



Armando Bencomo <armando.bencomo@lacity.org>

Public Comments Not Uploaded Re: Council File 20-0603 - S1 - Public Comment in Support of CEQA Appeal

2 messages

Noel Weiss <noelweiss@ca.rr.com>

Mon, May 3, 2021 at 7:08 AM

Reply-To: clerk.plumcommittee@lacity.org

To: clerk.plumcommittee@lacity.org, Armando.Bencomo@lacity.org

On 5/3/2021 6:42 AM, Noel Weiss wrote:

Armando:

Please substitute this public comment in support of the CEQA appeal on the 5806-5812 W. Lexington Project for the one I just sent to you earlier. . . That submittal had errors which are corrected in this submittal.

Thanks.

Noel
(310) 822-0239

On 5/3/2021 6:18 AM, Noel Weiss wrote:

Armando:

The public comment link would not allow me to post my public comment. . . . on Council File 20-0603-S1. . . .

Here it is. . . . Please circulate to the PLUM Committee Members:

This public comment supplements the public comment made on March 15, 2021 in support of the appeal to the CEQA exemption granted by Planning to the [5806-5812 W. Lexington Project](#) (Council File No. 20-0603-S1).

The CEQA exemption is not available here because (i) the project is an "Apartment Hotel" (as defined in LAMC 12.03) and (ii) the zoning (R-3) does not allow for a hotel use in an R-3 Zone. The project is 56' tall/5 stories in an otherwise residential neighborhood. While there are some apartment buildings, their height is well within the 45' height limit permitted under the zoning. It cannot be said, therefore, that this project is consistent with the current zoning. It is not. The reason this project is an "apartment hotel" is because it is a "residential building designed to be used for both two or more dwelling units (a defined term) and six or more guest rooms (a defined term).

The project is a "co-living" project (the developer's term) where 2-6 bedroom (traditional) apartment residential living configurations are sub-divided and rented out "by the bed" as separate "guest rooms" for the renter's exclusive use. Kitchen facilities are shared; as are living room facilities, and in some cases bathrooms. In what appears to be a gross abuse of power and authority, LADBS is permitting these projects to proceed as "Apartments" when they are "Apartment Hotels".

How does this happen? The game being played here lies in the misuse of language. The term "unit" is generically misused. The term "unit" is not defined anywhere in the zoning code; or in the TOC law or "Guidelines" for that matter. What we think of as a traditional two-six bedroom "Apartment" (also a legally defined term) is not what is being proposed. These "units" cannot be characterized as "Apartments" because they are not individual "dwelling units" as defined in LAMC Section 12.03. To be an "Apartment" there must be a "dwelling unit". To be a "dwelling unit", there must be a kitchen for each "dwelling unit" and the use of all rooms

(including bedrooms) must be available and open (in theory) for the use of all of the occupants of the "Apartment". That is not the case here because the beds and bedrooms are rented out separately and exclusively to each occupant (rented-by-the-bed) for the occupant's exclusive use. This is a key legal distinction between a "guest room" and an "apartment which was noted by the Court of Appeal in Chun vs. Del Cid (34 Cal. App. 5th 806 (2019) (court holding that individual rooms rented out in single family home are "guest rooms" where the tenants are protected under the rent control law).

The fact that LADBS has apparently permitted these "co-living" projects to be built and occupied on R-3 zoned lots under the aegis of their being "apartments" when they are clearly "Apartment Hotels" is not lawful. The fact that Planning gave these two Lexington projects a CEQA exemption is also not right. This **5806-5812 Lexington project is not a 17 "unit" project. It is a an "Apartment Hotel" with 95 "guest rooms"**. If this developer wants to build and maintain an "Apartment Hotel" in an R-3 Zone, what is required is (i) a zone change, and (ii) a CUP, along with the requisite public hearings. An example of how to do this correctly is a hotel project at 752 S. Harvard on a lot zoned R-3-2 (Koreatown). (Case No. APCC-2020-7583-ZC-CU) ("ZC = "Zoning Change"/"CU" = Conditional Use). This Harvard project is a 16-room 5-Story Hotel. If this developer wants its **5806-5812 Lexington project** to proceed, he needs accurately characterize it as an "Apartment Hotel" containing 95 guest rooms and seek a zone change and conditional use permit for its 5-Story/56' tall Apartment Hotel.

The same pattern and practice is evident on another "Apartment Hotel" project being developed by this same developer at 511 No. Hoover (another R-3 zoned property - 176 "guest rooms"; 5 one-bedroom "apartments" (181 "beds"). This seems to be an epidemic in the City; a complete sop to Wall Street. Planning mislabels and mischaracterizes these 2-6 bedroom apartments as generic "units" (a term not defined in the zoning code). So miscast, Planning and the developer can say a project has (say) 21 "units", when in reality it has 78 "guest rooms" and 4 "apartments". The density limits in the zoning code do not reference "units" (because the term is undefined). The zoning code dictates the density levels (and parking levels) premised on the number of either "dwelling units" or "guest rooms" contemplated (the difference being that a "dwelling unit" includes a kitchen and allows for (in theory) co-equal access to all rooms, including bedrooms. A "guest room" only contemplates exclusive use rights to the renter of the guest room and does not have a kitchen. A "co-living" residential configuration is an "Apartment Hotel".

Planning and LADBS are allowing zoning violations to occur. The City Council should not.

This CEQA appeal should be granted

Thanks. .

Noel
(310) 822-0239