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October 4, 2021

Los Angeles City Council  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

**APPEAL FOR A PROPOSED PROJECT AT 514-550 SOUTH SHATTO PLACE & 3119 WEST 6<sup>TH</sup> STREET; CASE NO. CPC-2020-6192-GPAJ-VZCJ-HD-CU-MCUP-SPR-HCA; CF 19-0392-S1**

At its meeting of April 22, 2021, the City Planning Commission (CPC) approved a General Plan Amendment, a Zone Change, a Main Conditional Use and a Site Plan Review for the construction, use and maintenance of a new, 367-unit, 40-story, mixed-use development with 36,400 square feet of office and restaurant floor area, inclusive of the conversion of an existing 19,972 square-foot church building into restaurant uses. The project would include 11 percent of the total number of dwelling units as affordable housing (six (6) percent Very Low Income and five (5) percent Extremely Low Income) for a total of 42 affordable dwelling units. In addition, the CPC denied a Conditional Use request to permit 90 Transient Occupancy Residential Structure ("TORS") units.

Subsequent to this action, the applicant filed an appeal of the CPC's denial of the Conditional Use request to permit the 90 TORS units. Below is a response to the appeal points raised by the applicant-appellant.

**CPC denial was not predicated on the TORS unit 30-day maximum tenancy**

The applicant-appellant claims that the Letter of Determination (LOD) does not reflect the deliberations of the Commission with regard to the TORS unit's 30-day maximum tenancy. Throughout the Commission's deliberation they discussed their aversion to allowing 90 dwelling units (TORS units) which are restricted by definition within the Los Angeles Municipal Code (LAMC) to a maximum 30-day tenancy. The CPC discussed and ultimately determined that, given the current housing crisis, if such dwelling units were to be developed, they should not be limited to a 30-day tenancy, and as such, the CPC denied the Conditional Use request.

**CPC acted arbitrarily and capriciously with regard to the proposed co-living units**

The applicant-appellant claims that CPC's recent support of co-living units and then denial of the subject project's proposed co-living units is inconsistent and therefore is arbitrary and capricious. While 54 of the 90 TORS units were proposed as co-living units, CPC's denial of the TORS units was not based on the type of units being proposed, but instead was based on the limitation on the length of tenancy.

#### **Violation of California Tenant Law**

The applicant-appellant claims that requiring a 30-day maximum tenancy violates California Tenant Law because its purpose would be to have occupants of the TORS units to remain under a transient occupancy status. Whether a TORS unit 30-day limitation violates California Tenant Law is not relevant to the CPC's action. CPC's denial of the TORS units, which is the issue at hand, did not violate California Tenant Law.

#### **The Conditional Use findings are not supported by substantial evidence**

The applicant-appellant claims that the Conditional Use findings provide no citation to a violation of any City code or policy, no link to facts about the project, and no details relative to the particular findings. The Conditional Use findings do not require citation of code violations. Nevertheless, the findings do reflect the CPC's consideration that the TORS units and the 30-day limitation is inconsistent with the Wilshire Community Plan's residential land use policies which they based, in part, their denial on.

Therefore, the Department of City Planning recommends that the City Council deny the appeal and sustain the decision of the Los Angeles City Planning Commission.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning



Oliver Netburn  
City Planner