

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

- Area Planning Commission, City Planning Commission (checked), City Council (checked with CM), Director of Planning

Regarding Case Number: CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

Project Address: 6421-6429 1/2 W. Selma Ave., 1600-1604 N. Wilcox Ave.

Final Date to Appeal: 09/06/2018

- Type of Appeal: Appeal by Applicant/Owner, Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved (checked), Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Casey Maddren

Company:

Mailing Address: 2141 N. Cahuenga Blvd., Apt. 17

City: Los Angeles State: CA Zip: 90068

Telephone: (323) 462-7804 E-mail: cmaddren@gmail.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company? Self, Other: United Neighborhoods for Los Angeles (UN4LA)
Is the appeal being filed to support the original applicant's position? Yes, No (checked)

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable):

Company:

Mailing Address:

City: State: Zip:

Telephone: E-mail:

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 8-31-18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$ 89.00</u>	Reviewed & Accepted by (DSC Planner): <u>F. LEILUA</u>	Date: <u>8/31/2018</u>
Receipt No: <u>0102937323</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

Appeal of Action by the City Planning Commission

Project: 6421 Selma Wilcox Hotel

Case No.: CPC-2016-2601-VZC-HD-CUB-ZAA-SPR

CEQA: ENV-2016-2602-MND

Project Site: 6421-6429 1/2 W. Selma Ave., 1600-1604 N. Wilcox Ave.

Appellant: Casey Maddren/United Neighborhoods for Los Angeles (UN4LA)

Reason for Appeal

Multiple Negative Impacts on Community

The approval of the 8-story hotel will have numerous negative impacts on the Hollywood community. The community is already impacted by oversaturation of alcohol, high crime rates, understaffed law enforcement, stressed emergency services, and excessive noise from entertainment venues.

CPC Failed to Consider Substantial Evidence in the Record

The City Planning Commission abused its discretion by failing to consider substantial evidence in the record pertaining to the hotel's negative impacts.

DCP Failed to Investigate Possible Piecemealing

The Department of City Planning failed to investigate credible reports that, as far back as 2014, 6421 Selma was planned as the second phase of a two part project. Commissioners ignored evidence that the developer was engaged in piecemealing.

Parking Capacity Apparently Linked to Other Projects Under Construction

The Commission engaged with the developer in a discussion of locations for off-site parking in which the developer's representative indicated that nearby HIRC projects could accommodate parking for visitors at 6421 Selma. This seems to indicate that 6421 Selma was planned in conjunction with nearby hotels, but these hotels have not been assessed as a unified project, and at the time they were approved the developer did not indicate that they were designed to contain excess parking for future projects.

How Aggrieved

All members of UN4LA are aggrieved by a defective approval process that ignores both the law and basic planning standards which would protect LA residents from negative impacts. The members of UN4LA who live in Hollywood are especially aggrieved because they deal directly with high crime (which research shows is related to alcohol density), increasingly stressed public services, and disruptive noise.

Points at Issue

1. Piecemealing/Failure to Disclose True Scope of Project

In 2015 Hollywood International Regional Center (HIRC) applied to build a project that at

that time was called Tao Restaurant and Retail Project, ENV No. ENV-2015-2672-MND. The environmental assessment describes the project as restaurant and retail space with three levels of parking. (See Exhibit A.)

The LLC HIRC used to file the application was called "6421 Selma Wilcox Hotel LLC". Papers were first filed with the State of California for this entity on October 24, 2014. (See Exhibit B.)

It is worth noting that even though community members contacted the Department of City Planning (DCP) to point out the contrast between the project described and the name given the LLC, the DCP saw no reason to doubt the developer's intentions and proceeded to process the project application.

After the original project had been approved and construction begun, HIRC/6421 Selma Wilcox Hotel LLC filed an application for a different project, an 8-story hotel with a rooftop bar/lounge featuring live entertainment. The name had been changed to Selma Wilcox Hotel Project. (See Exhibit C.)

In the course of processing this project, area residents communicated to the DCP that back in 2014 Space Global, a company that partnered with HIRC to raise funding for new hotels, had published an on-line brochure describing a hotel complex on Selma between Cahuenga and Wilcox which included the Dream 1, Dream 2 (Selma Wilcox Hotel), Tao, and Beauty & Essex. The brochure describes the Dream 2/Selma Wilcox Hotel as the second phase of the project, referring to it as a "\$43 million extension" of the first hotel. (See Exhibit D.)

Though it originally seemed that HIRC had used the restaurant/retail project as a placeholder to start construction of the hotel, it now appears that as far back as 2014 the developer intended to build a complex which included the Dream 1, the Dream 2, Tao, and Beauty & Essex. Had the developer disclosed the full scope of their intention to build two hotels with rooftop bars featuring live entertainment, along with the newly constructed Tao and the refurbished Beauty & Essex, and that every component of this complex would require a CUB for a full line of alcohol, it is reasonable to assume an EIR would have been required.

CEQA requires that an applicant submit plans for a project in its entirety so that it can be comprehensively evaluated as part of the environmental assessment. In *Laurel Heights vs. Regents of University of California* (1988) 47 Cal.3d 376, the court said:

We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

Given that the name of the LLC used by the applicant for the project/s at 6421 Selma was "6421 Selma Wilcox Hotel", and that before the restaurant/retail application was submitted the developer's funding partner had published a description of the complete project, this "extension" was certainly "a reasonably foreseeable consequence of the initial project". The Selma Wilcox Hotel project also fulfills the court's second requirement which says that "the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects."

2. CUB Approval/Failure to Consider Substantial Evidence in the Record

The following information/evidence was submitted to the Department of City Planning in advance of the CPC's consideration of this project:

In the DCP's letter dated March 18, 2016 regarding approval of associated case no. ZA-2015-2671-CUB, it states that there are 54 on-site ABC locations in this census tract, which indicates the area is already oversaturated. It goes on to say that within a 1,000 ft. radius of the project there are 30 Type 47 ABC locations and 10 Type 48.

The same letter also states that Crime Reporting District No. 646 reported 1,870 crimes in 2014, over 10 times the citywide average of 163. Research shows that alcohol density is associated with increased incidence of violent crime. One such study released by Johns Hopkins Medical Center can be viewed below. (Also see Exhibit E.)

Regulating Density of Alcohol Outlets a Promising Strategy to Improve Public Health
<https://www.jhsph.edu/news/news-releases/2013/jernigan-alcohol-density.html>

Quote from a press release on report by Johns Hopkins Center on Alcohol Marketing and Youth:

"The authors cite several examples of the significant relationship between alcohol outlet density, consumption and harms: in Los Angeles County, researchers estimated that every additional alcohol outlet was associated with 3.4 incidents of violence per year, and in New Orleans, researchers predicted that a 10 percent increase in the density of outlets selling alcohol for off-premise consumption would increase the homicide rate by 2.4 percent."

Central Hollywood's recent history seems to bear out researchers' findings that alcohol density is related to violent crime. In October 2014 Chief Beck wrote to the DCP, saying that the Hollywood area was already "oversaturated" with ABC locations, and asking that the DCP exercise more restraint in granting liquor permits. The DCP ignored his request, granting a mounting number of permits (recently granting a Master CUP covering 10 locations on a single block at 6200 Hollywood Blvd.). Violent crime in Hollywood has increased every year since Chief Beck wrote his letter.

UN4LA submitted the most recent LAPD Compstat report for Hollywood along with its comments. (See Exhibit F, Compstat report dated May 26, 2018.) The report showed that violent crime had gone up 16.5% YTD over 2017 according to the most recent LAPD stats.

We consider crime statistics cited by the DCP itself, a study from a leading medical research institute, a letter from the Chief of the LAPD, and a report that shows crime rising by double digits in the Hollywood area to be substantial evidence that excessive alcohol density in Hollywood is linked to violent crime.

It's also important to consider that a full line of alcohol is sold in every component of the Dream complex. Alcohol is served in both Tao and Beauty & Essex, and it is served not only in the ground floor bars and rooftop decks in both hotels, but every room within both

hotels contains a liquor cabinet. And the Dream hotel complex serves not only hotel guests, but members of the public who come to Hollywood for the party scene. Alcohol is not just a product sold within this complex. It is a major part of HIRC's business model.

It is clear that the CPC failed to consider substantial evidence that approval of this project could have negative impacts on the community.

3. Noise/Ongoing Complaints Related to Adjacent Project by Same Developer

The request for live entertainment was not mentioned in the notice for the March 28, 2018 hearing, nor in the summary included in the CPC agenda for June 14. The Mitigated Negative Declaration for the project (ENV-2016-3751-MND) clearly states that live entertainment is planned. It also says the outdoor courtyard area will offer live entertainment. While the developers have agreed to enclose a portion of the rooftop deck, the courtyard still remains open.

While the Police Permit Review Panel will be the decision-maker with regard to the permit for live entertainment, the DCP failed to disclose an important component of the project in its public notices and thus failed to give members of the public an opportunity to voice concerns.

The assurances that live entertainment on the rooftop deck will not be audible because it will take place in an enclosed area are not credible. Loud music disrupting residents' rest during early morning hours has been an ongoing problem in Hollywood. It has especially been a problem at the Dream Hotel, another project, adjacent to this one, built by the same developer. When the Dream Hotel was constructed, we were told that mitigation measures would prevent any disruptions due to loud music. Clearly these assurances were worthless. DCP approved live entertainment as part of that project but does nothing to monitor the situation, leaving the LAPD to try to rein in the operators of a hotel that has no concern for the well-being of the community.

Videos documenting the noise from the Dream have been posted on YouTube by a Hollywood resident on the 1900 block of Whitley Ave., approximately one half mile away.

June 8th 2018 Dream Hotel

Video w/ Audio Recorded Friday, June 8, 1:00 am

<https://www.youtube.com/watch?v=upVgkM5RDjg&feature=youtu.be>

June 1, 2018 Dream Hotel

Video w/ Audio Recorded Friday, June 1, 12:30 am

<https://www.youtube.com/watch?v=TLmLFZVjyOM&feature=youtu.be>

Why We Believe Decision-Maker Erred/Abused Discretion

1. Piecemealing

In approving the 6421 Selma Wilcox Hotel, the CPC failed to acknowledge clear evidence that the applicant was piecemealing. Not only did the name of the LLC for the restaurant/retail project include the word "hotel", but the applicant is a known hotel

developer.

In addition, the DCP received information from an area resident that promotional materials were available describing the Dream 1, Dream 2, Tao and Beauty & Essex as a single project. DCP staff could have easily found a version of these materials on-line by using the search terms "HIRC Dream 2". These materials clearly show that HIRC had planned the entire complex back in 2014.

Also, at the hearing on July 12, the Commission engaged with the developer in a discussion of locations for off-site parking in which the developer's representative indicated that nearby HIRC projects could accommodate parking for visitors at 6421 Selma. This seems to indicate that 6421 Selma was planned in conjunction with nearby hotels, but these hotels have not been assessed as a unified project, and at the time they were approved the developer did not indicate that they were designed to contain excess parking for future projects.

2. CUB Approval/MND's Analysis & Mitigation Measures Are Inadequate

In approving the CUB, the CPC ignored substantial evidence in the record that 1) Hollywood's crime rate is significantly higher than the citywide average; 2) The Chief of the LAPD had expressed concerned over crime in Hollywood to the DCP, citing an "oversaturation" of ABC locations in the area; 3) a major medical research institution has released research showing a relationship between alcohol density and violent crime; and 4) current statistics show that violent crime continues to rise by double digits in Hollywood.

The MND claims that impacts related to crime can be resolved through the implementation of "design-out crime" features. The reality is that these features have been incorporated into many projects constructed in Hollywood over the past several years. The spiralling crime rate shows they have been completely ineffective.

3. Noise/ MND's Analysis & Mitigation Measures Are Inadequate

While approval of the live entertainment permit was not before the CPC, in considering approval of the MND the CPC ignored substantial evidence in the record that community members had repeatedly complained about excessive noise from the Dream Hotel, an adjacent project by the same developer. The MND for 6421 Selma Wilcox Hotel contained a similar analysis and similar mitigation measures to the MND for the Dream 1. The fact that noise from the Dream 1 has been an ongoing problem for Hollywood residents should be a clear indication that the Selma Wilcox Hotel MND does not present a clear picture of how HIRC operates in real life.

