



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

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Item No. 12

Deputy: DLuna

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VIA EMAIL & ONLINE: (LACouncilComment.com)

PLUM Committee, City of Los Angeles

c/o Candy Rosales, Legislative Assistant (clerk.plumcommittee@lacity.org)

**RE: Item 12, PLUM Hearing 6/6/23 (Council File No. 18-1242);
Infinitely Group Hotel Project (DCP Case Nos. CPC-2017-712, ENV-2017-713);
Revised RHNA/Housing Findings Lack Substantial Evidence**

Dear Honorable Planning and Land Use Management Committee Members:

On behalf of appellant UNITE HERE Local 11 ("**Local 11**"), this office submits the following supplemental comments to the City of Los Angeles ("**City**") Planning and Land Use Management ("**PLUM**") Committee and Department of City Planning ("**DCP**") regarding the above-referenced 6-story, 100-room hotel ("**Project**") proposed for a three-lot site located within the Westlake Community Plan Area ("**CPA**"). Among the entitlements sought by the Infinitely Group ("**Applicant**") are a requested General Plan Amendment and Vesting Zone / Height District Change ("**Entitlements**")—which are legislative approvals that the City has the discretion to deny.

In January 2021, former Councilmember Gil Cedillo recommended that PLUM deny the Project's requested Entitlements due to the Project's lack of housing and inconsistency with applicable land use plans. (See Figure 1 below [highlights added].)

Figure 1: Excerpt Councilmember Cedillo's Letter Opposing Entitlements (1/21/21)¹

The City's land-use priorities should be responsive to these unprecedented changes. Indeed, the City Council has the authority to exercise discretion on land-use matters. The Council Member's position is that there is no justification for a hotel use at this site. In contrast, demand for affordable housing continues unabated, exacerbated by the pandemic, and the need to produce housing is compelling.

The Council Member agrees with the key point raised in the appeal filed by UNITE HERE Local 11 – that without a housing component, the proposed Project is inconsistent with the General, Community and Redevelopment Plans. The proposed Project does nothing to advance and conflicts with the affordable housing goals and policies. Hence, a General Plan Amendment should be not granted.

Now, after more than two years since that last PLUM hearing was continued, the Applicant is seeking the same requested Entitlements despite the City's recent adoption of the 2021-2029 "**Housing Element**" that identified the site as being available to provide affordable housing per the City's Regional Housing Needs Assessment ("**RHNA**") obligations. Specifically, the Housing Element inventory indicates the site has a base zoning of 36 dwelling units and permitted a maximum of 87 units via bonus zoning incentives for affordable units. (See Fig. 2 below.) For example, as a Tier 3

¹ See First District letter (1/21/21), https://clkrep.lacity.org/online/docs/2018/18-1242_misc_01-21-21.pdf.



Transit Orient Communities (“TOC”) site, this could equate to roughly 8 to 20 additional affordable units (depending on the level of affordability).²

Figure 2: Excerpt Housing Element Appendix 4.1 Inventory for the Project Site.³

	A	B	C	D
1	Appendix 4.1. Inventory of Adequate Sites for Housing			
2	Jurisdiction Name	Site Address/Intersection	5 Digit ZIP Code	Assessor Parcel Number
170418	LOS ANGELES	2009 W JAMES M. WOOD BLVD	90006	5141020021
170419	LOS ANGELES	857 S WESTLAKE AVE	90057	5141020021
170420	LOS ANGELES			5141020021
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To grant the Entitlement to allow a hotel instead of the housing, the City must “make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the [City’s RHNA] requirements” (Gov. Code § 65863(b)(2), emphasis added.) To this end, DCP staff recently issued “Revised Findings,” citing thousands of units purportedly available throughout the entire City. (See Fig. 3 below.) This City metric is an improper comparison (much less substantial evidence) given that Los Angeles is the nation’s second-largest city (approximately 473 square miles)⁴ and purposefully divided into 35 individual CPAs (each serving as the areas General Plan Land Use Element)⁵—including the approximate 1,900-acre Westlake CPA where this Project is located (i.e., 2.96 square miles).⁶ The fact is that the City routinely misses its RHNA goals and needs to prioritize housing at available sites; proposals like this usurp housing opportunities that cause the City to be out of compliance.

² See ZIMAS (indicated site is within Tier 3 TOC incentive area), <http://zimas.lacity.org/?loc=MTMwLTVBMjAzICA2Mgo1MTQxMDIwMDIxClwMDkgMS05IFcgSkFNRMgTS4gV09PRCBCTFZECgo2NDc0MzgWUjU1NTA5NDYyMSwxODQwOTcwLjk0NTAxODAxMzIsNjQ4MDI5My4wNTUwOTQ2MjEsMTg0Mzg3MC45NDUwMTgwMTMyCjEzMC01QTlwMyAgNjI%3D>; see also TOC Guidelines (2/26/18), p. 7 (indicating Tier 3 incentives for residential projects with 10-23% affordable units), <https://planning.lacity.org/odocument/39fae0ef-f41d-49cc-9bd2-4e7a2eb528dd/TOCGuidelines.pdf>.

³ See also Housing Element, Chapter 4, Appendix 4.1 (Table A, Excel lines 170418 – 420 corresponding to APN 5141020021), [https://planning.lacity.org/odocument/f8e2050f-2b3b-4ca3-b793-d9ffcd2fc8d4/Appendix_4.1_-_Housing_Element_Sites_Inventory_\(Table_A\).xlsx](https://planning.lacity.org/odocument/f8e2050f-2b3b-4ca3-b793-d9ffcd2fc8d4/Appendix_4.1_-_Housing_Element_Sites_Inventory_(Table_A).xlsx).

⁴ See <https://planning.lacity.org/plans-policies/general-plan-updates>.

⁵ See <https://planning.lacity.org/plans-policies/community-plans>.

⁶ See Westlake CPA, p. 1-1, https://planning.lacity.org/odocument/b189be15-6f71-43db-8a04-491fdd188729/Westlake_Community_Plan.pdf.

Figure 3: Excerpt Revised Findings on Available RHNA Site (Revised Findings,⁷ p. P-4)

Pursuant to Government Code (GC) Section 65863(b)(2), the City finds that while the proposed project would result in fewer units by income category than those identified in the Inventory of Sites prepared for the 2021-2029 Housing Element, the remaining sites identified in the Housing Element of the General Plan are adequate to meet the requirements of GC Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to GC Section 65584. As of April 1, 2023, the City's remaining RHNA Allocation for the 2021-2029 Planning period is as follows: 112,281 Very Low Income Units, 67,086 Low Income Units, 74,964 Moderate Income Units, and 168,892 Above-Moderate Income Units. As of April 1, 2023, the City has a remaining capacity of 330,056 Very Low Income Units, 332,096 Low Income Units, 63,107 Moderate Income Units, and 907,466 Above-Moderate Income Units. Therefore, the City finds that there are adequate remaining sites in the Housing Element to accommodate the remaining RHNA Allocation for the planning period.

In reality, by granting the Entitlements to permit a hotel instead of housing, the City forgoes 87 much-needed housing units (including 8-20 affordable units), which is significant for the Westlake CPA given that the CPA is relatively overcrowded and has a low potential for producing lower-income units.⁸ The Revised Findings cannot downplay this acute localized impact by relying on purportedly available sites elsewhere in the City far away from this site and the Westlake community.

The City's Revised Findings lack substantial evidence to justify granting the Entitlements. So too, the need for housing in this area of the City has not changed since the former First District unequivocally recommended that PLUM deny the Project's Entitlements. This part of the City needs housing, not more hotels. The City has the legislative discretion to deny the Entitlements—please use that discretion to reject this Project that provides not a single housing unit on a site that the City has identified for much-needed housing.

Sincerely,

LAW OFFICE OF GIDEON KRACOV


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⁷ See https://clkrep.lacity.org/online/docs/2018/18-1242_misc.2-5-23-23.pdf.

⁸ See Housing Element, pp. 97 (Map 1.6), 59 (Map 4.2), [https://planning.lacity.org/odocument/55fdecf6-e185-4910-b690-2df603093d76/2021-2029_Housing_Element_Book_\(Adopted\)_-_Low_Res..pdf](https://planning.lacity.org/odocument/55fdecf6-e185-4910-b690-2df603093d76/2021-2029_Housing_Element_Book_(Adopted)_-_Low_Res..pdf).

