that any changes in the operation had been made since the initial imposition of conditions. While the manager appeared to be aware of the existence of conditions, it was unclear whether other employees were aware of the conditions.

20. Conditions of this action shall be maintained on the premises at all times and posted along with other permits and produced immediately upon request of the Police Department, the Department of Building and Safety or other government entity.

Applicant Response: No comment.

Investigator Response: The manager did not have a copy of this document on site.

STATUS: Not in compliance.

21. No public pay phones shall be permitted on the property.

Applicant Response: No comment.

Investigator Response: No public pay phones were observed on the site.

STATUS: In compliance.

22. The property owner and/or the operator shall actively discourage anyone from loitering around the motel, including anyone loitering in parked vehicles inside the parking lot in the motel who have no legitimate cause to be there.

Applicant Response: No comment.

Investigator Response: No evidence the manager encouraged loitering around the motel, parked vehicles in the parking lot were observed.

STATUS: Operator did not demonstrate compliance. Unable to determine compliance.

23. Within two months of the effective date of this action, the property owner, operator and all employees shall complete a property management training

program approved by the City Housing Department. Subsequent hired employees shall attend the approved training program within two months of their hire date.

Applicant Response: No comment.

Investigator Response: The manager did not present evidence of participation and attendance of the property management training program approved by the City Housing Department during the field visit.

STATUS: Not in compliance.

24. One California State licensed uniformed security guard shall be present on the property 24 hours a day, seven days a week. The guard shall be fluent in English and shall have clear instructions to enforce applicable conditions and uphold the law. The guard shall not impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location. The guard shall be responsible for securing not only the motel but the parking lot and perimeter. The guard shall not reside at the location or be affiliated with the operator or owner.

Applicant Response: The motel manager displayed a security patrol log sheet with regularly entries. The log sheet contained four columns – Date, Time, Officers Name and Reason for Stop. The log sheet displayed two officers' names Corporal Payne and Sargent Holmes. The dates ranged from September 28th, 9:45 until October 18, 2016, 12:01.

Investigator Response: There was no state-licensed uniformed security guard on the premises. The person claiming to provide private security guard service was one of the motel's residents. He showed an expired California State license and wore non-uniform clothing. The manager showed a private security guard log sheet.

STATUS: Not in compliance.

25. The property owner, manager and/or security guard shall inform the Police Department immediately if any person is engaging in narcotics, in possession of narcotics paraphernalia or if these items are recovered on the property. A log shall be maintained of any notification of such activities for review by the Police Department.

Applicant Response: No comment.

Investigator Response: No evidence of people engaging in narcotic use was found. The smell of marijuana was noticed during the field visit.

STATUS: Operator did not demonstrate compliance. No log was provided.

26. The property owner, manager, employees and security guard shall cooperate with the Police Department in any investigation related to the motel. No action shall be taken to impede, interfere, hinder or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the motel.

Applicant Response: No comment.

Investigator Response: During the field visit the manager showed cooperation with Planning Department staff and officers from the Los Angeles Police Department.

STATUS: In compliance.

27. The property owner shall install a buzz entry for the main entrance which shall be maintained in optimum operation. The rear gate that accesses the alley at the rear of the property shall also be secured from non-permitted access.

Applicant Response: No comment.

Investigator Response: During the field visit there was an operational buzz system entry, however the door was unlocked. The rear gate was also unlocked during the field visit.

STATUS: Not in compliance.

28. The property owner shall identify and assign a contact person to respond to a posted 24-hour "hotline" telephone number for any concerns or complaints from the community regarding the operation of the motel. The hotline number shall be posted along front, side and rear frontages of the motel and the posted sign shall responded to within 24 hours and documented in a log made available for review by the Police Department or the Department of City Planning upon request.

Applicant Response: No comment.

Investigator Response: During the field visits a sign indicating a telephone number was observed at the front façade of the motel along Adam Boulevard. Staff called the subject telephone number (323.731.2165) on November 22, 2016 at 11:42 a.m. The respondent identified the subject establishment.

STATUS: Not in compliance. The phone number provided was not identified as a complaint hotline.

29. **No earlier than 60 days and no later than 90 days from the effective date of this determination**, the owner/operator of the subject premises and/or the property owner of the land shall file a Plan Approval with the Office of Zoning Administration together with a filing fee and a mailing list of owners and occupants within 500 feet of the premises to determine the effectiveness of compliance with the conditions herein, and to determine whether additional and more restrictive conditions or, fewer conditions need to be considered for the

operation of the facility or whether revocation is appropriate. The matter shall be set for a public hearing. The operator shall submit with the application documentation of how compliance with each condition has been attained.

Applicant Response: Non-compliant.

Investigator Response: The operator failed to submit a Plan Approval application. The instant Plan Approval application was brought forward by the Planning Department.

STATUS: Not in compliance.

30. **Within 30 days of the effective date of this determination,** the property owner shall record a covenant acknowledging and agreeing to comply with all the terms and conditions established herein in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file. If the property owner fails to record the covenant, the City shall record the covenant.

Applicant Response: Non-compliant.

Investigator Response: The operator failed to record with the Los Angeles County Recorded Office and submit with the Planning Department a recorded covenant acknowledging all the terms and conditions established by the Los Angeles City Council.

STATUS: Not in compliance.

31. **Within 30 days of the effective date of this determination,** the business owner and/or the property owner shall reimburse the City for the costs required to conduct and process the subject nuisance abatement action pursuant to Section 19.01-P of the Los Angeles Municipal Code. Payment shall be made to the City of Los Angeles with confirmation of payment forwarded to the Zoning Administrator within this same time period.

Applicant Response: Non-compliant.

Investigator Response: No fees have been paid for this case.

STATUS: Not in compliance.

AUTHORITY

On October 27, 1997, under Ordinance No. 171,740, Section 12.21-A,15 was repealed and superseded by Section 12.27.1 which continued the established procedures for the

modification, discontinuance or removal of a use, building or structure that constitutes a public nuisance or endangers the public health or safety or violates any provision of City, State or Federal statutes or ordinance.

FINDINGS AND DISCUSSION

As presented in the information documented herein through correspondence and public testimony by affected parties, it is hereby determined that the operation of the motel known as Adams Garden Inn has continued to create public nuisance impacts at the site and to the surrounding community. The Zoning Administrator, on behalf of the Director, finds that the business as operated:

1. **Jeopardizes or adversely affects the public health, peace, or safety of persons residing or working on the premises or in the surrounding area.**

The initial imposition of conditions in Case No. DIR 2015-0094(RV) documented eleven years of nuisance activity associated with the use of the property as a motel, as well as the lack of diligent oversight of motel management regarding the nuisance activities of guests and others on the premises. The record includes accounts from members of the surrounding community as well as Los Angeles Police Department calls for service and arrest report documentation of murder, rape by force, assault with a deadly weapon, possession/sale of narcotic controlled substance, solicitation/engaging in lewd act in public, drinking in public, robbery, burglary, criminal threats, loitering in a public place for illegal drugs, keeping a disorderly house, gang violence, prostitution, grand theft, vandalism, panhandling, noise, after-hours parties, trash/debris, and graffiti.

In the current review of conditions, the Los Angeles Police Department provided arrest report and calls for service documentation of: violation of required operating conditions, including failure of owner/operator to disperse loiterers, failure to sign trespass arrest authorization form, presence of excessive trash and debris, lack of presence of required security guard, inadequate security log, lack of required buzz entry system for front door, inability to provide police officers with security camera footage, lack of attendance of required community and police advisory meetings, failure to attend a property management program, lack of understanding of required operating conditions, failure of conditions being posted onsite, and lack of a complaint hotline; as well as assault with a deadly weapon, possession of a firearm, narcotics activity, battery, public intoxication, disturbances, vandalism, and disputes.

In total, the Los Angeles Police Department submitted 127 arrest and investigative reports for the period between October 17, 2003 and September 15, 2014, 230 crime or arrest charges for the period between January 3, 2004 and November 26, 2014, 196 calls for service for the period between October 23, 2011 and February 8, 2015, and thirty-eight calls for service for the period between October 5, 2015 and October 9, 2016.

Police reports, citizen declarations and correspondence, as well as public testimony, included in the case files for DIR 2015-0094(RV) and DIR 2015-

0094(RV)(PA1), establish that nuisance activities at the subject location have resulted in significant impacts to the community at large, directly threatening the health and safety of those who reside and work in the area. The allowance of these nuisance activities by the property owner and operator has deprived residents and members of the surrounding community of their rightful ability to enjoy their neighborhood peacefully.

2. Constitutes a public nuisance.

In the present review of compliance with conditions, sixty-four written statements from members of the surrounding community, as well as a letter from Herb J. Wesson, Jr., Council President and Councilmember, 10th District, attest to more than twenty-five years of public nuisance impacts on the surrounding community from motel use at the site, as well as the negligent management of motel operations by the current owner and operator.

In the initial imposition of conditions, seventy-seven citizen declarations from the surrounding community were received, attesting to public nuisance impacts, as well as a petition with 170 signatures calling for the Adams Garden Inn to be shut down.

There are considerable spillover impacts from the use of the site which affect the surrounding neighborhood. These include murder, rape, assault, battery, sale of narcotics, lewd acts, drinking in public, grand theft, robbery, burglary, loitering, gang violence, prostitution, vandalism, panhandling, noise, after-hours parties, trash/debris, graffiti, and other disturbances.

Most evidently, the impacts have been seen and attested to by residential neighbors and patrons of the William Grant Still Arts Center, which is a facility of the City of Los Angeles Department of Cultural Affairs that offers programs for youth and adults. The Arts Center is located across the alley from the Adams Garden Inn to the northwest, approximately twenty feet away.

Additionally, the use has generated a considerable police response to the location, which in and of itself constitutes a public nuisance. The need for continued investigations has been an undue burden on Los Angeles Police Department resources. Moreover, the significant allocation of resources to one location impairs the ability of the Police Department to effectively allocate the remaining available resources to the rest of the community.

3. Has resulted in repeated nuisance activities, including but not limited to violation of required operating conditions and criminal acts, including assault with a deadly weapon, battery, possession of a firearm, narcotics activity, public intoxication, public disturbance, and vandalism.

The record for DIR 2015-0094(RV) and DIR 2015-0094(RV)(PA1), based on oral testimony, written correspondence, and reports from the Los Angeles Police Department, has established that nuisance activities have occurred on an ongoing basis on the motel premises, as detailed in Finding Nos. 1 and 2, over a

period of at least the last thirteen years. Of particular note was the testimony of LAPD Officer Brian Richardson that almost all crime problems in the neighborhood either begin or end at the Adams Garden Inn.

To prevent the recurrence of persistent nuisance impacts associated with the use of the motel, as described herein, and to protect the surrounding neighborhood, the Zoning Administrator has ordered in this action the discontinuance of the land use of motel and any similar land uses at the site.

4. Adversely impacts nearby uses.

The operation of the motel has adversely impacted abutting residential and institutional uses, including the William Grant Still Arts Center, as documented in public testimony and written correspondence. In the initial case resulting in the imposition of conditions, one youth attested to witnessing sex acts in the alley outside of the motel. Others attested to ongoing narcotics use at the site.

As previously mentioned, included in the record for the initial case, a petition was submitted including 170 signatures of members of the surrounding community calling for the Adams Garden Inn to be shut down. Additionally, seventy-seven citizen declarations were received attesting to public nuisances associated with the operation of the motel. In the present review of compliance with conditions, sixty-four written statements were received calling for the discontinuance of the motel at the site location.

5. Violates any provision of this chapter, or any other city, state or federal regulation, ordinance, or statute.

The case files for Case Nos. DIR 2015-0094(RV) and DIR 2015-0094(RV)(PA1) include the detailed account of Los Angeles Police Department investigations, arrests, and calls for service concerning the Adams Garden Inn, including repeated violations of conditions imposed by the City. This includes violations of nuisance abatement Condition Nos. 3, 5, 11, 13, 14, 15, 18, 19, 20, 22, 23, 24, 25, 27, and 28, imposed in Case No. DIR 2015-0094(RV) in accordance with Section 12.27.1 of the Los Angeles Municipal Code. The record of such violations is set forth in the reports referenced in this action and attached to the case file.

6. Prior governmental efforts to cause the owner or operator to eliminate the problems associated with the use or discretionary zoning approval have failed (examples include formal action, such as arrest and citations, by the Police Department, Order to Comply Notice by Department of Building and Safety, the Director, Zoning Administrator or City Planning Commission, or any other governmental agency).

The owner has shown a blatant disregard in achieving and maintaining compliance with the nuisance abatement conditions imposed in Case No. DIR 2015-0094(RV), effective October 21, 2015. Upon investigation of the premises by staff, it was apparent that no changes to the business operation had been

made as a result of the imposition of conditions. The following conditions were found to be in violation upon visits by the Los Angeles Police Department on August 26, 2016 and October 19, 2016:

- Condition No. 3: Failure to remove graffiti.
- Condition No. 5: Failure to sign "Trespass Arrest Authorization" form.
- Condition No. 11: Failure to remove three undocumented vehicles.
- Condition No. 13: Failure to understand operation of security camera system.
- Condition No. 14: Failure to stamp keys with "Do Not Duplicate."
- Condition No. 15: Failure to keep site free of trash and debris.
- Condition No. 18: Failure to participate in neighborhood watch and Community Police Advisory Board.
- Condition No. 19: Failure to have knowledge of nuisance abatement conditions and to ensure compliance with conditions.
- Condition No. 20: Failure to post nuisance abatement conditions and provide a copy upon request.
- Condition No. 22: Failure to disperse people from loitering around the premises.
- Condition No. 23: Failure to attend a property management training program approved by the Los Angeles Housing Department.
- Condition No. 24: Failure to provide a required California-licensed private security guard on site twenty-four hours a day, seven days a week.
- Condition No. 25: Failure to maintain adequate security log.
- Condition No. 27: Failure to secure front door.
- Condition No. 28: Failure to have a complaint hotline number posted on site.

The operator received formal citations for failure to comply with required nuisance abatement conditions on these occasions and has taken no action to the knowledge of the Zoning Administrator to achieve compliance with the imposed conditions. Additionally, members of the Los Angeles Police Department attempted to talk to motel management on numerous occasions about responsible management to no avail.

The Adams Garden Inn has placed a heavy demand on limited Los Angeles Police Department resources, as documented in this action. These governmental efforts to cause the owner and operator to eliminate the nuisance problems associated with the use and to achieve compliance with nuisance abatement conditions have failed, as documented by the excessive and repeated number of arrests, investigations, and calls for service submitted by the Los Angeles Police Department.

There has been no discernible improvement of the operation subsequent to the repeated actions of the Police Department conducting investigations and making arrests at the site. There also has been no demonstrable effort to correct or address any of the violations of imposed nuisance abatement conditions. Thus, there have been numerous opportunities given the property owner and management of the Adams Garden Inn to demonstrate an attempt to comply with conditions and to address issues of public nuisance at the site with no positive results.

7. **The owner or operator has failed to demonstrate to the satisfaction of the Director, the willingness or ability to eliminate the problems associated with the use or discretionary zoning approval.**

While motel staff and patrons of the motel who have been acting as staff have been cooperative with City efforts, the property owner has demonstrated a recalcitrant attitude towards the imposition of operating conditions and a brazen unwillingness to acknowledge or comply with said conditions. The property owner has taken no action at all, and has not directed the motel staff to take any action, to the knowledge of the Zoning Administrator, to eliminate or address the public nuisance problems associated with the use of a motel at the site location and identified in Case No. DIR 2015-0094(RV). There has been a failure to attempt to comply with even simple measures such as signing a "Trespass Arrest Authorization" form.

Moreover, the property owner has been negligent in regard to appropriate motel management in other ways. As evident in public testimony, some motel patrons appear to have been performing duties in relation to the monitoring and upkeep of the property, including watching the front desk, cleaning graffiti, and picking up litter. The motel patron who has been serving as a night manager testified that he has had to kick people out of the motel who he suspects might be causing problems, effectively acting as an unlicensed security guard. Likewise, it is clear that there has been a general physical degradation to the property, evident with the accumulation of inoperative vehicles in the motel parking lot. These failures of proper motel management demonstrate a lack of willingness or ability to effectively manage the property and thus also a lack of willingness or ability to eliminate the identified public nuisance impacts.

A full-time, state-licensed security guard, if one had been hired by the owner, as required under Case No. DIR 2015-0094(RV), would have been able to disperse loiterers on the property and to discourage criminal activity, reducing the threat to the health and safety to motel patrons and members of the surrounding community. This action, however, was never taken. In contrast, the representative of the property owner openly admitted during the public hearing that the motel was in violation of conditions, detailing the use by motel management of a daily security patrol in lieu of a full-time security guard.

There has been an insufficient attempt by the property owner and operator to take responsibility for the public nuisances originating from the location, including the violations of the required nuisance abatement conditions, as well as the threats to public safety being generated at the site. No constructive measures to alleviate the public nuisances associated with the use of the site as a motel were proposed by the property owner or management. Thus, there continues to be no demonstrable effort to correct or address the violations and public nuisances at the location by the property owner or business management.

The Zoning Administrator hereby finds, on behalf of the Director of Planning, that the repeated administrative attempts to improve the operation of the motel have not resulted in the elimination of the nuisance impacts associated with the use. The use of

the property as a motel is hereby ordered discontinued.

During the public hearing, the representative of the property owner took the position that the conditions were not in effect due to notification failures and pending the outcome of a lawsuit. He alleged that notification was not received pertaining to the outcome of the appeal in Case No. DIR 2015-0094(RV). Notification of all City Council actions takes place, however, through the City Clerk Council File Management System, which in Case No. DIR 2015-0094(RV) did inform interested parties and members of the public of the final results of the appeal in accordance with City Clerk policies.

The representative also alleged that the hearing notice was not received by the property owner for the subject public hearing for Case No. DIR 2015-0094(RV)(PA1). Notification, however, was completed in full accordance with Section 12.27.1 of the Municipal Code. Moreover, notices were sent by certified mail to the property owner of record and the motel site to assure receipt. There was no return by the U.S. Postal Service of notices sent to the property owner or the motel site, and copies of the certified mail receipts are present in the case file.

This determination is issued in full recognition that the motel has been used for long-term housing for a certain number of low-income residents in recent years. At the public hearing, however, the representative of the property owner informed the Zoning Administrator that he intended to divest himself of ownership of the property with the intent to sell the property to a corporation, Positive Investments LLC, which would continue to operate a motel on the property under a different name. If this action were to take place, it would result in the displacement of the remaining long-term patrons of the motel, as the new motel would only have daily rentals, according to a letter submitted by Srinivas Yalamanchili of Positive Investments LLC. In the letter dated December 1, 2016, Mr. Yalamanchili informed the Zoning Administrator that the seller has already vacated seventeen tenants and is in the process of vacating "near 100%" of the remaining units by March 1, 2017.

Therefore, to the knowledge of the Zoning Administrator, the discontinuance of the use of motel at the site shall not result in the displacement of any long-term, low-income motel patrons who would not have been displaced if the use of motel had been continued on the site and if the sale of the property had proceeded as planned. Despite the possible change in ownership of the property, there is no evidence that the change in ownership would result in the elimination of public nuisance impacts caused by the use of the site as a motel. Due to the history of nuisance problems at the site, a shift to exclusively daily rentals could have potentially exacerbated nuisance impacts.

One year after the effective date of this determination, or if there has been a substantial change in the nature and operation of the land use, or if there has been a change in circumstances such that the continued enforcement of this discontinuance is no longer reasonable or necessary, the property owner, lessee, or business operator may file for a Modification of Administrative Decisions in accordance with Section 12.27.1.E. of the Los Angeles Municipal Code.

It is the purpose of these proceedings, under Ordinance No. 171,740, to provide a just and equitable method to be cumulative with and in addition to any other remedy

available for the abatement of public nuisance activities.

It is further determined that the instant action by the Zoning Administrator is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. All of the procedures followed as a part of this action conform to the Municipal Code. The property owner and the operator of the premises have been provided notice of these proceedings and have been afforded the opportunity to review the file in advance of the hearing, which was duly noticed, and to testify at the hearing and respond to the allegations concerning the impacts of the operation of the Adams Garden Inn motel.

Inquiries regarding this matter shall be directed to Tim Fargo, Planning staff for the Office of Zoning Administration at (213) 202-5407.

VINCENT P. BERTONI, AICP
Director of Planning



ALETA D. JAMES
Associate Zoning Administrator

ADJ:TJF

cc: Councilmember Herb J. Wesson, Jr., Tenth District
Adjoining Property Owners
Public Hearing Sign-in / Notification Sheet: December 6, 2016