

# ORIGINAL



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission    ☐ City Planning Commission    ☒ City Council    ☐ Director of Planning

Regarding Case Number: CPC-2016-3608-GPA-VZC-HD-MCUP-CU-SPR; ENV-2016-3609-MND

Project Address: 800 South Western Avenue, 800-824 South Western Avenue, 3564-3566 West 8th Street, 3550, 3558, 3560 West 8th Street, 801 South Oxford Avenue, 801-874 South Western Avenue and 855 South Manhattan Place

Final Date to Appeal: April 9, 2018

Type of Appeal:    ☐ Appeal by Applicant/Owner  
                              ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
                              ☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Jordan Fein

Company: UNITE HERE Local 11

Mailing Address: 464 Lucas Avenue, Suite 201

City: Los Angeles

State: California

Zip: 90017

Telephone: (213) 481-8530 ext. 328

E-mail: jfein@unitehere.org; nschuman@unitehere11.org

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self    ☒ Other: On behalf of Natalie Schuman and on behalf of UNITE HERE Local 11

- Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): \_\_\_\_\_

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☐ Entire

☒ Part

Are specific conditions of approval being appealed?

☒ Yes

☐ No

If Yes, list the condition number(s) here: 4-7

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *Ivory Chambeshi*

Date: 4/9/18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Ivory Chambeshi</u>	Date: <u>4/9/18</u>
Receipt No: <u>0102873952</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



# UNITEHERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

April 9, 2018

## ***VIA HAND DELIVERY***

Planning and Land Use Management Committee  
City Council, City of Los Angeles  
c/o Development Services Center  
Department of City Planning  
201 North Figueroa Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012

**RE: Appeal Application for 800 South Western Project  
CPC-2016-3608-GPA-VZC-HD-MCUP-CU-SPR; ENV-2016-3609-MND;  
VTT-74511  
Approved by City Planning Commission on March 20, 2018**

Dear Honorable City Councilmembers,

On behalf of over 28,000 hospitality and restaurant workers represented by UNITE HERE Local 11 ("Local 11") in Los Angeles, Orange County, and Arizona, Local 11 and Natalie Schuman ("Appellants") appeal the actions taken by the City of Los Angeles ("City") City Planning Commission ("CPC") on March 20, 2018 with respect to the 800 South Western project ("Project"), including the following: adoption of the project's Mitigated Negative Declaration ("MND"), approval and recommendation that City Council adopt a General Plan Amendment ("GPA"), approval and recommendation that City Council adopt a Vesting Zone Change ("VZC") and Height District Change ("HD"), approval of a Density Bonus ("DB"), approval of a Master Conditional Use Permit ("MCUP"), approval of a Conditional Use Permit ("CUP"), and approval of a Site Plan Review ("SPR") (collectively "Project Approvals").

Appellant challenges this Project chiefly on the following grounds: the MND fails to assess the Project's environmental impacts properly, there are serious conflicts between the proposed Project and corresponding Community Plan, there are glaring inconsistencies in the CPC's Letter of Determination with respect to how much affordable housing the applicant is required to build, and there are insufficient measures to mitigate alcohol-related impacts on the surrounding community.

The MND did not provide sufficient evidence to prove that the Project would not have a significant effect on the environment. Pub. Res. Code § 21080(c); 14 Cal. Code Regs. §§ 15063(b)(2), 15064(f)(2)-(3), 15070. Given the size and scope of the Project and its potential environmental impacts, there is a "fair argument" that the Project may have significant environmental impacts, requiring the preparation of a full environmental impact report ("EIR"). *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; Pub. Res. Code

§§21100, 21151; 14 Cal. Code Regs. §15064(a)(1), (f)(1). For example, the MND fails to address all of the Project's inconsistencies with the relevant Community Plan and therefore fails to properly mitigate potential impacts that may arise as a result of the inconsistencies. In addition, the MND does not fully analyze or mitigate how the Project's requested MCUP for alcohol uses will impact the surrounding area. We therefore urge the City Council to overturn the CPC's decision and require that the City prepare an EIR.

This Project is discretionary, not by right. To grant the discretionary Project Approvals, the City must make specific findings under the Los Angeles Municipal Code ("LAMC"). For example, the City must find that the requested Conditional Use for the sale of alcohol will not "adversely affect the welfare of the pertinent community" or contribute to an undue concentration of alcohol licenses. LAMC § 12.24.W.1. In this appeal, we argue that the City cannot make this or other required findings for the discretionary Project Approvals.

### **1. Project Background**

The Project involves the demolition of the Eden Plaza building and the adaptive reuse of and addition onto the existing 4-story IB Plaza building, and the construction, use, and maintenance of a new 12-story mixed-use building and a new 3-story commercial building. The Project will include approximately 148 guest rooms (limited service hotel); 96 apartment units, with 8 units set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants; 241 vehicle parking spaces; and 290 bicycle parking spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio ("FAR") of 3:72:1.

### **2. Standing of Appellants**

Local 11 represents more than 28,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona. Members of Local 11, including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions.

Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

This Appeal is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Project, and incorporates by this reference all written and oral comments submitted on the Project by any commenting party or agency. It is well-established that any party, as Appellants here, who participates in the administrative process can assert all factual and legal issues raised by anyone. See *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

### **3. The Project is inconsistent with the applicable Community Plan.**



The construction of a new 12-story building is inconsistent with existing building heights in the area, and would set a precedent for development that is incompatible with existing surrounding uses. The Project's inconsistent size within the proposed neighborhood is evidenced by Western Plaza Capital Holding, LLC's ("Applicant") requests for a GPA to allow for an increased FAR, a Height District Change, and a Density Bonus. In addition, a comparison between the proposed Project and neighboring properties shows that a new 12-story building would be grossly inconsistent with the surrounding area. For example, properties to the north of the proposed Project site are developed with the four-story Oxford Palace Hotel & Galleria, a grocery store, retail shops, a wholesale market, and surface parking lots. Properties to the south are zoned C2-1 and R4-2 and are developed with the two-story Koreatown Plaza and its attached three-story parking structure. Properties to the east are developed with one two-story and one four-story apartment building and two six-story apartment buildings. Properties to the west are developed with the single-story Rodeo Gallery, and two and three-story apartment buildings (LOD, p. F-10). A 12-story building is double the height of any existing property surrounding the proposed Project site.

This height inconsistency is especially problematic given the Wilshire Community Plan's prioritization of consistency in building heights. The Plan states that "new commercial development needs to be compatible with existing buildings in terms of architectural design, bulk and building heights" (p. I-6). Neither the LOD nor the MND address this inconsistency. This part of the Wilshire Community Plan was left out of the MND's analysis of the Project's consistency with applicable plans (MND p. 3-123, Table 3.10-1).

The Project is also inconsistent with the Wilshire Community Plan because it lacks greenspace open to the community. Given that the Applicant is requesting so many entitlements from the City and seeks to build a Project that will be by far the largest development in the vicinity of the Project site, the Applicant should be required to provide more greenspace. The Wilshire Community Plan states that there is a "[s]evere shortage of public parks and open spaces in reasonable proximity to high-density, multiple-family residential neighborhoods" (p. I-9). The Project does include "residential common open space on the roof" (MND, p. 3-6) and ensures that "landscape programs for residents would be provided with a well-being lifestyle in mind," including a lawn and terrace seating (MND, p. 3-6). However, the only space that has explicitly been made open for free public use is the space along Western Avenue and pedestrian passageways and connections within the interior of the Project site (MND, p. 3-5). Those areas are not particularly "green" and do not satisfy the Community Plan's prescription for more publicly accessible park space. A project of this size should offer publicly accessible green space to the community, consistent with the Wilshire Community Plan.

**4. CPC's Letter of Determination includes inconsistencies, lacks clarity, and fails to address all of administrative record.**

The CPC's Letter of Determination ("LOD") states that the Project was assessed in the MND and determined that no subsequent EIR was required "based on the whole of the administrative record" (LOD, p. 1). But the CPC has not addressed issues raised in oral and



written public comments submitted into the public record at the March 20, 2018 CPC hearing (Appendix 1). The concerns raised in these comments, including the Project's inconsistencies with the Wilshire Community Plan and the necessity of a full EIR were not even mentioned, much less refuted, in the LOD. Because of this, the Project directly conflicts with the LAMC and CEQA, and CPC erred and abused its discretion when approving the Project based on the record before it. Therefore, Appellants urge the City Council to reverse CPC's decision and deny the requested Project Approvals.

There are also glaring inconsistencies throughout the LOD with respect to how many affordable housing units will be required. The LOD first states that "four dwelling units, or 5 percent, for Very Low Income Households as Restricted Affordable Units" will be set aside (LOD, p. 2). The Q Conditions detailed in the LOD state that "a minimum of 10 percent (8 units) shall be reserved for residents earning Very-Low Incomes" (LOD, p. Q-3). The twelfth condition listed in the Conditions of Approval states: "A minimum of 4 units shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (C)(2), in order to qualify for the on-menu incentives proposed and granted. In addition to the affordable units pursuant to the Density Bonus, the applicant is not required to provide any additional units affordable to Low or Very Low Income" (LOD, p. C-2). The first subsection, "General Plan/Charter Findings," in the Findings section states: "In conjunction with the requested General Plan Amendment, the project will provide an additional 5 percent of 4 Very Low Income units. A total of 8 affordable units restricted to Very Low Income Households for 55 years will be included in the project" (LOD, p. F-5). Under the fourth subsection, "Density Bonus," of the *same* Findings section, this is directly contradicted: "The Project proposes to set aside 4 units, or 5% of the base 96 dwelling units, as Restricted Affordable Units for Very-Low Income households for 55 years" (LOD, p. F-11).

In addition to these inconsistencies, the LOD also inaccurately estimates the percentages of affordable units. The LOD states that the Project will set aside 4 units or 5% of the total units, or that the Project will set aside 8 units or 10% of the total units. 4 units is approximately 4% of the total 96 units proposed and 8 units is approximately 8% of the total 96 units proposed. 5% of the total 96 units is 4.8 units, which would be 5 units when rounded. 10% of the total 96 units is 9.6 units, which would be 10 units when rounded. These inaccuracies could allow the Applicant to skirt around the affordable housing conditions.

The LOD also states that the approval of the Density Bonus setting aside the affordable units is pursuant to LAMC § 12.22.A.25(g)(3), which states that "[t]he decision must include a separate section clearly labeled "Density Bonus/Affordable Housing Incentives Program Determination." While the LOD refers to the "Density Bonus/Affordable Housing Incentives Program Determination" (LOD, p. F-13), it does not include a separate section clearly labeled with this title, as required.

##### **5. Potential impacts of the Project's alcohol uses have not been sufficiently studied.**

The required findings for the Master Conditional Use for Alcohol Permit ("MCUP") for the Project's proposed six new establishments selling alcohol cannot be made. In order to justify the approval of the Project's requested MCUP, the City must find that proposed use will not



adversely affect the welfare of the pertinent community and that the granting of the application will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages in the area. LAMC § 12.24.W.1(a). The LOD admits that “there exists an overconcentration of alcohol licenses in the subject census tract” (p. F-18), but does not offer sufficient evidence explaining how the approval will not result in an undue concentration of premises selling alcohol or how the use will not adversely affect the welfare of the community. Instead of proposing conditions of approval that would mitigate the effects of an additional six establishments selling alcohol, as proposed by this Project, the LOD simply acknowledges the overconcentration of alcohol in the area without proposing measures of mitigation. The required findings for the MCUP therefore cannot be made.

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## 6. Conclusion

In conclusion, there is a "fair argument" that the Project may have significant potential environmental impacts, thus requiring the preparation of a full EIR. In addition, the CPC failed to address comments submitted into the public record about the Project before making its determination. The LOD contained glaring, potentially misleading inconsistencies. Finally, the potential impacts of the Applicant's request for a MCUP for alcohol uses have not been thoroughly studied or properly mitigated. We request that the City Council overturn the CPC's decision, reject the Project Approvals, and require that the City prepare a full EIR.

Appellants reserve the right to supplement these comments at future hearings and proceedings for this Project. *See, e.g., Cmtys. For a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 86 (invalidating EIR based on comments submitted after completion of Final EIR); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (holding that CEQA litigation is not limited only to claims made during the EIR comment period).

Finally, Appellants request, to the extent it is not already on the notice list, all notices of CEQA actions, appeal hearings, and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. See Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f); Gov. Code § 65092. Please send notice by email ([nschuman@unitehere11.org](mailto:nschuman@unitehere11.org); [cdu@unitehere11.org](mailto:cdu@unitehere11.org)) and by regular mail to: Natalie Schuman c/o UNITE HERE Local 11, 464 Lucas Ave., Ste. 201, Los Angeles, CA 90017.

Thank you for considering this Appeal. We ask that it is placed in the administrative record for the Project. If you have any questions or concerns, please contact me at (213) 481-8530 ext. 328 or [nschuman@unitehere.org](mailto:nschuman@unitehere.org).

Sincerely,

Natalie Schuman  
Research Analyst  
UNITE HERE Local 11



## Appendix 1

# UNITEHERE! Local 11

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464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

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December 14, 2017

City Planning Commission  
200 N. Spring Street, Room 532  
Los Angeles, CA 90012  
[cpc@lacity.org](mailto:cpc@lacity.org)

**Re: Comments for City Planning Commission hearing on 800 South Western Project (CPC-2017-3608-GPA-ZC-HD-DB-MCUP-CU-SPR/ENV-2016-3609-MND/VTT-74511) – 12/14/17 CPC hearing Item 10**

Dear City Planning Commissioners,

On behalf of over 28,000 hospitality and restaurant workers represented by UNITE HERE Local 11, we write to express our opposition to the 800 South Western Project. UNITE HERE Local 11 seeks to raise standards for workers in the hospitality and tourism industry in Los Angeles. In addition to fulfilling integral roles in the local economy, many UNITE HERE Local 11 members also live Koreatown.

Before the City Planning Commission (CPC) is consideration of Item 10 in regards to the proposed project at 800 South Western Avenue ("Project"), concerning the General Plan Amendment ("GPA") to amend the Footnote 5.1 of the Community Plan Area's General Plan Land Use Map to apply to the property and the Add area, a Vesting Zone Change and a Height District Change ("VZC/HD") for the property from Height District No. 1 to Height District No. 2 to allow a Floor Area Ratio of 4:1 in lieu of 1.5:1, a Density Bonus ("DB") setting aside four dwelling units restricted to Very Low Income Households as Restricted Affordable Units for one Off-Menu Incentive to allow a reduction in side yard setback to 2 feet 6 inches setback in lieu of the 15-foot side yard setback requirement, a Master Conditional Use ("MCUP") for the sale or dispensing of a full line of alcoholic beverages for on-site consumption at six restaurants on the premises, a Conditional Use Permit ("CUP") to permit a hotel located within 500 feet of an R-zoned property, and a Site Plan Review ("SPR") for a project that exceeds 50 dwelling units and/or guest rooms (collectively "Entitlement(s)").

We take issue with potentially significant environmental impacts not adequately addressed in the Mitigated Negative Declaration ("MND") as well as various concerns regarding the Project's impacts on the communities of Los Angeles and Koreatown.

The proposed Project would include a 148-room hotel, 96 apartments and 58,343 square feet of commercial floor area, including retail and restaurant uses. We do not believe that the proposed 241 vehicle parking spaces is sufficient. We are concerned that the shortage of parking will lead to patrons parking in the surrounding Koreatown neighborhood where there is already a scarcity of parking spaces for existing residents.

# UNITEHERE! Local 11

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464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

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We are concerned that the construction of a new 12-story building included in the Project proposal is inconsistent with existing building heights and would set a precedent for development in the area that is not compatible with the existing developments. This is especially concerning given the Wilshire Community Plan's statement that "new commercial development needs to be compatible with existing buildings in terms of architectural design, bulk and building heights" (I-6).

The Wilshire Community Plan also cites a "Severe shortage of public parks and open spaces in reasonable proximity to high-density, multiple-family residential neighborhoods" (I-9). The Project does include "residential common open space on the roof" (3-6) and ensures that "landscape programs for residents would be provided with a well-being lifestyle in mind," including a lawn and terrace seating (MND, 3-6). However, the only space that has been made explicitly open to the public for free use is the open area space along Western and pedestrian passageways and connections within the interior of the Site (MND, 3-5). Those areas are not particularly green and do not satisfy the Community Plan's prescription for more publicly accessible park space. A project of this size should offer ample benefits to the surrounding community and a publicly accessible green space would be one appropriate measure.

We want to ensure that the Koreatown community remains an affordable neighborhood for existing and new residents alike. Given the housing crisis in Los Angeles today, the 800 South Western Project should include more affordable housing and do its part to help ease this unprecedented crisis.

Beyond the potential negative impacts of the Project on the existing community and the deficiencies in the MND including but not limited to those mentioned above, the underlying issue is that a full Environmental Impact Report was not prepared for the Project. The impacts of a project of this size and scope should be thoroughly reviewed and more rigorously mitigated, especially given its inconsistency with the existing developments in its vicinity. This project requires a full EIR.

Finally, this commenter requests, to the extent not already on the notice list, all notices of CEQA actions, hearings and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. Please send notice by electronic or regular mail to: Natalie Schuman, 464 S Lucas Avenue, Suite 201, Los Angeles CA 90017, [nschuman@unitehere11.org](mailto:nschuman@unitehere11.org).

Sincerely,  
Natalie Schuman





**LOS ANGELES CITY PLANNING COMMISSION**  
200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300  
[www.planning.lacity.org](http://www.planning.lacity.org)

**LETTER OF DETERMINATION**

**MAILING DATE:** MAR 20 2018

**Case No.: CPC-2016-3608-GPA-VZC-HD-MCUP-CU-SPR**  
**CEQA: ENV-2016-3609-MND**  
**Plan Area: Wilshire**  
**Related Case: VTT-74511**

**Council District: 10 - Wesson**

**Project Site:** 800 South Western Avenue;  
800-824 South Western Avenue;  
3564-3566 West 8<sup>th</sup> Street;  
3550, 3558-3560 West 8<sup>th</sup> Street; and  
801 South Oxford Avenue

**Add Areas:** 801-874 South Western Avenue; and  
855 South Manhattan Place

*The Add Area for the General Plan Amendment request consists of properties located at 801-874 South Western Avenue and 855 South Manhattan Place. No development is proposed for the Add Area. All existing uses would remain.*

**Applicant:** Western Plaza Capital Holding, LLC  
Representative: Edgar Khalatian, Mayer Brown

At its meeting of **December 14, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of the Eden Plaza building and the adaptive reuse and addition onto the existing 4-story IB Plaza building, the construction, use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 8 units, set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants with or without alcohol service; 241 vehicle parking spaces; and 290 bicycle parking spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio (FAR) of 3.72:1. The amount of soils removed or exported would be approximately 20,000 cubic yards.

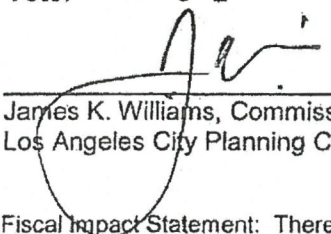
1. **Find**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-3609-MND, adopted on November 13, 2017 (under Case No. VTT-74511) and reflected in the errata dated November 2, 2017 with mitigation measures and the Mitigation Monitoring Project prepared for the Mitigated Negative Declaration; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;

2. **Approved and recommended** that the City Council **adopt**, pursuant to Charter Section 555 and Section 11.5.6 of the Los Angeles Municipal Code (LAMC) a General Plan Amendment to the Wilshire Community Plan to amend Footnote 5.1 of the Community Plan's General Plan Land Use Map to apply to the property and the Add Area;
3. **Approved and recommended** that the City Council **adopt** pursuant to LAMC Section 12.32 F and 12.32 Q, a Vesting Zone Change and Height District Change on the project site from Height District No. 1 to Height District No. 2 to allow a Floor Area Ratio of 4:1 in lieu of 1.5:1;
4. **Approved**, pursuant to LAMC Section 12.22 A.25 (g)(3), a Density Bonus setting aside four (4) dwelling units, or 5 percent, for Very Low Income Households as Restricted Affordable Units for the following Off-Menu Incentive:
  - a. A reduction in one side yard setback to 2 feet, 6 inches in lieu of the 15-foot side yard setback requirement as specified in LAMC Section 12.22 A18 (c)(2);
5. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use for the sale and dispensing of a full line of alcoholic beverages for on-site consumption at six (6) restaurants on the premises;
6. **Approved**, pursuant to LAMC Section 12.24 W.24, a Conditional Use to permit a hotel located within 500 feet of an R-zoned property;
7. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project which results in an increase of more than 50 dwelling units and/or guest rooms;
8. **Adopted** the attached Conditions of Approval as modified by the Commission; and
9. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Dake Wilson  
 Second: Khorsand  
 Ayes: Ambroz, Millman, Mitchell, Padilla-Campos  
 Noes: Choe, Perlman  
 Absent: Mack

Vote: 6 - 2

  
 \_\_\_\_\_  
 James K. Williams, Commission Executive Assistant II  
 Los Angeles City 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 Los Angeles City Planning Commission is final and not appealable as it relates to the General Plan Amendment, Vesting Zone Change and the Height District Change. The decision of the Los Angeles City Planning Commission, regarding the remaining approvals, is appealable to the Los Angeles City Council within 20 days after the mailing date of this determination letter. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.*

FINAL APPEAL DATE: **APR 09 2018**



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: Ordinance, Maps, Modified Conditions of Approval, Findings, Resolution

c: Shana Bonstin, Principal City Planner  
Jane Choi, Senior City Planner  
Kinikia Gardner, City Planner