



**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
- How you are aggrieved by the decision
- Specifically the points at issue
- 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: *Laya Gulli* Date: 12-12-18

**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).

*N/A* 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.

*N/A* 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.

*N/A* 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.

*N/A* Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).

*N/A* 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.

*N/A* 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>Rina Lara</u>	Date: <u>12/17/18</u>
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



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December 14, 2018

**Via Hand Delivery**

City Council  
City of Los Angeles  
C/o Planning Department Appeals Clerk  
Marvin Braude Constituent Service Center  
6262 Van Nuys Boulevard, Suite 251  
Van Nuys, CA 91401

Re: **Justification for Appeal to the Los Angeles City Council of the December 5, 2018 City Planning Commission Determination in Case No. VTT-74521-1A; ENV-2016-3751-MND; Related Case: CPC-2016-3750-VZC-HDMCUP-ZAA-SPR**

Dear Honorable Mayor Garcetti and City Council Members:

On behalf of Coalition for Responsible Equitable Economic Development (“CREED LA”),<sup>1</sup> we are writing to appeal the City Planning Commission (“Planning Commission”) approval of a Vesting Tentative Tract Map for the Schrader Hotel Project, VTT-74521-1A, (“Project”) and the adoption of the Initial Study/Mitigated Negative Declaration (“MND”) for the Project ENV-2016-3751-MND.

The Project is located at 1600-1616 ½ N. Schrader Boulevard and 6533 W. Selma Avenue (“Project Site”) in the City of L.A (“City”) and includes the demolition of a surface parking lot for the construction, use, and maintenance of a mixed-use hotel that would contain 191 guestrooms, 2,850 square feet of ground floor commercial use, three levels of subterranean parking and a roof terrace. The project is proposed by 1600 Hudson, LLC (“Applicant”). We submitted comments on the Project on June 7, 2018 and responses to the City’s response to our comments on July 18, 2018, urging the City to deny all discretionary approvals requested by the

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<sup>1</sup> CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project.

4267-018acp

December 14, 2018

Page 2

Applicant for the Project. On August 13 we filed an appeal on the Advisory Agency's approval of the Vesting Tentative Tract Map and adoption of the MND. The appeal was heard by the Planning Commission on November 8, 2018. On December 5, 2018 the Planning Commission published its letter of determination in which it denied the appeal and sustained the Advisory Agency's decisions.

Pursuant to the City appeal procedures, we have attached the Appeal Application (form CP-7769) and the original Letter of Determination ("LOD"), and have provided seven (7) duplicate copies of the complete packet. We have also enclosed a check for the appeal fee.

The reason for this appeal is that the Planning Commission abused its discretion and violated the California Environmental Quality Act ("CEQA") when it approved the Vesting Tentative Tract Map and adopted the MND. CEQA requires that the potential impacts of this Project be evaluated in an environmental impact report ("EIR"), not in an MND, because substantial evidence exists that the Project may have significant, unmitigated environmental impacts on public health and from noise.

Our June 7, 2018 comment letter on the Project<sup>2</sup>, our July 18, 2018 comments on the City's response to comments<sup>3</sup>, our August 13, 2018 Justification for Appeal<sup>4</sup>, our September 11, 2018 Response to Appeal Report<sup>5</sup> and our November 6, 2018 Response to Second Appeal Report<sup>6</sup> are attached hereto, and the specific reasons for this appeal are set forth in detail in these letters and summarized below.

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<sup>2</sup> See **Exhibit 1**: Letter from Christina M. Caro to Darlene Navarrete re: Comments on the Mitigated Negative Declaration for the Schrader Hotel Project (Environmental Case Numbers NG-18-028-PL. ENV-2016-3751. ENV-2016-3751-A. ENV-2016-3751-B. ENV-2016-3751-C. ENV-2016-3751-D. ENV-2016-3751-E. ENV-2016-3751-E1. ENV-2016-3751-E2. ENV-2016-3751-F. ENV-2016-3751-G. ENV-2016-3751-H), June 7, 2018.

<sup>3</sup> See **Exhibit 2**: Letter from Tanya A. Gulesserian and Nirit Lotan to Mindy Nguyen and Jason Hernández re: Re: Schrader Hotel Project Mitigated Negative Declaration, July 18, 2018.

<sup>4</sup> See **Exhibit 3**: Letter from Tanya A. Gulesserian and Nirit Lotan re: Justification for Appeal to the City of Los Angeles Planning Commission of the August 3, 2018 Advisory Agency's Determination in Case No. VTT-74521; ENV-2016-3751-MND; Related Case: CPC-2016-3750-VZC-HDMCUP-ZAA-SPR, August 13, 2018.

<sup>5</sup> See **Exhibit 4**: Letter from Tanya A. Gulesserian and Nirit Lotan re: Response to Department of City Planning Appeal Report regarding the Schrader Hotel Project (VTT-74521-1A, ENV-2016-3751-MND), September 11, 2018.

<sup>6</sup> See **Exhibit 5**: Letter from Nirit Lotan re: Response to Department of City Planning Appeal Report regarding the Schrader Hotel Project (VTT-74521-1A, ENV-2016-3751-MND), November 6, 2018.

In its Letter of Determination the Planning Commission states it concurs with the responses to our comments that were prepared by the environmental consultant that was retained for the Project and the that “the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment.”<sup>7</sup> However, as explained in our previous letters and summarized below, substantial evidence supports a fair argument that the Project may cause: (1) a significant, unmitigated impact on public health from toxic air contaminants (“TACs”), and (2) a significant, unmitigated impact from noise.

**(A) There is substantial evidence that the MND fails to properly evaluate and mitigate potentially significant impacts on public health from TAC emissions and substantial evidence supports a fair argument that the Project may result in potentially significant impacts on public health.**

The MND concludes that the Project would result in a less than significant impact from construction and operational TAC emissions without conducting an assessment of health risk impacts, commonly called a health risk assessment (“HRA”), for the Project. We reviewed the environmental analysis with the assistance of technical experts, Soil Water Air Protection Enterprise (“SWAPE”), which found the City’s conclusion unsupported. As SWAPE explains in their comment letter, the mere assertion that the Project’s construction will be limited in time, and that the Project’s operation does not involve significant toxic airborne emissions, is not sufficient to support a conclusion the Project will not result in significant impacts on public health.<sup>8</sup> In order to support such a conclusion, the City must rely on an analysis, such as an HRA.

In our July 18, 2018 comments on the City’s response to comments we showed that the Court of Appeal has repeatedly held that a CEQA document must analyze impacts of projects on human health.<sup>9</sup> In *CBE v. Richmond*, the court held that a CEQA document is inadequate where it “does not address the public health or other environmental consequences of processing heavier crude [thereby emitting TACs], let alone analyze, quantify, or propose measures to mitigate those

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<sup>7</sup> Los Angeles City Planning Commission, Letter of Determination, December 5, 2018, p. F-1.

<sup>8</sup> Letter from Hadley Nolan to Christina Caro re: Comments on the Schrader Hotel Project, June 7, 2018.

<sup>9</sup> See Exhibit 2, p. 4-6.

impacts.”<sup>10</sup> In *Bakersfield*,<sup>11</sup> the court held that an EIR for a commercial shopping center was inadequate because it failed to correlate adverse air quality impacts to resulting adverse health impacts on surrounding communities. In *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.*,<sup>12</sup> the court held that an EIR must include a “human health risk assessment.”<sup>13</sup>

In its August 2, 2018 response to comments,<sup>14</sup> the City attempts to distinguish this long line of court rulings that establish an agency’s duty to perform an HRA to properly analyze potentially significant impacts on public health. This duty, however, remains applicable in this case. In addition, the City’s response violates CEQA because it ignores substantial evidence supporting a fair argument that the Project may have significant impacts on public health. SWAPE provided an expert opinion, supported by substantial evidence, that the Project may result in a significant impact on public health; after reviewing the City’s response, SWAPE maintains that the Project may have significant impacts on public health.<sup>15</sup> The City must therefore prepare an EIR to analyze and mitigate the potentially significant impact, as required by law.

Moreover, in our September 11, 2018 response to Appeal Report<sup>16</sup> we provided supplemental health risk assessment from SWAPE to evaluate the health risk posed specifically to school children attending the Selma Avenue Elementary School and the Blessed Sacrament School located near the Project site, which have not been addressed or evaluated in any report or analysis prepared for the Project. SWAPE’s analysis found that the excess cancer risk to a school child from ages five

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<sup>10</sup> *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82 (“*CBE v. Richmond*”). See also *Californians for Alternatives to Toxics v. Cal. Dep’t of Food & Agric.* (2006) 136 Cal.App.4th 1, 16, (EIR on statewide application of pesticide was inadequate when it failed to independently evaluate risks of toxic exposure

<sup>11</sup> 124 Cal.App.4th at 1219-20 (“on remand, the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR’s.”).

<sup>12</sup> *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344.

<sup>13</sup> *Id.* at 1369.

<sup>14</sup> Parker Environmental Consultants. Responses to comments received on the Schrader Hotel Project [ENV-2016-3751-MND] August 2, 2018. (“Response to Comments, August 2, 2018”).

<sup>15</sup> Letter from Hadley Nolan to Nirit Lotan re: Comments on the Schrader Hotel Project, July 17, 2018, p.2.

<sup>16</sup> See **Exhibit 4**.  
4267-018acp

to fourteen years old is approximately 850 in one million, which greatly exceeds the SCAQMD's threshold of ten in one million.<sup>17</sup>

In its second Appeal Report, prepared for the November 8, 2018 City Planning Commission hearing, the City argued against SWAPE's assumptions used in its supplemental analysis. First, the City argued SWAPE incorrectly assumed that a receptor would be continuously exposed to DPM emissions over a 70-year lifespan, and therefore, the cancer risk was overestimated. As SWAPE explained in response<sup>18</sup>, an adjustment factor (AF) was included in the analysis to properly account for that fact, and therefore, contrary to the City's argument, SWAPE's analysis does not assume that a school child would be exposed to DPM continuously for 70 years.<sup>19</sup>

Second, the City argued that school children will be on site seven hours and not ten hours a day, as was SWAPE's assumption. SWAPE therefore updated the analysis to reflect the City's assumption.<sup>20</sup>

SWAPE's updated analysis found that when accounting for the City's assumptions, the excess cancer risk to a school child from ages five to fourteen years old is approximately 1,200 in one million.<sup>21</sup> This risk greatly exceeds the SCAQMD's threshold of ten in one million.

SWAPE provides substantial evidence that under the applicable SCAQMD rules and OEHHA Guidelines the Project will cause a significant health impact that the City must disclose and analyze by preparing a health risk assessment to account for potential health impacts caused by the Project's construction.<sup>22</sup> As shown by SWAPE's analysis, substantial evidence supports a fair argument that the Project will have significant impact on public health from construction

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<sup>17</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, September 10, 2018, p. 4.

<sup>18</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, November 5, 2018.

<sup>19</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, November 5, 2018, p. 2-3.

<sup>20</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, November 5, 2018, p. 3.

<sup>21</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, November 5, 2018, p. 4.

<sup>22</sup> See Letter from Hadley Nolan to Nirit Lotan, Response to Comments on the Schrader Hotel Project, November 5, 2018, p. 2.



emissions. The Planning Commission violated CEQA when it failed to account for this evidence and failed to prepare a proper health risk analysis, as required under the law.

**(B) There is substantial evidence that the MND fails to properly evaluate and mitigate potentially significant impacts on noise and substantial evidence supports a fair argument that the Project may result in potentially significant impacts from noise.**

The MND concludes that impacts from noise will be less than significant after the application of four “Project Design Features” (PDFs), which include physical and operational noise-attenuating features as well as limitations on hours of operations, and mitigation measure N-7, which establishes a “complaint system.”<sup>23</sup> The MND’s reliance on these PDFs and measure N-7 does not constitute substantial evidence that the Project will not result in significant impacts for at least two reasons. First, the City analysis violates CEQA by improperly compressing the analysis of impacts and mitigation measures and improperly relying on design features for mitigation without ever disclosing the actual impact. Second, we reviewed the environmental analysis with the assistance of Neil Shaw, an expert acoustical engineer, who found that the mitigation measures and design features will not mitigate the noise impacts from the Project’s operation and, therefore, a potentially significant impact remains for this Project.

1. The city violated CEQA by improperly compressing the analysis of impacts and mitigation measures and relying on design features for mitigation without disclosing the Project’s impacts

In *Lotus v. Department of Transportation*,<sup>24</sup> the Court of Appeal found that an EIR had “disregard[ed] the requirements of CEQA” by “compressing the analysis of impacts and mitigation measures into a single issue.” The Court continued, stating “[a]bsent a determination regarding the significance of the impacts ... it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered.”<sup>25</sup> Similar to the inadequate analysis contained in the Lotus EIR, the MND asserts that incorporation of the PDFs would reduce the Project’s noise impacts to less than

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<sup>23</sup> MND, p. II-40/41, III-103/104

<sup>24</sup> *Lotus v. Dep’t of Transp.* (2014) 223 Cal. App. 4th 645, 651-52.

<sup>25</sup> *Id.*

significant levels prior to mitigation. The public has no way of telling what is the noise impact of the Project *without* the design feature, and cannot properly evaluate whether it is effective in reducing the impact.

In its August 2, 2018 response, the City tries to distinguish the Court decision in *Lotus* by arguing that the Project's design features are "by definition, part of the Proposed Project"<sup>26</sup> and not mitigation measures. While this argument may be valid for the plexiglass barrier which the City argues "is a required component of the Project's design for safety purposes,"<sup>27</sup> the City completely fails to explain how PDF-2, the digital audio processor, qualifies as part of the Project. In contrast to the glass barrier, which the City argues is "clearly shown on the Proposed Site Plan,"<sup>28</sup> the audio processor, as Mr. Shaw explains, "is an add-on added specifically to mitigate the sound from the installed sound system."<sup>29</sup> Mr. Shaw further explains:

Such a system is not commonly a part of sound systems, and definitely not an inherent part of the design and operation of a hotel. This is a mitigation measure, aimed at reducing levels of sound and mitigating its impacts, since the reason a digital signal processor is added to a sound system is to control, that is, mitigate, the noise impact from the sound system.<sup>30</sup>

Not only is the system not "part of the project," but the City's reliance on it clearly "obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures."<sup>31</sup> The City's analysis fails to disclose what would be the impact from each of the Project's activities in each of its open spaces and, instead, provides only a post-mitigation assessment that is based on the *unsupported* assumption that the digital processor is a hundred percent successful in mitigating *all* noise impacts. The public is therefore deprived of the opportunity to know what the Project's actual noise impacts will be, and of meaningfully assessing the effectiveness of the digital processor as a mitigation measure, which, in any event, lacks performance measures and is unenforceable.

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<sup>26</sup> City of Los Angeles Response to Comments, August 2, 2018, p. 44.

<sup>27</sup> City of Los Angeles Response to Comments, August 2, 2018, p. 44.

<sup>28</sup> City of Los Angeles Response to Comments, August 2, 2018, p. 44.

<sup>29</sup> See letter from Neil Shaw to Nirit Lotan re: Schrader Hotel Project –City of Los Angeles Response (August 2, 2018), August 10, 2018, p. 1.

<sup>30</sup> See letter from Neil Shaw to Nirit Lotan re: Schrader Hotel Project –City of Los Angeles Response (August 2, 2018), August 10, 2018, p. 1.

<sup>31</sup> *Mission Bay All. v. Office of Cmty. Inv. & Infrastructure*, 6 Cal. App. 5th 160, 185, 211. 4267-018acp

The City must provide the public an analysis of the Project's impacts *before and after* application of the digital processor project design feature, and explain if and how this alleged feature is applicable to all the *different types* of noise impacts the Project will create, including noise from crowds, music and live entertainment. By failing to do so, the City violated CEQA.

2. The design features and mitigation measures will not mitigate the impact below the threshold of significance; substantial evidence supports a fair argument that the Project may result in significant, unmitigated and undisclosed impacts from noise.

Even assuming the City may rely on the design features as “part of the project,” which it may not, the design features and complaint measure proposed for the Project clearly fail to ensure that noise impacts would be mitigated to below the threshold of significance.

**The audio processor fails to mitigate potentially significant noise impacts from live entertainment.** In its August 2, 2018 response to comments the City argues the system described in PDF-2 “would apply to all amplified sound within the proposed hotel and outdoor area” and that “[e]ntertainers would be prohibited from bringing in outside equipment that bypasses the hotel’s audio system control.”<sup>32</sup> The first Appeal Report included a statement admitting that in fact, outside equipment will be allowed on the hotel’s premises<sup>33</sup> and in the second Appeal Report the City backtracked and again argued that “outside equipment and acoustic instruments are prohibited”.<sup>34</sup> There are three main problems with this argument.

First, the MND includes no language to support this assertion – it includes no prohibition on outside equipment. At the very least, the city must add language to the MND and the MMP that clearly prohibits bringing in outside equipment.

Second, the City lacks any evidence that a prohibition from bringing in outside equipment that bypasses the hotel’s audio system control is feasible and would reduce significant impacts. As Mr. Shaw explains, live bands are allowed

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<sup>32</sup> City of Los Angeles Response to Comments, August 2, 2018, p. 45.

<sup>33</sup> City of Los Angeles Department of City Planning Appeal Report prepared for the September 13, 2018 City Planning Commission hearing, p. A-8.

<sup>34</sup> City of Los Angeles, Schrader Hotel Project Responses to Comments, October 2018, p. 9.  
4267-018acp

and, by definition, bring in their own instrument amplifiers and their own sound systems. “This portable instrument equipment is not designed to be controlled by, nor has any means of connecting to, a digital audio processor such as that in PDF-2.”<sup>35</sup> As Mr. Shaw explains, some instruments, such as drum kits and other impulsive instruments, “cannot be controlled by the audio system in such a way to limit the impulsive sounds.”<sup>36</sup> Therefore, noise from these instruments may cause a specific, significant unmitigable impact on noise.

Third, the measure lacks any reporting, inspection or other procedures for the City and the public to be able to enforce the measure. Therefore, it is vague and unenforceable.

In its second Appeal Report the City argues that “it is not required to analyze a “hypothetical scenario that will not occur.” However, the City’s *own* MND analysis admits that noise from amplified music can reach the level of 104 dBA.<sup>37</sup> Nothing is hypothetical about this level, but the city fails to properly analyze it, despite substantial evidence supporting a fair argument that any live entertainment not controlled by the DAP may reach these levels.

At the hearing, some Planning Commissioners commented on the fact that the area is part of a busy entertainment district and that there are other similar establishments that were allowed to operate under similar conditions. These arguments have no bearing on the City’s duty under CEQA. Under CEQA, the City must analyze the Project’s impact on noise against the existing conditions and the established thresholds. The City failed to do this.

**The glass barrier will not mitigate potentially significant noise impacts.** As explained in our July 18, 2018 response and in Mr. Shaw’s comments,<sup>38</sup> the proposed barrier is not high and massive enough to properly mitigate low frequency impulsive sounds, which have long wavelengths, and that will be produced from amplified music. The City failed to respond to this comment regarding the Project’s potentially significant noise impact.

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<sup>35</sup> See letter from Neil Shaw to Nirit Lotan re: Schrader Hotel Project –City of Los Angeles Response (August 2, 2018), August 10, 2018, p. 2.

<sup>36</sup> See letter from Neil Shaw to Nirit Lotan re: Schrader Hotel Project –City of Los Angeles Response (August 2, 2018), August 10, 2018, p. 2.

<sup>37</sup> MND, p. III-106.

<sup>38</sup> See letter from Neil Shaw to Nirit Lotan, Schrader Hotel Project - Mitigated Negative Declaration ENV-2016-3751-MND - Noise Impact Review, July 16, 2018, p. 3.

**The complaint system will not mitigate potentially significant noise impacts.** In its August 2, 2018 response, the City argues that the complaint system established in PDF-4 requires the immediate closing of doors and window to the enclosed area upon the receipt of any complaint between 7:00 a.m. and 12:00 a.m. “even if such noise does not exceed the thresholds of significance,” thus allegedly mitigating any potential significant impact. There are three main problems with the design feature.

First, it is completely unenforceable. The City fails to explain how neighbors in buildings across the street on different floors will be able to know, sometimes in the middle of the night, if the windows of a structure on the 11<sup>th</sup> floor are closed. The City’s seems to rely on the fact that the Applicant is required to provide the adjacent residential buildings with a phone number for complaints as a guarantee that the mitigation will be effective.<sup>39</sup> However, just having the phone number will not solve the abovementioned problem, Moreover, The City’s mitigation monitoring program sets the monitoring frequency of this measure as “annually,” rendering it useless in violation of CEQA.

Second, the City seems to assume that, because neighbors will be able to complain, and the operator will have to close the windows regardless of the noise level, somehow this will prevent significant noise impacts. However, as Mr. Shaw explains, “noise from such establishments does not necessarily become gradually louder.”<sup>40</sup> In other words, the sensitive receptors around the Project may be exposed to noise impacts beyond the threshold of significance; even assuming that closing the windows will occur, this will be done *after the fact* and after a significant impact has already occurred.

Third, the measure lacks any reporting, inspection or other procedures for the City and the public to be able to enforce the measure. Therefore, it is vague and unenforceable.

Because there is substantial evidence supporting a fair argument that the Project will have significant impacts on public health and from noise, the City’s project design features and complaint measure lack performance standards, are

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<sup>39</sup> City of Los Angeles Department of City Planning Appeal Report prepared for the November 8, 2018 City Planning Commission hearing, p. A-9.

<sup>40</sup> See letter from Neil Shaw to Nirit Lotan re: Schrader Hotel Project –City of Los Angeles Response (August 2, 2018), August 10, 2018, p. 2.

December 14, 2018  
Page 11

unenforceable and would not reduce significant impacts, the Planning Commission's approval of the Vesting Tentative Tract Map and adoption of the MND violate CEQA and must be overturned. We urge the City Council to grant our appeal and order the preparation of an EIR for the Project.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Nirit Lotan" followed by a stylized flourish.

Nirit Lotan

NL:acp