



APPLICATIONS:

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist

Related Code Section: The Los Angeles Municipal Code (LAMC) Section 11.5.13 (Ord. No. 186,338) established the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

Purpose: *The Appeal* - A CEQA clearance can only be appealed if a non-elected decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. To initiate appeal of a CEQA document this form must be completely filled out with the required materials attached and filed within 15 calendar days from the final administrative decision, of the entitlement application.

General Information

Appealable CEQA documents:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

NOTE:

- Actions not appealable include an addendum, findings made pursuant to CEQA Guidelines Section 15162, or an action in which the determination does not constitute a project under CEQA.
- All CEQA appeals are heard by the City Council.
- This form is only for the appeal of Department of City Planning determinations: All other CEQA appeals are filed with the City Clerk pursuant to the LAMC Section 197.01.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

1. Case Information

Environmental Case Number: ENV-2018-7559-CE

Related Entitlement Case Number(s): ZA-2013-3504-ZV-PA1-1A

Project Address: 6415-6419 W. Selma Avenue

Date of Final Entitlement Determination: 9/30/2021

The CEQA Clearance being appealed is a(n):

- EIR
 SCEA
 MND
 ND
 CE
 SE

2. Appellant Identity (check all that apply)

- Representative
 Property Owner
 Other Person
 Applicant
 Operator of the Use/Site

3. Appellant Information

Appellant Name: Romulus Zamora & UNITE HERE Local 11

Company/Organization: UNITE HERE Local 11

Mailing Address: 464 S. Lucas Ave #201

City: Los Angeles State: CA Zip: 90017

Telephone: 8186353034 E-mail: ccarnow@unitehere11.org

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?
 Self Other: UNITE HERE Local 11 and Romulus Zamora

b. Is the appeal being filed to support the original applicant's position? Yes No

4. Representative/Agent Information

Representative/Agent name (if applicable): Jordan Sisson
 Company: Law Offices of Gideon Kracov
 Mailing Address: 801 S. Grand Ave 11th Floor
 City: Los Angeles State: CA Zip: 90017
 Telephone: 8183249752 E-mail: jordan@gideonlaw.net

5. Appeal Justification

Attach a separate sheet providing your specific reasons for the appeal. Your reasons must state how you believe CEQA was incorrectly applied, providing a legal basis for the appeal.

6. Applicant's Affidavit

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 10/14/21

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

Note: City Clerk prepares mailing list for CEQA appeals per LAMC Section 11.5.13 E.

1. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- Environmental Appeal Application (form CP-7840)
- Justification/Reason for Appeal
- Copies of the written Determination Letter, from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Environmental Appeal Application.pdf", "Justification/Reason Statement.pdf", "Final Determination Letter.pdf"). No file should exceed 9.8 MB in size.

3. Appeal Fee

- Original Applicant - A fee equal to 85% of the original application fee of the Environmental case; provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- Other Persons - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**RE: Appeal Justification for Dream 1 Hotel Project (6415-19 W. Selma Avenue);
DCP Case No. ENV-2018-7559-CE (related to ZA-2013-3504-ZV-PA1-1A);
Central APC Approval Made Effective by Sep. 30, 2021 Letter of Determination**

UNITE HERE Local 11 and Romulus Zamora (collectively “**Appellants**”) hereby respectfully appeal (“**Appeal**”) the Central Area Planning Commission (“**APC**”) approval of the above-referenced hotel development (“**Project**”) proposed by 6417 Selma Holdings, LLC (“**Applicant**”), located at 6415-6419 W. Selma Avenue (“**Site**”). Pursuant to Los Angeles Municipal Code (“**LAMC**” or “**Code**”) § 11.5.13, this Appeal challenges the Project’s compliance with the California Environmental Quality Act, Pub. Res. Code § 21000 et seq., (“**CEQA**”). This Appeal is timely submitted with 15 days of the APC Letter of Determination dated September 30, 2021.

REASON FOR THE APPEAL: The Project’s Categorical Exemption (“**CE**”) fails to comply with CEQA. In particular, the CE fails to adequately describe the entire Project, which has been chopped up in a series of discretionary projects. This has resulted in a piecemeal review of the entire Project that has masked the full environmental impacts of the Project and fails to consider all feasible mitigation measures and/or project alternatives through an appropriate CEQA-compliant review. Thus, the CEQA findings made by APC are not supported by substantial evidence.

SPECIFIC POINTS IN ISSUE: The specific points at issue were fully outlined in the comment letters submitted to APC, which show substantial evidence of improper project piecemealing. These comments letters include but are not limited to those attached hereto this Appeal and all other comments submitted by any comment party.

HOW ARE YOU AGGRIEVED BY THE DECISION: Appellants and Local 11’s members live in the vicinity of the Project Site, breathe the air, suffer traffic congestions, and will suffer other environmental impacts of the Project unless it is properly analyzed and mitigated. Additionally, Appellants are committed to the assurance of responsible development in Los Angeles and informed decision-making by public officials regarding projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, granting this Appeal will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses, and taxpayers affected by the Project, and will result in the enforcement of important public rights.

HOW DID THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION: APC approved the Project despite substantial evidence demonstrating that the CE fails to comply with CEQA. The APC failed to respond to substantial evidence presented concerning the CE’s legal deficiencies. Without an adequate CEQA review, the CEQA findings cannot be made with substantial evidence.

Lastly, Appellants respectfully reserve the right to supplement this appeal justification at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].)

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August 24, 2021

VIA EMAIL:

Central Area Planning Commission
City of Los Angeles
apccentral@lacity.org

RE: Item 5, Central APC Meeting Scheduled August 24, 2021 (DCP Case No. ZA-2013-3504)

Dear Area Planning Commission:

On behalf of UNITE HERE Local 11 (“**Local 11**”), this Office respectfully provides the following comments to the City of Los Angeles (“**City**”) Central Area Planning Commission (“**APC**”) and the Department of City Planning (“**DCP**”) regarding the above-referenced Zone Variance and Plan Approval seeking to increase the Dream Hotel by 14,427 square feet, and allowing zero on-site parking (“**Project**”). In short, Local 11 supports the granting of the appeal because the proposed project approvals would bless what seems to Local 11 as purposeful violation of the Los Angeles Municipal Code (“**LAMC**” or “**Code**”) and subversion of the California Environmental Quality Act (“**CEQA**”).

First, the Project’s 2014 approval was explicitly conditioned to provide “77 on-site parking spaces” located on the 1st and 2nd floor of the project per its own plans.¹ In July 2016, the applicant applied for, and received in February 2017, building permits that purposely converted these floors to non-parking uses.² Then the hotel started operations approximately five months later. Such violation of any condition of approval is prohibited by law. (See LAMC § 12.29.) The City should not bless this willful disregard of a condition of approval by granting the variance today—which amounts to nothing more than an after-the-fact approval.

Second, claims that this project is entirely unrelated to Relevant Group’s other nearby projects is inaccurate. As raised by numerous commenters, the Dream hotel is but a single component of Relevant Group’s ultimate objective to create a hotel-entertainment district,³

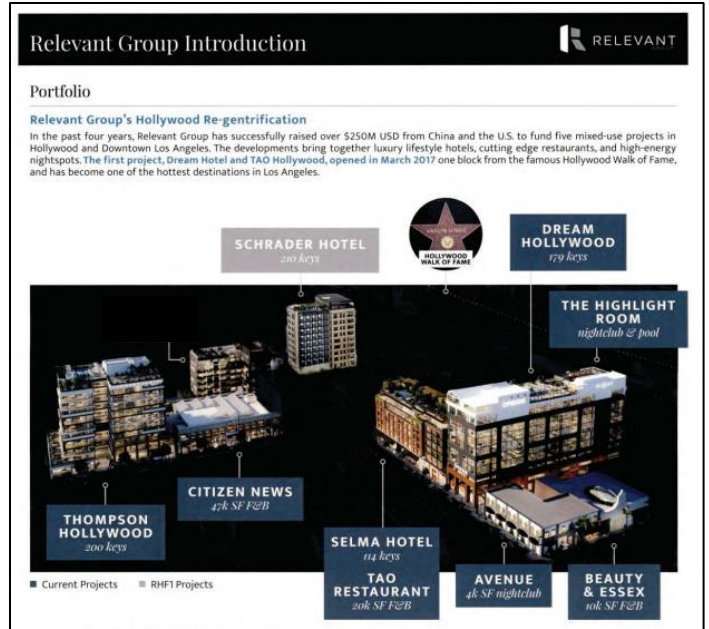
¹ Letter of Determination (4/4/14) DCP Case no. ZA-2013-3504, p. 7, <https://planning.lacity.org/pdiscaseinfo/document/MTI10Tly0/de98c26c-073f-43dc-b739-b418741a3276/pdd>; Dream Hotel (stamped 7/7/14) Sheet G023, <https://planning.lacity.org/pdiscaseinfo/document/MTM3NDE10/de98c26c-073f-43dc-b739-b418741a3276/pdd>.

² Building & Safety, 6417 W. Selma Ave 90028, Permit 13010-10007-03647, <https://www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=13010&id2=10007&id3=03647>.

³ See e.g., United Neighborhoods for Los Angeles (1/14/19) Comment Letter, PDF pp. 1-11 (requesting local, state, and federal investigation into the City’s piecemeal approval of the Applicant’s multiple projects), http://clkrep.lacity.org/onlinedocs/2018/18-0873_pc_1-14-19.pdf; Mitchell Tsai (9/6/18) Comment Letter, PDF pp. 18-308 (detailing the common ownership and/or control of Applicant’s nine projects), http://clkrep.lacity.org/onlinedocs/2018/18-0873_pc_1-14-19.pdf; Casey Maddren (8/31/18) Appeal, PDF pp. 3-4, 6-7, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_1_09-12-2018.pdf; Sunset Landmark Investment, LLC (9/6/18) Appeal, PDF pp. 4-6, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_3_09-12-



comprising several other projects in total to date. (See figure to the right.)⁴ This project is not independent of each the others, but instead is an “integral” parts of the applicant’s larger “objective” of converting this intersection into a new hotel/entertainment district—with each project serving as a “step taken towards the achievement” of Relevant Group’s ultimate objective. (*Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1226, 1228.) This is manifest where, as here, the applicant is going to park Dream Hotel guests at two of its other nearby projects. As previously explained, these nine projects include at least 14,512 net new average daily trips and 21,859 metric tons carbon dioxide equivalent per year in greenhouse gas emissions, which have been unlawfully chopped up into separate environmental reviews.

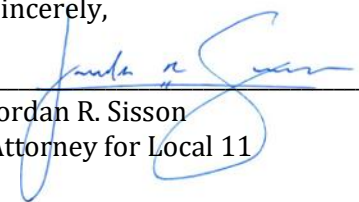


Third, there is no unnecessary hardship to the applicant. To grant a variance, the unnecessary hardship and exceptional circumstance cannot be self-inflicted. Here, the applicant agreed to build on-site parking but refused to. The fact it built and opened the hotel in violation of the express terms of its conditions is entirely self-inflicted. They did so at their own peril.

In sum, the purposeful removal of on-site parking was a violation of the Code and should be fatal to the granting of yet another variance for the hotel. So too, the applicant has manifestly subverted CEQA by refusing to examine the full impact of its ultimate project of creating a hotel district at this small area of Hollywood. Furthermore, the cumulative impacts of these projects negate the use of any categorical exemption here for the Project.

Local 11 respectfully requests APC grant the appeal and deny the Project. These comments incorporate by this reference all comments submitted by any comment party, and Local 11 reserves the right to supplement these comments at future hearings. Lastly, we thank you for your consideration of these comments and ask that this letter be placed in the Project's administrative record.

Sincerely,



 Jordan R. Sisson
 Attorney for Local 11

[2018.pdf](#); Elle Farmer (9/5/18) Appeal, PDF pp. 16-18, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_09-12-2018.pdf.

⁴ See e.g., Relevant Group (2019) Portfolio, <http://www.relevantgroup.com/projects/>; Relevant Group (Apr. 2018) Relevant Hospitality Fund 1, pp. 13, https://www.relevantgroup.com/wp-content/uploads/2020/07/RHF1_CONFIDENTIAL_4.11.18-1.pdf; statement from Relevant Group representatives during 2017 Hollywood Economic Summit held in June 2017, <https://www.youtube.com/watch?v=oVF6kifY0lg>.





CENTRAL LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **SEP 30 2021**

Case No. **ZA-2013-3504-ZV-PA1-1A**

Council District: 13 – O'Farrell

CEQA: ENV-2018-7559-CE

Plan Area: Hollywood

Project Site: 6415-6419 West Selma Avenue

Applicant: 6417 Selma Holdings, LLC
Representative: Alfred Fraijo Jr.

Appellant: Casey Maddren, Citizens for a Better LA

At its meeting of **August 24, 2021**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

Plan Approval to modify conditions of approval to reflect a 14,427 square-foot increase in the total floor area (from 79,376 square feet to 93,803 square feet), including a 1,450 square-foot increase in the total commercial floor area (from 4,581 square feet to 6,031 square feet), and the removal of all on-site automobile parking spaces, in conjunction with the expansion and continued operation of an existing hotel.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated February 26, 2021;
3. **Dismissed**, pursuant to Section 562 of the Los Angeles City Charter and Section 12.27 U of the Los Angeles Municipal Code (LAMC):
 - a. A Plan Approval to modify the grant and Condition No. 7 by approving a total floor area of 93,803 square feet from the 79,367 square feet originally granted in lieu of the otherwise permitted 73,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381;
 - b. A Plan Approval to modify the grant by approving a total commercial floor area of 6,031 square feet from the 4,581 square feet originally granted in lieu of the originally approved 17,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381; and
 - c. A Plan Approval to modify Condition No. 7 to recognize a new total lot area of 16,173 square feet in lieu of 13,923 square feet originally cited.
4. **Approved**, pursuant to Section 562 of the Los Angeles City Charter and LAMC Section 12.27 U, a Plan Approval to modify Condition No. 7 to allow automobile parking spaces to be provided off-site by lease agreement in lieu of covenant and agreement;
5. **Adopted** the attached Conditions of Approval; and
6. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: DelGado
Second: Gold
Ayes: Chung-Kim, Lawrence
Absent: Lindgren

Vote: 4 - 0

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
Central Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Central Los Angeles Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Procedures

c: Jonathan Hershey, Associate Zoning Administrator
Heather Bleemers, Senior City Planner
Oliver Netburn, City Planner

CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. **DELETED. REFER TO CONDITION NO. 11.**
7. **MODIFIED.** Approved herein is the construction, use, and maintenance of a ten-story hotel with 79,376 square feet of floor area on a 13,923 square-foot lot, with a FAR of no more than 5.8:1 and a height of 125 feet in ten stories. There will be 182 hotel rooms, a first floor lobby, a tenth floor rooftop deck with a swimming pool, landscaping (via planters), cabanas, a roof-top covered deck, and a restaurant with indoor and outdoor seating.
 - a. A maximum of 14 parking spaces are authorized to be provided off-site by lease agreement in lieu of recorded covenant, with the remaining required parking spaces provided in compliance with the Los Angeles Municipal Code.
 - b. For a limited period of two years, beginning from the effective date of this grant, all required parking may be provided off-site via lease agreement in lieu of covenant and agreement, after which time all parking shall be provided as required in Condition No. 7a.
8. All off-site parking shall be in place including evidence of completed and signed leases prior to issuance of Certificate of Occupancy or other utilization of Zoning entitlements made herein. [As modified by May 9, 2014, Correction Letter]

9. Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
10. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

11. **NEW. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from

responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

On April 4, 2014, the Zoning Administrator approved Case No. ZA 2013-3504-ZV, granting several variances, including one to allow 14 off-site parking spaces by lease in lieu of recorded covenant.

On May 9, 2014, the Zoning Administrator issued a Correction Letter to Case No. ZA 2013-3504-ZV, correcting Condition No. 8 to require all off-site parking to be satisfied with evidence prior to issuance of a Certificate of Occupancy.

On July 10, 2014, the Department of Building and Safety issued Permit No. 13010-10000-03647 for the construction of a “10-story hotel building; parking, equipment and utility rooms, trash and recycle rooms at 1st and 2nd story levels, guest rooms from 3 to 9 story levels, with roof top stairway and elevator rooms; 10 story level core and shell. On June 30, 2020, a Temporary Certificate of Occupancy was issued.

On February 14, 2017, the Department of Building and Safety issued Supplemental Building Permit No. 13010-10007-03647 to convert parking areas at the 1st and 2nd levels to retail, fitness center, storage, utility rooms, machine rooms, employee cafeteria, treatment room, trash and recycle, and office spaces. On June 30, 2020, a Temporary Certificate of Occupancy has been issued.

On December 19, 2018, the present Plan Approval request was filed, including a request to expand on the variance authorizing 14 off-site parking spaces provided by lease, in lieu of covenant and agreement.

The applicant has made statements to indicate their intention to provide required parking via covenant and agreement at properties that are presently under development, and that use of lease-provided parking is a stop gap measure until those spaces are physically available. The applicant makes the following statement:

Pursuant to LAMC Section 12.21.A.4(g) and LAMC Section 12.26.E.5, the 65 auto parking spaces to be provided on-site will be provided within 750-feet of the Site by ministerial approval of a parking covenant by LADBS ...

However, while the Applicant intends to provide off-site parking by covenant at the specified parking facilities, these facilities are currently under construction and are unable to be encumbered by a covenant due to LADBS policy that requires a Certificate of Occupancy be issued prior to approving the parking covenants. Thus, in order to satisfy the Project's parking requirements, the Applicant is requesting to increase the number of parking spaces provided off-site by lease agreement from 14 spaces to required parking, or a total of 79 spaces off-site by lease agreement in lieu of covenant. Upon issuance of the Certificates of Occupancy for the nearby parking facilities, the Applicant will move 65 of these spaces to the two specified parking facilities, or other qualified parking facility as determined by LADBS.

The general purpose and intent of the zoning regulations is to ensure a consistent set of regulations that set expectations for how new development is to appear and be utilized. According to LAMC Section 12.02, part of the general purpose and intent of the zoning regulations is to:

... designate, regulate and restrict the location and use of buildings, structures and land, for agriculture, residence, commerce, trade, industry or other purposes; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population ...

Part of these regulations speak to parking regulations. Parking is generally provided on-site, but allowances exist within the Zoning Code to provide required parking off-site, via a recorded covenant and agreement that guarantees the use of those parking spaces for the life of the building.

The applicant finds themselves in a situation where the off-site parking spaces where they anticipate recording covenants and agreements to fulfill their parking requirement are not yet available. Given that the building has been issued Temporary Certificates of Occupancy, strict application of the provisions of the Zoning Ordinance would result in the shuttering of a completed and operational hotel and other on-site commercial uses. Condition No. 7 of the grant has been modified to allow a very limited period of time in which all of the project's parking requirement can be provided via lease agreement, so that the applicant is able to secure off-site parking covenants and agreements, all the while ensuring that the required off-street parking is provided.

A purpose and intent of the zoning regulations is to ensure that new development provides the necessary number of off-street parking spaces based on the intensity or density of the proposed use. It is not intended that a determination unnecessarily constrain a discretionary development more than is otherwise required of

ministerial, by-right, development. To restrict access to those regulations, without cause, would be contrary to the purpose and intent of the zoning regulations. On review of the original grant, it does not appear that there was any intent to require that parking spaces be necessarily provided on-site – only that the required number of off-street parking spaces be provided pursuant to the Zoning Code. Condition No. 7 of the grant has been clarified to allow access to existing by-right parking options.

In conjunction with the requirement of Condition No. 8, which requires that all parking be provided to the satisfaction of the Department of Building and Safety prior to the issuance of a (final) Certificate of Occupancy, the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations without the modifications granted herein.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The applicant has requested a modification of Condition No. 7 of Case No. ZA-2013-3504-ZV, to allow all required parking to be provided off-site via lease agreement in lieu of the covenant and agreement otherwise required.

The property is developed with a recently constructed 10-story, 182-room hotel and commercial building, with no on-site parking.

On April 4, 2014, the Zoning Administrator approved Case No. ZA-2013-3504-ZV, to approve a Variance from Section 12.26E.5 to allow 14 off-site parking spaces by lease in lieu of a recorded covenant, among other variances.

On May 9, 2014, the Zoning Administrator issued a Correction Letter to Case No. ZA 2013-3504-ZV, correcting Condition No. 8 to require all off-site parking to be satisfied with evidence prior to issuance of a Certificate of Occupancy.

On July 10, 2014, the Department of Building and Safety issued Permit No. 13010-10000-03647 for the construction of a “10-story hotel building; parking, equipment and utility rooms, trash and recycle rooms at 1st and 2nd story levels, guest rooms from 3 to 9 story levels, with roof top stairway and elevator rooms; 10 story level core and shell. On June 30, 2020, a Temporary Certificate of Occupancy was issued.

On February 14, 2017, the Department of Building and Safety issued Supplemental Building Permit No. 13010-10007-03647 to convert parking areas at the 1st and 2nd levels to retail, fitness center, storage, utility rooms, machine rooms, employee cafeteria, treatment room, trash and recycle, and office spaces. On June 30, 2020, a Temporary Certificate of Occupancy was issued.

On December 19, 2018, the present Plan Approval request was filed, including a request to expand on the variance authorizing 14 off-site parking spaces provided by lease, in lieu of covenant and agreement.

The applicant argues that that the grant and conditions of approval for Case No, ZA-2013-3504-ZV are overly restrictive and specific, only applicable to a project that no longer exists, and that these “specific conditions prohibit the property to make changes and alterations that would otherwise be permitted as-of-right with approval by LADBS.” As a result, the applicant believes that they are prohibited from taking advantage of the parking location alternatives offered by Los Angeles Municipal Code (LAMC) Sections 12.21A.4(g) (parking shall be provided either on the same lot as the use for which they are intended to serve or on another lot not more than 750 feet distant therefrom) and 12.26E.5 (off-site parking is required to be provided via recorded covenant and agreement).

The applicant also states:

... while the Applicant intends to provide off-site parking by covenant at the specified parking facilities, these facilities are currently under construction and are unable to be encumbered by a covenant due to LADBS policy that requires a Certificate of Occupancy be issued prior to approving the parking covenants. Thus, in order to satisfy the Project’s parking requirements, the Applicant is requesting to increase the number of parking spaces provided off-site by lease agreement from 14 spaces to required parking ... Upon issuance of the Certificates of Occupancy for the nearby parking facilities, the Applicant will move ... these spaces to the two specified parking facilities, or other qualified parking facility as determined by LADBS.

The project has been issued building permits, completed construction, and issued a Temporary Certificate of Occupancy, and now finds themselves in the situation where they cannot provide the parking spaces required by the project on-site. The applicant states that their intention is to provide the balance of their off-street parking requirement via covenant and agreement, however, the parking garages that will provide those spaces have not yet become available. The Department of Building and Safety does not allow parking spaces still under construction to fulfill the required parking spaces of an off-site project. This situation is a fairly unique and temporary one.

Many surrounding properties been granted the ability to provide parking off-site via lease agreement in lieu of covenant and agreement. These projects involved changes of use within existing buildings, where the provision of additional on-site parking would be impractical or infeasible. Allowing off-site parking via lease agreement is not an uncommon authorization within the surrounding area.

Condition No. 7 of the grant has been modified to temporarily authorize all project-required parking spaces to be provided via lease agreement, in lieu of covenant

and agreement. The time-limited grant should be of sufficient length to see the completion of the parking garage(s) and the applicant's securing of a permanent covenant and agreement for parking spaces thereon.

Condition No. 7 of the grant has been clarified to reflect the applicant's ability to conform their parking location(s) with the regulations permitted by Zoning Code.

These two modifications, in conjunction with Condition No. 8, which requires that all parking be provided to the satisfaction of the Department of Building and Safety prior to the issuance of a (final) Certificate of Occupancy, will ensure that the project maintains code-required off-street parking spaces at all times.

For the reasons stated above, there are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The applicant has requested a modification of Condition No. 7 of Case No. ZA-2013-3504-ZV to allow all required parking to be provided off-site via lease agreement in lieu of the covenant and agreement otherwise required.

The property is developed with a recently constructed 10-story, 182-room hotel and commercial building, with no on-site parking.

On April 4, 2014, the Zoning Administrator approved Case No. ZA-2013-3504-ZV, to approve a Variance from Section 12.26E.5 to allow 14 off-site parking spaces by lease in lieu of a recorded covenant, among other variances.

On May 9, 2014, the Zoning Administrator issued a Correction Letter to Case No. ZA 2013-3504-ZV, correcting Condition No. 8 to require all off-site parking to be satisfied with evidence prior to issuance of a Certificate of Occupancy.

On July 10, 2014, the Department of Building and Safety issued Permit No. 13010-10000-03647 for the construction of a "10-story hotel building; parking, equipment and utility rooms, trash and recycle rooms at 1st and 2nd story levels, guest rooms from 3 to 9 story levels, with roof top stairway and elevator rooms; 10 story level core and shell. On June 30, 2020, a Temporary Certificate of Occupancy was issued.

On February 14, 2017, the Department of Building and Safety issued Supplemental Building Permit No. 13010-10007-03647 to convert parking areas at the 1st and 2nd levels to retail, fitness center, storage, utility rooms, machine

rooms, employee cafeteria, treatment room, trash and recycle, and office spaces. On June 30, 2020, a Temporary Certificate of Occupancy was issued.

The project has been issued building permits, completed construction, and issued a Temporary Certificate of Occupancy, and now finds themselves in the situation where they cannot provide the parking spaces required by the project on-site. The applicant states that their intention is to provide the balance of their off-street parking requirement via covenant and agreement, however, the parking garages that will provide those spaces have not yet become available. The Department of Building and Safety does not allow parking spaces under construction to fulfill the required parking spaces of an off-site project. This situation is a fairly unique and temporary one.

Many surrounding properties been granted the ability to provide parking off-site via lease agreement in lieu of covenant and agreement. These projects involved changes of use within existing buildings, where the provision of additional on-site parking would be impractical or infeasible. Variances authorizing off-site parking via lease agreement is not uncommon within the surrounding area.

LAMC Section 12.21A.4(g) requires parking to be provided either on the same lot as the use for which they are intended to serve or on another lot not more than 750 feet distant therefrom. LAMC Section 12.26E.5 states that off-site parking is required to be provided via recorded covenant and agreement. Use of these development regulations are ministerial, by-right, for new development.

The applicant believes that due to the wording of Condition No. 7, they are precluded from locating their required parking off-site via covenant and agreement.

On review of the grant's determination letter, it does not appear that there was any intent to require that parking spaces be necessarily provided on-site – only that the required number of off-street parking spaces be provided pursuant to the Zoning Code. It is not intended that the determination unnecessarily constrain a discretionary development more than is otherwise required of ministerial development.

Therefore, due to the unique, though temporary, situation of having been issued a Temporary Certificate of Occupancy prior to the availability of intended off-site parking facilities to fulfill the project's off-street parking space requirement, a lack of clarity in the applicant's ability to utilize by-right off-site parking provision regulations under the terms of the original grant, and widespread authorizations to permit required parking via lease agreement, such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

4. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The applicant has requested a modification of Condition No. 7 of Case No. ZA-2013-3504-ZV to allow all required parking to be provided off-site via lease agreement in lieu of the covenant and agreement otherwise required.

As a part of this approval, Condition No. 7 has been modified to allow the applicant a very limited period of time to provide all required parking to be provided via lease agreement in order to secure off-site parking covenants and agreements, while ensuring that the required off-street parking is provided during this time. Further, Condition No. 7 has been clarified to make clear that, excepting the 14 off-site parking spaces authorized to be provided by lease agreement, all remaining code-required parking may be provided and located pursuant to zoning code regulations and do not necessarily need to be provided on-site. Approval of the grant does not relieve the applicant of their responsibility to provide all code-required off-street parking spaces; Condition No. 8 requires that all required parking is provided prior to issuance of the (final) Certificate of Occupancy; therefore, granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

5. **The granting of the variance will not adversely affect elements of the General Plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Hollywood Community Plan area, where the Community Plan Area Map designates the property for Regional Center commercial land uses, with corresponding zones of C2, C4, P, PB, RAS3 and RAS4 Zones. The property is zoned (T)(Q)C4-2D; the property's zoning is consistent with the General Plan's land use designation for the site.

The Plan Text does not discuss specifically the issue of variances from "Q" Conditions or parking by lease in lieu of by covenant as the Plan is more general than the specificity of the instant request. Overall compliance with the Plan is predicated upon all projects complying with the land use designations, zoning code

regulations, Building and Safety codes, etc. Inasmuch as the granted modifications to Condition No. 7 result in the provision of all code-required off-street parking spaces, the approval does not affect any elements of the General Plan.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy
 Office: Downtown
 Application Invoice No: 75771

City of Los Angeles
 Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800175771



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:151021EC0-9AEE5DF8-60BE-45B8-8E7F-A41F57FF2E52, Amount:\$109.47, Paid Date:10/15/2021

Applicant: HERE LOCAL 11, UNITE (818-6353034)
Representative:
Project Address: 6415 W SELMA AVE, 90028

NOTES:

ENV-2018-7559-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 13
 Plan Area: Hollywood
 Processed by VIDAL, ANNA on 10/15/2021

Signature: _____

Building & Safety Copy
 Office: Downtown
 Application Invoice No: 75771

City of Los Angeles
 Department of City Planning



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