

GIDEON KRACOV

Attorney at Law

801 South Grand Avenue
11th Floor
Los Angeles, California 90017

(213) 629-2071
Fax: (213) 623-7755

gk@gideonlaw.net
www.gideonlaw.net

February 26, 2019

VIA EMAIL & HAND DELIVERY:

Sharon Dickinson
c/o City Council, City of Los Angeles
200 N. Spring Avenue
Los Angeles, CA 90012
sharon.dickinson@lacity.org

May Sirinopwongsagon
Department of City Planning,
200 N. Spring Street, Room 763
Los Angeles, CA 90012
may.sirinopwongsagon@lacity.org

RECEIVED
CITY CLERK'S OFFICE
2019 FEB 26 AM 9:26
BY: [Signature] CITY CLERK

**Re: Item 1, City Council Hearing Scheduled Feb. 26, 2019 (Council File No. 18-0873);
Selma-Wilcox Hotel Project (CPC-2016-2601, ENV-2016-2602, VTT-74406);
Rebuttal to Applicant's Response**

Dear Ms. Dickinson and Ms. Sirinopwongsagon:

On behalf of Rosa Aleman, Jose Contreras, Romulus Zamora, and Reneice Edwards (collectively "Commenters"), this Office submits the following comments regarding the referenced hotel development ("Project") proposed by the Relevant Group ("Applicant") located at 6421 W. Selma Avenue in Hollywood ("Site"). These comments raise environmental concerns regarding the Project's Mitigated Negative Declaration ("MND") and its compliance with the California Environmental Quality Act ("CEQA"). Furthermore, these comments serve to rebut the February 22, 2019 letter submitted by Applicant's counsel Sheppard, Mullin, Richter & Hampton LLP (inclusive of comments attached thereto) ("SMRH Letter"), which purportedly responds to comments submitted by this Office dated January 23, 2019 (inclusive of comments attached thereto) ("GK Letter").

As previously indicated in prior comments, Ms. Aleman and Mr. Contreras both live approximately 1,875 feet from the Project Site. Mr. Zamora and Ms. Edwards both live roughly 500 feet from the Project Site. Given this proximity, Commenters will be adversely affected by any environmental impacts caused by the approval of the Project and other related projects proposed by Relevant Group, which have been reviewed in a piecemeal fashion as discussed below.

I. PIECEMEALING ARGUMENT

As state in the GK Letter, Commenters raised concerns with the City's piecemeal review of the this Project in addition to the Applicant's other projects near the Project Site—as raised by other objectors to the Project—and provided a hyperlinked to extensive comment letters clearly



connecting Applicant's nine projects, including this Project, as part of Relevant Groups ultimate objective to create a hotel-entertainment district.¹ Furthermore, the Project's council file already includes numerous comments, including expert comments, regarding Applicant's piecemeal review of these various projects.² However, Applicant suggests that this piecemealing argument requires further explanation and purports that additional analysis attached to the SMRH Letter rebuts said piecemealing arguments (SMRH Letter, p. 4).



As made clear in prior comments already in the record, the Project is manifestly part of a more substantial development proposed by the Relevant Group, which has proposed or already developed multiple other projects near the Site including Dream Hollywood Hotel, Tao Restaurant, Thompson Hollywood Hotel, Tommie Hotel, Citizen News, and other projects.³ It is clear from the Applicant's own statement that Relevant Group is *redeveloping this portion of Hollywood as a destination campus for hotels, rooftop bars, and entertainment uses*.⁴ It is also clear by the Applicant's own brochure (see excerpt above), the Applicant is "re-gentrif[ying]" this part of Hollywood with multiple projects, including the Selma Hotel Project, that "bring together luxury lifestyle hotels, cutting edge restaurants, and high-energy nightspot."

¹ See United Neighborhoods for Los Angeles (1/14/19) Comment Letter, PDF pp. 1-11 (requesting local, state, and federal investigation into the City's piecemeal approval of the Applicant's multiple projects), http://clkrep.lacity.org/onlinedocs/2018/18-0873_pc_1-14-19.pdf; see also Mitchell Tsai (9/6/18) Comment Letter, PDF pp. 18-308 (detailing the common ownership and/or control of Applicant's nine projects), http://clkrep.lacity.org/onlinedocs/2018/18-0873_pc_1-14-19.pdf.

² See e.g., Casey Maddren (8/31/18) Appeal, PDF pp. 3-4, 6-7, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_1_09-12-2018.pdf; Sunset Landmark Investment, LLC (9/6/18) Appeal, PDF pp. 4-6, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_3_09-12-2018.pdf; Elle Farmer (9/5/18) Appeal, PDF pp. 16-18, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_09-12-2018.pdf.

³ See Relevant Group (2019) Portfolio, <http://www.relevantgroup.com/projects/>; see also Relevant Group (Apr. 2018) Relevant Hospitality Fund 1, pp. 13, http://www.relevantgroup.com/wp-content/uploads/2018/06/RHF1_CONFIDENTIAL_4.11.18.pdf.

⁴ See statement from Relevant Group representatives during 2017 Hollywood Economic Summit held in June 2017, <https://www.youtube.com/watch?v=oVF6kifY0lg>; see also Mitchell Tsai Comment Letter, *supra* fn 1.

Here, as previously raised, the Selma Hotel Project provides Code-required parking off-site at the Tao Restaurant and Thompson Hotel.⁵ This is a pattern-and-practice of Relevant Group treating these projects, purportedly independent of one another, as really part of a larger project interdependent of one another. For example, in 2009 when the Applicant first sought land use approvals for its Avenue Nightclub, where parking would be provided in conjunction with its then proposed nine-story hotel (i.e., Dream Hollywood) and a two-story restaurant, Relevant Group representatives stated (emphasis added):

*"This important corner will experience redevelopment and serve as a catalyst for new development to the west ... Similarly, the Project's restaurant and bar uses will act synergistically with 'the mix of hotel, restaurant and banquet uses proposed for 6417 Selma Avenue across the alley way. This synergy will revive the immediate vicinity around the Property including the adjacent alley. Therefore, the proposed project will enhance the character of development in the immediate neighborhood and will assist in Hollywood's continued redevelopment as a premier tourist destination ... The Project will also create synergy with the proposed hotel directly across the alley. This clustering of hotel, entertainment and restaurant uses will help stimulate the area's redevelopment by creating a hub of interesting and exciting venues in a setting that encourages pedestrian activity, consistent with the City's vision for the area ... Furthermore, in order to create a sustainable nationally recognized entertainment district, a myriad of dining options is necessary ... restaurant and bar uses located in close proximity to hotel and residential uses create a synergy that revitalizes the entire area by encouraging pedestrian traffic while simultaneously drawing tourists to the area. Accordingly, locating a restaurant and bar at this location will help sustain Hollywood's resurgence as a premier tourist destination location ... The addition of the Project will provide the ancillary dining and entertainment uses necessary to transform Hollywood's emerging boutique hotel corridor into a premier tourist destination. A new restaurant and bar will provide the synergy necessary to keep these tourists in Hollywood, increasing surrounding economic activity."*⁶

More recently, the Applicant proposed a conversion of an existing historic building known as the Citizen News project that will provide zero on-site parking, which in 2018, the "Applicant recognize[d] the need to accommodate patrons who travel to the site by automobile and intend[ed] to make arrangements with adjacent properties to lease parking spaces for use by Citizen News."⁷ Presumably, like the Selma Hotel Project and Avenue Nightclub project, Applicant will again seek to provide parking within its other component projects. Clearly, these projects are not entirely independent of each other, but instead "integral" parts of Applicant's larger "objective" of converting this intersection into a new hotel/entertainment district—with each project serving as a

⁵ See SWAPE (5/31/18) Comments on the Selma Wilcox Hotel Project, pp. 13-14, http://clkrep.lacity.org/onlinedocs/2018/18-0873_misc_09-12-2018.pdf.

⁶ See City (2/4/09) Letter of Determination ("LOD") ZA-2008-2871, pp. 24, 27-30, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZGYzY2UwMDUtNDZkZi00MWJhLTg0MTEtZTFiZiU0ZmEOYWQx0>.

⁷ See Citizen News project (DCP Case Nos. ZA-2017-755, ENV-2017-756) MND Appendix B-Historic Resources Report, p. 10, https://planning.lacity.org/staffrpt/mnd/Pub_013119/ENV-2017-756-B.pdf.

“step taken towards the achievement” of Relevant Group’s ultimate objective. *Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora* (2007) 155 Cal.App.4th 1214, 1226, 1228.

As discussed above, this Selma Hotel Project is merely part of the Relevant Group’s ultimate goal of a larger hotel/entertainment district project. Therefore, evaluating the Project individually is entirely incorrect as the Project’s MND has not correctly evaluated the entirety of Relevant Group’s objective (i.e., creating a premier hotel/entertainment district), including the cumulative impacts from the Dream Hollywood Hotel, Tao Restaurant, Thompson Hollywood Hotel, Tommie Hotel, Citizen News, Avenue Nightclub, and Beauty & Essex projects. Instead, each of these projects were reviewed in separate environmental documents (i.e., MNDs, Categorical Exemptions [“CE”], and Negative Declarations [“ND”]), which masks the real impacts of this larger project and avoids feasible mitigation. For example, the MNDs, CE, and ND for these nine projects integral to Relevant Group’s proposed hotel/entertainment district identifying 14,512 net new average daily trips (“ADTs”) and 21,859 metric tons carbon dioxide equivalent per year (“MTCO₂e/yr”) in GHG emissions.^{8, 9, 10, 11, 12, 13, 14,}

⁸ **Thompson Hollywood Hotel project** (DCP Case Nos. CPC-2014-3706, ENV-2014-3707): The MND released 7/16/15 identifying 3,359 net new ADTs and 3,669.37 MTCO₂e/yr in GHG emission for this 200-room hotel analysis. See MND (Jul. 2015) 1541 Wilcox Hotel, p. 1-1, 4-54, 4-130, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2014-3707.pdf>.

⁹ **Tommie Hotel project** (DCP Case Nos. CPC-2016-270, ENV-2016-4313): The MND released 12/22/16 identifying 2,241 net new ADTs and 4,570 MTCO₂e/yr in GHG emission for this 212-room hotel analysis. See MND (Dec. 2016) Tommie Hotel, p. I-1, IV-38, IV-100, http://cityplanning.lacity.org/staffrpt/mnd/Pub_122216/ENV-2016-4313.pdf.

¹⁰ **Selma Hotel (Dream II) Project** (DCP Case Nos. CPC-2016-2601, ENV-2016-2602): The MND released 1/4/18 identifying 1,227 net new ADTs and 1,979 MTCO₂e/yr in GHG emission for this 114-room hotel analysis. See MND (12/29/17) Selma Wilcox Hotel Project, p. 2-7, 3-71, 3-190, https://planning.lacity.org/staffrpt/mnd/Pub_010418/ENV-2016-2602.pdf.

¹¹ **Schrader Hotel project** (DCP Case Nos. CPC-2016-3750, ENV-2016-3751): The MND released 5/3/18 identifying 1,666 net new ADTs and 1,841 MTCO₂e/yr in GHG emission for this 198-room hotel analysis) See MND (Apr. 2018) Schrader Hotel Project, p. I-1, III-47, III-154, https://planning.lacity.org/staffrpt/mnd/Pub_050318/ENV-2016-3751.pdf.

¹² **Dream Hollywood Hotel (Dream I) project** (DCP Case Nos. CPC-2007-3931, DIR-2010-2962, ZA-2013-3504, ENV-2007-3932): The original MND released 3/13/08 does not include any mention of the project’s ADTs or GHG emission. Nor, is the 1/16/14 recirculated MND available online. However, due to project revisions, a revised 2008 traffic study was prepared that identified 1,777 net new ADTs. Based on the CEQA review of the four other hotel projects proposed by Relevant Group (supra footnotes 26-29 above), these projects collectively generate 12,059 MTCO₂e/yr for a proposed 724 rooms, equating to roughly 16.65 MTCO₂e/yr per room. Hence, the 136-room Dream I project would generate approximately 2,265 MTCO₂e/yr (calculated: [136 rooms] x [16.65 average] = [2,265.29 MTCO₂e/yr]). See City (11/23/10) Letter of Determination (“LOD”) DIR-2010-2962, p. 4, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/YTA4OTdjODgtNTZmZS00NGMzLTg4N2ItMjY4ZjFkM2Y5MTU50>; MND (4/2/08) 6415-19 W. Selma Ave., <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2007-3932.pdf>.

¹³ **Tao Restaurant project** (DCP Case Nos. ZA-2015-2671, ENV-2015-2672): The MND released 12/17/15 identifying 1,574 net new ADTs and 3,768 MTCO₂e/yr in GHG emission for this 20,624 square foot restaurant and 6,000 retail space analysis). See MND (Dec. 2015) Tao Restaurant and Retail Project, p. 2-4, 3-42, 3-116, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2015-2672.pdf>.

¹⁴ **Citizen News project** (DCP Case Nos. ZA-2017-755, ENV-2017-756): The MND released 1/31/19 identifying 2,341 net new ADTs and 3,767 MTCO₂e/yr in net new GHG emission for this 36,656 square foot of restaurant/event space. See MND (Jan. 2019) Citizen News Project, p. I-1, III-44, III-115, https://planning.lacity.org/staffrpt/mnd/Pub_013119/ENV-2017-756.pdf.

^{15, 16} Rather than disclosing these cumulative impacts, the Applicant has submerged these impacts “by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences.” *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-284; *see also City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1452. This is the precise type of improper piecemealing warned by the Association of Environmental Professionals (“AEP”), which states (emphasis added):

“Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact of the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis.”¹⁷

Neither the Project’s MND nor the CEQA review for the other eight Relevant Group projects disclose—much less analyze and mitigate to the fullest extent feasible—the cumulative impacts of Applicant’s whole project (i.e., creating a hotel/entertainment district). Instead, the environmental impacts of the proposed Project and other Relevant Group projects have been studied separately when they should be studied together as integral parts of a larger development proposed by the Applicant. As such, those environmental reviews, including the Project’s MND, represents a classic case of piecemealing.

¹⁵ **Beauty & Essex project** (DCP Case Nos. ZA-2011-1473, ENV-2011-1474, ZA-2016-498, ENV-2016-499): While the ND released 5/26/16 identifies 327 net new ADTs, it does not mention the anticipated GHG emissions from this 278-seat, 6,650 square foot restaurant project. The project site’s subsequent CE is not available online. Nor does the City’s LODs mention anticipated GHG emissions. *See* ND (6/15/16) 1611-15 N. Cahuenga Blvd., p. 39, http://cityplanning.lacity.org/staffrpt/mnd/Pub_052616/ENV-2016-499.pdf; City (10/3/11) LOD ZA-2011-1473, p. 1, 8, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/YmU4NmY4ODEtMjA2Yy00Y2ZlLTliMGMtNzRkY2MyMGVhZGNk0>; City (6/16/16) LOD ZA-2016-498, p. 2, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZmM1YzMyMWMtMGM3OC00MTJkLTlmZmYtMzhkNmEzMzjiOWFl0>.

¹⁶ **Avenue Nightclub project** (DCP Case Nos. ZA-2008-2871, ENV-2008-2870, ZA-2012-1133, ENV-2012-1134): The MND released 10/23/08 does not include any mention of the project’s ADTs or GHG emission. Nor, the sites CE available online. Nor do the City’s LOD mention any traffic study or other CEQA document available online for this 159-seat, 4,220 square feet of indoor/outdoor dining space analysis. *See* MND (11/12/08) 1603-07 Cahuenga Blvd., pp. 1, <http://cityplanning.lacity.org/staffrpt/mnd/ENV-2008-2870.pdf>; City (2/4/09) LOD ZA-2008-2871, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/ZGYzY2UwMDUtNDZkZi00MwJhLTg0MTEtZTFiZjU0ZmE0YWQx0>; City (3/5/13) LOD ZA-2012-1133, <http://planning.lacity.org/PdisCaseInfo/Home/GetDocument/NWl1NWY4NDYtYmQ5Mi00ZDhjLWJlYzgtMDk4ZDE3YjVlZTYw0>.

¹⁷ AEP (3/23/16) CEQA Portal Topic Paper, p. 2, <https://ceqaportal.org/tp/Project%20Description%2003-23-161.pdf>.

Here, the record is clear that: (a) since at least 2009, the Applicant intended to redevelopment this intersection of Hollywood into a new premier hotel/entertainment district; (b) since at least June 2017, the Applicant contemplated the Selma Hotel Project as part of this larger project; and (c) since June 2018 (when the Project's MND was released), the City was already aware of six other Relevant Group projects going through separate environmental review. On this record, the ultimate development of this intersection as a hotel/entertainment district is both a "reasonably foreseeable consequence" of each project approval, and a significant change in the scope and nature of the environmental effects of these individual projects. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396; see also *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 233 (requiring general EIR discussion of a pipeline where the project proponent contemplated the pipeline).

II. FAILURE TO UTILIZE SCAQMD THRESHOLDS

As state in the GK Letter, Commenters raised concerns with the Applicant's failure to utilize South Coast Air Quality Management Districts ("SCAQMD") Tier 3 and Tier 4 thresholds. In response, the Applicant states the City has deference to determine which thresholds its wishes to apply (SMRH Letter, Attachment D, pp. 8-11). However, as courts have explained, that discretion is not "unbounded." *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 300, 303-304 (when setting aside an EIR where commenters questioned the city's use of a particular threshold, the court explained "the fact that a particular environmental effect meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant ... a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant." Emphasis added). Moreover, given the City has routinely utilized these SCAQMD thresholds,¹⁸ the Applicant fails to explain with substantial evidence why SCAQMD's Tier 3 and Tier 4 thresholds should not be used here for this Project.

¹⁸ See e.g., 1209 6th Avenue project (DCP Case No. ENV-2014-1988) Initial Study, PDF pp. 85-86 (applying the 3,500 MTCO₂e/yr threshold), https://planning.lacity.org/eir/nops/1209_6thAvenueInitialStudy/1209_InitialStudySigned_100716.pdf; 333 La Cienega Blvd. project (DCP Case No. ENV-2015-897) Initial Study, PDF pp. 89-90 (applying the 3,000 MTCO₂e/yr threshold for mixed-use project), <http://planning.lacity.org/eir/nops/333LaCienega/is.pdf>; 15116 S. Vermont Avenue project (DCP Case No. ENV-2017-1015) Staff Report, PDF pp. 182, 220 (containing MND applying the 10,000 MTCO₂e/yr threshold for industrial project), <http://planning.lacity.org/StaffRpt/InitialRpts/CPC-2017-1014.PDF>; Lizard Hotel project (DCP Case No. ENV-2015-2356) Draft EIR, PDF pp. 23-24 (utilizing SCAQMD's Tier 4 analysis), <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>; 3063 W. Pico Blvd. (DCP Case No. ENV-2016-1604) MND, PDF pp. 86-87 (referencing 3,000 MTCO₂e/yr threshold for mixed-use projects), http://cityplanning.lacity.org/staffrpt/mnd/Pub_033017/ENV-2016-1604.pdf; Woodley Avenue Self-Storage project (DCP Case No. ENV-2018-4247) MND, PDF pp. 89-91 (utilizing 10,000 MTCO₂e/yr threshold for industrial project), https://planning.lacity.org/staffrpt/mnd/Pub_012419/ENV-2018-4247.pdf; 16966 Sunset Blvd. project (DCP Case No. ENV-2017-3896) MND, PDF p. 41 (utilizing 3,000 MTCO₂e/yr threshold), https://planning.lacity.org/staffrpt/mnd/Pub_122718/ENV-2017-3896.pdf; 5950 Jefferson Boulevard project (DCP Case No. ENV-2017-4170) MND, PDF p. 112-114 (noting SCAQMD's 3,000 MTCO₂e/yr threshold is "appropriate" and remains supported by SCAQMD's technical analysis as a useful indicator of significance), https://planning.lacity.org/staffrpt/mnd/Pub_122018/ENV-2017-4170.pdf; Glassell Park Residential project (DCP Case No. ENV-2016-4394) MND, PDF pp. 164-165 (applying SCAQMD's Tier 3 and Tier 4 threshold), https://planning.lacity.org/staffrpt/mnd/Pub_121318/ENV-2016-4394.pdf; Washington Blvd. Mixed-Use project (DCP Case No. ENV-2018-1095) MND, PDF pp. 83-86 (applying 3,000 MTCO₂e/yr threshold), https://planning.lacity.org/staffrpt/mnd/Pub_111518/ENV-2018-1095.pdf; 13200 West Mindanao Way project (DCP Case No. ENV-

III. CONCLUSION

Fundamentally, the Project and all other Relevant Groups projects should be considered in a single environmental impact report to appropriately disclosed, analyze, and mitigation to the fullest extent the environmental impacts of this these collective projects, including the Selma Hotel Project.

Please have this document forwarded to Council, as well as place a copy in the administrative record for the Project. If you have any issues, please do not hesitate to contact me.

Sincerely,



Gideon Kracov
Law Office of Gideon Kracov

2016-249) MND, PDF pp. 90-91 (applying 3,000 MTCO₂e/yr threshold), https://planning.lacity.org/staffrpt/mnd/Pub_101818/ENV-2016-249.pdf; Venice Blvd. Self-Storage project (DCP Case No. ENV-2017-3855) MND, PDF pp. 49-50 (applying 1,400 MTCO₂e/yr threshold for commercial project), https://planning.lacity.org/staffrpt/mnd/Pub_101818/ENV-2017-3855.pdf.