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# **SECONDARY SUBMISSIONS**



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

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February 22, 2022

**VIA EMAIL:**

South Valley Area Planning Commission  
c/o Andrew Jorgensen, City Planning ([andrew.jorgensen@lacity.org](mailto:andrew.jorgensen@lacity.org))  
c/o Etta Armstrong Commission Executive Assistant I ([apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org))  
City of Los Angeles  
6262 Van Nuys Boulevard, Room 430  
Van Nuys, CA 91401

**RE: ITEM 6, SOUTH VALLEY APC HEARING SCHEDULED FEBRUARY 24, 2022;  
Sherman Oaks AC Hotel Project (15481 Ventura Blvd., 91403);  
DCP Case Nos. ENV-2018-2802-MND, APCSV-2018-2801-SPE-ZV-SPP-SPR**

Dear South Valley Area Planning Commission ("APC"):

On behalf of UNITE HERE Local 11 ("**Local 11**"), this Office respectfully provides the following comments<sup>1</sup> to the City of Los Angeles ("**City**") APC and the Department of City Planning ("**DCP**") regarding the above-referenced development proposed by DKN Hotels, LLC ("**Applicant**") involving the demolition of an existing one/two-story, 70-room motel and construction of a new six-story, 159-room hotel ("**Project**") located on a 42,928 square foot ("**SF**") site located in Sherman Oaks ("**Site**"). (See APC staff report dated February 24, 2022 [**"Staff Report"**],<sup>2</sup> pp. 1, A-1.)

The Project contemplates various discretionary land use pursuant to the Los Angeles Municipal Code ("**LAMC**" or "**Code**"), including: (i) a Specific Plan Exception to permit a floor-area-ratio ("**FAR**") of 1.84:1 in lieu of the permitted 1.25:1 FAR to allow for the development of the 78,962-SF hotel on a dual-zoned Site; (ii) a Zone Variance to allow for private parking of vehicles for the hotel use on the same lot as the hotel within the R3-1 Zone, and to permit an accessory use in a more restrictive zone than that required for the main building/use on a dual-zoned Site; (iii) a Project Permit Compliance Review to allow the Project within the geographic boundaries of the Ventura Cahuenga Boulevard Corridor Specific Plan ("**Specific Plan**");<sup>3</sup> and (iv) Site Plan Review to allow the development of 50 or more net new guest rooms (collectively "**Entitlements**"). (Staff Report, pp. 11-2.) Additionally, pursuant to the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("**CEQA**"),<sup>4</sup> the Project seeks approval of a Mitigated Negative Declaration ("**MND**").<sup>5</sup> (Id.)

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<sup>1</sup> Page citations contained herein are to the page's stated pagination (referenced herein as "**p. #**"), or to the page's location in the referenced PDF document (referenced herein as "**PDF p. #**").

<sup>2</sup> [https://planning.lacity.org/plndoc/Staff\\_Reports/2022/02-24-2022/APCSV\\_2018\\_2801\\_updated.pdf](https://planning.lacity.org/plndoc/Staff_Reports/2022/02-24-2022/APCSV_2018_2801_updated.pdf).

<sup>3</sup> Specific Plan (eff. 2001), [https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga\\_Boulevard\\_Corridor\\_Specific\\_Plan.pdf](https://planning.lacity.org/odocument/472adbf8-4942-4e2f-8603-820ca76881d8/VenturaCahuenga_Boulevard_Corridor_Specific_Plan.pdf).

<sup>4</sup> Including "**CEQA Guidelines**" codified at 14 Cal. Code. Regs. § 15000 *et seq.*

<sup>5</sup> Inclusive of all Appendices (referenced herein as "**APP-##**") retrieved on City Website.

As discussed below, Local 11 is concerned about the Project's compliance with the LAMC and CEQA. A central concern is that DCP is proposing to grant a Specific Plan Exception to grant the Project substantial FAR increase that would subvert the Specific Plan's FAR incentive scheme to promote housing. Here, the Project seeks FAR beyond anything contemplated under the plan without offering a single housing unit. So too, the MND fails to adequately address the Project's vehicle miles traveled ("VMT"). For these reasons, the City cannot make the Code-required findings necessary to grant the Specific Plan Exception—which should be denied.

This Project is discretionary – not by right. Until the issues discussed herein are resolved, Local 11 respectfully urges the City to stay any actions on the Entitlements and MND (collectively "Project Approvals").

### **ZONING AND CEQA ISSUES DEFEAT CODE-REQUIRED FINDINGS TO GRANT THE SPECIFIC PLAN EXCEPTION**

The Site is dual-zoned with its frontage zoned C4-1L with a designation of Regional Center Commercial (Staff Report, p. A-2), which is limited to 1.25:1 FAR under Section 6.B.1.a of the Specific Plan. DCP proposes a Specific Plan Exception to grant 1.82:1 FAR. To grant the Specific Plan Exception, LAMC § 11.5.7.F.2 requires numerous Code-required findings [set forth in (a)-(e) below]. These findings cannot be made based on substantial evidence here (as discussed below).

*"(a) That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan;" (Emphasis added.)*

First, DCP fails to identify any practical difficulty or unnecessary hardship suffered by Applicant. First, the Soft Story Retrofit program does not prevent Applicant from building its current non-conforming 70-room, 31,472-SF motel complex partially in the R3 Zone (Staff Report, p. F-13) consistent with non-conforming laws.<sup>6</sup> Nor are the 159 guest rooms prevented here given unit density is "unlimited," according to DCP. (Staff Report, p. F-4.) So too, consistent with the Specific Plan restrictions, the Applicant can even expand its current square footage up to 41,517 SF (i.e., [33,214-SF C4 zone portion] x [1.25:1 FAR]). There is no evidence showing that the Soft Story Retrofit program makes any of these outcomes economically infeasible or amounts to unnecessary hardship. The Applicant is simply attempting to maximize profits, which is not an unnecessary hardship.<sup>7</sup>

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<sup>6</sup> See e.g., *County of Orange v. Goldring* (1953) 121 Cal.App.2d 442 (disallow intensification); *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 916, 926 (disallow expansion on claims of lost profits).

<sup>7</sup> See e.g., *Stolman*, 114 Cal.App.4th at 926 (desire to earn more money is not enough where applicant failed to demonstrate property could not be put to effective use without the issuance of variance); *Walnut Acres Neighborhood Assn.*, 235 Cal.App.4th at 1315 (rejecting unsubstantiated claim of underutilized space and loss of economies of scale).

Second, DCP attempts to justify the Exemption by referencing the 1.84:1 FAR allowed via the Site's underlying zoning "absent the requirements of the Specific Plan." (Staff Report, p. F-5.) This argument is contradictory given it would elevate the general Zoning Code above the Specific Plan—which is contrary to the very premise of Specific Plans—providing specific regulatory controls and incentives in a relevant planning area that supersede Code requirements. (See e.g., LAMC § 11.5.7.A; Specific Plan § 3.A.).

Third, DCP overstates the need for guest rooms and proximity to destinations. Without any basis, the Staff Report claims that the "City and Community is currently deficient of guest rooms." (Staff Report, p. F-5). So too, the Staff Report fails to provide any basis demonstrating that a hotel 8-20 miles from various destinations (e.g., City Walk, Downtown, beaches, Warner Center, etc.) is sufficiently close. Under this logic, any hotel 20 miles from a destination would be considered convenient and adequate. For context, City VMT thresholds range between a much shorter 6-9.4 VMTs per capita and 7.6-15 VMTs per employee (depending on where you are in the City). (MND, p. 4-174.)

Fourth, the Staff Report claims the project would provide a compatible and harmonious relationship between residential and commercial development. (Staff Report, p. F-5.) However, it is unclear how a six-story traffic/VMT-generating hotel towering over two-story residential properties is harmonious. (MND, pp. 4-134 – 4-135.) Furthermore, the Staff Report fails to consider that the Specific Plan restrictions—such as FAR—serve other purposes such as assuring adequate transportation infrastructure, local circulation system, promoting harmonious multi-family and commercial development, addressing the area pressing need for more housing, reducing traffic congestion, and alike under Section 2 of the Specific Plan.

*"(b) That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area;" (Emphasis added.)*

Here, the purported exceptional circumstances do not justify the increase in FAR. First, the Staff Report repeats the claim that the Zoning Code allows a blended 1.84:1 FAR. (Staff Report, p. F-6.) As discussed above, the Specific Plan trumps the conflicting Zoning Code. Second, without any basis, it is claimed the Specific Plan has not "seriously considered" hotel uses in Regional Commercial areas. (Id.). However, hotels in Regional Commercial areas were well known when the Specific Plan was amended in 2001 (Specific Plan, cover sheet), and the Specific Plan is replete with discussions of hotel uses in various land use designations. (See e.g., Specific Plan § 4 [definition for "commercial floor area"], § 5.C.2.a [hotels in regionally impacted areas]; § 7.E.2.a [hotel use distinguished from residential in Regional Area].) Third, the Staff Report fails to reference any Specific Plan provision showing 1.84:1 FAR is intended under the plan.

*"(c) That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question;" (Emphasis added.)*

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Here, the Staff Report fails to identify any similar privilege of 1.84:1 FAR for hotel use anywhere in the Specific Plan. First, cases cited in the Staff Report are distinguishable. DCP Case No. APCSV-2014-3592 involved an exception allowing 1.51:1 FAR (in lieu of 1.0 FAR) for a project that involved: (i) located less than a half-mile away from Universal Studios; (ii) allowed a smaller 46-room, 26,383-SF hotel project in lieu of the already approved 55-room project previously approved by DCP; (iii) subject to substantial street dedications; (iv) the only commercial site in the area that could not be built without exceptions to setbacks, transitional heights; and (iv) where the applicant was seeking development rights (e.g., 46-foot height, excess of 1.0:1 FAR) similar to adjacent properties that included a 65-room hotel.<sup>8</sup> Unlike that case, the Project here is: (i) 8-20 miles away from destination sites; (ii) the Specific Plan Exceptions allows a hotel more than three times larger where no prior approval exists; (iii) there are no specific street dedications mentioned; (iv) the Site is not the only commercial site nearby and can be developed with as much and even more hotel rooms and square footage under existing Specific Plan limits; and (v) the no adjacent hotel use exists that enjoys the height, unit-density, and square footage proposed here.<sup>9</sup>

Second, both of the above cases involved relatively minor increases in FAR under the Specific Plan. While the former case allowed 1.51:1 FAR (i.e., slightly more than the 1.50:1 FAR under § 6.B.4), the latter case allowed 1.13:1 FAR (only 13 percent more than otherwise allowed under § 6.B.3). Here, however, the Specific Plan Exception amounts to a FAR giveaway beyond anything ever considered under the Specific Plan given: (i) the Site is already in the most permissive land designation under the plan (i.e., Regional Commercial allowed 1.25:1 FAR); (ii) the Exception for a 1.81:1 FAR would be nearly 45 percent above the already permitted 1.25:1 FAR; which (iii) still far exceeds the maximum 1.5:1 FAR allowed under the Specific Plan for mixed-use projects.

Third, other Specific Plan Exception cases (approximately 1,500 feet of the Site) indicated FAR increases are appropriate when projects including actual housing, like DCP Case Nos: (i) CPC-2001-4707 (i.e., 129-unit assisted living facility) (Staff Report, p. A-5);<sup>10</sup> and (ii) CPC-2010-3152 (i.e., mixed-use project including 325 residential units).<sup>11</sup>

In sum, the cases cited in the Staff Report are entirely distinguishable, and nothing like the cases involving projects near the Site—which indicate FAR increases are not appropriate when not involving housing.

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<sup>8</sup> APC (6/16/15) Letter of Determination, pp. F-3, F-4, F-8 F-10, F-12, F-14, <https://planning.lacity.org/pdiscaseinfo/document/MTQ3NTM10/de98c26c-073f-43dc-b739-b418741a3276/pdd>.

<sup>9</sup> Similarly, APCSV-2005-9236 involved an exception allowing 1.13:1 FAR (in lieu of 1.0:1 FAR) for a hotel project 9.6 miles away to the west (not near the Project Site) and where existing use were considered a nuisance (not claimed here). (See APC (11/2/06) Letter of Determination, pp. F-1, F-3, <https://planning.lacity.org/pdiscaseinfo/document/NjY2MDM0/28387090-8a12-4e44-a368-da69f49345eb/pdd>.

<sup>10</sup> See APC (4/26/02) Letter of Determination, <https://planning.lacity.org/pdiscaseinfo/document/MTI1MTA0/d656aa11-4807-4f64-b4c4-1f4fa6319788/pdd>.

<sup>11</sup> APC (6/18/16) Letter of Determination, p. 1, p. F-16 ("City's Housing Element highlights an "urgent need" to build housing in the City"), p. F-21 ("it becomes clear a mixed-use project focused on residential uses is most appropriate land use for the property."), <https://planning.lacity.org/pdiscaseinfo/document/MTM5MDUx0/2414c9ed-2b48-4a99-b482-3be9d5954750/pdd>.



*“(d) That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property; and”* (Emphasis added.)

Here, the Project’s MND is flawed because it masks potential impacts that are detrimental to the public welfare. First, here, the MND claims no VMT impacts because the Project achieves 11.2 VMTs per worker, which is below the 11.6 impact threshold. (See MND, pp. 4-177 – 4-178.) However, that includes analysis of only 892 work-attraction trips as compared to the 9,222 total daily VMTs generated by the total Project. (See MND, APP-G, PDF pp. 182.) Hence, the MND ignores 90 percent of the VMTs generated by the Project. Here, this 159-room hotel would likely serve approximately 215 hotel patrons based on 1.5 persons per room<sup>12</sup> and 80 percent occupancy rate.<sup>13</sup> This would result in a 38.7 VMT/hotel-patron level. The City must apply an appropriate threshold to these VMTs (supported by substantial evidence). The City cannot ignore the vast majority of the Project’s VMTs, and the failure to adopt a general threshold for hotel patron VMTs is not substantial evidence that non-household/employee VMTs cannot be significant. Such an approach would render every hotel project as having less than significant traffic impacts regardless of how many VMTs are generated by hotel patrons—which defies common sense.

*“(e) That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.”* (Emphasis added.)

Here, the Project is inconsistent with the Specific Plan and General Plan. First, the Specific Plan allows for an additional 0.25:1 FAR to be granted by DCP for Mixed-Use Projects (§ 6.B.1.b), which is defined as a development with at least 25 percent residential uses in combination with other commercial uses (§ 4). This FAR incentivizes the creation of housing and other purposes of the Specific Plan, such as promoting attractive and harmonious multi-family and commercial development, the balance of commercial land use with the community needs, harmonious relationship between residential and commercial development, etc. (See e.g., § 2.) Here, however, this housing incentive is defeated and subverted by the DCP granting a Specific Plan Exception allow an additional 0.59 FAR —more than double the mixed-use FAR incentive—for a 100 percent commercial project without a single housing unit. So too, this defeats many of the affordable housing policies and objectives in the City’s Housing Element.<sup>14</sup>

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<sup>12</sup> See e.g., Lizard Hotel Project (Jan. 2017) Draft EIR, PDF p. 24 (Tbl. IV.E-7, table note “b”), <http://bit.ly/2MWiErS>; Colorado Waterwise (undated) Water Savings Analysis for St. Regis Resort, pp. 2 (assuming “assume that the average occupancy is 1.5 guests per room and there is an occupancy rate of 80% ....”), <http://bit.ly/2ZTEZeW>; American Hotel & Lodging Association (2019) Green Guidelines: Water-Efficient Guest Bathrooms Webpage (showing water savings from example of “a typical 300-room hotel with an average 72% occupancy rate and average 1.5 guests per room.”), <http://bit.ly/2QuQ03j>.

<sup>13</sup> See e.g., Atlas Hospitality Group (7/27/18) Does Southern California Need 472 More Hotels? (occupancy rates in first five months of 2018 ranged from 78.5 to 81.8 percent for hotels in counties of Los Angeles and Orange, and Inland Empire), <http://bit.ly/2FpTyNY>; City of Los Angeles (2017) Hotel Market Study, p. 3, 7, <http://bit.ly/2QqneRj>; City of Los Angeles (2017) 2017 Annual Report, p. 6, <http://bit.ly/2Nfr9yD>; Visit Anaheim (Aug. 2017) Anaheim and Orange County Hotels, PDF p. 2 (Average occupancy rate for Orange County 80.60 percent), <http://bit.ly/35wF8Gd>.

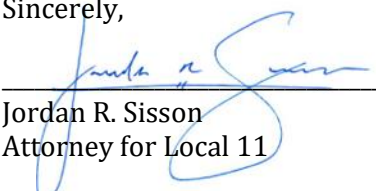
<sup>14</sup> Housing Element (Goals 1 and 2; Objectives 1.1 – 1.3, 2.2, 2.4, 2.5; Policies 1.1.1 – 1.1.4, 1.2.1 – 1.2.3, 1.2.8, 1.3.1, 1.3.3, 1.3.5, 2.2.1, 2.2.5, 2.4.1, 2.5.1), <https://planning.lacity.org/odocument/a2e5cc53-8a2f-40f9-abc4-ad47a90b32a7/Ch6.pdf>.

## CONCLUSION

In sum, the Staff Report does not provide the necessary substantial evidence to grant the Specific Plan Exception. So too, the MND is flawed, which must be cured in a CEQA-compliant document. The Applicant here suffers no undue hardship that would justify the increased FAR for this hotel. APC has the discretion to reject the Specific Plan Exception and allow a hotel development consistent with the Specific Plan limits.

Thank you in advance for your time and consideration. If you have any questions, please do not hesitate to contact this Office. Lastly, please place this comment letter in the administrative record for the Project.

Sincerely,



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Jordan R. Sisson  
Attorney for Local 11



# **DAY OF HEARING SUBMISSIONS**



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## AC Hotel at 15481 Ventura Boulevard; APCSV-2018-2801-SPE-ZV-SPP-SPR

2 messages

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**Tammy Scher** <tammy@shermanoakschamber.org>

Wed, Feb 23, 2022 at 2:12 PM

To: "apcsouthvalley@lacity.org" <apcsouthvalley@lacity.org>

Cc: Vickie Bourdas Martinez <vickie@shermanoakschamber.org>, "heather@raa-inc.com" <heather@raa-inc.com>

February 23, 2022

RE: AC Hotel, [15485 Ventura Blvd., Encino CA 91403](#), APCSV-2018-2801-SPE-ZV-SPP-SPR.

Dear APC Secretary,

The Sherman Oaks Chamber of Commerce board has reviewed the plans and discussed the following motion:

MOTION:

The Sherman Oaks Chamber of Commerce has no objections to the construction of an AC (Marriott) Hotel at [15481 -15491 Ventura Blvd.](#) as presented to the APC Public Hearing on 02/24/2022.

As board chair of the SOCC board, we welcome them as neighbors and hope the project is a huge success.

Respectfully submitted,

Tammy Scher  
Board Chair



E. [tammy@shermanoakschamber.org](mailto:tammy@shermanoakschamber.org)

T. 818.209.7371

Consider the environment, please print only if necessary.

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**Heather Waldstein** <heather@raa-inc.com>

Wed, Feb 23, 2022 at 2:34 PM

To: Tammy Scher <tammy@shermanoakschamber.org>

Cc: "apcsouthvalley@lacity.org" <apcsouthvalley@lacity.org>, Vickie Bourdas Martinez <vickie@shermanoakschamber.org>

Good Afternoon Tammy,

On behalf of our client, DKN Hotels, Inc, the applicant for the above referenced project, I'd like to thank you for submitting this email to APC South Valley. We greatly appreciate the Chamber of Commerce's continued support of this Project.

--

Heather Waldstein  
Rosenheim & Associates, Inc.  
[21600 Oxnard Street, Suite #630](#)  
[Woodland Hills, CA 91367](#)

P: 818-716-2767

F: 818-593-6184

[heather@raa-inc.com](mailto:heather@raa-inc.com)

On Feb 23, 2022, at 2:12 PM, Tammy Scher <[tammy@shermanoakschamber.org](mailto:tammy@shermanoakschamber.org)> wrote:

February 23, 2022

RE: AC Hotel, [15485 Ventura Blvd., Encino CA 91403](#), APCSV-2018-2801-SPE-ZV-SPP-SPR.

Dear APC Secretary,

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As board chair of the SOCC board, we welcome them as neighbors and hope the project is a huge success.

Respectfully submitted,

Tammy Scher  
Board Chair

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February 25, 2022

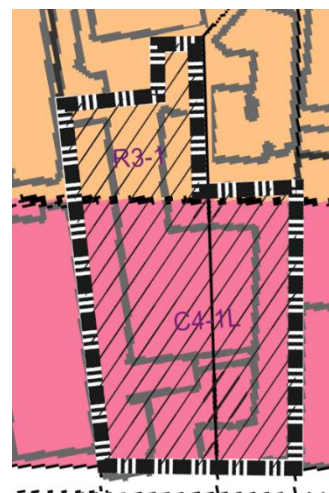
VIA EMAIL: [andrew.jorgensen@lacity.org](mailto:andrew.jorgensen@lacity.org), [apcsouthvalley@lacity.org](mailto:apcsouthvalley@lacity.org)

**RE: ITEM 6, AC HOTEL PROJECT (DCP CASE NO. ENV-2018-2802, APCSV-2018-2801)**

Dear South Valley Area Planning Commission ("APC"):

On behalf of UNITE HERE Local 11 (Local 11), this office submits the following comments to supplement our comment letter dated February 22, 2022, regarding the above-referenced 159-room hotel (Project) located on a 42,928 square foot (SF) site (Site).<sup>1</sup> In short, *APC should deny the Specific Plan Exception* (Exception) allowing a 1.84 floor-area-ratio (FAR) in lieu of the permitted 1.25 FAR because the applicant would suffer no undue burden—as required under the findings required under the Los Angeles Municipal Code (LAMC or Code), for the following five reasons:

First, *applying Specific Plan FAR limits cause no undue hardship when applied to the dual-zoned Site*. As shown in the figure to the right, the Site (bounded in black) has two zoning classifications: (i) commercial area fronting Ventura Boulevard (i.e., C4 zone shaded in pink); and (ii) residential area at the rear of the Site (i.e., R3 zone shaded in orange). As shown in the table below, the C4-zoned area is subject to stricter FAR limits under the Specific Plan. However, application of these Specific Plan limits result in no undue hardship to the applicant given:



- i. The existing 70-room, 31,472-SF hotel could be built entirely on the C4-zoned area at 1.25 FAR (i.e., 41,518 SF allowed);
- ii. The existing hotel could also be increased by an additional 10,046 SF on the C4-zoned area (i.e., 41,518 – 31,472); and
- iii. FAR averaging under the Code would allow—at most and subject to other requirements—1.65 FAR (i.e., 70,659 SF) on the C4-zoned area.<sup>2</sup>

	Existing <sup>3</sup>	Proposed	Zoning ( <b>Specific Plan</b> ) Limits		
			Commercial	Residential	Combined
<b>Property Size (sf)</b>	42,927	42,927	33,214	9,713	42,927
<b>Zone</b>	Blend	Blend	C4-1L	R3-1	Blend
<b>FAR</b>	0.73	1.84	1.5 ( <b>1.25</b> )	3.0	1.84 ( <b>1.65</b> )
<b>Floor Area (sf)</b>	31,472	78,962	49,822 ( <b>41,518</b> )	29,141	78,963 ( <b>70,659</b> )
<b>Hotel Rooms</b>	70	159	(unlimited)	n/a	(unlimited)

<sup>1</sup> <https://planning.lacity.org/dcpapi/meetings/document/addtldoc/62667>.

<sup>2</sup> See e.g., LAMC § 12.24 subds., W.19.a (unified developments) & X.1.d (adaptive reuse projects).

<sup>3</sup> DCP (2/24/22) [Staff Recommendation Report](#), pp. 1, A-1 – A-2, F-4 – F-5; DCP (Mar.2021) [Sherman Oaks AC Hotel Project MND](#), Cover & Fig. 3-3 & Tbl. 3-3 & pp. 2-2, 3-1, 3-27.

Second, ZIMAS indicates the existing building is 5,211 SF smaller—making undue hardship claims even weaker given Specific Plan FAR limits provide adequate opportunities for expansion. According to ZIMAS, the Site has two existing buildings totaling 26,261 SF<sup>4</sup>—not 31,472 SF as claimed by the Department of City Planning (DCP) staff report. Thus, under current Specific Plan FAR limits, the existing hotel could be increased by 15,257 SF (58 % over existing square footage) on the C4-zoned area. There is no undue burden when the Specific Plan allows for expansion.

Third, granting the Exception subverts the Specific Plan's FAR incentive for mixed-use housing projects. The Specific Plan allows 0.25 increased FAR for mixed-use projects that provide at least 25 percent housing and no less than 33 percent commercial (Specific Plan §§ 4 & 6.B.1.b). Hypothetically, a mixed-use development at this Site would be allowed 49,821 SF on the C4-zone area (33,214 x 1.5), plus 29,141 SF on the R3-zoned area (9,713 x 3.0), for a total of 78,962 SF (1.84 FAR)—the same SF and FAR requested by the applicant for zero housing. Granting the Exception—which gives the applicant the FAR benefits without any of the housing burdens—subverts the Specific Plan's housing goals and other purposes.

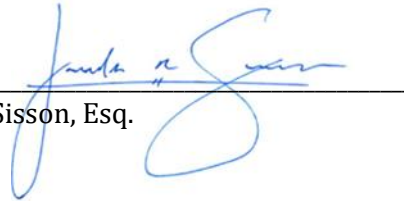
Fourth, granting the Exception subverts TOC Program that could allow a larger than existing hotel and up to 152 dwelling units (14-32 affordable) to the Site. Given the Site is within a Tier 2 Transit Orient Communities (TOC) area,<sup>5</sup> the Site is eligible for TOC base incentives in exchange for 9 - 21 percent affordable units (depending on affordability level).<sup>6</sup> These incentives allow a 45 percent increase to the 1.84 base-FAR for mixed-use development (i.e., 2.66 FAR or 114,186 SF) and a 60 percent increase to the approximate 95 base dwelling units<sup>7</sup> (i.e., 152 dwelling units).<sup>5</sup> Thus, the Site could potentially be developed with 152 dwelling units (between 14 – 32 affordable) and 37,682-SF hotel (which is still bigger than the existing 31,472-SF hotel).

Fifth, cases cited by DCP are nowhere near the Site and distinguishable, while nearby Exception cases confirm FAR increases are warranted for projects with housing—which the Project provides zero housing units. The two cases cited in the DCP staff report involved hotels that were (i) nearly ten miles away from the Site, (ii) involved smaller hotels roughly one-third or one-half the size of the Project, and (iii) resulted in much smaller FAR increases generally at or below the 1.5 FAR cap under the Specific Plan.<sup>8</sup> In contrast, cases near the Site demonstrate Exceptions allowing larger FAR increases are warranted when projects include housing units<sup>9</sup>--which the Project has none.

In sum, the applicant suffers no undue hardship, and granting the Exception defeats housing goals under the Specific Plan. Please reject the Exception.

Sincerely,

Jordan R. Sisson, Esq.



<sup>4</sup> Including a 24,980-SF Building 1 built in 1959 with 70 guest room units and a 1,281-SF Building 2 built in 1960. (See [ZIMAS](#), Lot 30 Parcel Profile; see also [ZIMAS](#), Lot 31 Parcel Profile.)

<sup>5</sup> Ibid.

<sup>6</sup> See [TOC Guidelines](#), pp. 7, 9-10 [§§ IV.1.b, VI.1.a & 1.b].

<sup>7</sup> LAMC § 12.10.C.4 (1 dwelling unit per 800 SF lot area in 9,713-SF R3-zone [i.e., 12.1 units]), §§ 12.11.C.4 & 12.16.C.3 [C4 zone incorporating R4 zone density [i.e., 1 dwelling unit per 400 SF lot area] in 33,214-SF R4 zone [i.e., 83.0 units]].

<sup>8</sup> Supra fn. 1 (explained on page four of prior comment).

<sup>9</sup> See e.g., DCP Case Nos. [CPC-2001-4707](#) (i.e., 129-unit assisted living facility); [CPC-2010-3152](#) (i.e., mixed-use project including 325 residential units).