

**Communication from Public**

**Name:** Casey Maddren/United Neighborhoods for Los Angeles  
**Date Submitted:** 06/16/2024 08:21 PM  
**Council File No:** 19-1496-S1  
**Comments for Public Posting:** UN4LA has reviewed City Planning's June 12 Appeal Summary & Staff Response, as well as the June 12 letter from the applicant's representative, JMBM, and we submit the attached comments to the PLUM Committee in response.

June 16, 2024

Planning & Land Use Management Committee  
Los Angeles City Hall  
200 N. Spring St.  
Los Angeles, CA 90012

Re: 1719 - 1731 N. Whitley Ave.  
ENV-2016-4921-CE-1A  
DIR-2016-4920-SPR; Related Case: DIR-2016-4920-SPR-1A  
Council file No. 19-1496-S1  
**UN4LA Response to JMBM Letter & City Planning Staff Response**

Members of the Planning & Land Use Management Committee,

UN4LA has reviewed City Planning's June 12 Appeal Summary & Staff Response, as well as the June 12 letter from the applicant's representative, JMBM. We are troubled by statements in both documents which are misleading and/or false, and we submit this response to set the record straight.

We first offer a brief summary of our arguments, followed by a more detailed explanation below.

- The project does not qualify for a Class 32 CEQA Exemption, which requires that the project is consistent with "**all** applicable general plan policies". [Emphasis added.] (2023 CEQA Guidelines, Sec. 15332.a) The project is clearly in conflict with the Housing Element;
- CA Gov. Code 66300.6. states: "an affected city or an affected county **shall not approve a development project that will require the demolition of occupied or vacant protected units**, or that is located on a site where protected units were demolished in the previous five years [...]" unless the project will replace all existing protected units and protected units demolished on or after January 1, 2020. [Emphasis added.] CA Gov. Code 66300.6. also requires that "the proponent will ensure that any required **replacement housing is developed prior to or concurrently with the development project.**" [Emphasis added.]
- The applicant is relying on a 2016 CE which is no longer valid;
- City has required an MND for all other recent hotel projects;
- An exception applies under CEQA Guidelines 15300.2(b) due to cumulative impacts.

### **The Project Does Not Qualify for a Class 32 Exemption: Housing Element**

Let's first take a look at the goals set forth in the 2021-2029 Housing Element:

- *Goal 1: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*
- *Goal 2: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*
- *Goal 3: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*
- *Goal 4: A City that fosters racially and socially inclusive neighborhoods and corrects the harms of historic racial, ethnic, and social discrimination of the past and present.*
- *Goal 5: A City that is committed to preventing and ending homelessness.*

The proposed project meets none of these goals, and actively conflicts with three of them:

**Goal 2:** Far from preserving and enhancing the quality of housing, this project erases 40 rent-stabilized units. It erodes housing stability because it involves the eviction of dozens of households.

**Goal 4:** This project actively disrupts an existing racially and socially inclusive neighborhood. The owner has already evicted a number of low-income Latino tenants in anticipation of demolishing the building. Some of these tenants testified at the October 22, 2019 meeting of the Central Los Angeles Area Planning Commission. The audio recording of the meeting can be heard by clicking on the link below. Beginning at 43:00 minutes, listeners can hear tenants Juana Toledo, Rosa Garcia, Sofia Ruiz, Beatriz Peralta and others talk about the challenges that their pending evictions create for them. They speak of the difficulty of finding new housing that they can afford. They also speak of the difficulty of moving away from transit lines that they use to get to work.

Audio Recording, Central Los Angeles Area Planning Commission, October 22, 2019  
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**Goal 5:** Far from showing a commitment to preventing and ending homelessness, approval of this project shows a callous disregard for the difficulties experienced by low-income families in finding housing they can afford. The approval of a hotel project which will result in the displacement of low-income Latino families, who have testified about the difficulty of finding new housing they can afford, goes a long way toward explaining the reasons for the City of LA's ongoing homelessness crisis.

The letter from JMBM dated June 12, 2024 stated on page 2:

*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.*

While we have previously given specific examples of how the project is in conflict with the Housing Element, here we believe it's more useful to cite the April 24, 2024 determination letter from the Central APC, which states on page 8:

*The current Housing Element includes goals, objectives, and policies related to preservation of affordable housing, including but not limited to the following that would be relevant to the Project's proposed demolition of the 40 rent stabilized units.*

#### **GOAL 2**

*A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*

#### **Objective 2.1:**

*Strengthen renter protections, prevent displacement and increase the stock of affordable housing. [Note, "affordable housing" is defined to include rent stabilized units.]*

#### **Policies**

*2.1.1: Incentivize and/or require the preservation and replacement of affordable housing, so demolitions and conversions do not result in the net loss of the City's stock of accessible, safe, healthy and affordable housing.*

#### **Objective 2.3:**

*Preserve, conserve and improve the quality of housing.*

#### **Policies**

*2.3.1: Enforce and facilitate the maintenance of existing housing in decent, safe and healthy conditions.*

*While the Project does not meet or fulfill the above goals, objectives, and policies because it demolishes 40 rent-controlled units to construct a 156-room hotel, as discussed in the Project findings found in the Project file, the Project fulfills a number of other General Plan goals, objectives, and policies [....] [Emphasis added.]*

Please note that here City Planning clearly states that "the Project does not meet or fulfill the above goals, objectives and policies" cited from the Housing Element. Here

City Planning provides evidence that the project is not consistent with specific goals, objectives and policies of the Housing Element. And because a Class 32 exemption requires consistency with all applicable general plan policies, it's clear that the project does not qualify for this exemption.

In its June 12 letter, JMBM cites the December 20, 2023 Director of Planning Determination and asserts the following:

*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. [...]" Accordingly, the City has addressed the court's concerns, corrected its error, and re-approved the project consistent with the court's direction.*

Here it seems useful to offer the full paragraph from page 19 of the Director's Determination which JMBM quotes in part:

*Finally, the Project site is not located in the Housing Element inventory of sites or rezoning sites for production of affordable housing. Therefore, the Project site is not inconsistent with any of the 2021-2029 Housing Element goals, objectives, or policies related to the production of affordable housing, including but not limited to Goal 1, Objectives 1.1 and 1.2 and related policies.*

It is irrelevant that the project site is not located in Housing Element inventory of sites for production of affordable housing. As shown in the goals cited above, the Housing Element addresses a range of issues related to housing, including displacement, preservation, equity and inclusivity. The Director states earlier on the same page that the project does not meet or fulfill Goal 2, Objective 2.1, Policy 2.1.1, Objective 2.3, and Policy 2.3.1 of the Housing Element. In finding that "the Project site is not inconsistent with any of the 2021-2029 Housing Element goals, objectives, or policies related to the production of affordable housing", the Director focusses narrowly on one aspect of the Housing Element. In reality, the Housing Element is about much more than affordable housing.

JMBM errs by building on the Director's flawed logic to assert that the project "was found consistent with all applicable General Plan policies after weighing and balancing the competing policies. [...]" Continuing with this flawed line of reasoning, JMBM blithely concludes that, "Accordingly, the City has addressed the court's concerns, corrected its error, and re-approved the project consistent with the court's direction."

In reality, the City has not addressed the court's concerns, has not corrected its error, and has not re-approved the project consistent with the court's direction. The Director

has used a confused and misleading line of reasoning to falsely assert that the project is consistent with the Housing Element.

As shown above, the project is not consistent with the Housing Element, and both the Director and the Central APC have cited goals, policies and objectives that the project does not meet or fulfill. Furthermore, in the analysis of the Housing Element goals we have presented above, it is clear that the project is in active conflict with some of these goals.

Because the project is not consistent with the Housing Element, it does not meet the Class 32 requirement that the project be consistent with “all applicable general plan policies”.

### **CA Gov. Code 66300.6 Prohibits Approval without Replacement Housing**

State law, AB 1218/CA Gov. Code 66300.6., requires that the applicant build replacement housing prior to or concurrent with the construction of the proposed hotel. This is not optional and can't be deferred. Because State law requires the construction of replacement housing, and because the Central APC added a condition which reflects this, the hotel project can't be considered separately from mandated replacement housing, and can't be assessed under CEQA until the applicant submits an application for replacement housing.

CA Gov. Code 66300.6.(b)(2)(B) states:

*If the project is not a housing development project, the proponent will ensure that any required replacement housing is developed prior to or concurrently with the development project. The required replacement housing may be located on a site other than the project site but shall be located within the same jurisdiction. The project proponent may contract with another entity to develop the required replacement housing.*

So far, we have seen no proposal for replacement housing in the case file, and far from “ensur[ing] that any required replacement housing is developed prior to or concurrently with the development project”, JMBM's June 12 letter indicates that the applicant still doubts whether any replacement housing is needed.

Even if the applicant had submitted a proposal, it would still need to be reviewed for its consistency with applicable laws, including environmental review under CEQA. Because CA Gov. Code 66300.6.(b)(2)(B) requires that “the proponent will ensure that any required replacement housing is developed prior to or concurrently with the development project,” it is the applicant's responsibility to propose a project that will be approved and built. With no such project on the table, the City must adhere to law's

mandate that a city “shall not approve a development project that will require the demolition of occupied or vacant protected units” unless the applicant ensures that replacement housing will be built.

**The Applicant Is Relying on a 2016 CE Which Is No Longer Valid**

The applicant is relying on a 2016 CE which is invalid due to the passage of time. The context has changed considerably due to the completion of a number of new projects in the vicinity. First, we offer a list of residential projects within 1,500 feet of the project site that have been approved and/or completed since 2016:

<i>NAME</i>	<i>ADDRESS</i>	<i>UNITS</i>	<i>STATUS</i>
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<b><i>TOTAL APTS.</i></b>		<b><i>680</i></b>	

Next, we offer a list of hotel projects within 1,500 feet of the project site that have been approved and/or completed since 2016:

<i>NAME</i>	<i>ADDRESS</i>	<i>ROOMS</i>	<i>STATUS</i>
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<b><i>TOTAL HOTEL ROOMS</i></b>		<b><i>728</i></b>	

From the lists above, we see that 680 new residential units and 728 hotel rooms have been approved and/or completed since the categorical exemption for 1719 Whitley was approved in 2016.

Furthermore, we note that transit service has been reduced drastically since the 2016 CE. The February 2017 Traffic Impact Study Completed for the project lists the following Metro lines as serving the project area:

- Metro Red Line
- Metro Rapid Bus 780
- Metro Local 2/302
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Of the nine lines listed, only the following five still serve the project area.

- Metro Red Line
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The June 2024 update of the traffic analysis by Hirsch Green, which was required to address the shift from analyzing LOS to VMT, makes no mention of the significant reduction in transit service since the 2017 Traffic Impact Study was completed.

Based on the above, it should be clear that there have been significant changes to the area surrounding the project site since the 2016 CE was published. Within 1,500 feet of the project site, 680 new apartments have been approved and/or completed, and 728 hotel rooms have been approved and/or completed. Furthermore, there has been a significant reduction in transit service to the area surrounding the project.

City Planning must undertake a new assessment to determine what level of environmental review is appropriate.

### **City Has Required an MND for All Other Recent Hotel Projects in the Area**

The use of a categorical exemption shows that the City's environmental review process for this project is inconsistent with other similar hotel projects in the immediate area. We note that City Planning required a Mitigated Negative Declaration for all other hotel projects approved and/or constructed within 1,500 feet of the project site within the last 20 years.

*Dream Hollywood, 6417 Selma, 182 rooms, ENV-2007-3932-MND*  
*Thompson Hotel, 1541 Wilcox, 200 rooms, ENV-2014-3707-MND*  
*tommie hotel, 6516 Selma, 212 rooms, ENV-2016-4313-MND*  
*Whiskey Hotel, 1717 Wilcox, 134 rooms, ENV-2016-2264-MND*

Please note that, while the project proposed for 1719 Whitley contains 156 hotel rooms, even the smaller Whiskey Hotel at 1717 Wilcox was required to complete an MND. Environmental review for all of these other projects found potentially significant impacts which required mitigation to reduce impacts to less than significant. The use of a CE for 1719 Whitley shows that the City is using different standards for this project that are

inconsistent with the environmental review process that has been routinely used for similar recent hotel projects in the project area.

**An Exception Applies under CEQA Guidelines 15300.2(b), Cumulative Impacts**

As shown above, since the project was proposed, four new hotels have been completed or are nearing completion within 1,500 feet of the project site, adding a total of 728 new hotel rooms. The project is ineligible for a CE under CEQA Guidelines 15300.2.(b), Exceptions:

*(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.*

UN4LA's appeal before the PLUM Committee is related to the use of a categorical exemption for this project. We have demonstrated above that: 1) The project is inconsistent with the Housing Element, and therefore is not eligible for a Class 32 exemption; 2) That the 2016 CE is outdated, and that there have been significant changes in the surrounding context with regard to housing, hotels and transit; and 3) That an exception applies, since four other hotels have been built or are nearing completion within 1,500 feet of the project site since 2016.

We also ask that, rather than relying on the questionable narrative put forward in JMBM's letter, the members of the PLUM Committee simply review CA Gov. Code 66300.6 to ascertain for themselves what the law requires.

Thank you for giving these matters your consideration.

Sincerely,  
Casey Maddren, President  
United Neighborhoods for Los Angeles

## Communication from Public

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**Date Submitted:** 06/16/2024 08:46 PM  
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Furthermore, we note that transit service has been reduced drastically since the 2016 CE. The February 2017 Traffic Impact Study Completed for the project lists the following Metro lines as serving the project area:

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### **City Has Required an MND for All Other Recent Hotel Projects in the Area**

The use of a categorical exemption shows that the City's environmental review process for this project is inconsistent with other similar hotel projects in the immediate area. We note that City Planning required a Mitigated Negative Declaration for all other hotel projects approved and/or constructed within 1,500 feet of the project site within the last 20 years.

*Dream Hollywood, 6417 Selma, 182 rooms, ENV-2007-3932-MND*  
*Thompson Hotel, 1541 Wilcox, 200 rooms, ENV-2014-3707-MND*  
*tommie hotel, 6516 Selma, 212 rooms, ENV-2016-4313-MND*  
*Whiskey Hotel, 1717 Wilcox, 134 rooms, ENV-2016-2264-MND*

Please note that, while the project proposed for 1719 Whitley contains 156 hotel rooms, even the smaller Whiskey Hotel at 1717 Wilcox was required to complete an MND. Environmental review for all of these other projects found potentially significant impacts which required mitigation to reduce impacts to less than significant. The use of a CE for 1719 Whitley shows that the City is using different standards for this project that are

inconsistent with the environmental review process that has been routinely used for similar recent hotel projects in the project area.

**An Exception Applies under CEQA Guidelines 15300.2(b), Cumulative Impacts**

As shown above, since the project was proposed, four new hotels have been completed or are nearing completion within 1,500 feet of the project site, adding a total of 728 new hotel rooms. The project is ineligible for a CE under CEQA Guidelines 15300.2.(b), Exceptions:

*(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.*

UN4LA's appeal before the PLUM Committee is related to the use of a categorical exemption for this project. We have demonstrated above that: 1) The project is inconsistent with the Housing Element, and therefore is not eligible for a Class 32 exemption; 2) That the 2016 CE is outdated, and that there have been significant changes in the surrounding context with regard to housing, hotels and transit; and 3) That an exception applies, since four other hotels have been built or are nearing completion within 1,500 feet of the project site since 2016.

We also ask that, rather than relying on the questionable narrative put forward in JMBM's letter, the members of the PLUM Committee simply review CA Gov. Code 66300.6 to ascertain for themselves what the law requires.

Thank you for giving these matters your consideration.

Sincerely,  
Casey Maddren, President  
United Neighborhoods for Los Angeles