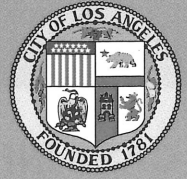


APPLICATIONS

APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist



RELATED CODE SECTIONS

The Los Angeles Municipal Code (LAMC) Section 13B.11.F. of Chapter 1A (Ordinance No. 186,338) establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

PURPOSE

A CEQA determination can only be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

GENERAL INFORMATION

Appealable CEQA determinations:

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Sustainable Exemption (SE)

Non-appealable CEQA determinations:

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to CEQA Guidelines Section 15162
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to LAMC Section 197.01.

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council. Persons affiliated with a CNC may only file as an individual on behalf of self.

CASE INFORMATION

Environmental Case Number: ENV-2016-4921-CE

Related Entitlement Case Number(s): DIR-2016-4920-SPR

Project Address: 1719 – 1731 North Whitley Avenue

Date of Final Entitlement Determination: April 24, 2024

The CEQA Clearance being appealed is a(n):

☐ EIR ☐ SCEA ☐ MND ☐ ND ☒ CE ☐ SE

APPELLANT

Check all that apply.

☐ Representative ☐ Property Owner ☒ Other Person
☐ Applicant ☐ Operator of the Use/Site

APPELLANT INFORMATION

Appellant Name: Casey Maddren

Company/Organization: United Neighborhoods for Los Angeles (UN4LA)

Mailing Address: 2141 Cahuenga Blvd., Apt. 17

City: Los Angeles State: CA Zip Code: 90068

Telephone: 818 891-4781 E-mail: cmaddren@gmail.com

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☐ Self ☒ Other: United Neighborhoods for Los Angeles (UN4LA)

Is the appeal being filed to support the original applicant's position?

☐ YES ☒ NO

REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

Appellant Signature:  Date: April 24, 2024

GENERAL NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \$166 Date : 04/25/2024

Reviewed & Accepted by (DSC Planner): Ruben Vasquez

Receipt No.: 200081875139 Date : 04/24/2024

Deemed Complete by (Project Planner): _____

ENVIRONMENTAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

Note: City Clerk prepares the mailing list for CEQA appeals per LAMC Section 11.5.13 E of Chapter 1.

APPEAL DOCUMENTS

1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Environmental Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Letter of Determination (LOD), from the final appellate body, which must be a non-elected decision-making body

2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., "Appeal Form", "Justification/Reason Statement", or "Original Determination Letter"). No file should exceed 70 MB in size.

3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) of Chapter 1, or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.

1719-1731 North Whitley Avenue

APPEAL JUSTIFICATION

APRIL 2024

**CEQA: ENV-2016-4921-CE
DIR-2016-4920-SPR**

The Reason for the Appeal

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.

Pursuant to a court order, the City rescinded the categorical exemption previously adopted, but the City has improperly used the same CE for the revived project. Also, because the Central APC conditioned approval on the construction of replacement units, there is no way to determine if the project is exempt until LAHD has determined the number of replacement units and the developer has submitted a revised project.

UN4LA RESERVES THE RIGHT TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF THIS APPEAL.

How I Am Aggrieved by the Decision

Members of UN4LA live, work and recreate in the Hollywood area, and we continue to be impacted by the LA Department of City Planning's (LADCP) failed approach to planning in general and housing in particular. While it's unclear how many displaced tenants end up living on the street, we have seen the homeless population in Hollywood grow substantially larger as the LADCP continues to approve projects which result in the removal of RSO housing.

We are also aggrieved by the area's poor air quality, increasing congestion, increasing noise pollution, the ongoing erasure of historic resources, and LADCP's reckless approval of liquor permits which has resulted in an oversaturation of ABC locations in the Hollywood area. While the application does not include a request to serve alcohol, we believe the applicant will follow the practice of other hotel projects in the area by deferring this request until the project is close to completion.

Specifically, the current project is not consistent with the Housing Element or the Mobility Element. In general, we are troubled by LADCP's claim that the project is consistent with the General Plan when so many of the General Plan Elements have not been updated for decades. The Noise Element was last updated in 1999. The Air Quality Element was last updated in 1992. The most recent updates to the Infrastructure Systems Element and the Public Facilities & Services Element took place between 1968

and 1980. Los Angeles has gone through substantial changes in the intervening years, and we do not believe that claims of consistency with General Plan Elements that haven't been updated in decades are valid given the current context, or that they comply with the law. We're especially concerned about claims of consistency with the Elements which deal with Water, Power, Sewerage and "Refuse Disposal".

Specific Points at Issue

UN4LA maintains that the findings for the CEQA Exemption are inadequate, inaccurate and/or incomplete. The determination is not supported by the findings, and the findings are not supported by the evidence.

CEQA ISSUES

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. The December 8, 2023 Letter to Rescind Determination from LA City Planning refers to the June 22, 2022 trial court writ which ordered the City to set aside the determination in Case nos. DIR-2016-4920-SPR and CEQA ENV-2016-4921-CE. The Letter to Rescind Determination states:

"As such, the August 1, 2019 determination letter and the Categorical Exemption are hereby set aside and rescinded."

Yet the revived project uses the same case number and the same findings. Also, it does not appear that a new Notice of Exemption has been filed.

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.

The director's determination does not adequately demonstrate that the project complies with current "D" or "Q" Conditions and with the Hollywood Redevelopment Plan. The Hollywood Community Plan currently in force and the Redevelopment Plan both have specific conditions applying to this area north of Hollywood Blvd. Now City of LA is responsible for implementing the Redevelopment Plan. The analysis prepared for the CE does not adequately analyze these issues.

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.

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....

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 Arirang 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 Arirang 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.

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.

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 HOLLYWOOD, 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 WILCOX, 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.*

(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.

UN4LA RESERVES THE RIGHT TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF THIS APPEAL.



CENTRAL AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: APRIL 24, 2024

Case No.: DIR-2016-4920-SPR-1A

CEQA: ENV-2016-4921-CE

Plan Area: Hollywood

Council District: 13 – Soto-Martinez

Project Site: 1719 – 1731 North Whitley Avenue

Applicant: Fairborz Moshfegh, Whitley Apartments, LLC
Representative: Matthew Hayden, Hayden Planning

Appellant: Casey Maddren, United Neighborhoods for Los Angeles (UN4LA)

At its meeting of **April 9, 2024**, the Central Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following Project:

Demolition of six existing structures with 40 dwelling units and the construction, use, and maintenance of a 10-story, 156-room hotel with 122 automobile parking spaces.

1. **Determined**, based on the whole of the administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15332 (Class 32), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** the appeal in part and **granted** the appeal in part, **sustained** the Director of Planning's Determination dated December 20, 2023;
3. **Conditionally Approved**, pursuant to Section 16.05 of the Los Angeles Municipal Code, a Site Plan Review for a development project which results in an increase of 50 or more guest rooms;
4. **Adopted** the attached Modified Conditions of Approval; and
5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Kang
Second: Geaga
Ayes: Lawrence
Nay: Stromberg
Absent: DelGado

Vote: 3 – 1

Cecilia Lamas, Commission Executive Assistant II
Central Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Central Area Planning Commission is not further appealable and shall become final upon the mailing of this determination letter.

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings, Appeal Filing Procedures (CEQA)

cc: Heather Bleemers, Senior City Planner

CONDITIONS OF APPROVAL

(As Modified by the Central Area Planning Commission at its meeting on April 9, 2024)

1. **Site Plan.** The use and development of the subject property shall be in substantial conformance with the site plan, and elevations labeled Exhibit "A" attached to the subject case file. The location, type, and size of signage is not a part of this approval. Minor deviations may be allowed in order to comply with provisions of the LAMC and the conditions of approval.
2. **Guest Rooms.** The hotel shall be limited to a maximum of 156 guest rooms.
3. **Hotel Facilities/Amenities.**
 - a. **Ground Floor.** A hotel gift shop, a business center, and a hotel coffee shop/lounge with outdoor seating shall be permitted on the ground floor and, with the exception of the hotel gift shop, shall only be opened to hotel guests.
 - b. **10th Floor/Rooftop.** A gym and a roof deck with a pool, firepit, and snack bar shall be permitted on the 10th Floor/Rooftop and shall only be opened to hotel guests. Use of the rooftop deck shall be limited to the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:00 a.m. (midnight), Friday and Saturday.
4. **Westerly Façade Design.** Submit a revised Western Elevation showing enhancements to the façade to provide similar detailing as to the front and side elevations, including but not limited to:
 - a. **Windows.** The westerly façade shall include a minimum of 49.5 square feet of window opening for each guest room. The window opening(s) may be in the form of one (1) opening or multiple openings. The windows shall include architectural treatments, such as awnings above, or Juliet balconies, to provide visual interest to the window feature.
 - b. **Articulation.** The westerly façade shall provide a minimum 6-inch offset/plane break for every 20 feet of horizontal distance, for the entire height of the building.
5. **Vehicular Parking.** All vehicular parking shall be provided in conformance with the LAMC.
6. **Vehicular Access.** All vehicular access shall be limited to a two-way, 20-foot wide driveway off of Whitley Avenue.
7. **Bicycle Parking.** All bicycle parking shall be provided in conformance with the bicycle parking requirements of the LAMC.
8. **Landscaping.**
 - a. Submit a 10th Floor/Rooftop Landscape Plan, and a revised 10th Floor/Rooftop Floor Plan, showing a minimum of 25% of the open space area as landscaped with a variety of shrubs and trees.
 - b. All planters containing trees shall have a minimum depth of 48 inches (48"), including those located on the rooftop and along the Whitley Avenue frontage.

- c. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a licensed Landscape Architect and to the satisfaction of the decision maker.
9. **Trash.** Trash and recycling receptacles shall be located within the building or a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building and screened with landscaping, so as not to be viewed from public right-of way or adjacent residences.
10. **Deliveries.** Deliveries to and from the property shall occur no earlier than 7 a.m., nor later than 8 p.m., Monday through Friday, and no earlier than 10 a.m., nor later than 4 p.m., on Saturdays and Sundays.
11. **Security.** Security grilles and roll-down doors shall not be permitted.
12. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source does not illuminate adjacent residential properties or the public right-of-way, nor the above night skies.
13. **Signage.** On-site signs shall be limited to the maximum allowable under the Municipal Code.
14. **Solar Panels.** Solar panels shall be installed on the project's rooftop space to be connected to the building's electrical system. A minimum 15% of the gross roof area shall be reserved for the installation of a solar photovoltaic system, to be installed prior to the issuance of a certificate of occupancy, in substantial conformance with the plans stamped "Exhibit A".
15. **Electric Vehicle Parking.** The project shall include at least twenty percent (20%) of the total parking spaces provided for all types of parking facilities, but in no case less than one location, shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Of the 20% EV Ready, five (5) percent of the total parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the 20% or 5% results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
16. **Ellis Act Relocation Assistance.** Owner shall comply with LAMC Sections 151.22 through 151.28, and any other applicable state or local law, by providing all existing units proposed to be demolished with relocation assistance, notice, and fees consistent with the Relocation Assistance Amounts as specified by law and/or the Los Angeles Housing & Community Investment Department ("HCID").
17. That the applicant execute and record a Covenant and Agreement (Planning Department General Form CP-6770) in a form satisfactory to the Director of City Planning binding the applicant and any successor in interest to provide tenant relocation assistance and establish

a relocation program in a manner consistent with LAMC Section 47.07 relating to demolition. The covenant and agreement shall be executed and recorded within 10 days after the expiration of the appeal period (and final action thereon) and a copy provided to each eligible tenant within five days of recordation of the covenant and agreement.

18. **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.

Administrative Conditions

19. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
20. **Code Compliance.** Use, area, height, and area regulations of the zone classification(s) of the subject property shall be complied with, except where granted conditions differ herein.
21. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
22. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices legislation or their successors, designees, or amendments to any legislation.
23. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
24. **Building Plans.** Page 1 of this grant and all conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
25. **Utilization of Concurrent Entitlement.** Site Plan Review requires completion of all applicable conditions of approval to the satisfaction of the Department of City Planning. The applicant/owner shall have a period of three years from the effective date of the subject grant for the Site Plan Review to effectuate the terms of this entitlement by securing a building permit. Thereafter, the entitlements shall be deemed terminated and the property owner shall be required to secure a new authorization for the use. If a building permit is obtained during this period, but subsequently expires, this determination shall expire with the building permit.

26. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers' opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
27. **Expedited Processing Section Fees.** Prior to the clearance of any conditions, the applicant shall show proof that all fees have been paid to the Department of City Planning, Expedited Processing Section.
28. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably

cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

I have reviewed the subject development project and hereby find the following findings based on the information contained in the application, the report of the Site Plan Review staff, reports received from other departments, supplemental written documents submitted and review of environmental impacts associated with the project pursuant to Section 16.05-C of the Municipal Code:

1. **The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and does not conflict with any applicable regulations, standards, and any applicable specific plan.**

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of code requirements of the Los Angeles Municipal Code. The project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code.

The Hollywood Community Plan designates the subject property for High Density Residential land uses, corresponding to the [Q]R5 and R5 Zones. The property is zoned [Q]R5-2. The Project site has a “Regional Center” land use designation which is defined by the Hollywood Community Plan as a “focal point of regional commerce, identity, and activity...” For the area to function as a commercial and entertainment center for the entire region, the Hollywood Community Plan promotes high-intensity development. The property is not located within any Specific Plans or supplement Use District. The project is in substantial conformance with the following Goals, Objectives and Policies of the General Plan Elements and Hollywood Community Plan:

The **2021-2029 Housing Element** for the General Plan (Housing Element) was adopted by the City of Los Angeles in November 24, 2021. The Housing Element is one of the eight State-mandated elements of the General Plan and identifies the City’s housing conditions and needs, establishes the goals, objectives, policies, and programs that are the foundation of the City’s housing strategy, including the project site. The Housing Element includes the following, goals, objectives, and policies relevant to the instant request:

The City’s Housing Element was updated in 2021 and the current Housing Element is the 2021-2029 Housing Element. 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, 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 Housing Element goals, objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. Specifically, the Housing Element provides the following:

Not all plan policies can be achieved in any single action, and, in relation to any decision, some goals may be more compelling than others. On a program-by-program basis, 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. (p. 243.)

Substantially the same language is found in the 2013-2021 Housing Element (pg. 6-4.) As such, regardless whether, the Project is found to be consistent with the applicable General Plan policies, notwithstanding the Project not fulfilling the 2013-2021 Housing Element and 2021-2029 Housing Element goals, objectives and policies related to the preservation of rent controlled "affordable housing."

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.

- a. The **Framework Element** for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic

development, transportation, infrastructure, and public services. The Framework Element includes the following goals, objectives and policies relevant to the instant request:

Goal 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more liveable city.

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram and Table 3-1 (Land Use Standards and Typical Development Characteristics).

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Policy 3.2.1: Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community-oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.4.1: Conserve existing stable residential neighborhoods and lower-intensity commercial districts and encourage the majority of new commercial and mixed-use (integrated commercial and residential) development to be located (a) in a network of neighborhood districts, community, regional, and downtown centers, (b) in proximity to rail and bus transit stations and corridors, and (c) along the City's major boulevards, referred to as districts, centers, and mixed-use boulevards, in accordance with the Framework Long-Range Land Use Diagram.

The project will contribute toward and facilitate the City's long-term fiscal and economic viability by adding 156 short-term, overnight hotel rooms within Hollywood's commercial and entertainment core for visitors and tourists. The project's proximity to the Metro Red Line, the Metro Rapid 780 Line, and other transit connections, will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution; and its location

within an existing, high-intensity commercial district will enable the city to conserve nearby existing stable residential neighborhoods and lower-intensity commercial districts.

Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 (Land Use Standards and Typical Development Characteristics) and 3-6 (Land Use Designation and Corresponding Zones). Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.10.3: Promote the development of high-activity areas in appropriate locations that are designed to induce pedestrian activity, in accordance with Pedestrian-Oriented District Policies, and provide adequate transitions with adjacent residential uses at the edges of the centers.

The proposed hotel will create new permanent jobs within Hollywood's commercial and entertainment core while providing additional lodging options for visitors and tourists to this popular destination. The project's design, including ground floor treatment, will encourage pedestrian activity and its location, toward the northern boundary of the Hollywood Center, will provide an appropriate buffer between the more intense uses within the Hollywood Center and the residential neighborhood north of Franklin Avenue, to the north. Additionally, the project has been conditioned to provide enhanced design along the western façade to ensure the project's compatibility with the surrounding properties.

Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Objective 5.2: Encourage future development in centers and in nodes along corridors that are served by transit and are already functioning as centers for the surrounding neighborhoods, the community or the region.

Policy 5.2.2: Encourage the development of centers, districts, and selected corridor/boulevard nodes such that the land uses, scale, and built form allowed and/or encouraged within these areas allow them to function as centers and support transit use, both in daytime and nighttime. Additionally, develop these areas so that they are compatible with surrounding neighborhoods.

The project will support Hollywood's commercial and entertainment core by providing additional short-term overnight accommodations, as well as enhancing the urban environment, encouraging daytime and nighttime pedestrian activity within a highly active

commercial district through pedestrian-friendly design. Furthermore, the project's proximity to the Metro Red Line, the Metro Rapid 780 Line and other transit connections enable the project to function at both the local and region scale.

- b. **Land Use Element - Hollywood Community Plan.** The Community Plan text includes the following relevant land use objectives and policy:

Objective 1: To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.

Objective 4: To promote economic well-being and public convenience through: a) allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

Policy: The focal point of the Community is the Hollywood Center located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street... This center area shall function 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.

The proposed project is the redevelopment of a large parcel of land within the Hollywood Center with a hotel use that will result in a demand for local workers and local goods and services. The project also promotes economic well-being and public convenience by providing short-term, overnight accommodations within proximity to many of Hollywood's entertainment-based tourist attractions while being within proximity to the Metro Red Line, providing access to North Hollywood, Universal Studios, Downtown Los Angeles and beyond.

Therefore, the project is consistent with the Hollywood Community Plan in that the project will implement the abovementioned, objectives and policy of the Plan.

- c. The **Mobility Element** of the General Plan (Mobility Plan 2035) is not likely to be affected by the recommended action herein. Whitley Avenue, abutting the property to the east, is a Local Street dedicated to a width of 60 feet and is improved with asphalt roadway and concrete curb, gutter and sidewalk. Whitley 9 Avenue is not included in any of Mobility Plan 2035's "Enhanced" Networks (i.e. the Bicycle Enhanced Network, the Transit Enhanced Network, the Neighborhood Enhanced Network and the Vehicle Enhanced Network). Nevertheless, the project as designed and conditioned meets the following policies of Mobility Plan 2035:

Policy 2.3: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.10: Facilitate the provision of adequate on and off-street loading areas.

The project's design, including the hotel lobby and gift located along the building's street frontage will encourage daytime and nighttime pedestrian activity within a highly active commercial district through pedestrian-friendly design.

Policy 3.1: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.

Policy 3.4: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.8: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

The project's proximity to the Metro Red Line, the Metro Rapid 780 Line and other transit connections will reduce vehicular trips to and from the project, vehicle miles traveled, and improve air pollution.

In addition, the project will provide Code-required bicycle parking thereby supporting "first-mile, last-mile solutions", enabling workers, hotel guests and patrons of the restaurants' improved access to the project.

Policy 5.4: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As conditioned, a minimum of 20% of all parking spaces will be installed as electric vehicle-ready.

Lastly, the Department of Transportation submitted a Traffic Impact Assessment of the proposed project dated March 9, 2017 that determined the impact of the trips generated from the project will be less than significant.

Therefore, the proposed project is consistent with goals, objectives and policies of the Mobility Plan 2035.

- d. The **Air Quality Element** of the General Plan will be implemented by the recommended action herein. The Air Quality Element sets forth the goals, objectives and policies which will guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element recognizes that air quality strategies must be integrated into land use decisions and represent the City's effort to achieve consistency with regional Air Quality, Growth Management, Mobility and Congestion Management Plans. The Air Quality Element includes the following Goal and Objective relevant to the instant request:

Goal 5: Energy efficiency through land use and transportation planning, the use of renewable resources and less polluting fuels, and the implementation of

conservation measures including passive methods such as site orientation and tree planting.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of City facilities and private developments.

As conditioned, the project will use either plug-in electric or solar powered power generators during construction and will reserve a minimum 15% of the gross roof area for the installation of a solar photovoltaic system.

- e. The **Sewerage Facilities Element** of the General Plan will not be affected by the recommended action. While the sewer system might be able to accommodate the total flows for the proposed project, further detailed gauging and evaluation may be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

The project was found consistent with all applicable General Plan policies after weighing and balancing the competing policies in the General Plan, specifically, those goals, objectives, policies, and programs in the Framework Element, the 2021-2029 Housing Element, the Safety Element 2021, the Plan for a Healthy LA, Mobility Plan 2035, Conservation Element, Air Quality Element, Noise Element, Infrastructure Plan, Cultural and Historical Monuments Plan, Open Space Plan, and the Hollywood Community Plan, as those are found at, <https://planning.lacity.org/plans-policies/general-plan-overview>. The Project's consistency with the General Plan is supported in the project findings and the entire administrative record on the basis, among other reasons, that the project will provide new jobs, supports tourism, and establishes new uses in the Hollywood area. The Project furthers the Hollywood Community Plan Objective of furthering the development of Hollywood as a major center of population, employment, retail services, and entertainment. The proposed project implements important General Plan policies discussed in the project findings which aim to promote the property and the vicinity with viable commercial activity even if it does not implement other General Plan policies.

1. **That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.**

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 of 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.

The subject property is a flat, rectangular, 21,645 square-foot interior lot with a 117-foot frontage along Whitley Avenue and a depth of 185 feet. The property is improved with six (6) multi-family residential buildings totaling 22,300 square feet and 40 dwelling units.

Surrounding properties are developed with a mix of multi-family and commercial uses. The properties to the north zoned [Q]R5-2 and are developed with a five-story, multi-family building and a six-story, multi-family building (La Leyenda Apartments - Historic-Cultural Monument (HCM) No. 817). The property to the east, across Whitley Avenue, is zoned [Q]R5-2 and are developed with multi-story, multi-family buildings, two (2) hotels, a commercial office court (Whitley Court - HCM No. 448), and a surface parking lot. The properties to the south are zoned [Q]C4-2D-SN and are developed with an eight-story, multi-family building and a three-story commercial office building with ground-floor retail and restaurant uses. The property to the west is zoned [Q]R5-2 and [Q]C4-2D-SN and is developed with a three-story parking garage with ground floor commercial and public services.

Height, Bulk and Setbacks

The proposed 99,375 square-foot (5.99:1 FAR), 10-story, 113-foot, three-inch (113'-3") tall hotel, on an approximately 20,588 square-foot lot is compatible with the existing and future surrounding developments. The table below includes a list of existing developments within 1,500 feet of the subject property.

| Address | Floor Area | Lot Size | FAR | Height |
|------------------------------------|-------------------|-----------------|-------------|---------------|
| <i>Proposed Project</i> | 99,375 | 21,645 | 5.99 | 10 |
| 1717-1721 Wilcox Avenue (approved) | 62,918 | 20,588 | 3.06 | 7 |
| 6516-6526 Selma Avenue (approved) | 79,621 | 20,680 | 3.85 | 8 |
| 1600-1612½ Schrader Boulevard | 84,325 | 26,600 | 3.17 | 11 |
| 1775-1777 Wilcox Avenue | 93,635 | 23,707 | 3.9 | 5 |
| 1805 Wilcox Avenue | 35,246 | 9,425 | 3.7 | 4 |
| 1707-1709 Hudson Avenue | 63,374 | 15,600 | 4.1 | 4 |
| 1708-1718 Wilcox Avenue | 136,933 | 42,172 | 3.2 | 4 |
| 6381-6385 Hollywood Boulevard | 62,432 | 11,750 | 5.3 | 6 |

Accordingly, the height and FAR of the proposed project is consistent with several existing developments within the surrounding area, as shown above.

In addition, the proposed project complies with the minimum required setbacks for the front, rear and side yards. Specifically the project provides a minimum 15-foot front yard setback, a 20-foot rear yard setback and 12-foot side yard setbacks.

Additionally, the project has been conditioned to provide enhanced design along the western façade to ensure the project's compatibility with the surrounding properties.

Therefore, the height, bulk and setbacks of the proposed hotel will be compatible with the existing and future developments in the neighborhood.

Off-Street Parking Facilities

The proposed project is required to provide a total of 77 automobile parking spaces. The project provides 122 automobile parking spaces within three (3) subterranean levels, and will not be visible from the street. Pick-up and drop-off area for guests are located at the 1st subterranean level. Access to the parking area is via a two-way driveway along Whitley Avenue.

Therefore, the off-street parking facilities will be compatible with the existing and future developments in the neighborhood.

Loading Areas

The 1st subterranean parking level includes the pick-up and drop-off area for guests. As such, hotel guest loading and unloading will be conducted on-site and will not affect circulation within the public right-of-way. As the property does not abut an alley, the hotel is not required to provide a loading area for the use of deliver trucks and other similar commercial vehicles. Nevertheless, small delivery vehicles will be able to utilize the pick-up and drop-off area for guests located on the 1st subterranean parking level, and all deliveries to and from the subject property are limited to between 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., on Saturdays and Sundays. Therefore, as proposed and conditioned, the loading area and operations will be compatible with the existing and future developments in the neighborhood.

Lighting

Outdoor lighting for the proposed project has been conditioned to be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above. Therefore, the lighting will be compatible with the existing and future developments in the neighborhood.

On-Site Landscaping

The proposed project is not required to provide any on-site landscaping, nevertheless, the project does include at the ground floor level using a variety of shrubs and trees within the required setbacks. In addition, the project has been conditioned to provide 25% of the rooftop deck area as landscaped.

Therefore, the on-site landscaping will be compatible with the existing and future developments in the neighborhood.

Trash Collection

The project will include on-site trash collection for both refuse and recyclable materials, in conformance with the L.A.M.C. The trash collection is located at the 1st subterranean level, out of view from the public.

The project has been conditioned to ensure that trash and recycling facilities will not visible from the public right-of-way. Compliance with this condition will result in a project that is compatible with existing and future development.

Therefore, the arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that will be compatible with existing and future development on neighboring properties.

2. That any residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

As the hotel development, the proposed project is not required to provide open space or other recreational amenities. Nevertheless, the proposed hotel includes 156 guest rooms, including 15 suites. At the ground level, the project includes a lobby, coffee shop/lounge (with outdoor seating, a business center and a gift shop. On the 10th floor, the project includes a gym and rooftop pool deck with seating areas and a snack bar. Both the rooftop pool deck and the ground floor coffee shop/lounge will be available to guests only. The rooftop pool deck will be limited to the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:00 a.m. (midnight), Friday and Saturday.

These on-site amenities enable the hotel to provide desired services to the hotel guests and will help to minimize impacts on neighboring properties.

ADDITIONAL MANDATORY FINDINGS

- 3.** The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain.

4. CEQA FINDINGS

The Project is categorically exempt under the Class 32 categorical exemption as it meets all criteria in Section 15332 and no exception to the exemption applies.

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The project is consistent with all applicable General Plan policies after weighing and balancing the competing policies in the General Plan, specifically, those goals, objectives, policies, and programs in the Framework Element, the 2021-2029 Housing Element, the Safety Element 2021, the Plan for a Healthy LA, Mobility Plan 2035, Conservation Element, Air Quality Element, Noise Element, Infrastructure Plan, Cultural and Historical Monuments Plan, Open Space Plan, and the Hollywood Community Plan, as those are found at, <https://planning.lacity.org/plans-policies/general-plan-overview>. The Project's consistency with the General Plan is supported in the project findings and the entire administrative record on the basis, among other reasons, that the 156 room hotel will provide permanent jobs and lodging opportunities in Hollywood's regional center, a center for tourism, implements important General Plan policies discussed in the project findings even if it does not implement other general plan policies.

On February 14, 2021 the Los Angeles Superior Court in *United Neighbors for Los Angeles v. City of Los Angeles*, found that the City's determination the Project was

consistent with applicable general plan policies was not supported because there was no evidence the City had considered whether the demolition of 40 rent stabilized residential units was consistent with the Housing Element of the General Plan. Specifically, the Court found the City had not considered the following policies from the 2013-2021 Housing Element:

The first goal identified in the City's 2013-2021 Housing Element (in effect when the Project was approved) is "[a] City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, [and] ages, and suitable for their various needs." One of the objectives relevant to this goal is to "[p]reserve quality rental and ownership housing for households of all income levels and special needs." Policies relevant to this objective include policy 1.2.2 ("Encourage and incentivize the preservation of affordable housing, including non-subsidized affordable units, to ensure that demolitions and conversions do not result in the net loss of the City's stock of decent, safe, healthy or affordable housing") and 1.2.8 ("Preserve the existing stock of affordable housing near transit stations and transit corridors. Encourage one-to-one replacement of demolished units").

The City's Housing Element was updated in 2021 and the current Housing Element is the 2021-2029 Housing Element. 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, 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 Housing Element goals, objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. Specifically, the Housing Element provides the following:

Not all plan policies can be achieved in any single action, and, in relation to any decision, some goals may be more compelling than others. On a program-by-program basis, 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. (p. 243.)

Substantially the same language is found in the 2013-2021 Housing Element (pg. 6-4.) As such, regardless whether, the Project is found to be consistent with the applicable General Plan policies, notwithstanding the Project not fulfilling the 2013-2021 Housing Element and 2021-2029 Housing Element goals, objectives and policies related to the preservation of rent controlled "affordable housing."

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.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The Project Site is located entirely within the City limits on a site that is approximately 21,642 square feet (0.5-acre) in size. The Project Site is located a highly urbanized setting characterized by a mix of commercial and residential uses. Land uses surrounding the Project Site include residential uses to the north and south, a three-story parking structure to the west, and multi-structure office bungalow development as well as two hotels immediately north of the office bungalows and surface parking and retail uses fronting Hollywood Boulevard immediately south of the office bungalows across Whitley Avenue to the east. Therefore, as the proposed development occurs within City limits, the Project Site is less than five acres in size, and the Project Site is substantially surrounded by urban uses, the Project meets this condition.

c) The project site has no value as habitat for endangered, rare or threatened species.

The City encompasses a variety of open space and natural areas that serve as habitat for sensitive species. Much of this natural open space is found in or is adjacent to the foothill regions of the San Gabriel, Santa Susana, Santa Monica, and Verdugo Mountains, the Simi Hills, and along the coastline between Malibu and the Palos Verdes Peninsula. Many of the outlying areas are contiguous with larger natural areas, and may be part of

significant wildlife habitats or movement corridors. The central and valley portions of the City contain fewer natural areas.⁶ The Project Site and surrounding area are not identified as a biological resource area.⁷ Moreover, the Project Site and immediately surrounding area are not within or near a designated Significant Ecological Area.

The Project Site is developed with six two-story multi-family residential buildings which were constructed between 1920 and 1949. The buildings include a total of 40 residential units and comprise approximately 22,300 square feet. As the Project Site is nearly completely developed with a structure and hardscaping within a heavily urbanized area of the City, the Project Site does not contain any habitat capable of sustaining any species identified as endangered, rare, or threatened. No such species or habitats are known to occur at the site per local or regional plans by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Additionally, there are no known locally designated natural communities at the Project Site or in the immediate vicinity, nor is the Project Site located near undeveloped natural/undisturbed open space or a natural water source that may otherwise serve as habitat for State- or federally-listed species.

Furthermore, the Project Site and its vicinity are not part of any draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.⁹ Therefore, as the Project Site has no value as habitat for endangered, rare, or threatened species, the Project meets this condition.

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

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. As such, the project meets this condition.

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

A full analysis and overview of the project's ability to be adequately served by water, wastewater treatment, solid waste disposal, natural gas, electrical, fire protection, police protection, schools, parks and recreation, and libraries is available in the project's Class 32 justifications. The analysis shows that the project can be adequately served by all required utilities and public services. As such, the project meets this condition.



LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

Online Application System: The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

Drop off at DSC: Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(CURRENTLY CLOSED)
(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online
Appeal Filing



QR Code to Forms
for In-Person Filing

Applicant Copy

Office: Downtown

Application Invoice No: 95241



6800195241

City of Los Angeles
Department of City Planning**City Planning Request**

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please the assigned planner, please visit <https://planning.lacity.gov/pdiscaseinfo/> and enter the Case Number.

Payment Info: \$204.18 was paid on 04/24/2024 with receipt number 200081875139

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|--|
| Applicant: CASEY MADDREN () |
| Representative: |
| Project Address: 1719 N WHITLEY AVE, 90028 |

| |
|--------|
| NOTES: |
|--------|

| ENV-2016-4921-CE-1A | | | |
|--|----------|-------|-----------------|
| Item | Fee | % | Charged Fee |
| Appeal by Person Other Than The Applicant | \$166.00 | 100 % | \$166.00 |
| Case Total | | | \$166.00 |
| * Fees Subject to Surcharges | | | \$166.00 |
| Fees Not Subject to Surcharges | | | \$0.00 |
| Plan & Land Use Fees Total | | | \$0.00 |
| Expediting Fee | | | \$0.00 |
| Development Services Center Surcharge (3%) | | | \$4.98 |
| City Planning Systems Development Surcharge (6%) | | | \$9.96 |
| Operating Surcharge (7%) | | | \$11.62 |
| General Plan Maintenance Surcharge (7%) | | | \$11.62 |

| | |
|--|----------|
| * Fees Subject to Surcharges | \$166.00 |
| Fees Not Subject to Surcharges | \$0.00 |
| | |
| Plan & Land Use Fees Total | \$0.00 |
| Expediting Fee | \$0.00 |
| Development Services Center Surcharge (3%) | \$4.98 |
| City Planning Systems Dev. Surcharge (6%) | \$9.96 |
| Operating Surcharge (7%) | \$11.62 |
| General Plan Maintenance Surcharge (7%) | \$11.62 |
| Grand Total | \$204.18 |
| Total Overpayment Amount | \$0.00 |
| Total Paid (amount must equal sum of all checks) | \$204.18 |

Council District:

Plan Area: Hollywood

Processed by RUBEN VASQUEZ on 4/24/2024

Signature: _____