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REPORT NO. R 21-0220
JUL 12 2021

REPORT RE:

**DRAFT ORDINANCE TO RESCIND AND APPEAL ORDINANCE NO. 182,636,
ADOPTED ON JULY 24, 2013, AMENDING SECTION 12.04 OF THE LOS ANGELES
MUNICIPAL CODE BY AMENDING THE ZONING MAP TO REZONE PROPERTY
LOCATED AT 1720-1770 NORTH VINE STREET; 1745-1753 NORTH VINE STREET;
1746-1770 NORTH IVAR AVENUE; 1733 AND 1741 ARGYLE AVENUE; AND 6236,
6270 AND 6334 WEST YUCCA STREET**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 13-0593 and 13-0593-S1
CPC-2008-3440-VZC-CUB-CU-ZV-HD, ENV-2011-0675-EIR

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance and draft resolution. The purpose of the draft ordinance is to rescind Ordinance No. 182,636 adopted on July 24, 2013, which changed the zones and zone boundaries for the Project Site located at 1720-70 North Vine Street, 1745-53 North Vine Street, 1746-70 North Ivar Avenue, 1733 and 1741 Argyle Avenue and 6236, 6270 and 6334 West Yucca Street. The purpose of the draft resolution is to rescind all other actions taken by the City Council on July 24, 2013, related to the Project. A peremptory writ issued by the Court in *StoptheMillenniumHollywood.com, et al. v. City of Los Angeles* (Los Angeles Superior Court, Case No. BS144606) directed the City to set aside, invalidate and decertify the

Environmental Impact Report prepared for the Project and set aside and invalidate all Project approvals.

Background and Summary of Ordinance

A. The Project

The Project, commonly referred to as the Millennium Hollywood project, proposed construction of 492 residential units, a 200 room hotel, approximately 100,000 square feet of new office space, an approximately 35,000 square foot sports club, approximately 15,000 square feet of retail uses and approximately 34,000 square feet of restaurant uses on the Project Site, which is a 4.46 acre site located at 1720-1770 North Vine Street, 1745-1753 North Vine Street, 1746-1770 North Ivar Avenue; 1733 and 1841 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street. The Project included the creation of a 41-lot subdivision.

B. Previous Actions to Approve Project

On July 24, 2013, the City Council took the following actions related to the Project:

1. CERTIFY that the Environmental Impact Report (EIR) (EIR No. ENV-2011-0675-EIR; State Clearing House No. 2011041094) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council file No. 13-0593 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section; and ADOPT the EIR.
2. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the DCP.
3. ADOPT the FINDINGS made pursuant to and in accordance with Section 21081.6 of the California State Public Resources Code, the Mitigation Monitoring and Reporting Program as the Findings of Council and ADOPT the Mitigation Monitoring and Reporting Program.
4. ADOPT the March 28, 2013 FINDINGS of the Los Angeles City Planning Commission (LACPC), including the Environmental Findings, as the Findings of the Council.

5. RESOLVE TO DENY APPEALS filed by Communities United for Reasonable Development (Representatives: Robert Silverstein, Esq. and Daniel E. Wright, Esq., The Silverstein Law Firm, APC) of the entire determination of the LAC PC and HEI/GC Hollywood and Vine Condominiums, LLC and Hollywood and Vine Residences Association (Representative: Benjamin M. Reznik, Jeffer Mangels Butler and Mitchell, LLP) of part of the determination of the LAPC, THEREBY APPROVING, for the proposed development of two sites consisting of eight parcels on 4.47 acres of land with a mixed-use community consisting of office, hotel, commercial and residential development with subterranean and above-grade parking, at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street, subject to modified Conditions of Approval:
 - a. Vesting Conditional Use to permit a hotel within 500 feet of an R Zone.
 - b. A Master Conditional Use to permit the sale and dispensing of a full-line of alcohol for on and off-site consumption and live entertainment.
 - c. A Conditional Use to permit floor area averaging in a unified development.
 - d. A Zone Variance to permit outdoor eating areas above the ground floor.
 - e. A Zone Variance to permit reduced parking for the sports club/fitness facility.
 - f. Reduced On-Site Parking for Transportation Alternatives.
6. APPROVE the:
 - a. Applicant's proposal to do the following:
 1. Limit the East Site tower to no more than 39 stories and the West Site tower to no more than 35 stories.
 2. Increase the number of Park and Ride spaces from 10 to 50.
 3. Develop a program where the applicant will acquire transit passes and commit to a fund where the applicant will contribute \$500,000 over 10 years at \$50,000 a year toward acquisition of the transit passes for workers and residents within the project.
 - b. Technical corrections dated June 18, 2013 submitted by the DCP and the technical corrections dated May 31, 2013 submitted by the applicant's representative (attached to the Council file).
 - c. Development Regulation changes as noted in the DCP report dated June 18, 2013 and instruct the DCP to submit revised Development Regulations for this project.
7. PRESENT and ADOPT the accompanying NEW ORDINANCE, approved by the Director of Planning on behalf of the LACPC, effecting a vesting

zone change from C4 to (T)(Q)C2-2-SN and a height district change from Height District 2D to Height District 2, to develop a mixed-use community consisting of office, hotel, commercial and residential development with subterranean and above-grade parking, for property located at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street, subject to modified Conditions of Approval as approved by the Planning and Land Use Management (PLUM) Committee on June 18, 2013 and attached to the Council file.

8. REMOVE the (T) Tentative classification as described in detail on the sheet(s) attached to the Council file.
9. RESOLVE TO DENY THE APPEAL filed by Communities United for Reasonable Development (Representatives: Robert Silverstein, Esq. and Daniel E. Wright, Esq., The Silverstein Law Firm, APC) of the entire determination of the LACPC, THEREBY APPROVING the Vesting Tentative Tract No. 71837-CN, for the proposed construction of a 41-lot subdivision with 492 residential units, a 200 room hotel, approximately 100,000 square feet of new office space, an approximately 35,000 square foot sports club, approximately 15,000 square feet of retail uses and approximately 34,000 square feet of restaurant uses on a 4.46 acre site, at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street, subject to Conditions of Approval.

B. Lawsuit and Trial Court's Ruling

On August 28, 2013, the Petitioners StoptheMillenniumHollywood.com, Communities United for Reasonable Development, and George Abrahams filed a Petition for Writ of Mandate alleging that the Environmental Impact Report certified for the Project failed to comply with the California Environmental Quality Act, was inconsistent with various City land use plans and that the City violated Petitioners' due process rights in approving the Project. After conducting a trial on the writ of mandate causes of action in April 2015, the court ruled in favor of Petitioners with regard to some of the claimed CEQA violations but denied all of Petitioners' Non-CEQA claims. On March 17, 2017, judgment was entered in favor of Petitioners. Thereafter, on March 29, 2017, the Court issued a Writ of Mandate that commanded the City take the following actions:

1. Set aside, invalidate, and decertify the EIR prepare for the Project and the approvals of the Findings and Statement of Overriding Considerations;
2. Set aside and invalidate all Project approvals; and

3. Refrain from taking any steps to carry out the Project approvals until and unless the City has fully complied with CEQA, all other applicable laws, and this writ.

On May 3, 2017, the City filed a Notice of Appeal to appeal the trial court's decision, which stayed the Court's Writ of Mandate. On July 31, 2019 the Second District Court of Appeal affirmed the trial court's ruling. On November 27, 2019, the Court of Appeal's Remitter was filed with the Superior Court. This lifted the stay on the Superior Court's Writ of Mandate.

Recommendation

This Office recommends the City Council comply with the trial court's Writ of Mandate by: (1) adopting the enclosed resolution to rescind actions 1, 2, 3, 4, 5, 6, and 9 set forth above; and (2) adopting the enclosed draft ordinance to rescind actions 7 and 8 set forth above.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Department of City Planning with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney John Fox at (213) 978-8228. He or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:JWF:sp
Transmittals