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(213) 978-1300

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200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
(213) 978-1271

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June 12, 2024

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:

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) APPEAL SUMMARY AND STAFF
RESPONSE, CASE NO. ENV-2016-4921-CE-1A, 1719-1731 North Whitley Avenue; CF 19-
1496-S1**

Project Background

The project involves the demolition of the existing multi-family residential buildings and the construction, use and maintenance of a 10-story, 156-room hotel totaling approximately 99,375 square feet. The proposed building would reach a height of approximately 114 feet at the highest part of the building. Vehicle parking would be provided in three (3) subterranean levels, which would accommodate 122 spaces. The project would provide eight (8) long-term bicycle parking spaces in subterranean parking garage and eight (8) short-term bicycle parking spaces located on the 1st floor off Whitley Avenue. The 1st floor of the hotel would include the hotel lobby, a hotel gift shop, a business center, and a hotel coffee shop / lounge with outdoor seating. The 10th floor/rooftop of the hotel would include a gym and a roof deck with a pool, firepit, and snack bar.

Project Timeline and Litigation Analysis

- On August 1, 2019, the Department of City Planning issued a determination of approval for the proposed project which was subsequently appealed by two aggrieved parties.
- On November 7, 2019, the two appeals were heard and subsequently denied by the Central Area Planning Commission.
- Weeks later, two appeals were filed on the project’s CEQA clearance and were denied and finalized by the City Council on October 20, 2020.
- On November 11, 2020, a lawsuit was filed by United Neighborhoods for Los Angeles (UNLA). The only arguments raised in UNLA’s briefs were related to CEQA.

PLUM Committee
CF 19-1496-S1
Page 2

- On May 27, 2022 the Trial Court issues judgment holding the Class 32 exemption was not supported by the record because the City failed to show the project was consistent with a Housing Element policy calling for retention of affordable housing. The City was required to file a return by January 31, 2024 showing rescission of approvals.
- On December 8, 2023, the Department of City Planning issued a letter to rescind the 2019 approvals and CEQA determination.
- Consistent with the Court requirements, on December 20, 2023, the Department of City Planning issued a new determination with new CEQA findings analyzing consistency with the General Plan in light of applicable Housing Element policies calling for retention of affordable and rent controlled housing units.
- On December 29, 2023 an appeal of the Director's determination to approve the Site Plan Review request was filed by one of the original appellants.
- On April 9, 2024, the Central Area Planning Commission heard and subsequently denied, for a second time, the Site Plan Review appeal.
- On April 24, 2024, the appellant filed a CEQA appeal on the CEQA clearance.

Appeal Summary

The following appeal statements have been compiled and summarized from the submitted appeal and responded to below. In addition, the applicant's environmental consultant has responded to the comments in more detail in the correspondence dated June 12, 2024 and included in the Council File.

1. Appeal Point:

We start by noting that, even though the courts ordered a rescission of the previously approved categorical exemption, CEQA ENV-2016-4921-CE, the current project uses the same case number and the same findings as the original project.

Staff Response:

The City complied with the Court to rescind the 2019 decision and adoption of the Class 32 CEQA clearance. The Court did not find issue with the City's Class 32 but rather found issue with the CEQA finding relating to consistency with applicable plans. As such, the City correctly elected to rescind the previous entitlements and then re-issue the determination letter and CEQA Clearance containing the required updates to the findings of approval. Rescinding a decision and then re-issuing a decision under the same case and CEQA number is a common practice and is a legally sound procedure within the Department. Given that the project remains unchanged from the original 2019 approval, no new analysis is required. As such, the City complied with the Court requirements and with the provisions of CEQA when the Director re-adopted the Class 32 for the project as part of the second approval of the Site Plan Review request.

2. Appeal Point:

We also note that the April 24, 2024 Determination Letter issued by the Central APC includes an additional condition requiring the construction of replacement units for the existing units to be demolished. Condition 18 on page C-3 states:

“Housing replacement - Prior to issuance of a building permit, the owner shall meet with the Los Angeles Housing Department to determine the number of replacement units and relocation assistance, pursuant to AB1218 and any other applicable replacement and relocation requirements.”

We do not understand how the original categorical exemption, which was prepared for a hotel project, can still be valid when the Central APC has conditioned approval on required replacement housing. Until the LAHD determines the number of replacement units required, and until the applicant has submitted a revised project which includes a viable plan to provide the replacement units, there is no way that the City can have determined that the project is exempt from CEQA.

Staff Response:

Should the applicant decide to move forward with a project that contains residential units, as was conditioned by the Area Planning Commission, the project would be re-analyzed under the provisions of CEQA. The applicant may elect not to modify the project and at this time, the Department does not have a revised project to review. As such, the adopted CEQA analysis is proper for the approved project.

3. Appeal Point:

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.

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.

Staff Response:

The Project Site is currently developed with six two-story multi-family residential buildings constructed between 1920 and 1949. Due to the age of the existing buildings, a Historic Resource Assessment was prepared for the Project by Environmental Science Associates (ESA) in February 2019. The subject property was surveyed by Chattel Architecture, in a community-wide survey prepared for the Community Redevelopment Agency in February of 2010. The previous survey identified the buildings on the subject property as not significant for purposes of CEQA; however, they merit consideration in the local planning process (6DQ). The 2010 survey also identified the potential Hollywood North MFR (Multi-Family Residential) Historic District (District). However, the buildings on the subject property were not identified as contributors to the District. In 2015, the subject property was surveyed again as part of SurveyLA's documentation of the Hollywood Community Plan Area (CPA). None of the buildings located on the subject property were identified in the survey findings as individually eligible or as contributors to a historic district. ESA's 2019 analysis of the subject property and buildings located within concurs with the previous survey findings. In summary, the Assessment found that while the property may have some historic value, it does not qualify as a historic resource per CEQA and therefore the proposed project would not result in a significant impact to any historic resource. Furthermore, the appellant has provided no substantial evidence to contradict the conclusions of the Historic Resource Assessment provided.

4. Appeal Point:

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.

Staff Response:

In accordance with CEQA Guidelines Section 15300, the Project together with successive projects must not result in cumulative impacts. The analysis completed for the proposed project demonstrates that the Project would not result in significant impacts associated with traffic, noise, air quality, and water quality. As set forth in the CEQA analysis documents, the Project would not result in impacts that would be cumulatively considerable for these environmental topics, and cumulative impacts for these environmental topics would be less than significant. Based on the above, the Project, together with potential successive projects, would not result in significant cumulative impacts. As such, the exception included in CEQA Guidelines Section 15300.2 (b) does not apply to the Project.

Staff Recommendation and Conclusion

Based on the information in the record and after consideration of the appellant's arguments for appeal, staff recommends that the PLUM Committee recommend for Council Action to deny the submitted CEQA appeal and sustain the Area Planning Commission's determination, based on the whole of the administrative record, that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15332, Article 19 (Class 32), and that there is no substantial evidence demonstrating that an exception to the categorical exemption (ENV-2016-4921-CE) pursuant to CEQA Guidelines Section 15300.2 applies. The Appellant has not met the burden of proof to demonstrate with substantial evidence that the Director of Planning's adoption of the Class 32 Categorical Exemption is incorrect and inappropriate and that any of the exceptions to a categorical exemption applies.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Heather Bleemers
Senior City Planner

VPB:HB

Enclosures
ENV-2019-4921-CE