

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ANGELES TO RESCIND, SET ASIDE, INVALIDATE, AND DECERTIFY ACTIONS TAKEN ON JULY 24, 2013 RELATED TO THE PROJECT IDENTIFIED IN COUNCIL FILES 13-0593 AND 13-0593-S1 TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. ENV-2011-0675-EIR (STATE CLEARINGHOUSE NUMBER 2011094094), ADOPT FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a), APPROVE A MITIGATION MONITORING PLAN, ADOPT THE MARCH 28, 2013 FINDINGS OF THE LOS ANGELES CITY PLANNING COMMISSION INCLUDING ENVIRONMENTAL FINDINGS, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, APPROVE VESTING TENTATIVE TRACT NO. 71837-CN, APPROVE THREE CONDITIONAL USES, APPROVE THREE APPLICANT PROPOSALS, APPROVE TWO ZONE VARIANCES AND APPROVE REDUCED ON-SITE PARKING

WHEREAS, on or about August 18, 2008, applicant Millennium Hollywood, LLC filed a Master Land Use Application seeking various approvals from the City of Los Angeles to subdivide and develop the Project site located at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street (the Project);

WHEREAS, at its meeting on July 24, 2013 the City Council of the City of Los Angeles took the following actions related to the Project:

1. Certified that the Environmental Impact Report (EIR) (EIR No. ENV-2011-0675-EIR; State Clearinghouse No. 2011041094) has been completed in compliance with the California Environmental Quality Act (CEQA), the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to the Project; that this determination reflects the independent judgment of the City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council File Nos. 13-0593 and 13-0593-S1 in the custody of the City Clerk and in the files of the Department of City Planning (DCP) in the custody of the Environmental Review Section; and adopted the EIR.
2. Adopted the findings made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the DCP.
3. Adopted the findings made pursuant to and in accordance with Section 21081.6 of the California Public Resources Code, the Mitigation Monitoring and Reporting Program and the Findings of Council and adopted the Mitigation Monitoring and Reporting Program.

4. Adopted the March 28, 2013 FINDINGS of the Los Angeles City Planning Commission (LACPC), including the Environmental Findings, as the Findings of the Council.
5. Resolved to deny the appeal filed by Communities United for Reasonable Development (Representative: Robert Silverstein, Esq. and Daniel E. Wright, Esq., The Silverstein Law Firm, APC) of the entire determination of the LACPC, thereby approving the Vesting Tentative Tract No. 71837-CN, for the proposed construction of a 41-lot subdivision with 492 residential units, a 200 room hotel, approximately 100,000 square feet of new office space, an approximately 35,000 square foot sports club, approximately 15,000 square feet of retail uses and approximately 34,000 square feet of restaurant uses on a 4.46 acre site, at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270, and 6334 West Yucca Street, subject to Conditions of Approval.
6. Resolved to deny the appeals filed by Communities United for Reasonable Development (Representative: Robert Silverstein, Esq., and Daniel E. Wright, Esq., The Silverstein Law Firm, APC) of the entire determination of the LACPC and HEI/GC Hollywood and Vine Condominiums, LLC and Hollywood and Vine Residences Association (Representative: Benjamin M. Reznik, Jeffer Mangels Butler and Mitchell, LLP) of part of the determination of the LACPC, thereby approving, for the proposed development of two sites consisting of eight parcels on 4.47 acres of land with a mixed-use community consisting of office, hotel, commercial and residential development with subterranean and above-grade parking at 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and 6236, 6270 and 6334 West Yucca Street, subject to modified Conditions of Approval:
 - a. A Vesting Conditional Use to permit a hotel within 500 feet of an R Zone.
 - b. A Master Conditional Use to permit the sale and dispensing of a full-line of alcohol for on and off-site consumption and live entertainment.
 - c. A Conditional Use to permit floor area averaging in a unified development.
 - d. A Zone Variance to permit outdoor eating areas above the ground floor.
 - e. A Zone Variance to permit reduced parking for the sports club/fitness facility.
 - f. Reduced On-Site Parking for Transportation Alternatives.
7. Approved the:
 - a. Applicant's proposal to do the following:

1. Limit the East Site tower to no more than 39 stories and the West Site tower to no more than 35 stories.
 2. Increase the number of Park and Ride spaces from 10 to 50.
 3. Develop a program where the applicant will acquire transit passes and commit to a fund where the applicant will contribute \$500,000 over 10 years at \$50,000 a year toward acquisition of the transit passes for workers and residents within the Project.
- b. Technical corrections dated June 18, 2013 submitted by the DCP and the technical corrections dated May 31, 2013 submitted by the applicant's representative (attached to the Council file).
 - c. Development Regulation changes as noted in the DCP report dated June 18, 2013 and instruct the DCP to submit revised Development Regulations for the Project.

(Items 1 through 7 collectively the "Project Approvals ")

WHEREAS, on August 28, 2013, Petitioners StoptheMillenniumHollywood.com, Communities United for Reasonable Development and George Abrahams filed a Petition for Writ of Mandate alleging that the Environmental Impact Report certified for the Project failed to comply with CEQA, was inconsistent with various City land use plans and that the City violated Petitioners' due process rights in approving the Project.

WHEREAS, after conducting a trial on the writ of mandate causes of action on April 21, 2015, and April 30, 2015, on April 30, 2015, the Los Angeles Superior Court, Dept. 85, Hon. James C. Chalfant presiding, ruled in favor of Petitioners with regard to some of their CEQA claims but denied all of Petitioners' non-CEQA claims.

WHEREAS, on March 17, 2017, the Court entered judgment in favor of Petitioners.

WHEREAS, on March 29, 2017, the Court issued a Writ of Mandate that commanded the City take the following actions:

1. Set aside, invalidate and decertify the EIR prepared for the Project and the approvals of the Findings and Statement of Overriding Considerations;
2. Set aside and invalidate all Project approvals; and
3. Refrain from taking any steps to carry out the Project Approvals until and unless the City has fully complied with CEQA, all other applicable laws, and this writ.

WHEREAS, on May 3, 2017, the City filed a Notice of Appeal to appeal the trial court's decision which stayed the Court's Writ of Mandate.

WHEREAS, on July 31, 2019, the Second District Court of Appeal issued its decision on the appeal affirming the trial court's ruling. On November 27, 2019, the Court

of Appeal's Remittitur was filed with the Superior Court lifting the stay on the Superior Court's Writ of Mandate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS ANGELES, AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Actions Rescinded. The actions of the City Council of the City of Los Angeles taken on July 24, 2013 related to the Project Approvals, as set forth above, are hereby rescinded, set aside, invalidated and decertified.