



Legislation Details (With Text)

File #: 21-0021 **Version:** 1

Type: Public Hearing - SR w/Resolution **Status:** Agenda Ready

In control: City Council Regular Meeting

On agenda: 1/5/2021 **Final action:** 1/5/2021

Title: Conduct Public Hearing to Consider Modification of Conditions of Approval for the Existing Conditional Use Permit for the Residence Inn by Marriott, Located at 1700 N. Sepulveda Boulevard (Community Development Director Tai).
a) CONDUCT PUBLIC HEARING
b) ADOPT RESOLUTION NO. 21-0005 MODIFYING CONDITIONS TO THE CONDITIONAL USE PERMIT FOR THE RESIDENCE INN BY MARRIOTT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 21-0005, 2. Resolution Nos. 4181 and 4182, 3. PC Resolution No. 90-24, 4. Parking Gate Improvement Plans, 5. Fence/Wall Elevations

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Council Regular Meeting	adopted	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Carrie Tai, AICP, Community Development Director
Talyn Mirzakhanian, Planning Manager
Eric Haaland, Associate Planner

SUBJECT:
Conduct Public Hearing to Consider Modification of Conditions of Approval for the Existing Conditional Use Permit for the Residence Inn by Marriott, Located at 1700 N. Sepulveda Boulevard (Community Development Director Tai).
a) CONDUCT PUBLIC HEARING
b) ADOPT RESOLUTION NO. 21-0005 MODIFYING CONDITIONS TO THE CONDITIONAL USE PERMIT FOR THE RESIDENCE INN BY MARRIOTT

RECOMMENDATION:
Staff recommends that after conducting a public hearing, the City Council adopt Resolution No. 21-0005 modifying the conditions of approval for the Conditional Use Permit for the Residence Inn by Marriott.

EXECUTIVE SUMMARY:

The City Council directed staff to schedule a public hearing to consider modifying the conditions of approval to a Conditional Use Permit for the operation of a 176-room motel issued in 1985 to the owner of property located at 1700 N. Sepulveda Boulevard (the “Site”, after a number of incidents at the Site, including, nuisance-generating activity and incidents threatening the safety of the residents in the adjacent residential neighborhood. The current hotel operator, Residence Inn by Marriott, has proposed a series of operational and physical site improvements to address concerns raised by the public. The proposed modifications were evaluated by staff and incorporated as conditions in the attached draft resolution (Resolution No. 21-0005).

FISCAL IMPLICATIONS:

There are no direct fiscal implications associated with the recommended action.

BACKGROUND:

The City Council approved a Conditional Use Permit and associated Variance (Resolution 4181 and Resolution 4182) on January 2, 1985, for the construction and operation of a 176-room motel with conference facilities at the site, which is designated in the General Plan as General Commercial and zoned CG-D8, General Commercial - Sepulveda Boulevard Corridor Overlay. In 1990, the City also approved Use Permit Amendment 90-46 (Resolution PC 90-24) to allow beer and wine service at the motel. The original CUP, plus amendments, are referred to herein as the “Use Permit.”

A shooting occurred at the site on September 8, 2020. Immediately afterwards, the Police Department worked with the then-interim General Manager, who proposed some immediate operational changes to improve security on the site and to deter crime. The measures proposed by the interim General Manager were memorialized in a letter from the City Attorney to the hotel operator in a letter dated September 11, 2020. On September 15, 2020, staff presented the City Council with a report outlining additional incidents, complaints from neighboring residents, the Use Permit history of the site, as well as the Municipal Code provisions regarding the review of Use Permits. At the conclusion of the discussion, the City Council requested that staff perform and present a review of the Use Permit. In accordance with Section 10.84.070(B)(4) of the Municipal Code, Condition No. 24 in Resolution 4181 authorizes the City Council to conduct a review of the Use Permit to determine compliance with conditions imposed and Municipal Code requirements.

Accordingly, at a duly noticed City Council meeting held on October 20, 2020, the City Council reviewed the Use Permit, comments from the public, and from representatives of the hotel. After receiving such input, the City Council determined that there are reasonable grounds for revocation or modification of the conditions of approval and directed staff to schedule a public hearing to consider modifications to the Use Permit’s conditions of approval in accordance with Section 10.104.030 of the Municipal Code, in order to incorporate additional operational measures as conditions of approval.

In the interim, on December 1, 2020, the City Council received a 30-day progress report summarizing progress made by Residence Inn between October 21, 2020, and November 20, 2020, and confirming the scheduling of the subject hearing for consideration of modifications to the existing Use Permit.

DISCUSSION:

Over the course of the last several months, the hotel operator has engaged with neighboring residents and City staff via a series of emails, virtual meetings, phone calls, and records requests in an attempt to better understand any concerns regarding the hotel’s operation and site conditions and to devise targeted, long-term solutions accordingly. Comments and concerns regarding hotel

operations, as raised by the City Council and the neighboring residents during the aforementioned City Council meetings and subsequent discussions, focused on the need for increased on-site security measures and improved control of vehicular access to prevent loitering and nuisance-generating activities such as parties hosted by hotel patrons in the suites, smoking on site, and other unpermitted activity. In an effort to address these concerns, the hotel operator has proposed the modifications below, inclusive of operational improvements and physical improvements to the site. The hotel operator considered variations of the improvements discussed herein, and ultimately proposed those improvements that could be effectively sustained for the duration of the use of the property as a hotel. Corresponding conditions of approval for each of the improvements identified below are incorporated in the draft resolution.

To address concerns regarding smoking activity on the subject site, the hotel operator has proposed to display “no smoking” signage within the hotel lobby referencing that the City of Manhattan Beach is a “smoke free” City and that, as such, smoking is prohibited throughout the property, both indoors and outdoors. The hotel operator has also proposed to post “no smoking” signage on the exterior of each building and on the interior side of the fences and retaining walls along the site’s northern, eastern and southern property lines.

To address security and safety concerns, the hotel operator has proposed a series of physical improvements to the site, including the following:

1. *Motion-activated flood lights will be installed at the rear of the property, adjacent to the eastern property line.* Improved lighting to this portion of the site will serve to deter occurrences of unpermitted activities after dark, specifically in those areas furthest from the hotel lobby and closest to the adjacent residential neighborhood.
2. *A security camera system will be installed and maintained.* The system will include cameras at no fewer than four locations within the eastern portion of the property, as well as cameras specifically facing the eastern property line fence. Installation of cameras at the specified locations serves to improve security monitoring of all portions of the site, including those areas furthest from the hotel lobby and closest to the adjacent residential neighborhood. The security cameras will supplement existing hotel protocols for on-site security personnel.
3. *A gated traffic-control system will be installed and maintained in the parking lot.* As demonstrated in the Parking Gate Improvement Plan included as an attachment, two controlled parking gates will be installed within the parking lot just east of the hotel lobby, one at the westernmost segment of each main (east-west) drive aisle leading to the east side of the property. The parking gates will serve to limit vehicular access to the main portion of the parking lot to hotel patrons and those with hotel-issued access identification. The westernmost portions of the parking lot will remain ungated to accommodate a guest check-in parking area. While consideration was given to a parking gate at the driveway approach and closer to Sepulveda Boulevard, this alternative was dismissed, as it could result in a back-up of vehicles along northbound Sepulveda Boulevard and would eliminate access to parking spaces for accommodation of guest check-in. The proposed condition of approval requires submittal of the plans for the gate system to plan check no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance.

4. *The height of the eastern perimeter wall/fence will be increased to no less than eight feet above grade level on the western side of the fence and no less than 10 feet above grade level on the eastern side of the fence.* Condition No. 18 in the original resolution approving the Use Permit (Resolution No. 4181) required that the proposed perimeter walls for the project be constructed of decorative materials, such as stucco, and that the portion of the wall along the eastern property line be a minimum of seven feet in height. In response to comments from neighbors regarding sightings of people jumping across the hotel's eastern perimeter wall/fence, the applicant is proposing to increase the height of the wall/fence along the eastern property line and incorporate emergency vehicle access gates controlled only by the City. The hotel operator submitted elevations for the proposed modifications to this structure (see attachment), demonstrating variations of a wall/fence structure that would achieve the increased height. Given that Section 10.16.030(K) of the Municipal Code requires a wall/fence structure at a height above eight feet to be mutually agreed upon by the abutting property owners and approved by the Community Development Department, the applicant is cooperating with the abutting property owners to finalize the wall/fence design.

The proposed condition of approval requires submittal of the plans for the wall/fence, as agreed upon by abutting property owners, to the Community Development Director no later than January 15, 2021, with construction to be completed no later than 90 days from permit issuance. Furthermore, in response to comments from neighbors regarding debris that originates from the hotel site but travels under the existing eastern gate and into the abutting residential neighborhood, the hotel operator has agreed to install a rubber strip at the bottom of the emergency gates to fill in any gaps and prevent trash or other debris from inadvertently traveling into the residential neighborhood. Staff recommends replacing the original Condition No. 18 with a condition that captures the modifications described herein.

The aforementioned physical site improvements will be supplemented with the following operational modifications, as proposed by the hotel operator:

1. *Require guest signature on a "Code of Conduct" upon check-in.* In an effort to prevent nuisance-generating activities on the part of hotel patrons and their guests, the hotel operator will require all guests, at check-in, to sign a copy of a "Code of Conduct" or similarly titled statement: (a) advising guests of their obligations in respect to the hotel's and City's non-smoking policies and laws; (b) requiring guests to observe the hotel's posted "quiet hours" inside and outside of their guestrooms and to comply with the City's noise ordinance; (c) acknowledging the hotel's posted limits on guestroom occupancy from 9:00 P.M. to 9:00 A.M.; and (d) acknowledging that violations of the "Code of Conduct" may result in forfeiture of up to all of the guest's deposit and/or eviction from the hotel.
2. *Establish neighborhood outreach protocols.* Neighboring property owners have commented that, prior to the September 15, 2020, City Council meeting, the residents faced difficulties contacting hotel management when problems arose on the hotel site. In response to such comments, the hotel operator will establish a direct line of communication, via phone, email or similar technology, by which neighboring property owners may directly communicate with hotel management. Additionally, the hotel operator will host, at a minimum, one meeting per year, virtual or in person, with the neighboring community to field questions or concerns regarding operation of the hotel.

The hotel operator has demonstrated an effort in evaluating the community's concerns, as well as the operational deficiencies, and has proposed modifications that collectively aim to prevent nuisance-generating activity and better engage the neighboring property owners. Staff evaluated the conditions originally proposed by the hotel operator and made modifications, as necessary, to ensure that they were technically feasible and sustainable for the long-term (i.e. for the duration of the operation of the site as a hotel), but also specific to such degree regarding dates, heights, quantities, etc., that they are enforceable by the City. If the City Council elects to adopt the draft resolution, the hotel operator, and/or all successors, will be required to comply with all new conditions of approval, as well as all existing conditions provided in Resolution Nos. 4181, 4182 and in Resolution PC 90-24, with the exception of Condition No. 18 in Resolution No. 4181, which is being modified.

Required Findings

Pursuant to Section 10.104.030(D) of the Municipal Code, the body conducting a hearing to consider modification of the conditions of approval of a discretionary permit shall make one (or more) of the following findings:

1. *That the permit was issued on the basis of erroneous or misleading information or misrepresentation;*
2. *That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;*
3. *That there has been a discontinuance of the exercise of the entitlement granted by the permit for twelve (12) consecutive months.*

Based on the evidence presented over the course of the recent months and presented as part of this public hearing, the proposed modifications to the Use Permit conditions are based on Finding No. 2, violation of laws and regulations at the site, including but not limited to regulations in Chapter 4.116 regarding smoking and regulations in Chapter 5.48 regarding noise.

The Inn is not seeking any additional entitlements to its existing Use Permit. Rather, the Inn has suggested additional operational and physical measures to address the concerns identified in this report and at prior Council meetings. Accordingly, the findings made by the City previously in approving the Use Permit and its amendments still apply to the underlying use, and the modifications proposed herein are limited to operational changes and minor site improvements to an existing "Visitor Accommodation" (i.e. hotel) land use that do not affect in any way the prior findings made as to whether a hotel at the site is consistent with the General Plan and zoning, and compatible with the neighborhood.

CONCLUSION:

In response to concerns raised by the neighboring community, the hotel operator for Residence Inn by Marriot, located at 1700 N. Sepulveda Boulevard, has proposed a series of operational modifications and site improvements, as described in the previous section of this report. The conditions, as proposed in the draft resolution, are targeted at resolving the Community's concerns and are deliberately formulated such that they are technically feasible and sustainable on the part of the hotel operator, and specific enough to be enforceable on the part of the City. Subsequent to conducting a public hearing on this matter, the City Council has the following options:

1. Adopt the draft resolution attached herein, conditionally approving the amendment to the Use Permit;
2. Propose additional conditions or modifications to the draft resolution and conditionally approve a modified version of the draft resolution attached herein; or
3. Direct staff to schedule a hearing for revocation of the Use Permit.

Staff recommends Options 1 or 2.

PUBLIC OUTREACH:

In accordance with the Municipal Code, public notification for this public hearing consisted of a published newspaper ad, published on December 24, 2020, and mailed notices to property owners of properties within 500 feet of the Residence Inn site (203 properties total), posted on December 18, 2020. As of the writing of this report, staff has not received any public comment.

ENVIRONMENTAL REVIEW:

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) based on the determination that the proposed modifications involve negligible or no expansion of the existing hotel use. Pursuant to State CEQA Guidelines Section 15300.2 (Exceptions), there is no reasonable possibility that the activity will have a significant impact on the environment because there are no unusual circumstances in this situation. The Project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in Fish and Game Code Section 711.2.

ATTACHMENTS:

1. Resolution No. 21-0005
2. Resolutions Nos. 4181 and 4182
3. PC Resolution No. 90-24
4. Parking Gate Improvement Plans
5. Fence/Wall Elevations