



City Clerk Council and Public Services <clerk.cps@lacity.org>

Fwd: Selma Wilcox Hotel Comments (6421 Selma, CPC-2016-2601-VZC-HD-CUB-ZAA-SPR; ENV-2016-2602-MND)

Gloria Pinon <gloria.pinon@lacity.org>
To: Clerk - Public Use - Clerk Council and Public Services <Clerk.CPS@lacity.org>

Thu, Feb 28, 2019 at 9:55 AM

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

From: **Nicholas Whipps** <nwhipps@wittwerparkin.com>

Date: Thu, Feb 28, 2019 at 9:52 AM

Subject: Selma Wilcox Hotel Comments (6421 Selma, CPC-2016-2601-VZC-HD-CUB-ZAA-SPR; ENV-2016-2602-MND)

To: cityclerk@lacity.org <cityclerk@lacity.org>

Hello,

Attached, please find comments regarding the Selma Wilcox Hotel Project, which is scheduled to be considered at the March 5 City Council meeting, submitted on behalf of the **Southwest Regional Council of Carpenters**.

Please confirm these comments will be added to the record; otherwise, representatives from Southwest Carpenters will plan to submit these comments on the day of the hearing.

Very truly yours,

NICHOLAS WHIPPS

The logo for Wittwer / parkin, featuring the text "wittwer / parkin" in a lowercase, serif font, enclosed in a dark green rectangular box with a white border.

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2/28/2019

City of Los Angeles Mail - Fwd: Selma Wilcox Hotel Comments (6421 Selma, CPC-2016-2601-VZC-HD-CUB-ZAA-SPR; ENV-2016-2602...



2019 02 25 Selma Wilcox Comments (FINAL).pdf
143K

February 26, 2019

VIA HAND DELIVERY

City Council
City Hall
200 North Spring Street
Los Angeles, CA 90012

Re: Mitigated Negative Declaration and Related Approvals for the Property Located at 6421-9429 ½ West Selma Avenue and 1600-1604 North Wilcox Avenue (File Number 18-0873, February 26, 2019 Agenda Item No. 1)

Dear Members of the City Council:

This law firm represents the Southwest Regional Council of Carpenters (Southwest Carpenters) and submits these additional comments on the above-referenced project on its behalf.

The Discussion of Air Quality Impacts Remains Inadequate

The City of Los Angeles (City) has adopted an illegal analytical approach to cumulative air quality impacts, which effectively writes the requirement to evaluate or address these impacts out of CEQA. The City has determined that air quality impacts can only be cumulatively significant if they surpass the direct and indirect air quality impact thresholds.

While the City claims it is relying on a threshold of significance adopted by the Southern California Air Quality Management District (SCAQMD), SCAQMD has never adopted such a threshold of significance, and the City cannot rely on this alleged adoption to legitimate its analytical approach. Further, the City's approach runs counter to definition of cumulative impacts. Critically, "Cumulative impacts can result from *individually minor but collectively significant projects* taking place over a period of time." (14 Cal. Code Regs. § 15355 (emphasis added).) Equating the cumulative impacts to direct and indirect impacts renders this analysis redundant, uninformative, and meaningless.

The SCAQMD White Paper upon which the City relies for this supposed significance threshold¹ was generated by a SCAQMD Advisory Group. This White Paper was not generated pursuant to SCAQMD's rulemaking authority. As its name suggests, the Advisory Group is not composed of the legislative body of SCAQMD, and its meetings are not subject to the Brown

¹ See generally, White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions (White Paper), and White Paper Appendix D, page D-3; Summary Minutes of the South Coast Air Quality Management District Friday, September 5, 2003.


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Act. (See SCAQMD Advisory Group White Paper website,
<https://www.aqmd.gov/nav/about/groups-committees/environmental-justice-advisory-group>.)

The White Paper is a report, not a rule. The report in question was designed to address cumulative air quality impacts as these impacts relate to environmental justice by creating what it named a “Cumulative Impacts Reduction Strategy.” The Cumulative Impacts Reduction Strategy was designed to address Air Quality impacts to some of Southern California’s most vulnerable communities. The language the City relies on did not appear in this paper; rather, it was included in an appendix. The body of the White Paper makes *no reference* to the appendix in question. The City’s supposed significance threshold is only referenced in passing on one of the final pages of this background appendix.

On September 5, 2003, SCAQMD voted to “Proceed with the Cumulative Impacts Reduction Strategy (CIRS) Outlined in the White Paper” as a minute action. (Summary Minutes of the South Coast Air Quality Management District Friday, September 5, 2003.) SCAQMD’s action did not amount to an adoption of a threshold through ordinance, resolution, rule or regulation, as required by CEQA Guidelines section 15064.7(b). SCAQMD’s Board only considered the White Paper at one meeting and voted as part of a minute action to implement the environmental justice mitigation strategies outlined in the main body of the White Paper. The language regarding SCQAMD’s supposed approach to its cumulative impacts analysis was neither the subject nor purpose of the White Paper and was not approved as part of the Board’s action to “Proceed with the Cumulative Impacts Reduction Strategy,” which *was* the subject of the White Paper. A side comment in a background appendix on an unrelated topic cannot amount to SCAQMD adopting a standardized threshold of significance.

Regardless, even if SCAQMD had intended to adopt this approach as a threshold of significance, the City cannot rely on a threshold of significance that is patently illegal and contrary to the spirit and letter of CEQA. The City’s misinformed approach to cumulative air quality impacts undermines its entire air quality impacts analysis and is indicative of its improper treatment of the cumulative impacts analysis throughout the MND.

Very truly yours,
WITTWER PARKIN LLP

Nicholas Whipps