REPORT TO PLANNING COMMISSION

DATE:

JUNE 16, 2022

TO:

HONORABLE CHAIR AND MEMBERS OF THE **PLANNING**

COMMISSION

FROM:

DENICE THOMAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR

BY:

VALERIE DARBOUZE, ASSOCIATE PLANNER

REQUEST: 1) APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW LIVE

ENTERTAINMENT AT AN EXISTING HOTEL, 2) TO MAKE A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL

QUALITY ACT.

APPLICANT:

Huntington Pacific Hotels, LLC.

CASE NOS:

CUP-2022-0013

LOCATION:

29505 and 29515 Agoura Road (AIN 2061-004-030)

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per § 15061(b)(3) and per § 15301of the CEQA

Guidelines.

ZONING

DESIGNATION:

Planned Office and Manufacturing, Freeway Corridor

(POM-FC)

GENERAL PLAN

DESIGNATION:

Planned Development District Subarea 51

RECOMMENDATION:

Staff recommends the Planning Commission approve Conditional Use Permit Case No. CUP-2022-0013, subject to conditions, based on the findings of the

attached Draft Resolution.

¹ The Land Use designation is being updated to coincide with the Zoning Classification as part of the 2022 General Plan Update.

I. PROJECT BACKGROUND AND DESCRIPTION

The Applicant, Huntington Pacific Hotels, LLC representing the Marriott Courtyard/Townplace Suites, has applied for a Conditional Use Permit (CUP), Case No. CUP-2022-0013, to allow live entertainment as an ancillary use to special events at the hotel ("Project"). The hotel property is located at 29505 and 29515 Agoura Road. The hotel was completed in 2020 and has been operating since with the exception of a few months during the COVID-19 pandemic. In November of 2019, the same Applicant applied for and received approval of a CUP, Case No.-01674-2019, to serve alcohol on the premises with a California Alcoholic Beverages Control Department license type 47.

The 5.56-acre hotel property is located in the Planned Office and Manufacturing and Freeway Corridor District (POM-FC), which allows a hotel and ancillary uses associated with the hotel use. The main access to the subject site is provided from Agoura Road and a secondary access is provided from Roadside Road through the LA Fitness gym property as shown in Figure 1 - Vicinity Map. The property is surrounded by the following uses:

Surrounding Properties/Uses		
North	Highway U.S. 101	
South	Vacant land zoned Planned Development Agoura Village	
East	LA Fitness Gym	
West	Los Angeles Animal Care and Control Facility	

The 137,000-square-foot, three-story hotel provides 225 rooms, with 130 Marriott Courtyard brand rooms for short stays, occupying the west side of the hotel, and 95 Marriott TownPlace Suites brand rooms for longer stays, on the east side of the hotel. The structure was built around an interior courtyard with a pool and outdoor barbecue facilities provided for the guests that are only accessible by entering the hotel. The hotel provides a bar on the first floor near the main lobby, as well as, a restaurant that is open to the hotel guests at the southeast corner of the building with an outdoor dining patio. Four conference rooms are available on the second floor for special events where the live entertainment is proposed.



Figure 1 - Vicinity Map

Source: Los Angeles County Planning GIS

The proposed scope of work is as follows:

 A new use is added to the facility with no proposed physical changes to the structure.

Legislative Review

The proposed Project is subject to the review and approval of a CUP per Agoura Hills Municipal Code (AHMC) §9673.2.E.

Regional Housing Needs Allocation

The Regional Housing Needs Allocation (RHNA) identifies the number of residential units needed for a jurisdiction to meet its projected housing needs per RHNA cycle. The City of Agoura Hills has a proposed allocation for the 6th Cycle RHNA of 318 residential units. This Project does not add or remove an affordable housing unit from the City's current RHNA allocation and the site is not included in the City's inventory of proposed housing sites.

II. STAFF ANALYSIS

Site Plan and Buildings

The three-story hotel provides 133,000-square feet of rooms built around a 14,678-square-foot courtyard with pool and barbecue facilities. Guests can rent one of the four meeting rooms on the second floor. The room sizes vary from 1,100 to 1,400 square feet totaling 4,978 square feet where the special events are hosted. The rooms are on both sides of the main corridor. Two of the rooms have windows with views into the front of the property and two more rooms with views onto the interior courtyard. Although the hotel is a 24-hour facility, hours of operation are provided for different services as follows:

	Weekdays	Weekends
Breakfast	6:30 am-10 am	7:00 am-10:30 am
Dinner/Bar	5:00 pm-10:30 pm	5:00 pm-10:30 pm
Pool	9:00 am-10:00 pm	9:00 am-10:00 pm
Exercise Room	24hrs a day	24hrs a day
Meeting Rooms	6:00 am-midnight	6:00 am-midnight
Courtyard	9:00 am-11:30 pm	9:00 am-11:30 pm

The Applicant has requested that live and/or recorded music be permitted as an ancillary use to the hotel during scheduled special events. Live entertainment is permitted in the POM zone, and the FC overlay district subject to a CUP. The request to hold events does not modify the design of the interior or the exterior space of the hotel. The hotel will be installing a removable dance floor as needed during the events.

A Floor Plan was provided and is attached to this report for the Planning Commission's review as part of Attachment 3. The area is not permanently dedicated to entertainment but rather used when weddings or other private events are booked with the hotel under the supervision of the hotel staff. The receptions/banquet activities are permitted until midnight and the live entertainment will occur within that time. Typically, the entertainment will occur on Friday and Saturday nights throughout the year.

The CUP for live entertainment is considered to be ancillary to the hotel where public eating services are provided and does not require additional parking. The proposed use is considered passive live entertainment and is not subject to a parking study per AHMC §9654.6. The use will occur within a permitted facility. Noise is regulated by AHMC §9656.1-9. (Noise Ordinance). The hotel will be required to apply for a Category C business license, which requires that the representative responsible for managing the live entertainment activities pass a background check. The license is renewable annually, as long as, a background check is approved by the Los Angeles County Sheriff's Department. Other CUPs for live entertainment have been issued in the area, including the Sheraton Hotel located at 30100 Agoura Road and other eating establishments along the freeway corridor.

The use is compatible with the various retail and industrial-like surrounding uses, in that it will not conflict with the operating hours of the businesses. The use is not expected to be detrimental to the public health, safety or welfare because the use is contained within

a building and enclosed spaces at approximately 190 feet from the street and 77 feet from the western and eastern property lines. The building design will not change as a result of the proposed use.

Freeway Corridor Overlay District (FC)

The purpose of the FC Overlay is to recognize the importance of the land use, architectural design, and appearance of development within the freeway corridor to the City's image. Projects in the FC are to incorporate naturalistic and native landscaping, particularly oaks; preserve key vistas to the Santa Monica Mountains; screen unsightly uses; exhibit a low-intensity development style; convey a high-quality image; minimize impacts to sensitive and endangered species; and use compatible colors and materials to preserve and enhance the scenic quality of the freeway corridor. The proposed use will take place in a permitted hotel approved under CUP-01150-2015, which addressed all the requirements of the freeway corridor. The new request will not modify the structure, or exterior improvements, and will not impede the views of the Santa Monica Mountains or diminish the scenic quality of the freeway corridor since it pertains to the use inside the hotel.

III. FINDINGS

A. General Plan Consistency

Staff finds the Project will be consistent with the following applicable General Plan goals and policies:

Goal LU-2: City of Diverse Uses. A mix of land uses that meet the diverse needs of Agoura Hills' residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth.

 Policy LU-2.4: Visitor-Serving Uses. Provide for visitor-serving commercial uses in key locations to attract tourists, beachgoers, and Santa Monica Mountains park users.

Goal LU-12: Diverse District and Corridors. A diversity of vital and active commercial districts providing a choice of uses and activities for Agoura Hills' residents and visitors.

- Policy LU-12.2: Freeway Corridor. Accommodate the development of commercial centers within the freeway corridor to provide a strong fiscal base for the City. Facilitate the development of vacant and underutilized freeway parcels with commercial uses that capitalize on their freeway access and visibility in an aesthetically pleasing manner.
- Policy LU-12-4: Visitor Serving Commercial. Provide for visitor-serving commercial uses in key locations to attract tourists, beachgoers, and Santa Monica National Recreation Area users.

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The Project complies with Goals LU-2 and LU-12 by serving the residents of Agoura Hills. The CUP will allow for live entertainment inside a hotel for visitors and residents of the community. The hotel, including its ancillary services, adds to the variety of uses in the City and accommodates vacationing in- and out-of-town guests and other special events. The Project would promote of use of local businesses in connection with special events. The Project would complement the other services provided to the hotel customers and the community.

The Project will add to the hotel services that help create a vital, active commercial district. The hotel is close to a major transportation system that links the region to local services. The design of the hotel accommodates space for on-site events. The hotel and its ancillary services support the tourism industry and contribute to employment growth.

B. Conditional Use Permit. AHMC § 9673.2(E)

Finding 1. That the proposed use is consistent with the objectives of this article and the purposes of the district in which the use is located.

Analysis: The proposed use is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. Live entertainment at a hotel is permitted in the POM-FC zoning district with a CUP. The facility in which the Project is operating already complies with the requirements of the POM-FC zone relative to use, lot coverage, building setbacks, parking, and landscaping. **The Project complies with the finding.**

Finding 2. That the proposed use is compatible with the surrounding properties.

Analysis: The proposed use is compatible with the surrounding properties. The hotel and its ancillary uses have previously been approved under CUP-01150-2015. The live entertainment takes place inside the hotel facility and does not expand into the courtyard and therefore is not visible to other businesses or cannot be heard by other businesses currently operating along Agoura Road. The property's zoning designation of the POM district allow for a variety of uses with various hours of operation. Other live entertainment CUPs have been issued to nearby hotels and restaurants and no issue related to the public nuisance has ensued as a result. The Project complies with the finding.

Finding 3. That the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare.

Analysis: The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare. The hotel operates with specific hours for each type of services. The live entertainment services are associated with guests' private events under the supervision of the hotel staff. The live entertainment will not affect vehicular access or circulation nor the architecture of

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the hotel building. The live entertainment will occur indoors and the use is subject to the City's noise ordinance. **The Project complies with the finding.**

Finding 4. That the proposed use will comply with each of the applicable provisions of this article, except for approved variances or modifications.

Analysis: The proposed use will comply with each of the applicable provisions of the Zoning Ordinance, except for approved variances or modifications. This Zoning Ordinance permits the live entertainment with a CUP. The hotel is a permitted use in the POM zone, and live entertainment is allowed pursuant to a CUP. The hotel already meets the development standards of the POM district and the Zoning Ordinance relative to lot coverage, setbacks, parking, and landscaping. Approval of the Project would not affect the building development standards. No variance or modification permit is requested, or granted as part of the approval. The Project complies with the finding.

Finding 5. That the distance from other similar and like uses is sufficient to maintain the diversity of the community.

Analysis: The distance from other similar and like uses is sufficient to maintain the diversity of the community. Residential uses are not located within close proximity. Conditional Use Permits have been issued to nearby commercial properties including hotels and restaurants in different zoning districts, but with similar standards and conditions of approval, which limit impacts on adjacent properties. **The Project complies with the finding.**

Finding 6. That the proposed use is consistent with the goals, objectives, and policies of the general plan.

Analysis: The proposed use is consistent with the City's general plan. The Project is consistent with the Land Use and Community Form Goals LU-2 and LU-12, Policy LU-2.4 Visitor-Serving Uses, Policy LU-12-2 Freeway Corridor, and Policy LU-12.4 Visitor Serving Commercial by serving the residents of Agoura Hills. The CUP allows for live entertainment conditionally inside a hotel for visitors and residents of the community. The hotel, including its ancillary services, adds to the variety of uses in the City and accommodates vacationing in- and out-of-town guests and other special events. The Project would complement the other services provided to the hotel customers and the community without affecting the commercial appearance and the aesthetic value of the hotel property. The Project will add to the hotel services that help create a vital, active commercial district. The hotel is close to a major transportation system specifically U.S. Highway 101 and Los Angeles County Route N9 (Kanan Road) including fixed route transit lines that link the region to local services. The design of the hotel accommodates space for on-site events. The hotel and its ancillary services support the tourism industry and contribute to employment growth while maintaining the commercial appearance and the aesthetic value of the Project. The Project complies with the finding.

IV. ENVIRONMENTAL REVIEW

The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per § 15061(b)(3) of the CEQA Guidelines. The Project does not have the potential for causing any significant effect on the environment, because it consists of the allowance of live entertainment on the premises of a hotel. The use is contained within an approved building, and the use does not modify the approved development or physical environment. Alternatively, the Project is categorically exempt from CEQA pursuant to § 15301 of the CEQA Guidelines because it involves the permitting for a minor use addition to an existing hotel facility. The addition of live entertainment to a hotel that already holds special events and serves alcohol is a negligible expansion of the hotel use. No exception to this determination applies as set forth in § 15300.2 of the CEQA Guidelines, including, but not limited to, subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

V. RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission approve Conditional Use Permit Case No. CUP-2022-0013, subject to the Conditions of Approval and based on the findings of the attached Draft Resolution.

VI. ATTACHMENTS

- 1. Draft Resolution for the Conditional Use Permit with Exhibit A, Conditions of Approval
- 2. Vicinity Map
- 3. Project Plans
- 4. Photographs of the Site

CASE PLANNER: Valerie Darbouze, Associate Planner

RESOLUTION NO. 22-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. CUP-2022-0013 TO ALLOW LIVE ENTERTAINMENT FOR A HOTEL LOCATED AT 29505 AND 29515 AGOURA ROAD; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

<u>Section I.</u> An application was duly filed by Huntington Pacific Hotels, LLC with respect to the real property located at 29505 and 29515 Agoura Road, Assessor's Identification Number 2061-004-030 requesting approval of a Conditional Use Permit (Case No. CUP-2022-0013) for live entertainment in an existing hotel (the "Project").

Section II. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), and has been determined to be exempt from CEQA per §15061(b)(3). The Project does not have the potential for causing any significant effect on the environment, because it consists of the live entertainment use on the premises of a hotel. The use is contained within an approved building, and the use does not modify the approved development or physical environment. Alternatively, the Project is categorically exempt from CEQA pursuant to § 15301 of the CEQA Guidelines because it involves the permitting for a minor use addition to an existing hotel facility. The addition of live entertainment to a hotel that already holds special events and serves alcohol is a negligible expansion of the hotel use. No exception to this determination applies as set forth in Section 15300.2 of the CEQA Guidelines, including, but not limited to, subsection (c), which relates to unusual circumstances that could have a significant effect on the environment.

Section III. The Planning Commission of the City of Agoura Hills considered the Project applications at a public hearing held on June 16, 2022, at 6:30 p.m. The public hearing was held in-person in the City Council Chambers and via remote video conferencing. The Applicant and members of the public were given the opportunity to present statements and provide materials to the Commission both in-person and electronically. Notice of the time, date, means of participation in, and purpose of the aforesaid hearing was duly given and published as required by state law.

<u>Section IV.</u> Evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforementioned public hearing.

Section V. Conditional Use Permit. Pursuant to Agoura Hills Municipal Code (AHMC) § 9673.2.E and based upon the evidence presented at the public hearing,

Resolution No.	22
Page 2 of 3	

including the staff report and oral and written testimony, the Planning Commission finds, that:

- 1. The proposed use is consistent with the objectives and provisions of the Zoning Ordinance and the purposes of the land use district in which the use is located. The live entertainment is permitted in the Planned Office Manufacturing, Freeway Corridor (POM-FC) with a Conditional Use Permit (CUP). The facility in which the Project is operating already complies with the requirements of the POM-FC zone relative to use, lot coverage, building setbacks, parking, and landscaping.
- 2. The proposed use is compatible with the surrounding properties. The hotel and its ancillary uses have previously been approved under CUP-01150-2015. The live entertainment is contained within the hotel facility and is not visible to other businesses currently operating along Agoura Road. The property's zoning designation of the POM district allow for a variety of uses with various hours of operation. Other live entertainment CUP's have been issued to nearby hotels and restaurants and no issue related to the public nuisance has ensued as a result.
- 3. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare. The hotel operates with specific hours for each type of services. The live entertainment services are associated with guests' private events under the supervision of the hotel staff. The live entertainment will not affect vehicular access or circulation nor the architecture of the hotel building. The live entertainment will occur indoors and the use is subject to the City's noise ordinance.
- 4. The proposed use will comply with each of the applicable provisions of the AHMC Article IX Zoning, except for approved variances or modifications. AHMC § 9312.2 permits live entertainment with a CUP. The hotel already meets the development standards of the POM district relative to lot coverage, setbacks, parking, and landscaping. Approval of the Project would not affect the building development standards. No variance or modification permit is requested or granted as part of the approval.
- 5. The distance from other similar and like uses is sufficient to maintain the diversity of the community. Residential uses are not located within close proximity. Similar licenses have been issued to nearby commercial properties including hotels and restaurants in different zoning districts, but with similar standards and conditions of approval, which limit impacts on adjacent properties.
- 6. The proposed use is consistent with the City's General Plan. The Project is consistent with the Land Use and Community Form Goals LU-2 and LU-12, Policy LU-2.4 Visitor-Serving Uses, Policy LU-12-2 Freeway Corridor, and Policy LU-12.4 Visitor Serving Commercial by serving the residents of Agoura Hills. The CUP allows for live entertainment conditionally inside a hotel for visitors and residents of the community. The hotel, including its ancillary services, adds to the variety of uses in the City and accommodates vacationing in- and out-of-town guests and other special events. The

Resolution No.	22
Page 3 of 3	

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<u>Section VII.</u> Based on the aforementioned findings, the Planning Commission hereby approves Case No. CUP-2022-0013, subject to the conditions attached hereto as Exhibit A, with respect to the property described in Section I hereof.

<u>Section VIII.</u> The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and its certification to be entered in the Book of Resolutions of the Planning Commission of the City.

PASSED, APPROVED, and ADOPTED this 16th day of June 2022, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Chair Person, Jeremy Wolf

Denice Thomas, Secretary

Exhibit A CONDITIONS OF APPROVAL (Case No. CUP-2022-0013)

PLANNING DIVISION

- 1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the required forms and related fees with the City.
- 2. The approval of this permit shall not be effective for any purpose until the Applicant has agreed in writing that the Applicant is aware of, and accepts, all Conditions of this Permit with the Planning Division.
- 3. Except as modified herein, the approval of this action is limited to, and requires complete conformation to the approved labeled exhibits: Site, Floor and Elevation Plans.
- 4. If any provision of these permits is held or declared invalid, the approval shall be void and the privileges granted hereunder shall lapse.
- 5. If any condition herein is violated, the permit shall be suspended and the privileges granted hereunder shall lapse; provided that the Applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
- 6. All requirements of the Agoura Hills Municipal Code Article IX Zoning and of the specific zoning designation of the subject property must be complied with unless set forth in this permit.
- 7. Unless this permit is used within two (2) years from the date of City approval, Conditional Use Permit Case No. CUP-2022-0013 will expire.
- 8. Operation of the use shall not be granted until all Conditions of Approval have been complied with as determined by the Community Development Director.
- 9. The Applicant, and property owner(s), and their successors in interest, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this approval by the City or the exercise of the rights granted by this approval. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify Applicant

Conditions of Approval (Case No. CUP-2022-0013) Page 2

and property owners of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. Applicant or property owners shall deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due. Applicant and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided. Although the Applicant is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of the action, but such participation shall not relieve the Applicant of any obligation under this condition.

- 10. The Applicant shall comply with all requirements of the Conditional Use Permit that approved the hotel (CUP-01150-2015) and the Conditional Use Permit that approved the serving of alcoholic beverages on-site (CUP-01674-2019).
- 11. The hotel property owner and/or his designated representative(s) shall apply for a Category C Live Entertainment business license with 30 days of the Planning Commission's approval and renew it annually for as long as the use is in operation.
- 12. The use is intended as an ancillary use only and is subject to but not limited to Agoura Hills Municipal Code (AHMC) §5604.13 pertaining to improper occupancy, AHMC §6819 pertaining to business license revocation, and AHMC §9679 pertaining to Conditional Use Permit revocation.
- 13. Activities related to live entertainment shall be restricted to the meeting rooms inside the hotel.

END

ATTACHMENT 2 Vicinity Map





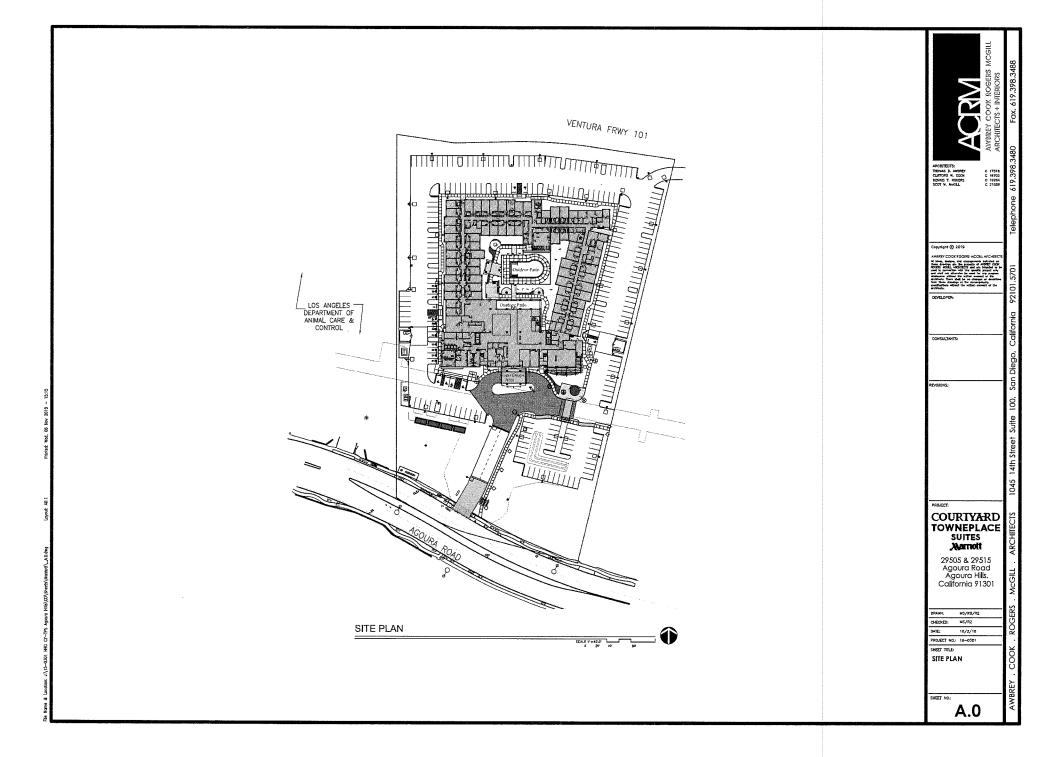
Source: Los Angeles County Regional Planning GIS

Live Entertainment Conditional Use Permit

Marriott Courtyard/Townplace Suites

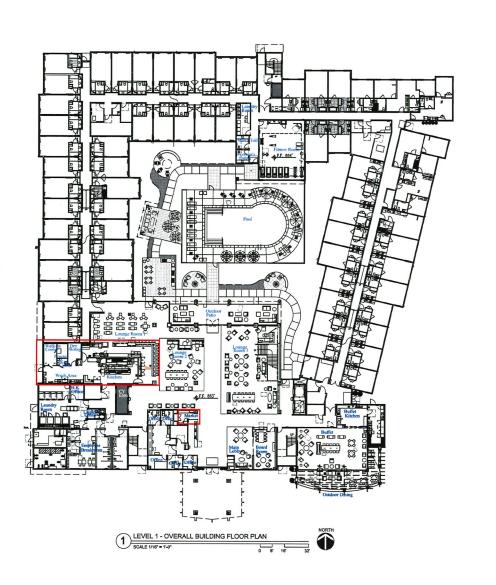


ATTACHMENT 3 Project Plans









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DEVELOPER:

CONSULTANT

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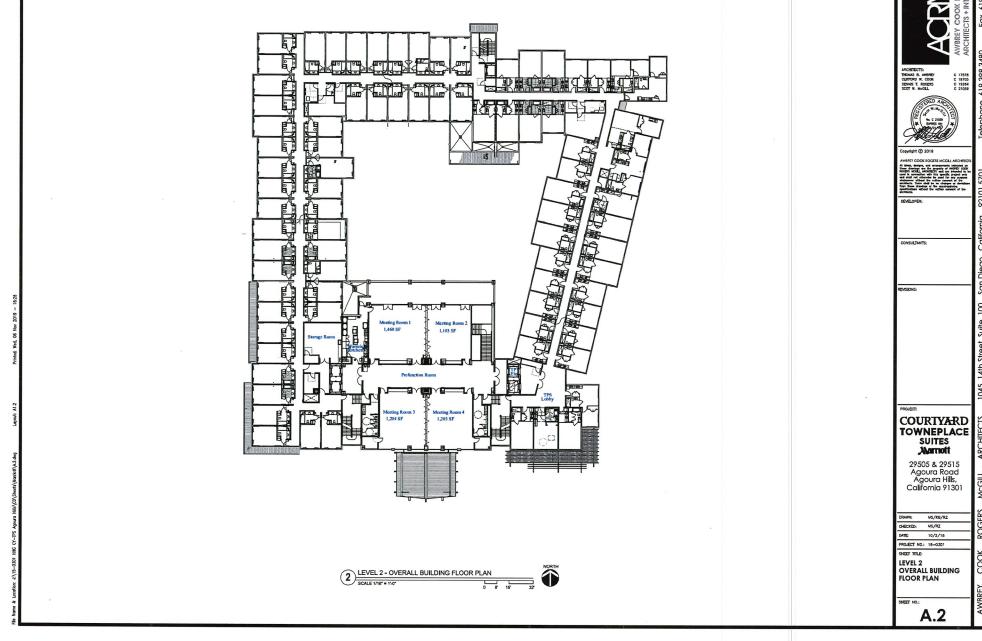
29505 & 29515 Agoura Road Agoura Hills, California 91301

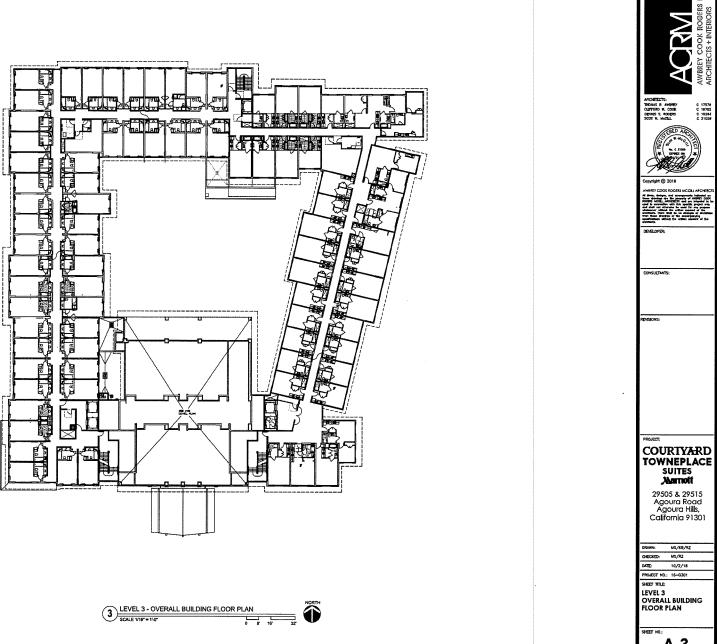
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PROJECT NO.:	16-0301	

SHEET TITLE
LEVEL 1
OVERALL BUILDING
FLOOR PLAN

SHEET NO.

A.1

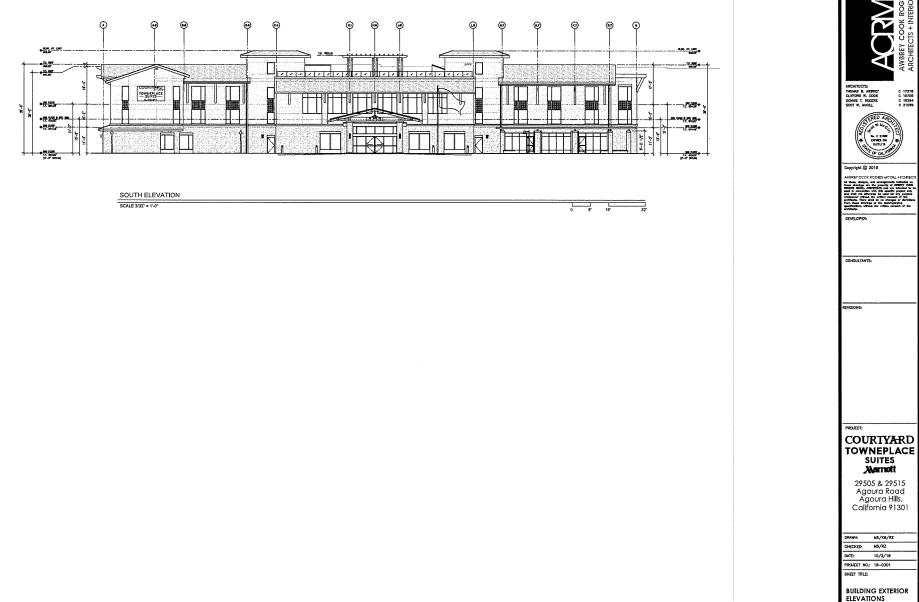




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Layout: A1.3

A.3



X/armott

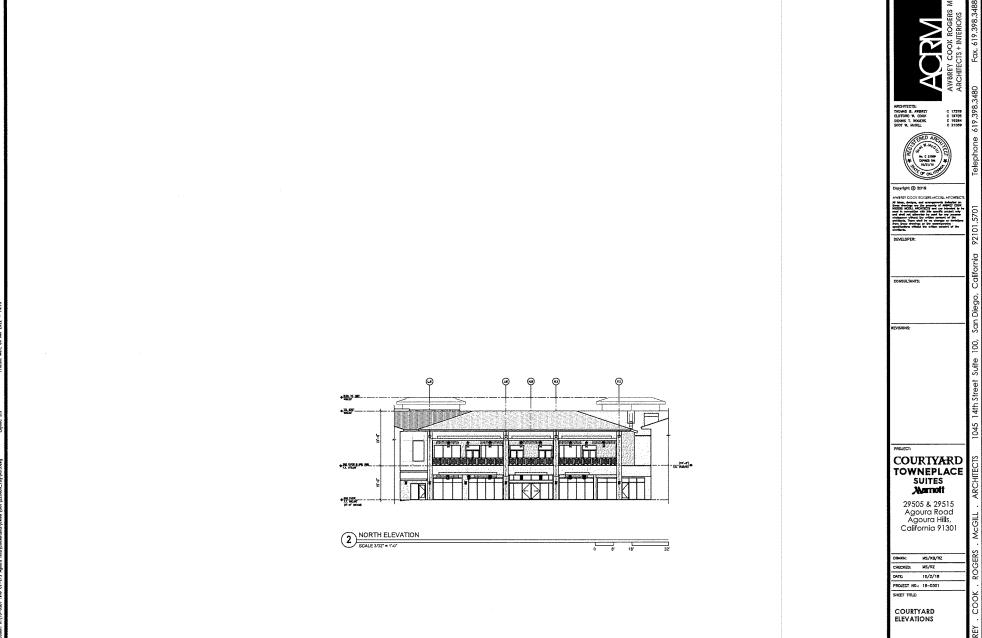
29505 & 29515 Agoura Road Agoura Hills, California 91301

DATE: 10/2/18 PROJECT NO.: 18-0301

BUILDING EXTERIOR ELEVATIONS

SHEET NO.:

A3.1



SHEET NO.:

A3.3

ATTACHMENT 4 Photographs of the Site

Conditional Use Permit Case No. CUP-2022-0013

Front Elevation







Interior Elevation





Meeting Room



