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SECONDARY SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

March 6, 2024

TO: Central Los Angeles Area Planning Commission

FROM: Cecilia Lamas, Commission Executive Assistant II

TECHNICAL CORRECTION/ADDITIONAL INFORMATION FOR CASE NO. ZA-2023-728-CUB-1A; 5907 WEST FRANKLIN AVENUE (5905 EST FRANKLIN AVENUE).

The following technical correction is to be incorporated for the Central Los Angeles Area Planning Commission meeting of March 12, 2024, related to Item No. 05 on the meeting agenda.

Accommodations - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. To request a reasonable accommodation, such as translation or interpretation, **please contact the Commission Executive Assistant at (213) 978-1299**, the Commission Office Main Line at (213) 978-1300 or by emailing apccentral@lacity.org a minimum of 3 days (72 hours) prior to the public hearing.

Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.



Department of City Planning

City Hall, 200 N. Spring Street, Room 272, Los Angeles, CA 90012

March 6, 2024

TO: Central Los Angeles Area Planning Commission

FROM: Cecilia Lamas, Commission Executive Assistant II

TECHNICAL CORRECTION/ADDITIONAL INFORMATION FOR CASE NO. ZA-2023-1577-CUB-1A; 1401 – 1413 NORTH MAIN STREET.

The following technical correction is to be incorporated for the Central Los Angeles Area Planning Commission meeting of March 12, 2024, related to Item No. 06 on the meeting agenda.

Accommodations - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. To request a reasonable accommodation, such as translation or interpretation, **please contact the Commission Executive Assistant at (213) 978-1299**, the Commission Office Main Line at (213) 978-1300 or by emailing apccentral@lacity.org a minimum of 3 days (72 hours) prior to the public hearing.

Be sure to identify the language you need English to be translated into and indicate if the request is for oral interpretation or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.



Planning APC Central <apccentral@lacity.org>

Fwd: Hearing ENV-2003-729-CE Francoise Koster La Poubelle inc

Monique Acosta <monique.acosta@lacity.org>

Mon, Mar 4, 2024 at 9:33 AM

To: Planning APC Central <apccentral@lacity.org>, Cecilia Lamas <cecilia.lamas@lacity.org>

Cc: "Turner, Jordann" <jordann.turner@lacity.org>

Please add the email below to Case No. ZA-2023-728-CUB-1A, thank you.

**Monique Acosta**

City Planner

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1173 | Planning4LA.org



----- Forwarded message -----

From: <donduj@yahoo.com>

Date: Fri, Mar 1, 2024 at 8:00 AM

Subject: Hearing ENV-2003-729-CE Francoise Koster La Poubelle inc

To: <Monique.acosta@lacity.org>

Hello Ms Acosta,

I'm writing in hopes this email can be used officially as I have serious concerns regarding the liquor licence of LA Poubelle. I have witnessed people stumble out of this establishment and get into a car and drive away completely wasted. I have also witnessed many drunks come out and attack peaceful protestors. It's been documented all on live stream and main stream media. My real concern is LA poubelle allegedly is telling drunk customers that the meal is on the house if they go out and attack protestors. This was reported by a local resident on the nextdoor app. Here is a link to 1 incident at this establishment for you to view. There's many more but I don't want to waste too much of your time. This channel highlights the drunks that attack people at LA Poubelle restaurant. He has labeled it "bad actors" because allegedly these people are friends of the owner and not real customers.

<https://youtu.be/DWXI9m5kvx4?si=wqpL6J9xYId9fUdp>

Thank you for your time and consideration
Donald George Dujardin

In September 2023 celebrity Danny Masterson was sentenced to 30 years to life in prison after being convicted on two counts of rape. Throughout his trial it was revealed that one of the victims was drugged at La Poubelle restaurant while dining at the 5907 West Franklin Avenue restaurant and later violently raped. Francoise Koster, the owner of La Poubelle regularly attended court to support Danny Masterson and after his conviction wrote a character letter acknowledging that she believed he was guilty of rape but urged the judge for leniency in his sentencing.

Commencing February 9, 2024, public concern over this matter has led to a nightly gathering of people outside La Poubelle during its operating hours in an effort to educate and warn the public of the risks associated with this establishment. As a result this establishment has been filmed and live streamed on social media nightly by dozens of people. These recordings have revealed numerous infractions to the terms and conditions of Los Angeles Municipal Code 12.24-W, 1

1. The conduct of the owner Francoise Koster following her knowledge of the drugging of a woman in her establishment which resulted in a violent rape and her subsequent support of the criminal has not only resulted in a disruption of the peace which has detrimentally affected nearby residentially zoned communities but her support of the criminal and crime which occurred in her establishment puts her customers and the community in adverse danger of their welfare.
2. An outdoor seating area covered by an awning and tented walls for the specified use of dining has been used as a smoking area and a cocktail lounge type drinking area. Since February 9th, 2024 the tent has also served as a privacy barrier from the public. The clear plastic windows and door of the tent have been obstructed preventing surveillance into the establishment by police/private security in contravention of #15 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
3. The outdoor surveillance cameras are mounted inside the tented area preventing any filming of the exterior in contravention of #13 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
4. There is no complaint log posted on the exterior of the tent at the entry that is visible for pedestrians. The windows and doors of the tent are blocked during operating hours preventing visibility to the front of the building.
5. Since February 9th, 2024 there have been numerous instances of customers leaving the restaurant and starting physical and verbal altercations with people outside. The police have been called daily, sometimes numerous times in one night. Customers have stated the owner and employees were encouraging customers to assault people outside of the restaurant. Employees of the restaurant have regularly smoked in non-smoking areas, laughed indicating that woman being drugged and raped are funny and not serious, engaged in provoking behaviour towards protestors and partied with customers. One employee spat at a protestor, assaulted another protestor, smoked inside and directly in front of the door of the outdoor dining area and danced and partied inside the outdoor dining area with customers. These instances of employee behaviour adversely affects or detracts from the quality of life of neighbouring businesses and residents in contravention of #18 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
6. There have been several instances of customers bringing alcoholic beverages out onto the public sidewalk. There are also many instances of customers being overserved and barely able to walk after leaving the restaurant. There are no visible signs posted during operating hours stating no loitering or public drinking. This is in contravention of #19 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
7. Although there are 2 doormen nightly, no action has been taken by any staff or on duty manager since February 9, 2024 to prevent public drinking, indoor smoking or smoking within 10 feet of the outdoor dining area of the restaurant. In addition there have been numerous incidents of customers physically assaulting people outside of the restaurant. No action has been taken by staff to de-escalate interactions between the customers and the public by asking customers not to engage protestors. Staff of the restaurant take no action until an assault has already taken place. This is in contravention of #20 and #23 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
8. Los Angeles Municipal Code Section 41.50 B 2 C prohibits smoking in or within 10 feet of outdoor eating areas in conjunction with food service and alcoholic beverage consumption areas and Labor Code 6404.5(b) prohibits smoking within any enclosed place of employment which I believe would then also apply to the enclosed outdoor

dining tent. There are numerous incidents of customers and staff smoking inside the restaurant, smoking inside the outdoor enclosed dining area and smoking within 10 feet of the outdoor dining area since February 9, 2024. On February 9, 2024 in particular there were customers smoking in the enclosed outdoor dining tent with police and the owner present. This is in contravention of #25 & #26 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.

9. On January 9, 2024 an employee was observed dancing with customers in the enclosed outdoor dining tent in contravention of #34 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.
10. There are several instances of La Poubelle restaurant playing amplified music from speakers in their outdoor dining area in contravention of # 35 of the additional terms and conditions of the approved conditional use - alcohol of December 15, 2023 with the city of Los Angeles.

These are just the infractions that are visible from the outside of the establishment with no view to the inside of the restaurant. The owner Francoise Koster and her employees have no regard for the terms and conditions that were set forth in the conditional use permit ZA-2023-728-CUB-1A. There are hundreds of hours of live video online recorded nightly since February 9, 2024. These videos all show multiple infractions nightly regarding the above and are too numerous to list. All protestors activity at La Poubelle is filmed and no protestors have been charged as video clearly shows the customers are the ones assaulting protestors. Several La Poubelle customers have been charged with assault and several are pending. For simplicity if you view the following videos from the first night the protestors arrived you can note multiple infractions and it is a pretty clear perspective of typical conduct at La Poubelle on a nightly basis.

[Defender of Ants - February 9, 2024](#)

Window blocking - Timestamp 2:07

Smoking - Timestamp 1:31:50, 1:33:50, 1:39:53, 1:40:30, 1:45:33, 1:49:25, 2:00:25, 3:00:25, 3:32:00, 3:35, 3:39, 4:18:55, 4:26:16, 4:27:47 and 4:28:43

Employee Dancing - Timestamp 3:41, 4:26:16

Loud Outdoor Music - Timestamp 3:41 - 4:31 and at 5:01:55 the live streamer indicates it is 1am - from there to timestamp 5:11 loud music is continued to be played outdoors that can be heard way down the block

[Jessica Palmadessa - February 9, 2024](#)

Dancing - Timestamp 4:17:45 La Poubelle employee dancing and partying with customers attacks a person and owner is made aware

Smoking - Timestamp 3:31, 3:32:21, 6:23:51

[Danny - February 9, 2024](#)

Smoking - [February 9, 2024](#) Timestamp 0:30, 1:44, 6:57, 16:26 (employee), 22:06, 30:22, 32:23, 35:19, 43:42

Loud Music - Timestamp 4:31 and throughout remainder of video

[Defender of Ant - February 13, 2024](#) Timestamp 52:44 - Employee laughing and thinking drugging and raping woman is funny, argues and insults protestors provoking them to interact further

Overserving alcohol - [Confident Chris - February 24, 2024](#) Timestamp 3:21:24 [Lara FM - February 23, 2024](#) Timestamp 1:56:24 [Help Me Film Them - February 17, 2024](#) 1:52:48

[Help Me film Them - February 17, 2024](#) This video shows the chaos of 3 protestors being falsely arrested after a customer assaulted a protestor. The La Poubelle doorman who observed the incident spoke with police and implicated the assailant as the victim. All charges against the 3 were later dropped when the truth was revealed. After all the protestors except 1 leave the scene the video shows the drunken customers spilling out all over the sidewalk smoking in and around the tent. Further live streamed videos are available to view on youtube: [@chriswithoutahellcat](#) [@laraandersonofficial](#) [@confidentchris](#) [@jesspalmadessa](#) [@tao_hyun](#) [@mindywillens](#) [@literallyserge](#) [@scientology_audit](#) [@literallymichael](#) [@la_kam](#) [@theloreofdoa](#)

For further information you can contact me at the email provided.

Sincerely,

Katherine Laurie



Planning APC Central <apccentral@lacity.org>

Smoking in/around tent; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:23 AM

To: Monique.Acosta@lacity.org, Ruben.Vasquez@lacity.org, apccentral@lacity.org

To:

Monique.Acosta@lacity.orgRuben.Vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

I didn't think smoking in a tent was allowed in Los Angeles. When the tent is present, patrons will stay under it and smoke. They will also smoke right outside of the tent.

Here is a video of staff cleaning up cigarette butts after they pull the tent back for the night. Also included is a screenshot of cleaning them up and one of patrons smoking next to the tent.

Kindly,
L. Francis





La Poubelle hostess cleans up cigarette butts inside tent



La Poubelle hostess cleans up cigarette butts inside tent

By The Lore of DoA



Planning APC Central <apccentral@lacity.org>

Disgusting threat by patron; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:43 AM

To: Monique.Acosta@lacity.org, apccentral@lacity.org, Ruben.c.vasquez@lacity.org

To:

Monique.Acosta@lacity.orgRuben.c.vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

February 2024, patron making a disgusting threat about sexual assault and the security guard laughs.

Does the community really need this establishment to be open longer and serving alcohol?!

Kindly,
L. Francis

[La PouBelles patrons threaten to Rape Protesters after getting them a drink. Security laughs](#)



La PouBelles patrons threaten to Rape Protesters after getting them a drink. Security laughs

By The Lore of DoA





Planning APC Central <apccentral@lacity.org>

Drunken patron arrested; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:46 AM

To: Monique.Acosta@lacity.org, Ruben.c.vasquez@lacity.org, apccentral@lacity.org

To:

Monique.Acosta@lacity.orgRuben.c.vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

Respectfully submitting video clips from 02-23/24-2024 showing a female patron from LaPoubelle under the influence who was staggering towards the corner. She then got into verbal dispute with a protester and then threw a lit cigarette at the protester (Lara), which is assault. She was then arrested, shown in the second video clip.

Again, isn't it legally required for restaurants serving alcohol to have a designated driver service available? And to also STOP serving people when they've had too much to drink? Are the employees there not trained in serving alcohol? Is any of this in the best interest of the community?

Kindly,
L. Francis

["Don't Throw Cigarettes" - Lara FM](#)



“Don’t Throw Cigarettes” - Lara FM

By Zachary Ellison



[Getting Arrested for Throwing a Cigarette at La Poubelle](#)



Getting Arrested for Throwing a Cigarette at La Poubelle

By Zachary Ellison





Planning APC Central <apccentral@lacity.org>

Stumbling drunk patron; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:48 AM

To: Monique.Acosta@lacity.org, Ruben.c.vasquez@lacity.org, apccentral@lacity.org

To:

Monique.Acosta@lacity.orgRuben.c.vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

Stumbling patron shown in video from LaPoubelle. Who is responsible for over-serving patrons? Is it the bartender or the owner? Maybe this needs to be investigated.

This video is another example of patrons being over-served here. The last thing the community needs is for this restaurant to have an extension to the hours they serve alcohol.

It's obvious that they cannot handle serving alcohol responsibly. Isn't it stipulated for restaurants serving alcohol that they have a designated driver service and to also cut people off when they've had too much to drink?

Kindly,
L. Francis

[Drunk patron stumbles out of LA PouBelle #drunk #Hollywood](#)



Drunk patron stumbles out of LA PouBelle #drunk #Hollywood

By The Lore of DoA



Planning APC Central <apccentral@lacity.org>

Drinking in public; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:50 AM

To: Monique.Acosta@lacity.org, Ruben.c.vasquez@lacity.org, apccentral@lacity.org

To:

Monique.Acosta@lacity.orgRuben.c.vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

Respectfully submitting a video that shows patrons outside of LaPoubelle drinking in public, smoking right outside the restaurant, and public intoxication; February 2024.

Patrons are being over-served and even with security guards, it's still mayhem. The last thing the restaurant needs is an extension to the hours they serve alcohol. This community deserves better.

Kindly,
L. Francis

For liquor hearing #Drinkinginpublic



For liquor hearing #Drinkinginpublic

By D.O.A.



Sent from Yahoo Mail for iPhone



Planning APC Central <apccentral@lacity.org>

LaPoubelle's antagonist behavior; Public Hearing for LaPoubelle; Case number: ZA-2023-728-CUB-1A

L Francis <lfrancis757@yahoo.com>

Thu, Mar 7, 2024 at 10:53 AM

To: Monique.Acosta@lacity.org, Ruben.c.vasquez@lacity.org, apccentral@lacity.org

To:

Monique.Acosta@lacity.orgRuben.c.vasquez@lacity.orgCommission Staff: Cecilia Lamas apccentral@lacity.org

Public Hearing for LaPoubelle

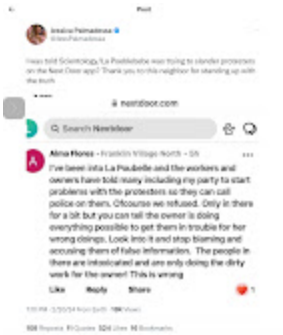
Case number: ZA-2023-728-CUB-1A

CEQA: ENV-2023-729-CE

This screenshot is from the community app, NextDoor. The owner AND staff of LaPoubelle have been encouraging patrons to antagonize the activists/ protesters outside, who are exercising their first amendment right.

Combined with the over-serving of alcohol and dirty tactics by Francoise Koster, the owner, it seems like a poor decision to allow the restaurant to have an extension to the hours they serve alcohol.

Kindly,
L. Francis



IMG_4026.jpeg
805K

I was told Scientology/La Poebelbebe was trying to slander protesters on the Next Door app? Thank you to this neighbor for standing up with the truth



mail

nextdoor.com

Search Nextdoor



**Alma Flores** • Franklin Village North • 5h ...

I've been into La Poubelle and the workers and owners have told many including my party to start problems with the protesters so they can call police on them. Ofcourse we refused. Only in there for a bit but you can tell the owner is doing everything possible to get them in trouble for her wrong doings. Look into it and stop blaming and accusing them of false information. The people in there are intoxicated and are only doing the dirty work for the owner! This is wrong

Like

Reply

Share

 1

Dear Ms. Acosta,

I am writing to you to ask you to please refuse La Poubelle this liquor license request. I'm going to go further and ask you to revoke their current full liquor license and just give them a beer and wine license so the dining patrons can have alcohol with their meals, but to avoid the alleged current conditions at that restaurant due to their alleged current and repetitive violations of their current license.

There have been protestors in front of their establishment for the past month or more. There is possibly hundreds of hours of live footage showing the alleged gross negligence and the alleged complete lack of adhering to their current rules for having a liquor license.

Examples of what has possibly been witness by hundreds of thousands if not millions of people are as follows:

Allegedly, the owner Francois Koster leaving in her car which didn't have a plate, bump into the car in front and in back of her as she left the spot. That behavior suggests the possibility of being intoxicated.

Allegedly, another patron and passenger who I believe is related by marriage to Danny Masterson getting out of a spot and driving her car in a manner that pushed a protester backwards. She allegedly came out of that bar and pushed a human being with her car.

Allegedly, numerous patrons coming out and assaulting protestors. All appearing intoxicated. Some not able to walk straight. They have allegedly knocked phones out of hands, flicked a cigarette on a woman, yelled aggressively in people's faces etc.

I believe there is enough evidence to show that this bar serves beyond inebriation. They allegedly walk in normally and walk out impaired. Allegedly not getting Ubers etc. I haven't seen one Uber or taxi pick patrons up.

Allegedly, a neutral patron posted on Nextdoor that the restaurant solicits patrons to leave the establishment and be aggressive to the protestors. To my knowledge, not one protestor has initiated aggression, they have only been forced to defend themselves. When attacked the bar security officers allegedly do nothing to deescalate the situation prior to the patron assaulting or being aggressive. They have allegedly watched numerous attacks and haven't come to the aid of any victim.

You may be wondering why have there been continuous protests at that location for over a month now. I will address that to the best of my knowledge.

Danny Masterson, actor and second generation Scientologist is a friend of Francois Koster and was a regular customer of the restaurant. Danny M is now serving two thirty year sentences for drugging and raping 3 women. Victim 3 was drugged at La Poubelle and raped while

unconscious. Francois Koster has allegedly continuously including currently supported Danny M. She has requested that he be let out of prison while awaiting any appeal and requested a reduced sentence because he was kind to her dog. Thankfully the judge denied that request. Ms. Koster also allegedly harassed the victim. The victim that was drugged in her establishment.

I am personally concerned that Ms. Koster may have no regard for the safety and well being of her patrons, especially women patrons. She seems to support Danny M, a convicted rapist and allegedly instigates actions against those who protest out of concern for past victims and the potential of future victims because she doesn't seem to acknowledge the absolute wrongfulness of what happened to this victim in her establishment. To allegedly further victimize said victim is beyond egregious. She is showing that she may not have the proper moral compass to navigate the requirements of this lengthy CUP.

She is already allegedly breaking many of the conditions of the CUP. There's allegedly a lot of smoking inside and outside of the establishment. There's allegedly people drinking inside then bringing their drinks outside. There's allegedly no access to see what is going on inside because the outside tent blocks all views. I don't believe the slit opening is ADA compliant. There's allegedly no mitigation of issues brought on by their patrons. Numerous required signs are allegedly missing. I do not believe this owner takes the CUP seriously.

For the above mentioned reasons, I am asking you to deny this application. They are allegedly non compliant as is, it will only be exponentially worse as they use the public right away for serving even more alcohol.

I am also requesting that you look at the massive amount of footage by the protestors and fine this establishment for every alleged violation. I am asking that you send investigators out to fully investigate the practices of this restaurant. I suggest not moving forward at all until you have properly watched all potential evidence. This is not legal counsel but I'm concerned that if you don't look at all the evidence in it's entirety and someone else gets drugged, raped or worse, the city could be held liable when any victim's attorneys find out that there was a substantial concern for the practices of this establishment preceding this hearing. I am pleading with you to hold off any decision until you and even the City Attorney look at all the footage and evidence.

Thank you for your consideration in this matter.

A very concerned citizen.

Daniel Freedman
dff@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 77906-0001

March 7, 2024

VIA E-MAIL (apccentral@lacity.org)

President Maleena Lawrence and Honorable

Members of the Central Area Planning Commission

Attention: Cecilia Lamas, Commission Executive Assistant II

200 North Spring Street, Room 1070

Los Angeles, CA 90012

Re: Property Address: 1719-1731 N. Whitley Avenue
Case No. DIR-2016-4920-SPR; ENV-2016-4921-CE
Hearing: March 12, 2024, Agenda Item 7.

President Lawrence and Hon. Commissioners:

Our office represents Whitley Apartments LLC ("Whitley"), the owner of 1719-1731 N. Whitley Avenue (the "Property"), and applicant for DIR-2016-4921-SPR and ENV-2016-4921-CE, a Director of Planning approval of a by-right 156 room hotel development for the Property ("Project"), located just steps from the Walk of Fame and Hollywood and Highland. The Property is zoned for by-right hotel use and its current zoning contains a Q-condition which expressly permits by-right hotel uses. The Project was approved by the Director of Planning on August 1, 2018, and the approval was upheld on appeal by a unanimous vote the Central Area Planning Commission ("APC") on October 22, 2019.

While this Project does involve the demolition of a former multi-family use (market-rate), in denying the appeal, the APC praised the applicant's compassionate efforts to assist the former tenants with their relocation efforts, both with respect to financial assistance and additional time. In fact, during the Commission's deliberations, Commissioner Delgado described these efforts as the "gold standard," explaining that he "wish[ed] every project did this...and [these efforts] should be the gold standard [for development projects], kudos."¹ The Project's California Environmental Quality Act ("CEQA") determination was then appealed to the City Council, and the appeal was once again denied on October 10, 2020.²

The appellant then proceeded to file a lawsuit challenging the Project for nearly all of the same justifications at issue here in this appeal, i.e., lack of consistency with the zoning/general

¹ See hearing audio, timestamp 1:22-1:24, accessible at:

<https://planning.lacity.gov/StaffRpt/Audios/Central/2019/10-22-2019/9%20DIR-2016-4920.mp3>

² <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=19-1496>

plan, traffic, public services, etc. Significantly, the court did not find a shred of merit with respect to any of these claims, accordingly, there is no legal or factual basis to justify why the appellant is bringing up these same claims once again. Nevertheless, the one and only point the Court did have concerns with related to the City's response to the appellants general claim over consistency with the City's Housing Element. While the court did not reach a conclusion as to the project's consistency one way or another, it did find that the administrative record failed to indicate that the City "weighed and balanced all applicable policies" contained in the City's housing element, i.e., the City needed to show that it at least considered the competing policies.³ In response to this decision, and in direct response to the Court's findings, the City has updated the Project approval with a more detailed analysis of the Project's consistency with the housing element. This appeal, therefore, challenges the same project, was filed by the same appellant, and raises nearly the exact same arguments that were previously rejected.

For the reasons set forth in the Department of City Planning staff report, this letter, and the presentations to be provided, this repetitious appeal should be denied. For the Commission's reference, attached as **Exhibit A** is a point-by-point response to the appeal. Once again, most of the arguments raised in the appeal are general objections to the Project and lack specificity. For instance, the appellant argues that the Project is inconsistent with the City's Mobility Plan because the removal of the existing units reduced housing opportunities in Hollywood for low income workers. This argument is flawed in several respects.

First, these units have already been removed from the rental market pursuant to the City's Ellis procedures, meaning these units in fact cannot be used for rental housing. Second, this Property has never contained "low-income" or affordable units, the units have always been rented at market rate. Third, and most importantly, the appellant fails to specify what policy or program the Project is inconsistent with. To the contrary, the Project directly advances the Mobility Plan's policies of developing transit oriented areas to "accommodate greater densities of residential and commercial uses, while increasing access to transit connections." (See Policy 3.3, Land Use Access and Mix.) This Project directly advances this objective.

With respect to the appellant's general claims concerning the housing element, the appeal fails to acknowledge the fact that the City's housing element - updated in 2021 and deemed compliant by HCD in 2022 - planned for this site to be developed with a hotel use, and this was never challenged by the appellant. More specifically, Chapter 4, Adequate Sites for Housing, illustrates that the City specifically identified locations that are anticipated to accommodate housing, and this Property was not included on that list. Rather, the Property was included in the list of "pipeline projects" identified in Appendix 4.3, which specifies that the site has a "Total [Housing] Capacity" of ZERO units.⁴ Accordingly, the appellant has no basis to argue that the

³ <https://www.courts.ca.gov/opinions/archive/B321050.PDF>

⁴ [https://planning.lacity.gov/odocument/460acbc2-2dc5-4a86-be46-d6bbce82a33f/Appendix_4.3_-_Pipeline_Development_-_Private_Development_\(Adopted\).pdf](https://planning.lacity.gov/odocument/460acbc2-2dc5-4a86-be46-d6bbce82a33f/Appendix_4.3_-_Pipeline_Development_-_Private_Development_(Adopted).pdf)

Project is inconsistent with a housing element that specifically contemplated this site to be used for the previously approved hotel use.

Finally, the applicant expressly reserves the right to object to any new conditions of approval or standards that may be required on the Project that are inconsistent with the Project's original approval and/or the laws applicable at the time the Project was first approved. The applicant is still reviewing and considering the recently released staff report, and will be submitting additional testimony during and/or in advance of the upcoming hearing.

In conclusion, the appeal again fails to explain how or why the Director of Planning erred or abused its discretion in approving this Project. In light of this, and the attached responses to comments, we urge the Commission to deny the appeal and to once again uphold the Director of Planning's approval of the Project. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'D. Freedman', with a stylized, flowing script.

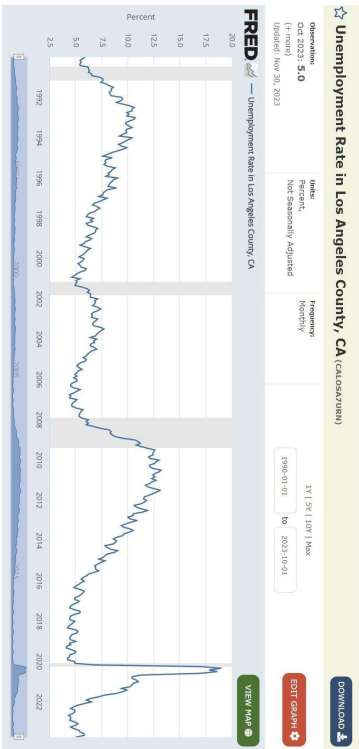
DANIEL FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

CC: Heather Bleemers, Senior City Planner, Department of City Planning
Emma Howard, Community Development and Planning Director, Council District 13

EXHIBIT A

Comment Response		Comment Response	
1	<u>1719-1731 North Whitley Avenue</u> APPEAL JUSTIFICATION DECEMBER 2023 Case No. DIR-2016-4920-SFR CEQA: ENV-2016-4921-CE <u>The Reason for the Appeal</u> The Site Plan Review findings contained in the determination letter are based on a biased, incomplete and inaccurate reading of the Framework Element, General Plan Elements, especially the Housing Element, and a failure to consider the Hollywood Redevelopment Plan. While the determination letter acknowledges that the project does not meet or fulfill the goals, objectives, and policies of the Housing Element, it goes on to dismiss this failure, claiming that the project substantially conforms to the General Plan. UN4LA is deeply disturbed by LADCP's cavalier dismissal of the need for consistency with the Housing Element, especially since this agency has been telling us for years about the dire need for housing. We are stunned that LADCP is able to dismiss the loss of 40 RSO units so easily, especially in a city that has lost thousands of units of rent-stabilized and affordable housing over the last decade, and where the homeless population has reached 41,980, according to LAHSA's most recent count.	5	4 (Continued) 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 find it hard to believe that they will not seek approval to serve alcoholic beverages once the proposed hotel is in operation. 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". We find the terminology used for the last category amusing, since we believe LASAN stopped using the word "refuse" to describe solid waste some time in the last century. Waste disposal is a growing problem, not just in the City of Los Angeles but throughout the State. The City is currently far from meeting its recycling goals, and recent problems at LA County landfills serving the City of LA show that the City is unable to safely dispose of solid waste. Underground chemical reactions and a spike in bacteria growth highlight the strains on solid waste infrastructure. Demolishing 40 RSO units to make way for a 156-room hotel will only increase the production of solid waste. <u>Specific Points at Issue</u> As noted above, UN4LA maintains that the findings for both the Site Plan Review and 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. <u>SITE PLAN REVIEW</u> <u>Housing</u> To begin with, we note that the determination specifically mentions that this project was previously the subject of a lawsuit brought by UN4LA. The courts found that the City's determination of consistency with the General Plan was flawed because the City had not considered whether the demolition of 40 RSO units was consistent with the Housing Element. The determination then addresses this issue with regard to their decision to approve the same project again. <i>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.</i> While we understand the need for jobs, the unemployment rate in LA County is currently
	2 The CEQA findings are also inadequate and inaccurate, in part because the description of the project given under "Background" is incomplete and misleading. 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. <u>UN4LA RESERVES THE RIGHT TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF THIS APPEAL.</u> <u>How I Am Aggrieved by the Decision</u> 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) disastrous 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. In many cases, and with this project in particular, it appears that LADCP's goal is to reward developers who remove 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		6 As noted above, UN4LA maintains that the findings for both the Site Plan Review and 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. <u>SITE PLAN REVIEW</u> <u>Housing</u> To begin with, we note that the determination specifically mentions that this project was previously the subject of a lawsuit brought by UN4LA. The courts found that the City's determination of consistency with the General Plan was flawed because the City had not considered whether the demolition of 40 RSO units was consistent with the Housing Element. The determination then addresses this issue with regard to their decision to approve the same project again. <i>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.</i> While we understand the need for jobs, the unemployment rate in LA County is currently
	3		7
	4		

at about 5%, according to the US Federal Reserve:



While we can always hope the figure would go even lower, the Fed's figures appear to show that unemployment in LA County is almost at the lowest level we've seen in the past 30 years.

What we find truly disturbing is that LADCP appears to prioritize "lodging opportunities" over housing. Given the agency's repeated claims of a dire housing shortage over the past decade, we have to ask why, after weighing competing objectives, LADCP believes hotels are more important than housing.

To put this in context, we'd like to cite a different passage from the 2021-2029 Housing Element:

Chapter 1. Housing Needs Assessment

Among other findings, this analysis indicates that the City's residents experience the highest rates of housing cost burdens and overcrowding in the nation, one of the lowest homeownership rates, and the rapid loss of existing lower-rent housing. These trends are being compounded by demographic and employment factors such as rapid aging of the population, the continued prevalence of poverty, and low-wage employment. [Emphasis added.]

2021-2029 Housing Element
<https://planning.lacity.org/plans-policies/housing-element>

Here the Housing Element specifically cites the loss of existing lower-rent housing, as well as housing cost burdens and overcrowding, to support the conclusions of the Housing Element's Housing Needs Assessment.

Furthermore, we'd like to cite Appendix 1.1, the Housing Element Assessment of Fair Housing:

The need to build a more just and equitable Los Angeles has never been more urgent not more opportune. Mass mobilizations around racial justice have heightened the awareness of structural racism in urban planning and policy making. Skyrocketing homelessness and a growing affordability crisis has forced cities to reimagine how to accommodate more housing and identify strategies for ending exclusionary zoning. [Emphasis added.]

Housing Element Assessment of Fair Housing
[https://planning.lacity.org/odocument/a3ce70b0-54b8-4246-b724-e248cd9cab8f/Appendix 1.1 Housing Element Assessment of Fair Housing \(Adopted\).pdf](https://planning.lacity.org/odocument/a3ce70b0-54b8-4246-b724-e248cd9cab8f/Appendix%201.1%20Housing%20Element%20Assessment%20of%20Fair%20Housing%20(Adopted).pdf)

The Housing Element's references to housing cost burdens, loss of existing low-income housing and skyrocketing homelessness make clear the gravity of the housing challenges that LA is facing. So while the determination cites the need for jobs and "lodging opportunities", we see no evidence that these should take priority over the clear need to preserve existing RSO housing stock.

The determination letter also attempts to make it appear that LADCP has thoroughly considered all of the City's planning objectives, and argues that it's not possible to achieve all of them.

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.)

Unfortunately, in this excerpt the author does not include the preceding language which gives context to this passage. Here is more complete version of this paragraph from the Housing Element:

Program implementation actions include a combination of ordinances, programs, policies, resolutions, and incentives, as well as outreach and education activities. Successful program development is often contingent on the availability of funding and staff resources, which is likely to change over time due to economic conditions, the priorities of federal and regional governments and funding agencies, and other conditions. The programs will be reviewed annually through an Annual Progress Report (APR) and prioritized, where necessary, to reflect funding limitations and the City's objectives. When General Plan Updates are considered, they will have to be evaluated for consistency with the Housing Element. 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.

The first thing that the additional language shows is that this paragraph is focussed specifically on the goals of the Housing Element. The sentence "Successful program development is often contingent on the availability of funding and staff resources, which is likely to change over time due to economic conditions, the priorities of federal and regional governments and funding agencies, and other conditions," is clearly related purely to housing issues. The author of the determination uses the following sentence...

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.

...to make it appear that the sentence refers to the comparison of the various goals found in the General Plan Elements. In other words, to justify the conclusion that the need for jobs and "lodging opportunities" is "more compelling" than the need for housing. But in fact, this paragraph is talking solely about decisions regarding the need for housing, and not about the range of factors that come into play in the wider planning process. Given the full context, it becomes clear that the author is misusing the language excerpted in the LOD to justify trading housing for hotels.

The determination says that the project fails to fulfill the goals and objectives of the Housing Element, but this is a misleading half-truth: In fact, because the project involves the demolition of 40 RSO units to make way for a hotel, it is in conflict with the Housing Element. The project proposed for 1719 Whitley actively undermines the objectives of the Housing Element.

Mobility Plan

The determination cites a number of policies from the Mobility Plan, most of which have little or nothing to do with the proposed project. It then concludes that "the proposed project is consistent with goals, objectives and policies of the Mobility Plan 2035." In fact, by replacing RSO housing with hotel rooms, the project reduces available housing stock for people in service industries who work in the Hollywood area. There are a number of hotels in Hollywood, but we believe that the vast majority of people who work in them would not be able to afford to live in an area where a market-rate one-bedroom goes for about \$2,000 a month. Instead, the loss of housing accessible to low-income residents will force more working class people away from Hollywood, reducing their access to jobs and public transit.

We also note the mention of 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." Clearly a study that's over five years old cannot be considered adequate evidence of the project's traffic impacts.

Hollywood Redevelopment Plan

The Project also falls within the boundaries of the Hollywood Redevelopment Plan (HRP) Area and is in violation of the Plan's requirements. The HRP imposes a limit of 80 units per acre. This 156-room hotel far exceeds that limit. The Project exceeds the HRP's allowable density. Also ZIMAS states that the parcel is zoned [Q]R5-2, but R5 is not

allowed in the HRP area. The City has failed to resolve this conflict.

CEQA EXEMPTION

We first 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 Airrang 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 Airrang 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.

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.

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.*

12
(Continued)

14
(Continued)

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.

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

(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.

13

Why I Believe the Decision-Maker Erred or Abused Their Discretion

The decision maker erred and abused their discretion by approving a site plan review and a CE for this Project.

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.

14

RESPONSE TO APPEAL COMMENTS

The Appellant's assertions that the City erred and abused its discretion by approving the site plan review and Categorical Exemption for this Project lack merit because appellant raises such opposition without providing substantial evidence. Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. (CEQA Guidelines Section 15064[b].) Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence. (CEQA Guidelines Section 15064[a])

In addition, majority of the issues Appellant raises are barred by *res judicata* as exemplified by *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, under which the court found that a public interest group could not assert new challenges against a project when the group previously had already obtained a writ directing the city to correct the EIR for the same project. Any issues Appellant did not raise in *United Neighborhoods for L. A. v. City of L. A. ("United Neighborhoods")*, to the extent that material facts have not changed, are barred by *res judicata*.

Please see below for our issue-by-issue responses to the Appeal:

Response to Comment 1: The appellant asserts that the Project is inconsistent with the Framework Element, General Plan Elements, Housing Element without substantial evidence. The Project is consistent with the goals, objective, and policies of the Housing Element and conforms to the General Plan because the Project area is not included in the City's inventory of land suitable for residential development, which City prepared in accordance with its Regional Housing Needs Allocation and in compliance with Affirmatively Furthering Fair Housing (AFFH) requirements. page 8 in Appendix 4.3 of the 2021-2029 Housing Element notes that the Project Area is subject to a pending Project that is not required to provide housing for the City's compliance with the Housing Element law. Also, as noted in the Director's Determination page 10, the Housing Element goals, objective objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. 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. 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.

Response to Comment 2: The appellant's assertion that the CEQA findings are inadequate and inaccurate lacks substantial evidence. The appellant's assertion regarding Categorical Exemption under CEQA Guidelines, Section 15332 is not supported by substantial evidence because appellant's statements regarding noise, traffic, air quality impacts are unsubstantiated and speculative. The assertion is also barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. As mentioned in page 20 of the Director's Determination, 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.

Response to Comment 3: Appellant's statements regarding impacts of City Planning's actions are irrelevant to this Appeal and require no response.

Response to Comment 4: Appellant's statements regarding impacts of City Planning's actions are irrelevant to this Appeal and require no response. The appellant's assertion regarding project's liquor

use is speculative and therefore is not supported by substantial evidence. (CEQA Guidelines Section 15064[a]). In addition, appellant's assertions are barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180.

Response to Comment 5: Appellant's assertions regarding General Plan Elements and the City's recycling goals are irrelevant to this appeal and require no response.

Response to Comment 6: The Appellant's assertion that the City abused its discretion is not supported by substantial evidence because many, if not all of the appellant's support is speculative or unsubstantiated. In addition, many of the assertions in the Appeal are barred because they have not been raised in *United Neighborhoods*, and are barred by *res judicata*.

Response to Comment 7: The appellant asserts that the Project is inconsistent with the Framework Element, General Plan Elements, Housing Element without substantial evidence. The Project is consistent with the goals, objective, and policies of the Housing Element and conforms to the General Plan because the Project area is not included in the City's inventory of land suitable for residential development, which City prepared in accordance with its Regional Housing Needs Allocation and in compliance with Affirmatively Furthering Fair Housing (AFFH) requirements. page 8 in Appendix 4.3 of the 2021-2029 Housing Element notes that the Project Area is subject to a pending Project that is not required to provide housing for the City's compliance with the Housing Element law. In addition, any Housing Element issues not raised in *United Neighborhoods* are barred by *res judicata*. Also, as noted in the Director's Determination page 10, the Housing Element goals, objective objectives, and policies are not mandatory and the Housing Element recognizes that not all policies can be met in any given actions. 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. 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.

Response to Comment 8: The appellant's assertions regarding the Mobility Plan lacks substantial evidence because they are based on speculation. (CEQA Guidelines Section 15064[a].) The assertions are also barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. In addition, the Appellant fails to cite to which section of the Mobility Plan the Project is inconsistent with. As noted in page 13 of the Director's Determination, the Mobility Element is not likely to be affected by the Project because Whitley 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 meets the policies of the Mobility Element because the Project's design will encourage daytime and nighttime pedestrian activity, proximity to mass transit will reduce vehicle miles traveled, bicycle parking will enable improved access to the project, and EV parking spaces will encourage adoption of low and zero emission fuel sources. Also, an updated traffic report is not required because the Project remains unchanged from the original 2019 approval and there is no substantial evidence that circumstances changed to require a new traffic study.

Response to Comment 9: The Appellant's assertions regarding they Hollywood Redevelopment Plan are barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. In addition, the Appellant fails to cite to which section of the Hollywood Redevelopment Plan the Project is inconsistent with. The proposed hotel project does not contain any residential units and it is not subject to the density

limitation of the Hollywood Redevelopment Plan. Furthermore, according to page III-10 of the Findings Supporting a Categorical Exemption, the Project is consistent with applicable redevelopment plan goals.

Response to Comment 10: The appellant's assertion regarding the adequacy of the Environmental Assessment Form is based on speculation and is not supported by substantial evidence. (CEQA Guidelines Section 15064[a].) In addition, this assertion is barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180.

Response to Comment 11: The appellant's assertion regarding Categorical Exemption under CEQA Guidelines, Section 15332 is not supported by substantial evidence because appellant's statements regarding noise, traffic, air quality impacts are unsubstantiated and speculative. (CEQA Guidelines Section 15064[a].) In addition, Appellant's assertions are also barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. As mentioned in page 20 of the Director's Determination, 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:

- Noise – According to page III-20 of the Findings Supporting a Categorical Exemption, the project would not result in any significant impacts to nearby sensitive receptors including the adjacent senior housing development abutting the subject property to the south.
- Traffic – According to page III-27 of the Findings Supporting a Categorical Exemption, the Project would not result in any significant traffic and transportation impacts.
- Air Quality – Page III-40 of the Findings Supporting a Categorical Exemption, Table III-13, shows that the Project would not result in any significant impacts to nearby sensitive receptors including the adjacent senior housing development abutting the subject property to the south

Response to Comment 12: The appellant's assertion regarding cumulative impacts is not supported by substantial evidence because appellant's assumptions are unsubstantiated. (CEQA Guidelines Section 15064[a].) In addition, Appellant's assertions are also barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. According to the analysis in page III-65 of the Findings Supporting a Categorical Exemption, Project would not have any impacts that are individually limited but cumulatively considerable.

Response to Comment 13: The Appellant's assertions regarding historical resources are barred by *res judicata* based on *Hillside*, 126 Cal.App.4th 1180. Based on page III-77 of the Findings Supporting a Categorical Exemption, the Project would not result in direct impacts to historical resources because no historical resources were identified on the subject property.

Response to Comment 14: The Appellant's assertion that the City abused its discretion is not supported by substantial evidence because many, if not all of the appellant's support is speculative or unsubstantiated. (CEQA Guidelines Section 15064[a].) In addition, many of the assertions are barred because they have not been raised in *United Neighborhoods*, 93 Cal.App.5th 1074, and are barred by *res judicata*.



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March 7, 2024

VIA E-MAIL AND ELECTRONIC SUBMISSION

Central Los Angeles Area Planning Commission
Los Angeles City Hall
200 North Spring Street, 10th Floor, Room 1070
Los Angeles, California 90012
Email: apccentral@lacity.org

Re: Tuesday, March 12, 2042 Council Agenda Item 7
DIR-2016-4920-SPR-1A
CEQA: ENV- 2016-4921-CE
Comments in Support of Appeal of Director of Planning Determination on
Whitley Hotel Project

Honorable Commission Members:

This firm represents United Neighborhoods for Los Angeles (UN4LA), the appellant herein, and writes this letter in support of UN4LA's appeal of the Whitley Hotel Project. UN4LA is a non-profit California corporation formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. A number of UN4LA's members are residents of the Hollywood area and will be directly affected by the City's approval of the challenged development.

As a threshold procedural matter, UN4LA did not receive the notice of March 12, 2024 hearing until after this past Monday's deadline to provide comments and evidence as required by the Planning Department in the agenda notice. (See Attachment 1.) UN4LA did not receive notice until March 5, 2024, which has made it impossible for UN4LA to comply with the City's rules. Therefore, UN4LA expects that the City will accept this letter and all attached exhibits (which will be provided to the City Planning via a Dropbox link due to their size) into the record of proceedings, and hereby requests that the City do so.

In addition, it appears that the City is using the same case numbers used for the previous project which appears to be inappropriate, as the former project approvals were overturned by the

City of Los Angeles as mandated by the Los Angeles Superior Court in case number L.A.S.C., 20STCP03844. Thus, the new project should have new case numbers.

As to the substance of the City's decision, the City of Los Angeles is facing an "unprecedented housing crisis." Demolition of affordable stabilized units to develop new "affordable housing" which is not actually affordable as that term is understood by most of the public, is controversial.¹ Demolition of rent stabilized units to make way for yet another luxury hotel, without any CEQA review, is an anathema. In the middle of an unprecedented homelessness crisis that has only further burdened the City's truly affordable housing stock, the Planning Department has completely exempted from CEQA review the Whitley Hotel Project. This new hotel development, as proposed, will result in the permanent loss of 40 affordable, rent-stabilized housing units from the City's already woefully meager truly affordable housing stock. **AS A POLICY MATTER, THIS CITY SHOULD NOT TALK OUT OF BOTH SIDES OF ITS MOUTH. AS A LEGAL MATTER, THE PLANNING COMMISSION MUST GRANT THE APPEAL AND OVERTURN THE DIRECTOR'S DETERMINATION AND THE CEQA EXEMPTION**, because the Project is not exempt from CEQA review; the parcel is not zoned for the proposed commercial hotel; and the Hollywood Community Plan requires the parcel remain for residential housing.

I. This project is inconsistent with applicable policies of the General Plan's Housing Element and therefore does not qualify for CEQA's infill exemption.

The in-fill exemption requires consistency with *all* applicable general plan policies. (See CEQA Guidelines §15332(a); *United Neighborhoods for Los Angeles v. City of Los Angeles* (2023) 93 Cal.App.5th 1074, 1088 [emphasis added].) The City's approval of this project "must be based on a determination that the Project is consistent with such policies or the policies do not apply." (*Ibid.*) The City has previously ignored the infill exemption's requirement of consistency with *all* applicable general plan policies, for this very same project proposed previously and determined unlawful by the Los Angeles Superior Court, and affirmed by the California Court of Appeal. (*Ibid.*) Yet, under a common definition of insanity, the Director's determination letter ("LOD") indicates that the City is repeating the same mistake and expecting a different result.

The LOD claims that "[t]he project is in substantial conformance with the purposes, intent and provisions of the General Plan...and does not conflict with any applicable regulations, standards, and any applicable specific plan." (LOD p. 9.) This, of course, is not the legal standard for determining whether a project falls under the infill exemption of CEQA.

¹ <https://www.latimes.com/california/story/2023-12-14/mayor-karen-bass-affordable-housing-initiative-is-sparking-new-displacement-fears>

Despite that, the LOD goes on to identify applicable policies of the General Plan's 2021-2029 Housing Element, including Policy 2.1.1 to "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." The only other Housing Element Policy identified in the LOD as applicable is 2.3.1, to "Enforce and facilitate the maintenance of existing housing in decent, safe and healthy conditions."

The LOD then acknowledges the project is inconsistent with these policies. It states that "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..." (LOD p. 10.) Then, the LOD disregards this finding of non-consistency because, allegedly, "the Project fulfills a number of other General Plan goals, objectives, and policies..." But that is not the standard to meet the infill exemption requirements: the project must be consistent with *all* applicable general plan policies. (CEQA Guidelines §15332(a).)

Compounding the legal error engaged in by the Director's Determination, the LOD also ignores other applicable Housing Element policies. The 2021-2029 Housing Element states that the City is "committed to providing housing initiatives that expand and preserve our affordable housing stock, encourage greater access to housing, minimize the displacement of vulnerable residents, and dismantle policies and practices that have negatively impacted Angeleno communities of color..." The General Plan's Housing Element also acknowledges that "in the last eight years, the severity of the housing crisis has continued to grow" and also includes the goal of being a "City that is committed to preventing and ending homelessness." In furtherance of these aims, the General Plan's Housing Element includes the following policies which are applicable to the City's infill exemption analysis, but are conveniently ignored:

2.1.6: Promote the use of housing for long-term residents and limit practices such as...conversions to hotels[.].

3.2.1: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.

4.3.2: Ensure that all neighborhoods have a range of housing typologies to provide housing options for residents to remain in the same community, when and if their needs change.

The LOD attempts to justify its determination of exemption by claiming that "not all plan policies can be achieved in any single action, and in relation to any decision, some goals may be more compelling to others." (LOD p. 10.) This is irrelevant for purposes of concluding whether the City can exempt the project from CEQA review. What matters is whether there is an inconsistency

with an applicable policy; if there is, the City must prepare an Initial Study to determine the level of CEQA review document that must be prepared for the project.

It is critical to keep in mind that CEQA exemptions are narrowly construed: “Exemption categories are not to be expanded beyond the reasonable scope of their statutory language.” (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal. App. 4th 1356, 1382.) While it may be true that when it comes to the ultimate approval of the project, the City can “weigh and balance” the competing policies in the General Plan (LOD p. 19), that weighing and balancing is irrelevant here in determining whether the project qualifies for the infill exemption, which requires consistency with *all* applicable policies. Because the Project conflicts with certain clearly applicable Housing Element policies, the determination that the project is exempt from CEQA review cannot stand.

II. Even if the infill exemption applied, which it does not as a matter of law, this Project would fall within the unusual circumstances exception to the exemption.

Even if the Commission decides, wrongly, that the infill exemption is applicable on its face, this Project falls outside the scope of the exemption due to unusual circumstances.

Mayor Karen Bass has signed a local state of emergency on housing and homelessness in the City of Los Angeles². The project’s demolition of this affordable housing in the context of the City’s homelessness crisis³ further plainly distinguishes this project from categories of projects that qualify for “infill development.” This is a feature of the subject project that differs from “the general circumstances of projects” covered by the in-fill exemption. Although the statute does not define the term, case law has held that an “unusual circumstance” refers to “some feature of the project that distinguishes it” from others in the exempt class. (*Fairbank v. City of Mill Valley* (1999) 75 Cal. App. 4th 1243, 1260.) In other words, “whether a circumstance is ‘unusual’ is judged relative to the typical circumstances related to an otherwise typically exempt project.” (*San Lorenzo Valley Cmty. Advocates for Responsible Educ. v. San Lorenzo Valley Unified Sch. Dist.* (2006) 139 Cal. App. 4th 1356, 1381.)

The Whitley Hotel Project is not the kind of project that is usually approved under the infill exemption. (See Attachments 2-8.) In December 2016, when Real Party in Interest Fari Moshfegh first applied for the project and submitted an CEQA assessment form, he acknowledged that that six multi-family residential structures would be demolished, comprising 40 affordable residential housing units. This form, generated by City, specifically asks project applicants whether they intend to proceed under a “Class 32 Urban Infill Categorical Exemption.” But Moshfegh did not request

² <https://mayor.lacity.gov/news/mayor-bass-signs-updated-state-emergency-housing-and-homelessness-confront-ongoing-crisis>;

[https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-](https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-07/Updated%20Housing%20and%20Homelessness%20Emergency%20Declaration_Summary.pdf)

[07/Updated%20Housing%20and%20Homelessness%20Emergency%20Declaration_Summary.pdf](https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-07/Updated%20Housing%20and%20Homelessness%20Emergency%20Declaration_Summary.pdf)

³ <https://mayor.lacity.gov/InsideSafe>

that exemption, instead leaving that box blank. This is evidence that this project is not of a kind normally exempted from CEQA review.

In fact, another similar hotel development project, less than half a mile from the subject project site, was determined to be subject to CEQA review and was required to prepare an initial study and mitigated negative declaration. This hotel, located at 1717 Wilcox Avenue in Hollywood, involved the development of a 134-room hotel and restaurant uses. The Wilcox hotel replaced “an existing asphalt-paved surface parking lot and an approximately 593-square foot restaurant.” (See Attachment 2, 1717 Wilcox MND.) Yet another similar hotel development project, three-tenths of a mile away from the subject development, at 1850 North Cherokee Avenue, was determined by the City in 2016 to be subject to CEQA review. (See Attachment 3, 1850 Cherokee Determination Letter.)

The Whitley hotel project involves the destruction and permanent loss of existing affordable housing units, replacing 40 units of rent-stabilized housing that has served the City’s renting population since the 1920s, with another luxury hotel in Hollywood. Thus, the fact that the Wilcox project was found by the City to be subject to CEQA review despite its location on the parking lot, supports Appellant’s claim that the City would err here in exempting the Whitley hotel project from CEQA review.

In this case, the City has approved a 10-story hotel project that requires the demolition of 40 rent-stabilized, affordable units. Bewilderingly, at the same time, the Mayor is pushing to acquire hotels that can be transformed into housing, as in the case of the Mayfair Hotel, which the City recently agreed to purchase⁴.

III. The project, definitionally, is not an “infill” project as the existing land is being utilized for its highest purpose, affordable rent-stabilized housing.

An additional basis for this Commission to grant UN4LA’s appeal and decline to approve this Project without CEQA review is that the project fails to meet the basic definition for “in-fill.”

Interpretation of a regulation is governed by the rules of statutory construction. A court must “give the regulatory language its plain, commonsense meaning and, “[i]f possible, [] must accord meaning to every word and phrase in the regulation, and [] read regulations as a whole so that all of the parts are given effect.” (*Butts v. Board of Trustees of California State University* (2014) 225 Cal. App. 4th 825, 835-36.)

California Code of Regulations section 15332 applies to “projects characterized as in-fill development” meeting five specified conditions. (CEQA Guidelines section 15332.) The regulation itself does not define “in-fill development,” but that term must have a specific meaning. (*Garcia v.*

⁴ <https://www.latimes.com/california/story/2023-05-12/city-may-buy-mayfair-hotel-for-fight-against-homelessness>

Santana (2009) 174 Cal. App. 4th 464, 473 [“As a matter of statutory interpretation, we must give meaning to all of the statute's terms.”].)

The specific meaning can be gleaned from the California Office of Planning and Research which is responsible for developing the CEQA Guidelines, along with the California Natural Resources Agency. (Pub. Res. Code section 21083).

The term “in-fill development” has a commonly understood definition across development law in the State: “in-fill development refers to building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas.” (<https://opr.ca.gov/planning/land-use/infill-development/>.) The City, in approving the Whitley Project under a Class 32 Exemption, would be ignoring the meaning of “infill development” as promulgated by OPR.

The Whitley Project does not meet the definition of “in-fill development.” “Because the [categorical] exemptions operate as exceptions to CEQA, they are narrowly construed. [Citation.] ‘Exemption categories are not to be expanded beyond the reasonable scope of their statutory language.’” (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, supra, 139 Cal. App. 4th at p. 1382.) The subject parcel is neither vacant nor under-used. Instead, the Whitley property is presently being used to satisfy one of the most pressing issues facing the City of Los Angeles: providing housing in a safe, affordable manner. A determination that the hotel project qualifies as “in-fill development” is in direct contradiction to the plain meaning of the term, and the state’s interpretation of the language of the statute.

The City cannot make a finding that the project falls within the definition of “infill development” because that finding would not be supported by substantial evidence; no reasonable person could conclude that the project site is unused or underutilized. Infill development is commonly applied to facilitate the production, not the destruction, of housing. The use of the exemption here creates a farce of the intention behind exempting infill development from CEQA review.

IV. The Project conflicts with the Hollywood Community Plan and is therefore inconsistent with the General Plan’s Land Use Element.

The newly adopted Hollywood Community Plan (HCP) zones the subject parcel as [Q]R5-2D-CPIO with a proposed land use of “High Residential.” Because this project, a hotel, does not qualify for multi-family residential zoning, the project conflicts with the HCP and therefore is inconsistent with the General Plan’s Land Use Element. For this reason, it cannot be approved.

V. The Project is prohibited by the zoning code and therefore requires a zone change, as well as requires a General Plan amendment.

The zoning for the subject parcel is [Q]R5-2. While hotels are allowed in R5, there are specific conditions that must be met: a) when expressly provided for in an adopted specific plan; b) when located on a lot fronting on a major or secondary highway ; c) the project consists of not more than one addition to an existing hotel, motel, or apartment hotel. (See LAMC §12.12.) Because the

project does not meet the requirements of LAMC §12.12, it cannot be approved without a zoning change. Because it needs a zone change, which would effectively amend the Hollywood Community Plan (a component of the General Plan's Land Use Element), the Project would require a General Plan Amendment.

VI. Conclusion

Appellant UN4LA urges the Commission to carefully consider the above and to grant its appeal and decline to approve this luxury hotel project. This project merits CEQA review. CEQA review requires determining what significant adverse effects from the project would result, and for those significant adverse effects, requiring the project mitigate those effects to a level of insignificance or adopt alternatives to the project that would lessen the adverse effects to a level of insignificance. Here, such mitigation measures or alternatives could include requiring the project applicant to replace the rent stabilized units on a one-to-one basis, among other things. The City has no business, from a policy or legal perspective, exempting this Project from CEQA. Further, the City cannot lawfully approve a project that contravenes the zoning code without a zone change and General Plan amendment that would change the Hollywood Community Plan.

Venskus & Associates, A.P.C.

A handwritten signature in black ink, appearing to read 'Sabrina Venskus', with a stylized, flowing script.

Sabrina Venskus
venskus@lawsv.com

Attachments (see list next page)

Attachment List:

<https://www.dropbox.com/scl/fo/dkqcan83jqqa4mcdj5gzv/h?rlkey=hetddfxp26j5a65i9okar6jww&dl=0>

Attachment No.	Document Description
1	Email notice of hearing to Appellant
2	1717 Wilcox Hotel Mitigated Negative Declaration
3	1850 Cherokee Determination Letter
4	1400 Cahuenga Mitigated Negative Declaration
5	6516 Selma Hotel Mitigated Negative Declaration
6	6409 Sunset Ivar Gardens Mitigated Negative Declaration
7	1541 Wilcox Mitigated Negative Declaration
8	6417 Selma Mitigated Negative Declaration

DAY OF HEARING SUBMISSIONS



Planning APC Central <apccentral@lacity.org>

Fwd: La Poubelle hearing

Julie B <wonderjber9@gmail.com>
To: apccentral@lacity.org

Mon, Mar 11, 2024 at 12:26 PM

----- Forwarded message -----

From: **Monique Acosta** <monique.acosta@lacity.org>
Date: Mon, Mar 11, 2024 at 3:24 PM
Subject: Re: La Poubelle hearing
To: Julie B <wonderjber9@gmail.com>

Good Morning Ms. Baker,

Since the case is being appealed to the Central Area Planning Commission, they now have the case file. Please send your email to apccentral@lacity.org so that it can be included in the record. The commission office only accepts emails sent directly to them.

**Monique Acosta**

City Planner

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1173 | Planning4LA.org

On Mon, Mar 11, 2024 at 12:21 PM Julie B <wonderjber9@gmail.com> wrote:

La Poubelle does not operate within the law. Drinking on the sidewalk, having drunk customers attack many protesters, and serving to the point of complete and dangerous intoxication. Also, the law states no smoking in restaurants or bars. This is why they have the tent up. The tent area is used for smoking. More than just their liquor licence is illegal.

Thousands of us across the globe as well as many residents do NOT want this loud and dangerous bar to remain open. Just because Francoise Koster INC is a massive financial supporter of the LAPD and the LAFD doesn't give her the clout to act in an illegal manner as she and her regular customers believe she has.

Also, the notice was taken down immediately before they opened the day it was put up. They tried to hide from the public about the meeting on her liquor license.

[The illegal behavior coming out of La Poubelle](#)

I certainly hope you will take this into consideration when you have this hearing. We are hoping to have a large turn out with proof also.

Thank you in advance
Julie Baker



Planning APC Central <apccentral@lacity.org>

Re: La Poubelle

Joseph Parra <jparra2202@sbcglobal.net>
To: apccentral@lacity.org

Tue, Mar 12, 2024 at 5:53 AM

Hello

I'm writing regarding the restaurant La Poubelle on Franklin Avenue. I live across from the restaurant, and I know they currently are allowed to have outdoor seating until midnight. I'd like to request it be changed until 10pm, so their customers can be gone by midnight.

The crowds can tend to get rowdy at later hours and extremely loud, especially on the weekends. This past weekend alone I could hear people talking extremely loud, and at one point it sounded like a fight was going to break out. Even last night they were extremely loud unto the midnight hour, I could hear conversations clearly. A man saying show us the 'dick' we don't want to see nipples.

There are people in the neighborhood who work, and we shouldn't have to deal with loud rowdy customers of a local business while we are trying to sleep. La Poubelle has a history of being inconsiderate, and it has become worse since Covid.

Please consider the people who live in the neighborhood when making decisions.

Thank you
Joseph Parra
Sent from my iPad



Planning APC Central <apccentral@lacity.org>

La Poubelle Restaurant Hearing for Tent Extension

Dead.Agent. FOX <lbluefox@gmail.com>
To: apccentral@lacity.org

Tue, Mar 12, 2024 at 3:37 PM

Meeting for La Poubelle Restaurant to remain up after hours.

La Poubelle Restaurant only has ONE entrance and exit and THAT setup is in and of itself; a fire hazard. The use of a tent as an extension raises the danger level:

1. People smoke in the tent with and without eating.
2. The tent "windows" are NOT clear; they are opaque.
3. The tent takes up 1/2 the sidewalk causing difficulty for pedestrians with devices for movements or the aid of others, to walk comfortably and safely.
4. Smoking around alcohol in a thick plastic tent with patrons who are FREQUENTLY intoxicated, are a high hazard for severe bodily injuries of people in and outside the restaurant, tent and sidewalk.
4. No smoke alarms or extinguishers in the tent.

I am a Nurse Practitioner of 35 years, treating and advocating for the health of people and I say NO to this tent; a highly probable danger.

Thank you for this opportunity to continue to help others with their health and safety.

L. Fox, APRN

Myko Bryant
mykobryant@proton.me

March 6, 2024

To: Central Los Angeles Area Planning Commission

Via: Monique Acosta, City Planner (monique.acosta@lacity.org)

Subject: **Central Los Angeles Area Planning Commission Hearing**
March 12, 2024, Item No. 5
File No. ZA-2023-728-CUB-1A
Appeal of La Poubelle, Inc.'s Conditional Use – Beverage Permit
5907 Franklin Ave., Hollywood

Dear President Lawrence and Commissioners:

Thank you for this opportunity to provide comments on this matter, which is of concern to residents in the Franklin Village neighborhood.

I would like to request that the Commission deny Ms. Koster's appeal, wherein she seeks your Commission's intervention to allow her to serve alcohol in La Poubelle's outdoor dining area after midnight. La Poubelle has not been and is not abiding by its requirements and should not be rewarded with more favorable permit conditions than your staff was willing to allow.

Moreover, as this matter is now before you, I request the Commission take this opportunity to reconsider La Poubelle's permit in its entirety in light of how Ms. Koster operates her business. In the past three weeks, I have observed the following improper actions occur at La Poubelle at the behest of Ms. Koster and her staff:

- La Poubelle routinely allows its customers to take alcoholic beverages outside for consumption on the sidewalk beyond the designated al fresco dining area. A few weeks back, even La Poubelle's manager, Trevor Zank, brought a cocktail out onto the sidewalk to drink it. It appears that Ms. Koster and her staff condone and facilitate public consumption.
- La Poubelle's fully enclosed al fresco dining area does not comply with the Al Fresco Ordinance (Ord. No. 188,073). Specifically:
 - The area is fully enclosed and roofed, though Sec. 24(d)(1)(i) only allows an enclosure "of no more than 75 percent."
 - La Poubelle plays amplified music from speakers in the al fresco dining area, even though this is prohibited by Section 24(d)(1)(ii). Often, the music is played at a loud enough volume that noise ordinance

requirements are violated (i.e., it increases the sound level by more than 5 db(A) above ambient levels, as measured from the sidewalk fronting adjoining businesses). Al fresco dining may not violate the noise ordinance per Section 24(d)(vi).

- La Poubelle does not post a City identification sign regarding the Al Fresco Ordinance in a place “clearly visible to the public” as required by Section 24(d)(viii). Nor does it post a sign reminding its customers to be respectful to the neighborhood as required by Section 24(d)(ix).
- La Poubelle allows its customers and staff to smoke in the fully enclosed al fresco dining area. This creates both a fire hazard and a health hazard. La Poubelle also allows its customers to smoke on the sidewalk within 10 feet of the al fresco dining area, blowing smoke into the faces of passersby on the sidewalk. This violates LAMC Sec. 41.50.
- La Poubelle’s fully enclosed al fresco dining area significantly reduces the width of the sidewalk available for use by the public. Though La Poubelle leaves the minimum-required four feet of width between the enclosure and curb, telephone polls and parking signs obstruct pedestrians from using that full width. This is a particularly pronounced constraint for wheelchairs and strollers. Recently, La Poubelle has stationed a security guard outside of the al fresco area whose presence also obstructs the public’s use of the sidewalk.
- La Poubelle has a reputation for overserving its clientele. Customers are routinely seen stumbling out of the bar, barely able to maintain verticality. On several recent occurrences, La Poubelle’s sloshed customers have engaged in violent behavior (i.e., battery) and property destruction against the public. It appears that Ms. Koster and her staff are facilitating public intoxication and lubricating its customers’ proclivity towards disorderly behavior.

Thanks to an ongoing protest movement¹, many of the above acts have been well-documented on video. I expect that one of the individuals engaging in that movement will provide the Commission with links to where these videos can be viewed.

Before you grant an appeal or uphold your staff’s approval, I encourage the Commissioners to come on out to Franklin Village on a Saturday night after midnight and see for yourselves how La Poubelle operates. It will quickly become clear that the appellant is not running an upstanding business that respects the neighborhood. Hollywood and Franklin Village are saturated with liquor licenses. Any further authorizations should be limited to those who respect their neighbors and have an established record of compliance. There is no room for bad actors².

¹ Recent protests appear to have been motivated by Ms. Koster’s support of a convicted rapist who allegedly drugged his victim’s drink at La Poubelle.

² Incidentally, bad actors (in a more literal sense) make up a large proportion of La Poubelle’s clientele.

The Commission is hearing this matter de novo. This means that your review is not restricted to the issues raised by Ms. Koster in her appeal. As this matter is now before you, you may further restrict this permit, as necessary, to address the negative effects that La Poubelle has had and continues to have on the residents and businesses in Franklin Village. Please take the opportunity to do so.

Based on my personal observations, I would recommend that your commission take the following actions with respect to Case No. ZA-2023-728-CUB-1A:

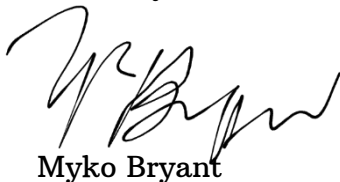
- Deny Ms. Koster's appeal.
- Revise the conditions of approval to:
 - Limit service of alcohol, both inside the restaurant and in the al fresco dining area, to customers who have also purchased food;
 - Limit operating hours to no later than midnight;
 - Reduce the size of the al fresco dining area to accommodate pedestrian circulation with a minimum unobstructed width of six feet; and
 - Require strict adherence to the Al Fresco Ordinance.
- Open an investigation into the potential code violations identified above.

Furthermore, I request that the Commission hold another duly noticed public hearing in one year's time to evaluate La Poubelle's compliance with the permit conditions and determine if the authorization should be renewed.

Absent these actions, there is insufficient evidence in the record to support the required findings for approval. By flaunting the al fresco dining restrictions, choosing to serve clearly intoxicated customers, allowing customers to smoke in a fully enclosed area, and letting customers drink their cocktails out on the public sidewalk, La Poubelle has demonstrated that it has cultivated a culture of irresponsibility. This culture raises significant public health, safety, and welfare concerns. Additionally, its intrusive outdoor dining enclosure infringes on the public's right of access and denies some individuals (e.g., those with disabilities, those with young children, etc.) access to the sidewalk.

Choosing to grant Ms. Koster's appeal and, thereby, extending La Poubelle's authorized hours of outdoor alcohol service will merely exacerbate these issues without providing any remedy for those most impacted by its irresponsible acts.

Sincerely,



Myko Bryant

cc: California Dept. of Alcoholic Beverage Control – LA Metro Office (lametro@abc.ca.gov)



Planning APC Central <apccentral@lacity.org>

Fwd: ZA-2023-728-CUB-1A extension

Melissa Ziegler <melissaziegler5@hotmail.com>
To: "apccentral@lacity.org" <apccentral@lacity.org>

Tue, Mar 12, 2024 at 12:53 PM

Sent from my iPhone

Begin forwarded message:

From: Monique Acosta <monique.acosta@lacity.org>
Date: March 12, 2024 at 1:39:00 PM CDT
To: Melissa Ziegler <melissaziegler5@hotmail.com>
Subject: Re: ZA-2023-728-CUB-1A extension

Good Morning Ms. Ziegler,
Since the case is being appealed to the Central Area Planning Commission, they now have the case file.
Please send your email to apccentral@lacity.org so that it can be included in the record. The commission office only accepts emails sent directly to them.



Monique Acosta
City Planner

Los Angeles City Planning
200 N. Spring St., Room 763
Los Angeles, CA 90012
T: (213) 978-1173 | Planning4LA.org



E-NEWS

On Mon, Mar 11, 2024 at 3:00 PM Melissa Ziegler <melissaziegler5@hotmail.com> wrote:

I am aware of the multitude of video evidence that has been submitted to you regarding the above case number and the blatant disregard for permit regulations.

Despite a security guard there nightly, he does not enforce any of the permit requirements including smoking distance, smoking inside the tent, clear visual access to the restaurant, open alcohol brought onto the street, etc.

To grant an extension to this hearing would be a great injustice not only to the neighbors of the restaurant, but to the citizens of Los Angeles. Why should a restaurant be allowed to keep and increase permits despite demonstrable refusal to abide by any regulations?

The restaurant states that the protests have nothing to do with the restaurant or the proprietor, which

couldn't be further from the truth. A woman was given GHB, which was placed in her drink by her attacker, at this restaurant, La Poubelle. When this was discovered, not only did the owner nor condemn the act, she doubled down and supported the attacker. She went so far as to harass the victims during court recesses. She authored a character letter with hopes to minimize the serial rapists prison sentence by stating his "esteemed character" & referencing his animal rescue. Employees of the restaurant have been recorded saying such horrendous things as "lots of people get raped" & " people get drugged all the time". One cannot reasonably expect the proprietor or restaurant to protect patrons against future victimization, since they see no issue with what previously took place at their establishment.

The only violence present during these protests has been perpetrated by La Poubelle patrons against the demonstrators. As stated in the LA Times article they referenced, video evidence showed a patron slapping a phone, touching his chest, and pinning another against a car. Numerous people have been seen leaving the restaurant clearly intoxicated and have driven away behind the wheel. The citizens of LA cannot be safe while this restaurant continues to take part in these down right dangerous acts.

I implore you to continue with the as scheduled date of the public hearing to address all of these safety concerns, as well as the complete disregard this restaurant & proprietor have shown for the permit regulations.

If, God forbid, any serious injuries were to occur due to this restaurants participation in violating permit conditions, which were previously known by this governing agency, I'm afraid the department could unfairly be involved.

Due to the restaurant not allowing the public view of the restaurant, the public hearing posting, which was only posted for a few days & then removed, is not able to be seen from the sidewalk with the tent up. It was only by chance it was seen during a morning walk by a neighbor, or it is likely the meeting would have been unknown to the concerned citizens.

Could you please reply if the extension has been granted or is to remain as scheduled? Thank you. In addition, if there is a different contact to submit all the violations to, please advise.

Thank you,
Melissa Ziegler



Planning APC Central <apccentral@lacity.org>

Fwd: Opposition to granting ZA-2023-728-CUB-1A appeal by La Poubelle

Monique Acosta <monique.acosta@lacity.org>
To: Planning APC Central <apccentral@lacity.org>

Fri, Mar 8, 2024 at 8:23 AM

Please include the email below in ZA-2023-728-CUB-1A scheduled for APC Central on 3/12/24.

**Monique Acosta**

City Planner

Los Angeles City Planning

200 N. Spring St., Room 763

Los Angeles, CA 90012

T: (213) 978-1173 | Planning4LA.org



----- Forwarded message -----

From: **Windchyme** <windchymepub@windchyme.com>

Date: Wed, Mar 6, 2024 at 8:25 PM

Subject: Opposition to granting ZA-2023-728-CUB-1A appeal by La Poubelle

To: <Monique.Acosta@lacity.org>

I am writing to express opposition to the La Poubelles appeal on matter ZA-2023-728-CUB-1A to be heard 3/12/24 at [5907 West Franklin Avenue](#) (5905 West [Franklin Avenue](#)), Los Angeles, CA 90028

For at least the last several months La Poubelle has been violating both liquor laws and smoking ordinances at their establishment. They regularly have people that have been overserved alcohol coming out of their establishment, stumbling down the sidewalk to their vehicles and actually driving away- driving under the influence and endangering all around them. People walk out of the establishment with alcohol and drink on the sidewalk. Smoking goes on closer than 10 foot from the entrances in the curtained off area on the sidewalk on a regular basis, which is in clear violation of smoking ordinances of no smoking at even outside dining areas and no closer than 10 foot from the entrance (pick an entrance- the building's or the tent's). They walk out of the entrance of the tent and some blow smoke in the faces of people outside the tent. Proof of all of this has been captured on video multiple times by multiple people and I am hoping an in person attendant to the meeting will bring it to show you. In fact that tent that they have on the sidewalk for a dining area only has a couple tables in it and mostly is unused. Additionally the law states that the windows on the sides of the tent is supposed to be clear so that you can see inside. The windows on their tent are heavily frosted so you cannot see in. You can see such if you go on any night, but especially weekend nights.

For these reasons I oppose allowing La Poubelle any further privileges or concessions as they are misusing those that they already have. I also request that these violations be looked into by the appropriate authorities.

Thank you,
PJS



March 12, 2024

Honorable Central Area Planning Commission

Re: 1401-13 N. Main St., Los Juntos Market Request for CUB

Dear Honorable Central Area Planning Commissioners,

Our Council Office would like to thank everyone who has deeply engaged in the developer's request for a conditional use permit to sell and dispense beer and wine offsite from 6 a.m to 2 a.m seven days per week, and to sell and dispense a full line of alcoholic beverages onsite from the hours of 6 a.m. to 2 a.m. seven days per week. We also appreciate the time and effort of City staff at various offices who have carefully reviewed different aspects of this case including the Los Angeles Police Department.

As we stated at the Zoning Administrator hearing in October 2023, our office remains in support of the proposed corner market after the developers promised to honor our requests to do the following:

- 1) Ensuring that both businesses would accept EBT cards
- 2) Ensuring that meals and items in the market and restaurant would be affordable to and in keeping with the needs of low income patrons
- 3) Addressing parking issues by partnering with adjacent parking lot owners so as to not exacerbate the existing parking issues in the surrounding community

Our office disagrees with the Zoning Administrator's determination that it is of public convenience and necessity to sell and dispense a full line of alcoholic beverages on site, and sell and dispense beer and wine from 6am to 2am 7 days a week directly across the street from Ann St. elementary school which is situated within one of Los Angeles' vibrant public housing projects at William Mead and in proximity to 5 other sensitive uses within a 500 ft radius. William Mead projects is comprised of 415 units of low-income housing and is home to an engaged community of seniors and families who on average have resided there for 15 or more years. Created in 1942, this housing project recently completed community planning efforts to create a vision for redeveloping the site and will add approximately 1600 or more low-income housing opportunities in the coming decade and many of the residents of William Mead have spoken against the CUB for this project.

Our Office also disagrees with the Zoning Administrator that this CUB is of public convenience and necessity despite being located in an area with a documented overconcentration of alcohol licenses, in an area that has a higher crime rate than the surrounding area and city, and with a higher incidence of DUIs, and alcohol related issues than the surrounding area. After speaking with the LAPD last week, we learned that there are not enough officers servicing the 600+ licenses in the DTLA Community Plan area and there was a fatal DUI at Main St. and Leroy just last week, a few blocks from this project. DTLA has

about 4 officers total, while communities like Hollywood, with half as many alcohol licenses have about 40 officers to address requests that would arise from alcohol related issues.

Please do not allow for unwanted uses in direct proximity to the most vulnerable low income City residents, those residing in our public housing projects and children attending elementary school.

Our Office is in support of the two local neighborhood councils, the Historic Cultural North Neighborhood Council and Lincoln Heights Neighborhood Council, who submitted letters opposing the CUB in October, and we stand in support of the vocal opposition from many long standing residents of the local community who have lived here for an average of 15 to 30+ years.

In summary, we recommend denying the request for a CUB and look forward to the opening of the marketplace and restaurant with the changes our office requested in order to be amenable to the local community.

Thank you for your consideration,



Eunisses Hernandez
Los Angeles Councilmember, 1st District

Executive Officers

Chair – Phyllis Ling

1st Vice-Chair – Wing Ho

2nd Vice-Chair – Patrick Chen

Secretary – Miho Murai

Treasurer – Paul Hanley



Historic Cultural North Neighborhood Council Community Impact Statement

September 25, 2023

To: Alan Como, City Planner

CC: Councilmember Eunisses Hernandez, Deputy Mayor of Community Engagement Jared Rivera

Re: ZA-2023-1577-CUB, Alcohol License for “Juntos Market”

We, the **Historic Cultural North Neighborhood Council** declare that on **September 25, 2023**, a Brown Act noticed public meeting was held by the **Historic Cultural North Neighborhood Council** with a quorum of **14** board members present and that by a vote of :

9 yes, 4 no, and 0 abstentions and 1 recusal, the

Historic Cultural North Neighborhood Council hereby requests **Los Angeles City Planning** to reject the conditional use permit (ZA-2023-1577-CUB) submitted by David Kuo, Fatty Ventana, LLC for the “Juntos Market” business concept at 1401-1413 North Main Street, Los Angeles, CA 90012.

We call for a collaboration between the City and the local community to find ways to attract businesses that truly support the needs of our communities and to preserve and protect the small legacy businesses that are struggling to remain to serve long-time residents. Despite the branding and promotion of the business as a neighborhood market, only a small portion of the building houses the proposed “market,” and much of that space is occupied by a coffee bar, deli bar, and alcohol storage. The remainder of the space is a restaurant that includes not only one, but two bars for alcohol service.

Juntos Market would be located in a sensitive-use area, directly across the street from Ann Street Elementary School and William Mead Homes, one of the city's few remaining public housing projects.

Public comments made at the August 29 William Mead Homes community meeting and the September 12 LA City Planning Public Hearing for the ZA-2023-1577-CUB raised serious concerns about the late operating hours, the noise impacts to residents, and the impact of inebriated individuals loitering in the neighborhood after the restaurant closes late at night.

Notwithstanding the letters of support from administrators at Ann Street Elementary, the business would serve alcohol all day and is located directly across the street from the school's playground.

We therefore demand that our City officials take into account the voices of the concerned community and the historical evidence against new alcohol use permits in rapidly gentrifying neighborhoods to reject this conditional use permit.

Be it further resolved, in cases where an issue is moving quickly through the legislative process and a promptly issued statement is beneficial, the aforementioned board members are authorized to also WRITE and SUBMIT Community Impact Statements which express positions previously voted upon by the full board. Historic Cultural North Neighborhood Council authorizes the following board members, Phyllis Ling, Miho Murai, Daniel Reza, and Mariela Cruz-Suarez to SUBMIT Community Impact Statements which have been passed by a vote of the full board.

IN WITNESS of the above action, the undersigned has executed and delivered this certificate in the name and on behalf of the Historic Cultural North Neighborhood Council and as of the date set forth below.

Signature of Chair

Print Name: Phyllis Ling

Print Name: Phyllis Ling

Date: 9/29/2023

Signature of Board Officer

Print Name: Miho Murai

Print Name: [Signature]

Date: 9/29/23

LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE
Chief of Police

P.O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 833-3747
TDD: (877) 275-5273
Ref#: 4.1

Karen Bass
Mayor

February 21, 2024

Office of Zoning Administration
200 North Spring Street, 7th floor
Los Angeles, California 90012

Dear Sir or Madam:

The Los Angeles Police Department, Central Area Vice, received written correspondence from the City of Los Angeles Department of City Planning that applicant, David Kuo, doing business as Fatty Ventana, LLC, has petitioned for a Conditional Use Permit (CUP), Case Number ZA-2023-1577-CUB, to allow the sale and dispensing of a full-line of alcoholic beverages for a on-site consumption, and beer and wine for off-site consumption, in conjunction with a proposed approximately 7,850 square-foot restaurant with live entertainment, market, and coffee bar with an interior dining area containing 293 seats, an uncovered 581 square-foot outdoor dining area containing 20 seats, as well as an uncovered 911 square-foot sidewalk dining area containing 117 seats. Hours of operation will be from 6 a.m. to 2 a.m. daily.

In recent years the downtown area of Los Angeles has undergone an extensive revitalization effort. As part of this overall effort the Los Angeles Police Department has been supportive of those efforts, as long as the proposed use of such locations would not likely burden emergency services.

The primary concern with this case is the fact that the applicant is seeking a full-line of alcohol along with live entertainment across the street from Ann St. Elementary School, which constitutes a sensitive use near young children. This property also shares the same sidewalk of the Main and Ann bus stop, Stop ID 12268, and within close proximity to the William Mead housing development which is comprised of 415 units of low-income housing.

In the case of this request, the Department is in opposition to the use of the location for live entertainment as well as the sale and dispensing of a full-line of alcoholic beverages for on-site consumption.

If you have any further questions regarding this matter, please contact Central Area Vice, at (213) 833-3347.

Very truly yours,

MICHEL R. MOORE
Chief of Police

A handwritten signature in blue ink, appearing to read "Raul Jovel", is written over a circular official stamp.

Raul Jovel, Captain
Commanding Officer
Central Community Police Station

cc: Alcoholic Beverage Control

March 11, 2024

Central Los Angeles Area Planning Commission
Los Angeles City Hall
200 N. Spring St., 10th Floor, Room 1070
Los Angeles, CA 90012

Re: 1719 – 1731 North Whitley
DIR-2016-4920-SPR-1A, ENV-2016-4921-CE
Additional Comments in Support of Appeal

Members of the Central Los Angeles Area Planning Commission,

UN4LA wishes to submit the following additional comments in support of our appeal. The March 7, 2024 letter from our attorney, Sabrina Venskus, makes clear the reasons why the project does not qualify for a categorical exemption, and why it is not permitted under the current zoning. In the following comments, we would like to address the inaccurate and misleading Appeal Report from the Department of City Planning dated March 12, 2024.

Reducing Vehicle Trips

Under Appeal Analysis, 1, Staff Response, the authors write that even though the project does not meet the goals of the Housing Element, still the project “implements several other General Plan goals”, in part by “putting the project near Metro’s Red Line and Metro Rapid 780 Line, among other transit connections, which will reduce vehicle trips.”

City Planning staff may be surprised to learn that Metro Line 780 was discontinued in 2021. The only Metro line that still serves Hollywood Blvd. between Vine and Highland is Line 217. As for the assertion that the placement of the project near transit “will reduce vehicle trips”, Metro provides no evidence to support this statement, and in fact, the evidence shows the contrary. City Planning has claimed for years that its Transit-Oriented Development (TOD) policies will reduce car trips and boost transit ridership, and thousands of new residential and hotel units have been built in Central Hollywood over the last 20 years in the hope of achieving these goals. In reality, transit ridership has declined sharply during this period, both in Hollywood and Citywide. According to Metro’s ridership statistics, Estimated Weekday Ridership on Line 217 went from 8,518 in 2014 to 6,366 in 2019, a 25% loss.

[<https://drive.google.com/file/d/1ZbGT8RXeWfyZMwFqNJPgKOu3RjogjJs1/view?usp=sharing>]
Before its cancellation, Estimated Weekday Ridership on Line 780 went from 10,111 in 2014 to 6,928 in 2019, a 31% loss.

[https://drive.google.com/file/d/1UNP0nebivA2zbYg7iNJFx1NV_o6s4Orx/view?usp=sharing]

While Estimated Weekday Ridership on Line 217 has recovered somewhat since the pandemic, hitting 8,209 in 2023, this is still far below the combined Weekday Ridership of 13,294 that the two lines carried in 2019, when they were both travelling similar routes, which included Hollywood Blvd. between Vine and Highland.

The City’s claims that its TOD policies would reduce vehicle trips become even less credible in light of a report from the UCLA Institute of Transportation Studies, “Falling Transit Ridership”, Michael Manville, Et Al, 2018 [<https://escholarship.org/uc/item/0455c754>]. On page 9 the authors write, “The growth in vehicle access has been especially dramatic among subsets of the population that are among the heaviest users of transit. Between 2000 and 2015, the share of households in the region with no vehicles fell by 30 percent, and the share of

households with fewer vehicles than adults fell 14 percent.” In other words, while City Planning claims it has been reducing vehicle trips by approving projects near transit, transit ridership has been declining while vehicle ownership has been increasing. Based on the foregoing, it’s clear that City Planning staff’s claim that the project “will reduce vehicle trips” has no basis in fact and is refuted by both Metro’s ridership statistics and the UCLA ITS report.

AB 1218

Per a recent update to AB1218, which took effect on January 1, 2024, Section 66300.6 requires that a city shall not approve a development project that will result in the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless all requirements of the Bill are satisfied. These requirements include the replacement of all existing or demolished protected units, the allowance of any existing occupants to remain in their units until six months before the start of construction activities, and the provision of relocation benefits, among other requirements.

The proposal that the owner meet with the Los Angeles Housing Department to determine the number of replacement units does not meet the requirements of AB1218. Setting up a back room deal with LAHD seems to be an attempt to allow the developer to fulfill their obligations. We know that 40 replacement units need to be built. We also know that they need to be built concurrently with the project. And this is another reason why the project needs to be subject to review under CEQA, so that the replacement of existing units can be part of legally binding mitigation. We suspect that this back room arrangement with LAHD has been proposed so that the developer can evade fulfilling their responsibilities, but this does not comply with the law.

This project is not only in conflict with the law, it’s in conflict with every statement about housing we’ve heard from City Hall over the last decade. City Planning’s approval of this project shows a hypocritical willingness to ignore the Department’s own stated goals. UN4LA asks that Commissioners uphold the appeal and reject this project.

Sincerely,
Casey Maddren, President
United Neighborhoods for Los Angeles

Daniel Freedman
dff@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 77906-0001

March 11, 2024

VIA E-MAIL (apccentral@lacity.org)

President Maleena Lawrence and Honorable

Members of the Central Area Planning Commission

Attention: Cecilia Lamas, Commission Executive Assistant II

200 North Spring Street, Room 1070

Los Angeles, CA 90012

Re: Property Address: 1719-1731 N. Whitley Avenue
Case No. DIR-2016-4920-SPR; ENV-2016-4921-CE
Hearing: March 12, 2024, Agenda Item 7.
REQUEST FOR CONTINUANCE

President Lawrence and Hon. Commissioners:

Our office represents Whitley Apartments LLC ("Applicant"), the owner of 1719-1731 N. Whitley Avenue (the "Property"), and applicant for DIR-2016-4921-SPR and ENV-2016-4921-CE, a Director of Planning approval of a by-right 156 room hotel development for the Property ("Project"). We are writing to request a continuance of tomorrow's scheduled appeal hearing to allow for some additional time to review new issues raised by the Department of City Planning's recently issued staff report. To facilitate this request, Applicant is amendable to a four (4) week extension of the applicable Los Angeles Municipal Code deadlines for the Commission to act. Thank you for your consideration.

Very truly yours,



DANIEL FREEDMAN of
Jeffer Mangels Butler & Mitchell LLP

CC: Heather Bleemers, Senior City Planner, Department of City Planning
Emma Howard, Community Development and Planning Director, Council District 13