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Ref: 77906-0001

June 12, 2024

**VIA E-MAIL (clerk.plumcommittee@lacity.org)**

Hon. Chair Marqueece Harris-Dawson and

Members of the Planning and Land Use Management Committee

Attention: Candy Rosales, Legislative Assistant

200 North Spring Street, Room 272

Los Angeles, CA 90012

Re: Property Address: 1719-1731 N. Whitley Avenue  
Case No. DIR-2016-4920-SPR; ENV-2016-4921-CE  
Council File 19-1496-S1  
Hearing Date: June 18, 2024

Hon. Chair Harris-Dawson and Hon. Members of the PLUM Committee:

Our office represents the owner of 1719-1731 N. Whitley Avenue (the "Property"), applicant for a by-right hotel development located just steps from the Walk of Fame and Hollywood and Highland (the "Project").

As the City Council's Planning Land Use and Management committee may recall, this is the second time this Project has been approved by the Department of City Planning and the Area Planning Commission ("APC"). Previously, the same project was approved and upheld on appeal by both the APC in 2019 and this committee in 2020. It was later challenged in court by this same appellant. In that case, the court found that – while the substance of the City's Class 32 determination under the California Environmental Quality Act ("CEQA") was technically correct and met all of the necessary requirements – the City erred in considering the City's Housing Element to be "inapplicable" to the City's consistency review of the general plan. To be clear, the court did not find that the project was in fact, inconsistent with the housing element, or that the City is required to make any type of formal findings to prove consistency. Rather, the court simply did not agree that the Housing Element was "inapplicable" for the purposes of this review, and that the City must "weigh[] and balance[] all applicable policies" in making its consistency findings. *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) 93 Cal.App.5th 1074, 1098.

In response to the Court's decision, the City rescinded the prior Project approval and re-approved it with updated findings in compliance with the Court's direction. While the Project itself has not changed, the City's findings approving the Project have been expanded to expressly address the City's Housing Element. Importantly, City Planning found that the "Project site is not located in the Housing Element inventory of sites... for production of affordable housing..." and "was found consistent with all applicable General Plan policies after weighing and balancing the

competing policies." (See Director of Planning Determination, Pg(s). F1-F7.) A litany of other findings concerning the City's Housing Element are also included in the Director of Planning's findings, as well as an exhaustive review of the City's General Plan. (See Director of Planning Determination, pg. F1-F5.) Accordingly, the City has addressed the court's concerns, corrected its error, and re-approved the project consistent with the court's direction.

In the appellants latest appeal, it is once again alleged that the project is not consistent with the Housing Element. This argument, however, fails to cite to any specific Housing Element policy, goal, or objective, to support its argument. The appeal also fails to provide any explanation as to why the Director of Planning's voluminous analysis of the Housing Element and General Plan, and its detailed explanation of the City's weighing and balancing of competing policies, is flawed. The appeal also vaguely argues that "there is no way to determine if the project is exempt" because the project was conditioned to comply with any housing replacement obligation that may be required under state law. This is incorrect. The condition is a regulatory compliance condition that does not change the project.<sup>1</sup> Accordingly, the project is precisely the project described by the Letter of Determination.

Finally, with respect to the other concerns raised by the appeal, a detailed response is attached hereto as **Exhibit A** for the Committee's review. Additionally, a separate letter dated June 12, 2024, has been submitted by EcoTierra Consulting, once again confirming that the Project clearly qualifies for a Class 32 exemption. Accordingly, the record shows that the Director of Planning and the APC properly relied on substantial evidence in the record in finding the Project to be exempt. It should also be noted that the substance of this appeal is also plainly barred by the legal doctrine of res judicata, which precludes the re-litigation of the same cause of action. *Mycogen Corp. v. Monsanto Co.* (2002) 28 Cal.4th 888, 896-97. Res judicata bars the litigation—not only of issues that were actually litigated—but also issues that could have been litigated in the prior action. *Fed'n of Hillside & Canyon Assoc. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1202. Here, all of the issues raised in this appeal were either already litigated, or could have been, and are therefore final and no longer subject to challenge. The law does not permit the appellant to have another bite at the apple to litigate a claim it already litigated.

Accordingly, we urge the City Council to deny the appeal and uphold the Director of Planning and APC's approval of the Project and CEQA findings. Thank you for your consideration.

Very truly yours,



DANIEL FREEDMAN of  
Jeffer Mangels Butler & Mitchell LLP

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<sup>1</sup> Applicant continues to object to this condition as being inapplicable as a matter of law.

June 12, 2024

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CC: Emma Howard, Planning Director, Councilmember Hugo Soto-Martinez.  
Albizael Del Valle, Economic Dev. Deputy, Councilmember Harris-Dawson.  
Jennifer Torres, Planning Deputy, Councilmember Yaroslavsky.  
Nayda Cantabrana, Planning & Land Use Deputy, Councilmember Padilla.  
Hakeem Parke-Davis, Deputy for Planning, Councilmember Hutt.  
Dan Rosales, Planning Director, Councilmember Lee.  
Heather Bleemers, Senior City Planner, Department of City Planning.  
Kathryn C. Phelan, Deputy City Attorney, Office of the City Attorney.  
Vi Thomas, Deputy City Attorney, Office of the City Attorney.  
Marvin Bonilla, Deputy City Attorney, Office of the City Attorney.

# Exhibit A

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10 The CE also ignores the demolition of four potentially historic structures on the project site. These structures are subject to protections from demolition under the Hollywood Heritage Settlement Agreement with City of LA and CRA.

11 We also note that the Environmental Assessment Form for the project is dated 2016 and is likely outdated. The EAF indicates that there will be special events not normally associated with day-to-day operations, but when asked about the number and types of events, merely says "TBD". It's impossible to assess the project's impacts without a clear description of the number and types of events.

The determination letter for the Project approves a Categorical Exemption, citing CEQA Guidelines, Section 15332. But in fact, the guidelines state that a project only qualifies for this exemption if:

(d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

(e) *The site can be adequately served by all required utilities and public services.*

The project will undoubtedly cause significant impacts with regard to....

12 Noise: The insertion of a ten-story hotel in between two residential uses on a block that is largely residential will certainly increase impacts with regard to noise. Again, the EAF's failure to describe the type and number of events makes it impossible to assess actual noise impacts. The determination does not include any reference to the Airrang Senior Apartments are located at 1715 Whitley Ave., directly adjacent to the project site. Noise impacted from the hotel, especially related to special events, are likely to be significant.

Traffic: The traffic study referenced above was prepared in 2017 and cannot be considered an accurate assessment of current traffic impacts. Again, the EAF's failure to describe the type and number of events makes it impossible to assess actual traffic impacts.

Air Quality: We believe the project is likely to result in significant air quality impacts, not least to the residents of the Airrang Senior Apartments next door. Again, the EAF's failure to describe the type and number of events makes it impossible to assess actual air quality impacts.

13 Solid Waste: We also believe the project cannot adequately served by all required utilities and public services, including, but not limited to, solid waste collection and disposal. The project will be served by the RecyclA program, which has never come close to complying with the State requirement that municipalities divert 50% of their solid waste to recycling. In the past the City has argued that this is unimportant, claiming that there is adequate landfill capacity to handle the City's solid waste. However, it has become clear that there are significant, ongoing, unresolved problems at two of the main landfills that the City relies on. These problems are causing significant impacts for residents in the vicinity of Chiquita Canyon and Sunshine Canyon landfills.

13 Continued  
Noxious fumes, contaminated runoff. No easy solution for Chiquita Canyon Landfill woes. LA Times, March 10, 2024  
<https://www.latimes.com/environment/story/2024-03-10/no-easy-solution-for-chiquita-canyon-landfill-woes>

The construction of this hotel project will bring about a significant increase in solid waste. There will also be cumulative impacts with the construction of a number of other hotels in close proximity to the project.

Consistency with General Plan

Housing Element

We have argued before that the project is not consistent with the Housing Element. The condition imposed by the Central APC requiring replacement units could address this problem, however, until LAHD determines the number of required replacement units and the applicant submits a plan to provide these units, there is no way to know if the modified project is consistent with the Housing Element.

Mobility Plan

As we have noted before, the claim that the project will reduce VMT because of its proximity to transit is not supported by the facts. The City of LA has built thousands of new residential and hotel units near transit corridors in Central Hollywood over the past decade, but transit ridership in the Hollywood area has declined significantly over the past decade. In 2010, Hollywood Blvd. between Highland and Vine was served by a number of Metro lines, including the 210, 217, 222, 180 and 780. Ridership has declined to the point where this segment of Hollywood Blvd. is now only served by one Metro bus, the 217. The increased density in development has not produced increased transit ridership, in spite of the City's claims.

Exceptions

We also believe there are exceptions which apply under CEQA Guidelines 15300.2.

(b) *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

There are numerous hotel projects which have been built in Hollywood in recent years, and more which have been approved but are not yet completed:

DREAM HOLL YWOOD, 6417 SELMA completed  
182 hotel rooms with rooftop bar

THOMPSON HOTEL, 1541 WILCOX, completed  
200 hotel rooms, 4,000 sq. ft. restaurant, 1,430 sq. ft. penthouse/restaurant

TOMMIE HOTEL, 6516 SELMA, completed  
212-guest room hotel with guest amenities, and ground-floor and rooftop bars/lounges

1717 WIL COX, under construction  
134-room hotel with a 2,500 sq. ft. ground floor restaurant and a rooftop bar.  
One block away from proposed project.

THE GODFREY, 1400 CAHUENGA, completed  
220 rooms, with two rooftop bars

1850 CHEROKEE  
Former rent-controlled apartment building converted to hotel.

CROSSROADS, approved, not yet built  
This massive project includes a 32-story hotel tower featuring 308 guest rooms.

IVAR GARDENS, approved, not yet built  
21-story hotel on Sunset between Cahuenga and Ivar.

15  
Continued

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Hollywood Heritage has written to the City previously explaining the historic value of the housing at 1719-1731 North Whitley Avenue and has asked for the opportunity to present further evidence of its historic nature. While the CHC declined to list the property as an HCM, this noted local preservation group has argued persuasively that the property needs to be considered again in the context of the neighborhood. An environmental assessment needs to be done to investigate the site's potential historic importance before it is summarily bulldozed.

**Why I Believe the Decision-Maker Erred or Abused Their Discretion**

The decision maker erred and abused their discretion by approving a categorical exemption for this project. The City rescinded the previous CE, but has improperly tried to resuscitate it for the December 2023 re-approval of this project. Since the addition of the condition requiring replacement housing, the City has no way of determining if the project is exempt without knowing how many replacement units are required or how they will be provided. Also, it does not appear that a new Notice of Exemption has been published.

The findings contained in the determination letter are based on an incomplete and inaccurate reading of the General Plan. The decision is not supported by the findings and the findings are not supported by the evidence.

The determination letter states that the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, but in fact, the Project does not meet the criteria set out in this section of the Guidelines. The Project also clearly meets the criteria for some of the exceptions listed under CEQA Guidelines Section 15300.2.

**UNALA RESERVES THE RIGHT TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF THIS APPEAL.**

The appellant's assertions that the City erred and abused its discretion by approving the Categorical Exemption for this Project lack merit because appellant fails to show that the City's determination is not supported by substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (CEQA Guidelines Section 15064[b].) Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence. (CEQA Guidelines Section 15064[a], Public Resources Code § 21082.2.)

Moreover, the majority of the issues raised by the appellant are barred by *res judicata* as exemplified by *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180 ("*Federation*"), under which the court found that a public interest group could not assert new challenges against a project when the group previously had already obtained a writ directing the city to correct the EIR for the same project. Accordingly, the appellant may not re-litigate issues that have already been decided. Nevertheless, we response to each issue raised by the appellant below.

**Response to Comment 1:** The appellant's assertion regarding Categorical Exemption under CEQA Guidelines, Section 15332 is not supported by substantial evidence because appellant's statements regarding impacts associated with noise, traffic, air quality, solid waste, and historical resources, along with statements regarding cumulative impacts, are unsubstantiated and speculative. (See Public Resources Code § 21082.2, substantial evidence does NOT include "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.") The assertion is also barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. As mentioned in page 20 of the Director's Determination, a full analysis and overview of the project's traffic, noise, air quality, and water quality is available in the project's Class 32 justifications. The analysis shows that the project would not result in any significant effects to traffic, noise, air quality, water quality, or historical resources.

**Response to Comment 2:** The City rescinded the Categorical Exemption previously adopted because the court in *United Neighborhoods* ruled that the erred in finding the Housing Element to be "inapplicable" to its consistency review. In the present case the City has now considered the Housing Element in its consistency review. The court's ruling does not bar the City from relying on findings the court otherwise found to be correct and proper. Moreover, any further challenges regarding these findings are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. In addition, LAHD determination of number of replacement units is not a requisite finding for the Categorical Exemption. The Area Planning Commission's condition concerning housing replacement is a regulatory compliance condition, it is not a replacement requirement. The project as approved, and as analyzed by the CEQA determination, does not include any dwelling unit replacements.

**Response to Comment 3:** Appellant's narrative regarding broad impacts of City Planning's actions are irrelevant to this Appeal and require no response. (See Public Resources Code § 21082.2, substantial evidence does NOT include "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.")



**Response to Comment 4:** Appellant's statements and narrative regarding the general living conditions in the City are irrelevant to this Appeal and require no response. (See Public Resources Code § 21082.2, substantial evidence does NOT include " [a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.") The project does not include a request for alcohol service.

**Response to Comment 5:** The appellant asserts that the Project is inconsistent with several General Plan elements without substantial evidence. The Project is consistent with the goals, objective, and policies of the Housing Element and conforms to the General Plan because the Project area is not included in the City's inventory of land suitable for residential development, which City prepared in accordance with its Regional Housing Needs Allocation and in compliance with Affirmatively Furthering Fair Housing (AFFH) requirements. Page 8 in Appendix 4.3 of the 2021-2029 Housing Element notes that the Project Area is subject to a pending Project that is not required to provide housing for the City's compliance with the Housing Element law. Also, as noted in the Findings page F-2, the Housing Element goals, objective objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. Taking into consideration factual circumstances, decision makers will determine how best to implement the adopted policies of the General Plan in any way which best serves the public health, safety, and general welfare. The Project fulfills a number of other General Plan goals, objectives, and policies, including by providing permanent jobs and lodging opportunities in Hollywood, one of the City's most heavily visited areas by tourists, and in a regional center. Appellant's statements regarding impacts of City Planning's outdated General Plan elements are irrelevant to this Appeal and require no response.

**Response to Comment 6:** The appellant's assertion regarding Categorical Exemption under CEQA Guidelines, Section 15332 is not supported by substantial evidence because appellant's conclusory arguments regarding impacts associated with noise, traffic, air quality, solid waste, and historical resources, along with statements regarding cumulative impacts, are unsubstantiated and speculative. (See Public Resources Code § 21082.2, substantial evidence does NOT include " [a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.") The assertion is also barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. As mentioned in page 20 of the Director's Determination, a full analysis and overview of the project's traffic, noise, air quality, and water quality is available in the project's Class 32 justifications. The analysis shows that the project would not result in any significant effects to traffic, noise, air quality, water quality, or historical resources.

**Response to Comment 7:** The City rescinded the Categorical Exemption previously adopted because the court in *United Neighborhoods* ruled that the erred in finding the Housing Element to be "inapplicable" to its consistency review. In the present case the City has considered the Housing Element in its consistency review. The court's ruling does not bar the City from relying on findings the court otherwise found to be correct and proper. Moreover, any further challenges regarding these findings are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180.

**Response to Comment 8:** The condition concerning housing replacement is a regulatory compliance condition, it is not a replacement requirement. The project as approved, and as analyzed by the CEQA determination, does not include any dwelling unit replacements. If state law requires replacement, the project will be modified and a revised CEQA analysis will be required.

**Response to Comment 9:** The appellant's assertions regarding the Hollywood Redevelopment Plan are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. In addition, the appellant fails to cite to which section of the Hollywood Redevelopment Plan the Project is inconsistent with. The proposed hotel project does not contain any residential units and it is not subject to the density limitation of the Hollywood Redevelopment Plan. Furthermore, according to page III-10 of the Findings Supporting a Categorical Exemption, the Project is consistent with applicable redevelopment plan goals. Moreover, the applicable Q condition expressly permits hotel uses at the site.

**Response to Comment 10:** The appellant's assertions regarding historical resources are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. Based on page III-77 of the Findings Supporting a Categorical Exemption, the Project would not result in direct impacts to historical resources because no historical resources were identified on the subject property. The City reasonably relies on substantial evidence in the record in the form of ESA's February 2019, Historic Resources Assessment, included in Appendix C of the City's Findings Supporting a Categorical Exemption.

**Response to Comment 11:** The appellant's assertion regarding the adequacy of the Environmental Assessment Form is based on speculation and is not supported by substantial evidence. (CEQA Guidelines Section 15064[a], Public Resources Code § 21082.2, substantial evidence does NOT include " [a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.")) In addition, this assertion is barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. No aspect of the project has changed with respect to "events."

**Response to Comment 12:** The appellant's assertion regarding Categorical Exemption under CEQA Guidelines, Section 15332 is not supported by substantial evidence because appellant's statements regarding noise, traffic, air quality impacts are unsubstantiated and speculative. (CEQA Guidelines Section 15064[a].) In addition, appellant's assertions are also barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. As mentioned in page 20 of the Director's Determination, A full analysis and overview of the project's traffic, noise, air quality, and water quality is available in the project's Class 32 justifications. The analysis shows that the project would not result in any significant effects to traffic, noise, air quality, or water quality:

- Noise – According to page III-20 of the Findings Supporting a Categorical Exemption, the project would not result in any significant impacts to nearby sensitive receptors including the adjacent senior housing development abutting the subject property to the south.
- Traffic – According to page III-27 of the Findings Supporting a Categorical Exemption, the Project would not result in any significant traffic and transportation impacts.

- Air Quality – Page III-40 of the Findings Supporting a Categorical Exemption, Table III-13, shows that the Project would not result in any significant impacts to nearby sensitive receptors including the adjacent senior housing development abutting the subject property to the south

**Response to Comment 13:** appellant's statements regarding impacts of the City's solid waste management policies are irrelevant to this Appeal and require no response. Moreover, the comment does not provide evidence that the City erred in finding the project to be exempt.

**Response to Comment 14:** The appellant asserts that the Project is inconsistent with the Housing Element and the Mobility Element of the General Plan without substantial evidence. The Project is consistent with the goals, objective, and policies of the Housing Element and conforms to the General Plan because the Project area is not included in the City's inventory of land suitable for residential development, which City prepared in accordance with its Regional Housing Needs Allocation and in compliance with Affirmatively Furthering Fair Housing (AFFH) requirements. Page 8 in Appendix 4.3 of the 2021-2029 Housing Element notes that the Project Area is subject to a pending Project that is not required to provide housing for the City's compliance with the Housing Element law. Also, as noted in the Findings page F-2, the Housing Element goals, objective objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. Taking into consideration factual circumstances, decision makers will determine how best to implement the adopted policies of the General Plan in any way which best serves the public health, safety, and general welfare. The Project fulfills a number of other General Plan goals, objectives, and policies, including by providing permanent jobs and lodging opportunities in Hollywood, one of the City's most heavily visited areas by tourists, and in a regional center. The City's Findings Supporting a Categorical Exemption also conclude, in reliance on substantial evidence, that the project will not have any traffic impacts. (See Appendix A, Traffic Impact Study and LADOT Assessment Letter.) The condition concerning housing replacement is a regulatory compliance condition, it is not a replacement requirement. The project as approved, and as analyzed by the CEQA determination, does not include any dwelling unit replacements. If state law requires replacement, the project will be modified and a revised CEQA analysis will be required. In addition, appellant's assertions are also barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180.

**Response to Comment 15:** The appellant's assertion regarding cumulative impacts is not supported by substantial evidence because appellant's assumptions are unsubstantiated and are not supported by facts or evidence. (CEQA Guidelines Section 15064[a].) The City relies on substantial evidence in the record contained on page III-65-73 of the Findings Supporting a Categorical Exemption, in finding that the project will not result in any significant cumulative impacts. In addition, appellant's assertions are also barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180.

**Response to Comment 16:** The appellant's assertions regarding historical resources are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. Based on page III-77 of the Findings Supporting a Categorical Exemption, the Project would not result in direct impacts to historical resources because no historical resources were identified on the subject property. This finding is supported by substantial evidence in the record. (See ESA's February 2019, Historic Resources Assessment, included in Appendix C of the City's Findings Supporting a Categorical Exemption.)

**Response to Comment 17:** The City rescinded the Categorical Exemption previously adopted because the court in *United Neighborhoods* ruled that the erred in finding the Housing Element to be "inapplicable" to its consistency review. In the present case the City has considered the Housing Element in its consistency review. The court's ruling does not bar the City from relying on findings the court otherwise found to be correct and proper. Moreover, any further challenges regarding these findings are barred by *res judicata* based on *Federation*, 126 Cal.App.4th 1180. The condition concerning housing replacement is a regulatory compliance condition, it is not a replacement requirement. The project as approved, and as analyzed by the CEQA determination, does not include any dwelling unit replacements. If state law requires replacement, the project will be modified and a revised CEQA analysis will be required.

**Response to Comment 18:** The appellant asserts that the Project is inconsistent with several General Plan elements without substantial evidence. The Project is consistent with the goals, objective, and policies of the Housing Element and conforms to the General Plan because the Project area is not included in the City's inventory of land suitable for residential development, which City prepared in accordance with its Regional Housing Needs Allocation and in compliance with Affirmatively Furthering Fair Housing (AFFH) requirements. Page 8 in Appendix 4.3 of the 2021-2029 Housing Element notes that the Project Area is subject to a pending Project that is not required to provide housing for the City's compliance with the Housing Element law. Also, as noted in the Findings page F-2, the Housing Element goals, objective objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. Taking into consideration factual circumstances, decision makers will determine how best to implement the adopted policies of the General Plan in any way which best serves the public health, safety, and general welfare. The Project fulfills a number of other General Plan goals, objectives, and policies, including by providing permanent jobs and lodging opportunities in Hollywood, one of the City's most heavily visited areas by tourists, and in a regional center. Appellant's statements regarding impacts of City Planning's outdated General Plan elements are irrelevant to this Appeal and require no response.

**Response to Comment 19:** Appellant's general argument that the project is not exempt from CEQA is not substantial evidence. ( *See* Public Resources Code § 21082.2, substantial evidence does NOT include " [a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.") Substantial evidence supporting the City's determination that the project is exempt from CEQA may be found in the project determination, the City's Findings Supporting a Categorical Exemption, and other evidence contained in the administrative record.