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October 28, 2020

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:

**RESPONSE TO APPEAL FOR 2005 WEST JAMES M. WOOD BOULEVARD, WESTLAKE  
COMMUNITY PLAN AREA; CF 18-1242**

The proposed project is the demolition of an existing commercial retail building and related surface parking for the construction, use, and maintenance of a new six-story hotel above two levels of subterranean parking. The Project proposes 100 guest rooms with kitchenettes, and approximately 10,948 square feet of office, restaurant, meeting room and support space.

This letter serves to respond to the letter dated October 14, 2020 from the appellant, UNITE HERE Local 11 and recent comments from the public relative to the approval of the use as a Hotel.

Applicability of Measure JJJ

In November 2016, City of Los Angeles voters approved Measure JJJ, which added provisions to the Los Angeles Municipal Code (LAMC) to require developers requesting certain entitlements for residential projects to either provide affordable units or pay an in-lieu fee. These requirements generally apply to applications for General Plan Amendments or Zone Changes or that increase residential density and were deemed complete on or after December 13, 2016.

A General Plan Amendment would trigger Measure JJJ requirements under certain circumstances or conditions. Measure JJJ requires projects of over 10 dwelling units seeking general plan amendments to provide affordable housing. The appellant's assertion is that the General Plan Amendment is subject to Measure JJJ because the proposed use, which involves guest rooms with kitchenettes, qualifies them as "dwelling units" involves housing. Thus, the appellant believes this requires the project to provide affordable housing. The applicable section states in part "..... projects with ten or more residential dwelling units shall also provide affordable housing consistent with the provisions of Section 5 of the Build Better LA Initiative. Section 5, Affordable Housing and Good Jobs, is incorporated into the LAMC as Section 11.5.11

Affordable Housing. This defines specific provisions of affordable housing requirements for rental and for-sale units.

The proposed project is comprised of Guest Rooms for a Hotel use. Section 12.03 of the Los Angeles Municipal Code (LAMC) contains definitions that are utilized by City Planning when processing various entitlements, including legislative actions such as General Plan Amendments and Zone Changes. The primary definitions in LAMC 12.03 that are applicable in determining what constitutes a hotel use include, Apartment Hotel, Hotel, Guest Room, and Dwelling unit, which are defined as follows:

- **Apartment Hotel.** A residential building designed or used for both two or more dwelling units and six or more guest rooms or suites of rooms.
- **Hotel.** A residential building designed or used for or containing six or more guest rooms or suites of rooms, which may also contain no more than one dwelling unit.
- **Guest Room.** Any habitable room except a kitchen, designed or used for occupancy by one or more persons and not in a dwelling unit.
- **Dwelling Unit.** A group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes.

Both Hotel uses and Dwelling Unit uses are considered residential uses. The definition of Hotel states that it contains guest rooms. The proposed project is for a Hotel use, comprised of guest rooms and ancillary uses. The project has been conditioned to the Hotel and hotel-related ancillary uses only through Q Condition No. 2. Guests will check in through a reservations format and they will not be able to rent their rooms for stays longer than 30 days. Additionally, the project will be subject to Transient Occupancy Tax (TOT) to the City. In addition, hotels are built to different Building Code standards than dwelling units. The definition of Guest Room states that it is a habitable room not in a Dwelling Unit. The definition of Dwelling Unit is a group of two or more rooms, one of which must be a kitchen. As the proposed project includes individual guest rooms, the use has been defined as Hotel use, rather than dwelling units.

There is a conflict in the definition of a Hotel use and the inclusion of a kitchenette within a Guest Room as it has been historically interpreted by the City. The project proposes kitchenette amenities within the guest rooms as part of an extended-stay format, which is limited to 30 days. The Guest Room use with kitchenettes is allowed currently in limited areas of the City, such as within the LASED Specific Plan area, or through consideration in a Zoning Administrator's Interpretation (ZAI). If a site-specific ZAI is not granted, the kitchenettes will need to be removed from proposed Hotel's Exhibit A.

The Appellant alleges that recent DCP, ZA, and Council Decisions make clear that hotel rooms with kitchenettes are dwelling units. The Appellant cites that the Department stated at the September 3, 2020 PLUM meeting that the 78 hotel guest rooms were a residential use and that the combined dwelling units and guest rooms made the project substantially residential in order to allow the project to take advantage of lot consolidation under the Venice Specific Plan and avoid commercial corner development regulations. In addition, the Appellant cites the Wilshire La Brea project as an example where the distinction between guest rooms and dwelling units is the presence of a kitchen in the latter. Indeed, hotel uses are considered residential uses. However, residential uses can be classified by both guest room and dwelling unit uses.

The Appellant also cites Case No. ZA-2019-3671-ZAI, alleging that the ZAI states that the reasonable definition under the Code for the hotel rooms with kitchens in buildings built after 1963 like this Project is an "Efficiency Dwelling Unit." The ZAI's first sentence states the following:

*The development of a full service hotel with kitchen facilities in the guest room is considered a hotel for the purpose of classifying the use under the City's Zoning Regulations and the Department of City Planning's Use List. As a Hotel, the use is subject to all regulations and requirements applicable to such use under the City's Zoning Regulations.*

In this instance, this site-specific ZAI was written for the project located at 701-715 South Hill Street to allow for full kitchen facilities within a hotel guest room use. In addition, the definition for an "Efficiency Dwelling Unit" in Section 12.03 of the Municipal Code states the following:

**Efficiency Dwelling Unit:** A room located within an apartment house or apartment hotel used or intended to be used for residential purposes which has a kitchen and living and sleeping quarters combined there in, and which complies with the requirements of Section 91.4930.2 of this Code

The term "Efficiency Dwelling Unit" is used within the context of an apartment hotel or apartment house, which include 2 or more dwelling units and guest rooms for the former and 3 or more dwelling units and guest rooms for the latter in their definitions. The proposed project does not include any dwelling unit uses with stays beyond 30 days. This will be regulated by covenant and by the property's Certificate of Occupancy. Therefore, the "Efficiency Dwelling Unit" does not neatly apply as the Appellant asserts. Also, as previously stated, the proposed project will need to undertake its own site-specific ZAI process for the guest rooms with kitchenette use.

Finally, the proposed use is a Hotel made of Guest Rooms, and not Dwelling Units. The City prohibits the short-term use of Dwelling Units through the Homesharing Ordinance. Because the proposed use is Hotel, with Guest Rooms intended for less than 30 day stays, the Project, by definition, could not be a Hotel, intended for short term use, and be comprised of dwelling units for long term use, as the two uses are governed by different sets of regulations.

Sincerely,

VINCENT P. BERTONI, AICP  
Director of Planning

*Debbie Lawrence*

Debbie Lawrence, AICP  
Senior City Planner

VPB:JC:KG