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June 4, 2026

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE FOR CASE NO. ENV-2018-7559-CE FOR A PROPERTY LOCATED AT 6415-6419 WEST SELMA AVENUE WITHIN THE HOLLYWOOD COMMUNITY PLAN AREA; CF 21-1404

On September 30, 2021, the Central Area Planning Commission denied an appeal, sustained the action of the Zoning Administrator, and 1) dismissed, pursuant to Section 562 of the Los Angeles City Charter and Section 12.27 U the Los Angeles Municipal Code (LAMC) a) a Plan Approval to modify the grant and Condition No. 7 by approving a total floor area of 93,803 square feet from the 79,367 square feet originally granted in lieu of the otherwise permitted 73,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381; b) a Plan Approval to modify the grant by approving a total commercial floor area of 6,031 square feet from the 4,581 square feet originally granted in lieu of the originally approved 17,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381; and c) a Plan Approval to modify Condition No. 7 to recognize a new total lot area of 16,173 square feet in lieu of 13,923 square feet originally cited; and 2) approved, pursuant to Section 562 of the Los Angeles City Charter and LAMC Section 12.27 U, a Plan Approval to modify Condition No. 7 to allow automobile parking spaces to be provided off-site by lease agreement in lieu of covenant and agreement, upon 10 conditions of approval, at an existing hotel located at 6415-19 West Selma Avenue.

As part of that determination, the Area Planning Commission adopted Case No. ENV-2018-7559-CE, a California Environmental Quality Act (CEQA) Categorical Exemption (CE) pursuant to Section 153001 of Article 19, Chapter 3, Division 6, Title 14 of California Code of Regulations, commonly referred to as a Class 1 CE.

On October 12, 2021, Casey Maddren, on behalf of Citizens for a Better LA (CBLA) filed an appeal of the adopted CE.

On October 15, 2021, Romulus Zamora, in conjunction with UNITE HERE Local 11 (Local 11), filed an appeal of the adopted CE.

BACKGROUND

On April 4, 2014, pursuant to Case No. ZA 2013-3504(ZV), the Zoning Administrator approved the following:

> Variances from "Q" Condition No. 1 of Ordinance No. 180,381 to allow 182 hotel rooms in lieu of 120 hotel rooms, 79,376 square feet of floor area in lieu of 73,814 square feet, and 4,581 square feet of commercial space in lieu of 17,045 square feet;
>
> Variance from "Q" Condition No. 3 of Ordinance No. 180,381 to allow a height of ten stories or 125 feet in lieu of nine stories or 125 feet;
>
> Variance from "Q" Condition No. 4 of Ordinance No. 180,381 to allow a maximum FAR of 5.8:1 in lieu of FAR of 5.3:1;
>
> Variance from "Q" Condition No. 7 of Ordinance No. 180,381 to introduce bicycle parking per Ordinance 182,386 in conjunction with a reduction in the number of required parking spaces;
> Variance from Section 12.26-E,5 to allow off-site parking by lease in lieu of a recorded covenant; and
>
> Variance from applicable design guidelines for the design of parking facilities per Los Angeles Municipal Code Section 12.21-A,5 and the Los Angeles Department of Building and Safety's Information Bulletin No. P/ZC 2002-001 to permit a driveway between the points of curvature on a curb return having a radius of less than 20 feet.

No appeal was filed and the determination became final on April 22, 2014.

On July 10, 2014, the Department of Building and Safety issued Permit No. 13010-10000-03647 for work described as:

> 10-story hotel building; parking, equipment and utility rooms, trash and recycle rooms at 1st and 2nd story levels, guest rooms from 3 to 9 story levels, with roof top stairway and elevator rooms; 10 story level core and shell.

On February 14, 2017, the Department of Building and Safety issued a supplemental building permit, Permit No. 13010-10007-03647, for work described as:

> Convert parking areas at levels (1st story and 2nd story levels to retail, fitness center, storage, utility rooms, machine rooms, employee cafeteria, treatment room, trash and recycle, and office spaces, to document FAR, building area, parking.

A Temporary Certificate of Occupancy for the hotel building was issued on June 30, 2017.

On December 19, 2018, the applicant filed Case No. ZA-2013-3504-ZV-PA1 with the Department of City Planning seeking a Plan Approval authorization to modify:

1. the grant and Condition No. 7 by approving a total floor area of 93,803 square feet from the 79,367 square feet originally granted in lieu of the otherwise permitted 73,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381;

2. the grant by approving a total commercial floor area of 6,031 square feet from the 4,581 square feet originally granted in lieu of the originally approved 17,045 square feet in "(Q)" Condition No. 1 of Ordinance No. 180,381;

3. Condition No. 7 to recognize a new total lot area of 16,173 square feet in lieu of 13,923 square feet originally cited; and

4. Condition No. 7 to allow automobile parking spaces to be provided off-site by lease agreement in lieu of covenant and agreement

On February 26, 2021, the Zoning Administrator dismissed the first, second, and third requests, finding that they were beyond the authority of the Sec. 12.27 U Plan Approval process, and granted a modification of Condition No. 7. The modification allowed for all required parking spaces to be provided off-site by lease in lieu of recorded covenant and agreement for a limited period of two years, thereafter provided for as originally entitled and conditioned.

Case No. ENV-2018-7559-CE, a Class 1 CEQA Categorical Exemption, was adopted as part of that action.

The Zoning Administrator's determination was appealed to the Central Area Planning Commission, who, on August 24, 2021, denied the appeal, sustained the action of the Zoning Administrator, and adopted Case No. ENV-2018-7559-CE as the environmental review action. The Area Planning Commission's determination on the appeal was issued on September 30, 2021.

Subsequently, in October of 2021, the subject CEQA appeals were filed by the Appellants.

Both appellants make a number of arguments to support their position, but most of their points attempt to re-argue against the requested and granted entitlement. The issues presented by the appellants which are relevant to the CEQA appeal are as follows:

1. The scope of the project exceeds the limits of the cited Categorical Exemption.

2. The Class 1 CE is inapplicable because there are Cumulative Impacts (CEQA Guidelines, Section 15300.2(b)).

3. The project is an effort to segment (piecemeal) a larger project in order to evade a more thorough environmental assessment.

DISCUSSION

Inappropriate use of Class 1 Categorical Exemption

Appellant CBLA argues that the adopted Class 1 CE is inappropriate for the project because it would result in an increase of approximately 14,400 square-foot increase for the hotel, which exceeds the thresholds for use of the adopted CE.

The Class 1 CE applies to a range of projects, including the "... operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." (CEQA Guidelines, Sec. 15301) Examples of qualifying projects include subsection (e):

> Additions to existing structures provided that the addition will not result in an increase of more than:
>
> (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
>
> (2) 10,000 square feet if:
>
> (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
>
> (B) The area in which the project is located is not environmentally sensitive.

On pages 15 and 16 of the Zoning Administrator's February 26, 2021, determination letter, in a section entitled "Zoning Administrator's Discussion for Dismissal", the reasoning for dismissing the requests to allow an increase in the floor area are presented. On page 16, this discussion concludes with the following:

> The requests which rely on inclusion of the lot area of the adjacent vacated alleyway, namely increasing the total floor area authorized for development and increasing the total floor area authorized for commercial development, are no longer justified as this would exceed the authorized FAR of 5.8:1, for which there is no request to consider this under the instant application.
>
> So as not to prejudice examination of these requests pursuant to a more appropriate entitlement application, these requests are dismissed from this determination.

As a result of the dismissal, the determination did not authorize any conversion of any portions of the building designated for parking purposes to another use. It was determined that authorization for the conversion would require the applicant to file for a new, separate, entitlement. The Class 1 CE is therefore appropriate because the approved project did not include any additional floor area that would exclude it from this categorical exemption.

The appellant argues that the conversion has already taken place, and that dismissing the request ignores what has already occurred.

The action to dismiss does not negate the applicant's responsibility to pursue more appropriate entitlement requests to consider the additional square-footage resulting from the conversion of the parking area into other uses. Until an entitlement is granted to allow for the additional square-footage, the applicant is prohibited from utilizing the space at issue for any other unapproved use.

<u>Cumulative Impacts from Relevant's Hotel/Nightlife Complex</u>

Appellant CBLA argues that there are cumulative impacts associated with the project that except the use of the adopted Class 1 CE.

There are five exceptions the use of a Class 1 CE. According to CEQA Guidelines, Section 15300.2(b):

> 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.

Despite the appellant's argument, there is no evidence about what impacts, if any, have resulted in cumulative impacts that were not analyzed. Rather, it appears that this argument is more focused on substantiating that a collection of projects in the area were separately pursued by the applicant in order to avoid a more substantial collective environmental analysis. Cited projects located at 1541 North Wilcox Avenue (Case No. CPC-2014-3706-VZC-HD-ZAA-SPR-1A) and 6516 West Selma Avenue (Case No. CPC-2016-270-VZC-HD-CUB-SPR-1A) did not involve any similar requests for the relocation of required parking spaces off-site or a reduction in the number of required parking spaces provided in conjunction with those uses. The loss of parking is not a significant impact under CEQA in and of itself, and would need to cause a secondary impact that is analyzed under CEQA. The applicant has not met its burden to support there will be a significant impact from these other projects, even if they were of the same type at the same location. The project does not result in a "piecemealing" of a larger project.

The Project is a Piecemealing of a Larger Project.

Appellants CBLA and UNITE HERE argue that the project results in a segmenting, or "piecemealing", of a larger project involving several other nearby development projects, that avoids or circumvents a more comprehensive CEQA analysis of cumulative impacts related to the development and operation of all of the projects together.

At the time the request to relocate on-site parking to an off-site location was considered, the subject hotel had been completed, including the unpermitted conversion of the parking use to interior floor area. The granted approval did not authorize the conversion of the parking use, but did allow the temporary relocation of required parking spaces to an off-site location for a limited period of time. It should be noted that at any time, the applicant may choose to permanently relocate those parking spaces off-site in conformance with the provisions of LAMC Sec. 12.21-A.4.(g) (not more than 750 feet distant therefrom) and LAMC Sec. 12.26-C.5 (recordation of a covenant and agreement to maintain said parking spaces so long as the building or use they are intended to serve is maintained) without discretionary approval.

The issues concerning segmenting the environmental analysis are without merit because the subject hotel building had been completed and was in operation, while the other buildings were nearing completion. The approval presently under consideration did not allow a change of use, resulting in additional square-footage, as consideration of that request was found to be beyond the authority of the LAMC Sec. 12.27-U (approval of plans) action requested. There is also no evidence to support that any of these alleged piecemealed projects will rely on or provide parking to the project or in any other way are the result of or cause the need for the present entitlement. Based on the above and as provided otherwise in the record, there is no evidence to support that these projects are part of one project.

Other Arguments

The appellant CBLA argues that the project fails to provide required bicycle parking, electric vehicle charging stations, and undercounts the amount of solid waste produced. The entitlement which is the subject of the CEQA exemption being appealed–a Plan Approval to allow automobile parking spaces to be provided off-site by lease agreement in lieu of covenant and agreement at an existing hotel–did not approve, change, or will reasonably result in a change, to the required bicycle parking, electric vehicle charging, or solid waste allowances. The provision of required

bicycle parking and electric vehicle charging stations are matters of enforcement by the Department of Building and Safety and are not appropriate for consideration in this appeal.

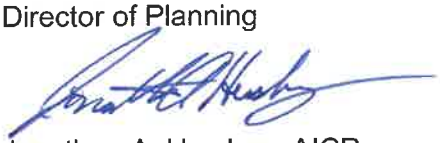
CONCLUSION

The appellant has failed to meet their burden as there is no evidence in the record to conclude that the project does not qualify for a Class 1 CE or that the Class 1 CE is deficient. The appellant has also not submitted any substantial evidence for the record to support their claims. Additionally, the Zoning Administrator's Approval of Plans entitlement was appropriately granted and is not further appealable following the CAPC's decision to sustain the Zoning Administrator's determination at its meeting on September 30, 2021.

Planning Staff recommends that the PLUM Committee and City Council deny the appeal and sustain the Determination of the Central Area Planning Commission to determine that based on the whole of the administrative record as found in the Zoning Administrator's case file, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Jonathan A. Hershey, AICP
Associate Zoning Administrator

VPB:JAH