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November 24, 2025

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 NUMBER TT-84566-CC-2A AND AN APPEAL OF THE CLASS 1 CATEGORICAL EXEMPTION CASE NUMBER ENV-2024-3793-CE FOR THE PROPERTY LOCATED AT 1451 SOUTH HI POINT STREET WITHIN THE WILSHIRE COMMUNITY PLAN AREA; CF 25-1279

On May 15, 2025, the Advisory Agency issued an approval of Tentative Tract Map case no. TT-84566-CC and, under case no. ENV-2024-3793-CE, determined that based on the whole of the administrative record found in the case file, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301, Class 1-Existing Facilities, and there is no substantial evidence demonstrating that any exceptions contained in Government Code Section 15300.2 apply. The map, stamp dated June 21, 2024, is comprised of one ground lot totaling approximately 8.838.6 square feet to allow for the conversion of eight (8) existing residential dwelling units into eight (8) residential condominium units. The project does not propose demolition, addition, or new construction. The existing unit mix and layout remain unchanged. The apartment building was issued a building permit (LADBS Permit # 07010-30000-01373) and was subsequently issued a Certificate of Occupancy January 25, 2013.

On May 23, 2025, the Department of City Planning received a first level appeal of the tract map case and the associated environmental case. Pursuant to the Los Angeles Municipal Code (LAMC) Chapter 1A Section 13B7.3G, a tentative tract map can be appealed to the Area Planning Commission (APC) by an applicant, abutting property owner, or tenant. The appeal was submitted by an aggrieved party and abutting property owner, Ilan Douek.

At its meeting on August 26, 2025, the Central Los Angeles APC, following consideration of the administrative record and oral testimony, denied the appeal in its entirety and sustained the Deputy Advisory Agency's (DAA) May 23, 2025 determination and affirmed the determination that the project is exempt from CEQA. The formal actions taken by the Central APC are described in APC's determination letter dated October 7, 2025. Pursuant to the LAMC Chapter 1A Section 13B7.3G4, the decision of the Central APC can be appealed to the City Council by the subdivider,

Mayor, any member of the City Council, the Advisory Agency, or any other interested person adversely affected by the proposed subdivision.

On October 17, 2025, the aggrieved party Ilan Douek, filed a second level appeal to the City Council (TT-84566-CC-2A). The appellant appealed the Central Los Angeles APC's decision to deny the appeal in its entirety and sustain the DAA's determination. In the appeal justification, the appellant claims that the project violates the Wilshire Community Plan policies, fails to comply with CEQA, and violates the Tenant Protection Act of 2019 (civil code 1946.2) and City's Just Cause Eviction ("JCE") protections.

A summary of the appeal points and staff's response are provided as follows:

A-1: *The approval of the Tentative Tract Map is not in compliance with the objectives and standards of the Wilshire Community Plan, including Objective 1-1 and Policy 1-1.3; **Objective 1-1:** "Provide for the preservation of existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area to the year 2010" and **Policy 1-1.3:** "Provide for adequate Multiple Family residential development."*

As outlined in the DAA determination letter findings and the APC appeal report, the proposed subdivision is in conformance with the Wilshire Community Plan. The Wilshire Community Plan designates the site with a Medium Residential land use designation. The Medium Residential land use designation lists the R3 Zone as the corresponding zone. The Project Site is in conformance with the R3 zone designation density and development regulations. The project site has approximately 8,838.6 square feet of lot area, which would permit a maximum of eleven (11) dwelling units. The project was issued a Certificate of Occupancy on January 25, 2013 (LADBS Permit # 07010-30000-01373). The subject site is improved with eight residential units, all of which will remain. There are no proposed changes to the number of units, the layout of each unit remains the same, and no interior or exterior additions and no new construction is proposed.

The proposed subdivision complies with and supports Objective 1-1, to preserve existing quality housing, and for the development of new housing to meet the diverse economic and physical needs of the existing residents and expected new residents in the Wilshire Community Plan Area. The project would preserve existing housing stock, as well as provide homeownership opportunities to future existing and future residents of the area. Offering both rental and ownership housing options serves diverse economic needs in the area.

Further, the project will continue to comply with and support Objective 1-1.3, to provide for adequate multifamily residential development. The building will be maintained as a multifamily residential development. The building will remain multifamily. The only change is the ownership model, which will change from rental units into condominium units. The project will be a benefit to the Wilshire community in that it will provide new homeownership opportunities through the conversion of the existing apartment building into residential condominiums. Therefore, as conditioned, the proposed subdivision is substantially consistent with the applicable general plan. The appellant's argument is without merit and should be dismissed.

- A-2: *The Class 1 Exemption (Existing Facilities) is for negligible changes without expansion of use. The DAA's and Central APC's determination that the proposed tract map is exempt from CEQA under Class 1 (Existing Facilities) is unsubstantiated, and did not provide basis or reasoning for applying this exemption, and the exemption is not defined by whether a project involves physical construction, but by whether the change in a use materially expands the existing use.*

The Deputy Advisory Agency approved tentative tract map (TT-84566-CC) and determined, based on the whole administrative record, that the project is exempt from the California Environmental Quality Act (CEQA) under the Article 19, Section 15301, Class 1 (Existing Facilities). The Class 1 CEQA Exemption includes project types such as *"the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of exiting public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."* The types of "existing facilities" itemized in CEQA are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. The proposed project is an existing eight-unit multifamily residential building. The use of the existing building will remain residential. The project does not involve any demolition, and no new construction is proposed as part of this request. The only change is ownership model. The use has not been materially expanded. For these reasons, the Central APC's decision was appropriate and the Class 1 exemption should be upheld.

- A-3: *The project violates the Tenant Protection Act of 2019, (Civil Code 1946.2) and the City's Just Cause Eviction Ordinance (JCE) in that tenant evictions are not allowed for residential condominium conversion projects and prohibit landlords from terminating tenancy without just cause.*

The Tenant Protection Act of 2019 (TPA), codified in California Civil Code Sections 1946.2, 1947.12, and 1947.13, provides some tenant protections that did not previously exist for the approximately 138,000 households not covered by the Rent Stabilization Ordinance. The TPA provides that municipalities may adopt protections after September 1, 2019, that are consistent and more protective than those provided under California Civil Code Section 1946.2. Accordingly, the City adopted the Just Cause Eviction Ordinance (No. 187,737, Eff. 3/27/23) to provide just cause eviction protections to renters city-wide.

Section 165.03 (1)(3) of the JCE ordinance allows a landlord to recover possession of residential real property under certain limited circumstances including **"...to withdraw the residential real property permanently from rental housing use when the landlord is withdrawing from rent or lease all residential real property on the same parcel of land."** The JCE ordinance does not limit a property owner's ability to request the approval of a tentative tract map for the purposes of converting an existing multifamily rental building into residential condominium units, nor does it impose additional required findings for the DAA to approve a tentative map.

In approving the proposed condominium conversion, the DAA made all the required findings required under the California Subdivision Map Act and the Los Angeles Municipal Code. The Advisory Agency has determined that the Applicant has complied with required tenant notifications for all eight units, as required under LAMC 12.95.2D3. Additionally, the Advisory Agency, in approving the condominium conversion, is requiring specific condominium conditions to ensure compliance with LAMC and Government Code regulations related to tenant relocation, per LAMC Section 12.95.2 and Section 47.06. Additionally, all tenant not-at-fault evictions require payment of relocation assistance and

the filing of Declaration of Intent to Evict form with the Los Angeles Housing Department prior to evicting tenants from units covered by the Just Cause Ordinance. The appellant's argument is therefore without merit and should be dismissed.

Conclusion:

Planning staff recommends that the PLUM Committee deny the appeal and sustain the determination of the Central Area Planning Commission, and determine that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to Section 15301, Class 1 of the CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Sincerely,

VINCENT P. BERTONI, AICP
Advisory Agency

Deborah Kahan

Deborah Kahan, AICP
Deputy Advisory Agency

VPB:JC:DK:GG