

Date: 8/1/17
Submitted in PLUM Committee
Council File No: 17-0029
Item No: 8
Deputy: _____

Communication from
Appellant #1 Representative

APPELLANT'S PRESENTATION

IVAR GARDENS HOTEL PROJECT (CPC- 2015-2893, ENV-2015-2895)

Presented to City of Los Angeles, PLUM Committee Hearing Aug. 1, 2017

Gideon Kracov, Esq. on behalf of Appellant Roberto Mazariegos

REQUIRED FINDINGS

- ▶ **Zone Change:** LAMC § 12.32.F.1 requires for zone change:

"that the public necessity, convenience, general welfare or good zoning practice so require"

- ▶ **Administrator Adjustment :** LAMC § 12.28.C.4 requires for zero-foot rear yard that Project:

" will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety" and "is in substantial conformance with the purpose, intent and provisions of the General Plan, the applicable community plan . . ."

REQUIRED FINDINGS (cont.)

- ▶ **Removal of "D" Limitation:** Hollywood Redevelopment Plan § 506.2.3 allows up to 6:1 FAR only if Project is designed so that:

"[a]ny adverse environmental effects especially impacts upon the transportation and circulation system of the area caused by proposed development shall be mitigated or are overridden by other social, economic or physical considerations, and statements of findings are made"

A MND INSTEAD OF AN EIR

- ▶ A MND was prepared for this 21-story high rise project, not a more comprehensive EIR pursuant to CEQA law. This means that the less deferential "fair argument" standard applies. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion.

Mejia v. Los Angeles (2005) 130 Cal.App.4th 322