



APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

- ☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: ZA-2020-1128-MPA (Related to ENV-2020-1129-CE)

Project Address: 1550 North San Pablo Street, Los Angeles, CA 90033

Final Date to Appeal: 03/05/2021

2. APPELLANT

Appellant Identity:
(check all that apply)

- ☐ Representative ☐ Property Owner
☐ Applicant ☐ Operator of the Use/Site

☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
SEIU Local 721 and Eastside LEADS

☐ Person affected by the determination made by the **Department of Building and Safety**

- ☐ Representative ☐ Owner ☒ Aggrieved Party
☐ Applicant ☐ Operator

3. APPELLANT INFORMATION

Appellant's Name: Susan Li

Company/Organization: SEIU Local 721

Mailing Address: 1545 Wilshire Blvd.

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 304-8792 E-mail: susan.li@seiu721.org

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self ☒ Other: SEIU Local 721 and Eastside LEADS

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☒ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jordan R. Sisson, Esq.

Company: Law Office of Gideon Kracov

Mailing Address: 801 S. Grand Ave., 11th Fl.

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 629-2071 E-mail: jordan@gideonlaw.net

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

b. 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

6. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Susan Li Date: March 4, 2021

GENERAL APPEAL FILING REQUIREMENTS

B. ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES

1. Appeal Documents

a. **Three (3) sets** - The following documents are required for each appeal filed (1 original and 2 duplicates)
Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Appeal Application (form CP-7769)
☐ Justification/Reason for Appeal
☐ Copies of Original Determination Letter

b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION
--

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)**1. Density Bonus/TOC**

Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:

- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.
- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.
- ☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:

- Waivers for By-Right Projects, can only be appealed by the owner.
- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING**1. Tentative Tract/Vesting** - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: 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.

- ☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

- ☐ **1.** Appeal of the Department of Building and Safety determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement

- ☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

- ☐ **2.** Appeal of the Director of City Planning determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee

- ☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement

- ☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
- ☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:

- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

- ☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

- ☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.
- ☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

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.

Please note that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

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

March 4, 2021

**RE: Appeal Justification for Master Plan Approvals at 1550 North San Pablo Street;
Hyatt House Hotel MPA (DCP Case Nos. ZA-2020-1128-MPA; ENV-2020-1129-CE);
USC Conference Center MPA (DCP Case Nos. ZA-2020-1097-MPA, ENV-2020-1091-CE)**

On behalf of Eastside LEADS and SEIU Local 721 ("Local 721") (collectively "Appellants"), this Office concurrently appeals the East Los Angeles Area Planning Commission ("APC")'s denial of appeals concerning two inter-related Master Plan Approvals for the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment ("MPA(s)") within a five-story, 175,845 square foot ("SF") mixed-use hotel development ("Hyatt House" or "Project") located at 1550 N. San Pablo St. ("Site").

The first MPA covers the 200-guest rooms, 18,400-SF hotel lobby, restaurant, bar, outdoor area, and hotel meeting rooms ("Hotel MPA"); processed under the Department of City Planning ("DCP") Case Nos. ZA-2020-1128-MPA and ENV-2020-1129-CE; and made effective by the APC's Letter of Determination ("LOD") mailed February 18, 2021 ("Hotel LOD").¹ The second MPA covers the 20,548-SF proposed USC Conference Center located in the Hyatt House's basement ("Conference MPA"); processed under DCP Case Nos. ZA-2020-1097-MPA, ENV-2020-1091-CE); and made effective by a separate APC LOD also mailed February 18, 2021 ("Conference LOD").²

Both LODs identify March 5, 2021 as the last day to file an appeal. Pursuant to Los Angeles Municipal Code ("LAMC" or "Code") § 11.5.13, this Appeal is timely submitted within 15 days of the APC's mailing date of the Hotel LOD and Conference LOD, and all administrative appeals available to date have been exhausted.

Under the LAMC §§ 11.5.13 and 12.24I, this is an appeal of: 1) the APC's land use findings and approval of both the Hotel MPA and Conference MPA and 2) the California Environmental Quality Act ("CEQA") categorical exemptions for the MPAs in case nos. ENV-2020-1129-CE and ENV-2020-1091-CE (collectively "Appeals").

/ / /

¹ <https://planning.lacity.org/pdiscaseinfo/document/MTgyNQ0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.

² <https://planning.lacity.org/pdiscaseinfo/document/MTgyMA0/1823a02c-5d95-4003-95c4-258347c32f18/pdd>.



REASON FOR THE APPEALS: When re-approving the MPAs, including the Project's categorical exemptions, APC failed to recognize noise impacts caused by the MPAs, as demonstrated by expert noise comments. As such, APC failed to adopt more stringent mitigation measures to avoid impacts. Furthermore, APC ignored pseudo-mitigation measures incorporated into the Project design that, under CEQA, can only be incorporated via a more demanding environmental review (such as a mitigated negative declaration ["MND"] or environmental impact report ["EIR"]). Collectively, these errors violate the Code and CEQA. The required MPA findings cannot be made.

SPECIFIC POINTS AT ISSUE: The specific points at issue were identified in: Appellant Local 721's original appeal of the MPAs submitted on or around November 13, 2020 (attached hereto as "Exhibit A"); expert noise comment letter dated January 25, 2021 (attached hereto as "Exhibit B"); Appellant's comment letter dated January 27, 2021 (attached hereto as "Exhibit C"); and through oral testimony provided during the APC hearing on January 27, 2021.³ By this referenced, these documents and testimony are incorporated into the Appeals in their entirety.

HOW ARE YOU AGGRIEVED BY THE DECISION: Eastside LEADS is a non-profit organization dedicated to ensure that current residents in Boyle Heights, Lincoln Heights, El Sereno, City Terrace, and East Los Angeles must guide and benefit from new development, instead of being excluded from the planning process and displaced, and that institutions, public officials, and developers must be accountable and responsive to low-income community needs and priorities. Its members will suffer noise, public safety, and other environmental impacts of the MPAs unless they are properly analyzed and mitigated.

Local 721 is the exclusive representative for thousands of employees in the City of Los Angeles, many of which live and/or work in the vicinity of the Project Site, will suffer noise, public safety, and other environmental impacts of the MPAs unless they are properly analyzed and mitigated.

Additionally, Appellants are committed to the assurance of responsible development in Los Angeles, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, granting the Appeals will confer substantial benefit not only to Appellants but also the public, including citizens, residents, businesses, and taxpayers affected by the MPAs, and will result in the enforcement of important public rights.


HOW DID THE DECISION-MAKER ERR OR ABUSED THEIR DISCRETION: The APC erred and abused its discretion when re-approving the MPAs without adequate consideration of CEQA impacts and/or adequate mitigation measures.

/ / /

³ <https://planning.lacity.org/StaffRpt/Audios/East/2021/01-27-2021/5%20ZA-2020-1097.mp3>.

Appellants reserve the right to supplement these comments at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].) Finally, on behalf of Appellants, this Office requests, to the extent not already on the notice list, for all notices related to the MPAs/Project, including but not limited to CEQA actions, Appeal hearings, any approvals, CEQA determinations, or public hearings to be held on the Appeals/Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.) Please send notice by electronic and regular mail to: Jordan R. Sisson, 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, jordan@gideonlaw.net.

Sincerely,



Jordan R. Sisson
Attorney for Appellants

Attachment:

Exhibit A:	Zoning Administrator Appeal Justification (11/13/20)
Exhibit B:	Dal La Forest & Associates Comment Letter (1/25/21)
Exhibit C:	Comment Letter (1/27/21)

EXHIBIT A

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

**Re: Appeal Justification for Master Plan Approvals at 1550 North San Pablo Street;
Hyatt House Hotel MPA (DCP Case Nos. ZA-2020-1128-MPA; ENV-2020-1129-CE);
USC Conference Center MPA (DCP Case Nos. ZA-2020-1097-MPA, ENV-2020-1091-CE)**

On behalf of SEIU Local 721 and its members ("Local 721" or "Appellant"), this Office concurrently appeals the Zoning Administrator ("ZA")'s granting of two inter-related Master Plan Approvals for the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment ("MPA(s)") within a five-story, 175,845 square foot ("SF") mixed-use hotel development ("Hyatt House" or "Project") located at 1550 N. San Pablo St. ("Site").

The first MPA covers the 200-guest rooms, 18,400-SF hotel lobby, restaurant, bar, outdoor area, and hotel meeting rooms ("Hotel MPA"); processed under the Department of City Planning ("DCP") Case Nos. ZA-2020-1128-MPA and ENV-2020-1129-CE; and made effective by the ZA's Letter of Determination ("LOD") mailed October 29, 2020 ("Hotel LOD").¹ The second MPA covers the 20,548-SF proposed USC Conference Center located in the Hyatt House's basement ("Conference MPA"); processed under DCP Case Nos. ZA-2020-1097-MPA, ENV-2020-1091-CE; and made effective by a separate ZA LOD also mailed October 29, 2020 ("Conference LOD").²

Both LODs identify November 13, 2020 as the last day to file an appeal. Pursuant to Los Angeles Municipal Code ("LAMC" or "Code") §§ 12.24.M.2 and 19.00.B, Appellant appeals the Hotel MPA and Conference MPA (collectively "Appeals").

REASON FOR THE APPEALS: The ZA failed to consider more stringent conditions when granting the MPAs that are necessary to avoid adverse impacts stemming from the MPAs, as required under LAMC § 12.24.M.1. So too, the ZA failed to recognize noise impacts caused by the MPAs, which must be analyzed and mitigated under the California Environmental Quality Act ("CEQA"). This not only makes the use of a categorical exemption inapplicable but also makes the MPAs inconsistent with the required public safety findings required under the Code.

SPECIFIC POINTS AT ISSUE: For background, the Project received various project approvals in October 2015, including a Master Conditional Use Permit ("MCUP") allowing on-site sales and consumption of alcoholic beverages in at least five establishments at the Site (Hotel LOD, pp. 2, 11, 22).³ Because the future operation of the hotel and other tenants were unknown at that time, the City expressly conditioned the Project to the future MPA process to impose site-specific conditions that would prevent potentially detrimental impacts on the surrounding community (Hotel LOD, p.

¹ <https://planning.lacity.org/pdiscaseinfo/document/MjM2MjQy0/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.

² <https://planning.lacity.org/pdiscaseinfo/document/MjM2MjQx0/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.

³ See DCP (10/28/2015) Letter of Determination RE CPC-2015-376-MCUP-ZV-ZAD-SPR, pp. 1-2, <https://planning.lacity.org/pdiscaseinfo/document/MTUzNjIz0/de98c26c-073f-43dc-b739-b418741a3276/pdd>.



15).⁴ Pursuant to Condition 5 governing the MCUP, these concerns can be addressed by considering more rigorous conditions on: hours of operation, security plans, maximum seating capacity, valet parking, noise, character and nature of operation, food service, and age limits.⁵ These are particularly warranted because, in addition to the Hotel MPA and Conference MPA, three more MPAs could be sought in the future (Hotel LOD, pp. 10, 22).⁶

Here, the ZA failed to consider more stringent conditions that address two key issues. First, the Hotel MPA allows alcohol-fueled activities in a 24-seat, uncovered outdoor pool area from 6:00 a.m. to 10:00 p.m. that can accommodate an unknown number of patrons (Hotel LOD, p. 2). While the Project's five-story walls cradle this ground floor pool area, it is entirely open to the east where student housing is roughly 20 feet away.⁷ As a result, noise generated in this area will have an echoing effect directly impacting noise-sensitive receptors (i.e., studying graduate students).

Second, the current conditions of the MPAs fail to address a worst-case scenario where the Hyatt House and USC Conference Center are concurrently hosting large events (e.g., weddings, anniversary parties, etc.) (Hotel LOD, pp. 3, 12). This will have significant impacts when combined with a hotel at full capacity and patrons visiting the Site's four restaurants. Alcohol-fueled guests and patrons will mix in outdoor areas (e.g., ground floor pool area, outdoor plaza area)⁸ that can cause significant noise impacts to the surrounding community—particularly the graduate students mentioned above. So too, public safety concerns about alcohol-related incidents have already been expressed by the surrounding community (Hotel LOD, pp. 12-13, 17-18).

These are exactly the type of adverse impacts the MPA process was intended to avoid. As such, more stringent conditions on hours of operation, capacity, limits on number of large events, enforceable noise limits, and other conditions must be considered per an adequate CEQA review.

HOW ARE YOU AGGRIEVED BY THE DECISION: Appellant is the exclusive representative for thousands of employees in the City of Los Angeles, many of which live and/or work in the vicinity of the Project Site, will suffer noise, public safety, and other environmental impacts of the MPAs unless they are properly analyzed and mitigated. Additionally, Appellant is committed to the assurance of responsible development in Los Angeles, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, granting this Appeal will confer substantial benefit not only to Appellant but also the public, including citizens, residents, businesses, and taxpayers affected by the MPAs, and will result in the enforcement of important public rights.

HOW DID THE DECISION-MAKER ERR OR ABUSED THEIR DISCRETION: The ZA approved the MPAs without adequate consideration of heightened conditions necessary to address adverse impacts caused by the Hotel MPA operations and the Conference MPA operations (individually and collectively). This was inconsistent with the purpose and intent of the Project's MCUP findings and Condition 5. Pursuant to LAMC § 12.24.M.1, the ZA was required to specify more stringent conditions before granting the MPAs. So too, to be consistent with the MCUP's public safety

⁴ Ibid. at p. 5, 7.

⁵ Ibid. at p. 22.

⁶ Ibid. at pp. 21-22.

⁷ Hyatt House Site Plan (4/22/19) Sheet A1.1.00, <https://planning.lacity.org/pdiscaseinfo/document/MjEwNTc10/46e6f77e-051c-4e11-ad6d-6ce8558211cd/pdd>.


⁸ Ibid.

findings,⁹ an adequate CEQA review was necessary to consider noise impacts stemming from the MPAs.

Appellant reserves the right to supplement these comments at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].)

Finally, on behalf of Appellant, this Office requests, to the extent not already on the notice list, for all notices related to the MPAs/Project, including but not limited to CEQA actions, Appeal hearings, any approvals, CEQA determinations, or public hearings to be held on the Appeals/Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.) Please send notice by electronic and regular mail to: Jordan R. Sisson, 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, jordan@gideonlaw.net.

Sincerely,



Jordan R. Sisson
Attorney for Appellant

⁹ Supra fn. 3, pp. 3, 5.

EXHIBIT B

Dale La Forest & Associates
Design, Planning & Environmental Consulting
101 E. Alma Street, Suite 100-A; Mt. Shasta, CA 96067
Phone: (530) 918-8625 E-Mail: dlaforest@gmail.com

January 25, 2021

East Los Angeles Area Planning Commission
c/o Etta Armstrong, Commission Executive Assistant
City of Los Angeles, California

apceastla@lacity.org
213-629-2071 ext. 295

Report of Potential Noise Impacts of Hyatt House Hotel Project

Master Plan Approvals at 1550 North San Pablo Street;
Hyatt House Hotel MPA (DCP Case Nos. ZA-2020-1128-MPA; ENV-2020-1129-CE);
USC Conference Center MPA (DCP Case Nos. ZA-2020-1097-MPA, ENV-2020-1091-CE)

Honorable Commissioners:

I have prepared this report in response to the Categorical Exemption issued for two Master Plan Approvals for the Hyatt House Hotel development ("Project"). My qualifications are attached hereto as "Attachment 1". This report shows that the Project's noise impacts will be significantly adverse under the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA") and will exceed permissible CEQA standards set by the City of Los Angeles ("City"). During this Project's operation as a hotel, the Project will subject neighboring graduate student housing residents to excessive noise levels. Because operational noise impacts will likely exceed applicable significant thresholds under the City's CEQA guidelines ("L.A. CEQA Threshold Guide" or "City CEQA Guide") and the Los Angeles Municipal Code ("LAMC" or "Code"), the use of a categorical exemption is inappropriate per 14 Cal. Code. Regs. § 15000 *et seq.* (the "CEQA Guidelines").

Hence, the City's Department of City Planning ("DCP") should require the Project applicant to prepare a more demanding CEQA review, such as an environmental impact report ("EIR") or mitigated negative declaration ("MND") to consider feasible mitigation measures.

Even if the Project utilized an MND, which it did not, CEQA requires a lead agency to recirculate the MND if additional mitigation measures are subsequently added after the MND's initial circulation in order to publicly-vet the adequacy of the new mitigation measures.

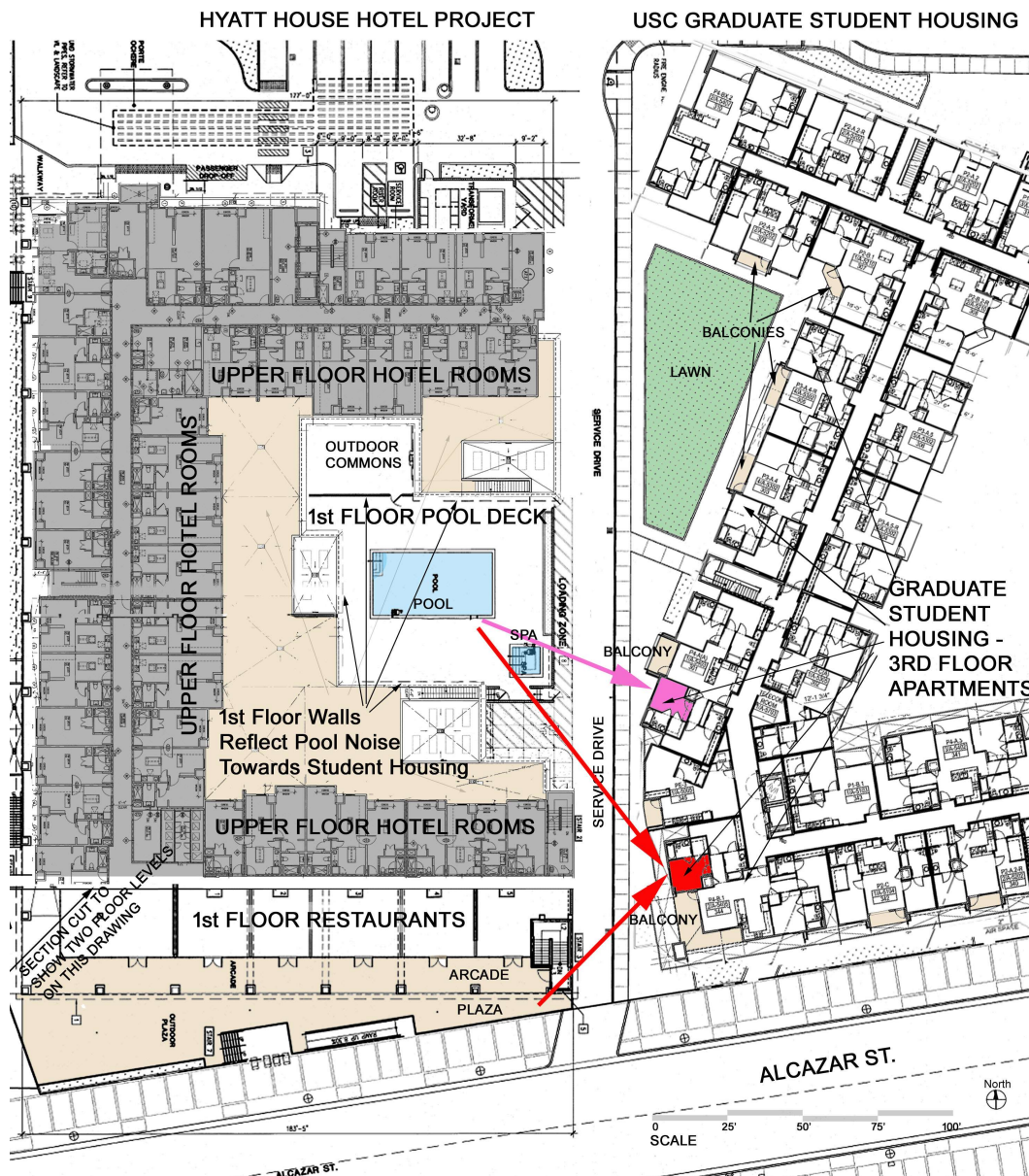
NOISE IMPACTS TO STUDENT APARTMENTS FROM POOL DECK AREA CROWDS MAY BE SIGNIFICANT

As compared to typical residential uses where residents have a vested interest to monitor their outdoor noise volumes (e.g., talking on front porches heard by adjacent homes), hotel guests or restaurant patrons have little reason to keep their voices down and respect neighboring graduate students because their stays will be short-term and they will not know these neighbors. At some graduate student apartments shown with red arrows in **Figure A** below, noise levels from pool deck area activities during loud crowds could reach about 70 dBA as discussed in this report. Also, noise levels from this Project's outdoor restaurant crowds along Alcazar Street at these nearest apartments could be as much as 62.0 dBA. The cumulative noise level from both sources would add to approximately 67.3 dBA at some of these apartments nearest to the intersection of Alcazar Street and the Service Drive. Since the presumed daytime ambient noise level here is 60 dBA, the magnitude of the noise level increase this Project would generate would be over 5 dB at either place and therefore would be potentially significant.

CALCULATION OF OUTDOOR NOISE LEVELS FROM CROWDS AT HOTEL'S OUTDOOR AREAS

The Hyatt House Hotel's outdoor pool deck area is permitted to have 24 seats plus standing room for a large crowd of hotel and restaurant guests who can use this space, including while consuming alcoholic beverages. The approximate 4,000 square foot ("SF") pool deck area (both with seating and with open floor area) could have an allowable occupancy load of well over 320 people (calculated at 15 SF per seated person, and 7 SF per standing guest per Cal. Bldg. Code § 1004.1.2, Table 1004.1.2). If 24 of these people are seated, then at this occupancy load, over 296 people could be standing on this pool deck. Realistically, that number would be somewhat smaller since crowds of people are unlikely to stand too close to a pool to prevent falling in while clothed. Nonetheless, there could be about 230 people in this outdoor pool deck area, which is less than half of what the building code's occupancy limit is for this area.

Figure A – Proximity of Hotel's Outdoor Activity Areas to Adjacent Graduate Student Housing Apartments



The adjacent “outdoor commons area” is about 990 SF in area and has been illustrated with 22 seats occupying about half the space.¹ In the other 495 SF without seats in this commons area, as many as 70 people could stand at the 7 SF per standing guest per the Cal. Bldg. Code. The “outdoor commons area” could therefore have about 92 guests at one time. (70 + 22 = 92 people.) In total, as many as about 322 people could occupy these two outdoor areas at one time. (230 + 92 = 322.)

This Project is large enough with enough guests that such combined occupancies are possible in these outdoor areas. The hotel includes 200 guest rooms that could accommodate 300 people,² and have up to 110 employees,³ for a total project population of 410 guests and employees, many of which could occupy this pool deck area and outdoor common area. In addition, patrons of the hotel’s numerous restaurants will have direct access to this pool deck area via a corridor from the restaurant bathrooms, so they too may also be consuming alcohol and speaking loudly near this pool. Because this outdoor pool area will sometimes have children playing, inevitably there will be loud shouts from either the children or their parents. With large crowds, typical speech levels will also be louder.

Alcohol has been just permitted for consumption in the pool deck area and outdoor common area. The Project provides in-room mini bars in each room, and patrons can still bring alcohol purchased off-site to imbibe in their rooms or possibly on the pool deck area. So, of the potential approximate 320 guests and employees outdoors on or near this deck, perhaps half of them (approximately 160 people) might be conversing at any one time. As illustrated in **Figures B and C** below, if just 160 of these potentially alcohol-charged people are conversing at one time in the outdoor pool area with very loud voices, with as many as 80 people talking at one time if speaking in pairs, then their combined vocal levels could create a significant noise impact to neighboring residents.⁴ Because alcohol consumption will be allowed on the outdoor pool deck area, some people will be speaking in louder voices than normal.⁵ Speech gets louder when people drink alcohol because alcohol dampens their hearing. Once someone has a few drinks, his or her sense of hearing is impaired. So, when people speak, they mistakenly think that they are talking more softly than usual. To compensate, people (without even thinking about it) automatically start talking louder. On average, once a test group drinking alcohol hit around 0.03 per cent, the men would lose between two and nine decibels (dB) of hearing, while women would lose more, between five and twelve dB in the frequencies where a lot of speech happens.⁶

¹ See 2015 First floor plan.

² Utilizing a rate of 1.5 patrons per room, a rate utilized by the City for similar hotel project. See 631 S. Spring St. (DCP Case No. ENV-2015-2356-EIR) DEIR GHG Section, PDF p. 24 (Table IV.E-7, table note “b”), <https://planning.lacity.org/eir/SpringStHotel/Deir/DEIR%20Sections/Spring%20St%20Hotel%20IV.E%20Greenhouse%20Gas%20Emissions.pdf>.

³ Utilizing a job-to-room ratio of roughly 0.55 jobs/room average based on similar projects. See e.g., *id.*, (120 employees for a 170-room hotel); 622 S. Lucas Ave. (DCP Case No. ENV-2015-3927-MND) MND, PDF pp. 1, 205 (69 new employees for the 126-room extended stay hotel component), http://cityplanning.lacity.org/staffrpt/mnd/Pub_102716/ENV-2015-3927.pdf; 6421 W. Selma Ave. (DCP Case No. ENV-2016-2602-MND) MND, PDF pp. 1, 144 (94 hotel jobs for the 200-room hotel), https://planning.lacity.org/staffrpt/mnd/Pub_010418/ENV-2016-2602.pdf.

⁴ The assumption that up to half the crowd in a gathering on an exterior deck could be talking at one time is reasonable and accepted by the City for other projects. See e.g., 333 S. La Cienega Blvd. (DCP Case No. ENV-2015-897-EIR) DEIR Appendix B-Noise Technical Report, p. 35 (“It was assumed that at any given moment, 50 percent of the people in those two areas would be talking at a “loud” voice level simultaneously.”), http://planning.lacity.org/eir/333LaCienega/files/Appendix%20B%20-%20Noise%20Technical%20Report_102015.pdf.

⁵ M.J. Hayne, *et al.* (Nov. 2011) “Prediction of Noise from Small to Medium Sized Crowds,” pp. 1-3 (noting alcohol and age have an influence on the level of crowd noise, such as drunk individuals becoming more boisterous and talk over other persons, and groups of intoxicated women tend to be noisier than same-sized groups of males who have not consumed alcohol), https://www.acoustics.asn.au/conference_proceedings/AAS2011/papers/p133.pdf.

⁶ See: [Why do people talk louder when they drink alcohol?](http://www.abc.net.au/science/articles/2016/04/26/4448817.htm) From Dr Karl's Great Moments In Science; 26 April 2016 <http://www.abc.net.au/science/articles/2016/04/26/4448817.htm>; Also see: “The Acute Effects of Alcohol on Auditory Thresholds,” by the National Center for Biotechnology Information; Sept. 18, 2007; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2031886/>

A medium-size crowd of people could at times occupy this outdoor pool deck area as shown below.

Figure B –Hotel’s Pool Deck Activities Are Adjacent to Graduate Student Housing Apartments



Figure C –Noise Would Reflect from Courtyard Walls around Pool Deck Area Adding to Direct Noise Heard at Graduate Student Housing Units



As shown in **Figure C**, the hotel’s 8’-8” high masonry wall between the pool deck and the loading zone along the Service Drive provides insufficient noise interruption and noise protection since the lines-of-sight from the crowded pool deck area to many student housing apartments are unobstructed.

The assumption for many people using very loud voices is appropriate at the Hyatt House Hotel's pool deck area as well because a similar number of people using the deck were considered in other projects.⁷ In larger crowds, people tend to raise their typical speech levels so that they can be heard over the voices of others nearby. This phenomenon is known as the "Lombard effect" involving the involuntary tendency of speakers to increase their vocal effort when speaking in noisier environments to enhance the audibility of their voice. Studies confirm that broadband noise containing speech-similar frequencies "significantly increased" the intensity, duration, and frequency of adult speakers and not just a general response an increase in ambient noise.⁸ Because people tend to raise their voices to be heard in crowds, the noise level of voices as heard at neighboring graduate student housing units from the Project's outdoor pool deck area deck may be louder than if only a few people were speaking.

A scientific report⁹ measured as typical a person's very loud speech at 78 dBA at 1 meter (3.3 feet). Then at a distance of 25 feet, that noise level can be calculated to be reduced by distance to about **60.4 dBA**.¹⁰ However, if 80 people are speaking simultaneously at the same volume, their combined voice levels would be about **79.4 dBA at a distance of 25 feet**.¹¹ Or at 50 feet away from the center of that medium size crowd, their combined vocal noise levels would be about **73.4 dBA**. 50 feet is the distance from the center of the pool area to the property line adjacent to the graduate student housing building where one of the Project's conditions of approval prohibits this noise from being *audible*. These noise levels would be clearly audible there. And at 75 feet, the calculated noise level from the center of such a crowded outdoor pool deck area could be about **69.9 dBA**. 75 feet is the distance from the center of this pool deck area to the nearest graduate student housing building to the east.¹² (See **Figure A**.)

The daytime ambient noise level near the graduate student housing building is essential in determining the hotel's noise impact significance.¹³ However, the public has not been presented with acoustical facts supporting the Project's approval. The applicant has not submitted any noise tests of existing ambient noise

⁷ The 333 S. La Cienega Blvd. project EIR assumed 50 to 100 people using the deck at one time with half (25 to 50) speaking at once.

⁸ The Journal of the Acoustical Society of America (May 2013) Evidence That The Lombard Effect Is Frequency-Specific In Humans, PDF pp. 1, 7, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3985863/pdf/JASMAN-000134-000640_1.pdf; see also Ninth Iberian Acoustics Congress (June 2016) Analysis of The Acoustic Behavior of People in A Restaurant, p. 7 (confirming "substantial influence" of effect in 80-seat restaurant where one-third to one-half of the patrons would simultaneously talk with the Lombard effect adding up to 12 dB increase in sound levels), <http://www.sea-acustica.es/fileadmin/Oporto16/76.pdf>; Acoustical Society of America (2017) Analyses of Crowd-Sourced Sound Levels of Restaurants and Bars in New York City, PDF pp. 12-13 (noting average dBA for a New York City bars and restaurants is 78 and 81 dBA, respectively, and that a random person walking into these areas is "more likely than not to encounter a Loud or Very Loud auditory environment," which "approach levels that are known to be dangerous to hearing health." As such, local agencies should encourage public and venue employees to employ digital sound level meters to collect and report to the public recorded noise levels), <https://asa.scitation.org/doi/pdf/10.1121/2.0000674>.

⁹ See: M.J. Hayne, *et al.* (2011) "Prediction of Noise from Small to Medium Sized Crowds," Proceedings of ACOUSTICS 2011, p. 2, Table 1; this report is available to City officials if requested, and is available online at: https://www.acoustics.asn.au/conference_proceedings/AAS2011/papers/p133.pdf.

¹⁰ Noise level attenuation due to distance is calculated as reduced by about 6 dB for each doubling of distance from a point source. In this case, at a location 25' (d_2) from one person's voice, where $dB_1 = 78$ dB(A) at 3' (d_1) from the same person, $dB_2 = dB_1 - 10 \times A \times \text{LOG}(d_2/d_1) = 78 - 10 \times 2.0 \times \text{LOG}(25/3.3') = 60.4 \text{ dB(A)}$.

¹¹ Calculation based upon the logarithmic addition of the cumulative voice levels of 80 people.

¹² Calculation is based on formula above, but substituting for d_2 a distance of 75 feet instead of 25 feet.

¹³ As indicated in LAMC § 111.03, the baseline ambient noise level is either the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. Where the ambient noise level is established by an actual measurement, the measurement must be averaged over a period of at least 15 minutes. Where the actual measured ambient conditions are not known, the City's presumed daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) ambient noise levels defined in LAMC § 111.03 should be used. In the case of the Hyatt House Hotel project, the ambient noise levels are not known as previously discussed.

levels during daytime hours in the vicinity of the graduate student housing building. Such measurements are critical if the City is to protect nearby residential neighbors from adverse noise impacts from new hotel noise from allowing alcohol use in the pool deck area. Absent meaningful and credible noise measurements, the City's 60-dBA L_{eq} ambient daytime noise level must be presumed.¹⁴ As discussed above, the sound levels of voices from the pool deck area could be nearly 10 dBA above ambient noise conditions at nearby graduate student housing—well above the 5-dBA threshold under the City's CEQA Guide.¹⁵ Any increase greater than 5 dBA above ambient noise levels existing without this Project is considered to be a significant noise impact.

That calculated noise level at the graduate student housing resulting from activities in the hotel's outdoor pool deck area would be greater than the presumed 60 dBA daytime ambient noise level. These noise impacts would therefore at times be significant alone without consideration of additional noises sources (e.g., loading dock use, mechanical equipment, etc.). Thus, the crowded use of this outside pool deck area might increase daytime ambient noise levels at the graduate student housing building by nearly 10 dBA, significantly louder than the City's 5-dBA threshold of significance for allowable increases. This is evidence of a potentially significant noise impact that the City should evaluate under CEQA.

ECHO FACTOR WILL INCREASE NOISE IMPACTS TO STUDENT HOUSING TO EAST

Graduate student neighbors to the east of the Hyatt House Hotel will be exposed to higher noise levels than would be predicted by distance attenuation alone from sound waves directly radiating from the pool deck area activities such as voices from a crowd of people. Those student apartments will also be exposed to reflected noise that bounces off the hard wall surfaces of this five-story hotel building adjacent to the pool deck area, as shown in **Figures B and C** above.

It is well known to the City and others that:

“In some cases, external building facades can influence reflected noise levels affecting adjacent buildings. This is primarily a problem where high-rise buildings are proposed, and the effect is most evident in urban areas, where an urban canyon may be created.”¹⁶

"A smooth, hard barrier surface, such as masonry or concrete, is considered almost perfectly reflective (i.e., almost all sound striking the barrier is reflected back toward the source and beyond). A barrier surface material that is porous, with many voids, is said to be absorptive (i.e., little or no sound is reflected back). The amount of energy absorbed by a barrier surface material is expressed as an absorption coefficient value ranging from 0 (100% reflective) to 1 (100% absorptive). A perfect reflective barrier, ($\alpha = 0$) will reflect back virtually all noise energy (assuming a transmission loss of 30 dBA or more) toward the opposite side

¹⁴ See L.A. CEQA Threshold Guide, Exh. I.1-3 (showing commercially-zoned property, like the Project's site, has a presumed 60 dBA L_{eq} [daytime] and 55 dBA L_{eq} [nighttime] presumed ambient noise level); see also LAMC § 111.03 (codifying the presumed ambient noise levels).

¹⁵ Calculation is based upon a presumed ambient noise level of 60 dBA in the daytime, and predicted voice levels of 69.6 dBA at distances of 75 feet ($69.9 - 60 = 9.9$ dBA increase).

¹⁶ Michael Brandman Associates (9/29/11) DEIR Noise Section for Proposed City of Elk Grove Sphere of Influence Amendment, p. 3.12:4, http://www.saclafco.org/SphereofInfluenceInformation/Documents/elkgrovesoi/proposedsoi_amenddeir/sac_029402.pdf; see also 1020 S. Figueroa St. (DCP Case No. ENV-2015-1159-EIR) DEIR, p. 4.2:2 (noting “A receptor located on the same side of the wall as a noise source may actually experience an increase in the perceived noise level as the wall reflects noise back to the receptor, thereby compounding the noise.”), http://planning.lacity.org/eir/1020SoFigueroa/DEIR/4_G_Noise.pdf; 1211 W. Pico Blvd. (DCP Case No. ENV-2011-0585-EIR) DEIR, p. IV.E:2, <https://planning.lacity.org/eir/ConventionCntr/DEIR/files/IV.E%20Noise.pdf>.

of a highway. If the difference in path length between the direct and reflected noise paths to the opposite (unprotected) side of a highway is ignored, the maximum expected increase in noise will be 3 dBA.”¹⁷

In the circumstance this Hyatt House Hotel project poses, the reflected pool deck area noise that bounces from its courtyard building facades on the first floor nearby, as well as from the upper walls of four floors will add about 2 dBA to the directly-radiated pool deck area noise levels those nearby graduate student apartments will be exposed to.¹⁸ This hotel’s pool deck, first-floor walls are only about 100 feet from the closest apartments in the graduate student housing building. Because of the direct path of travel for pool deck area noise emits also at an upward angle, the facade-reflected noise from the hotel’s upper floors on all three orientations of the courtyard will not be interrupted or attenuated by the inadequately short, 8’-8” high barrier along the eastern side of the pool deck area and its adjacent Service Drive.

So not only does this hotel Project expose some residential neighbors to excessive noise levels that it generates, it additionally will expose them to additional noise levels reflecting from its tall walls around the U-shaped hotel building’s courtyard which the pool deck area is within, adding conservatively at those apartments another 2 dBA of reflected noise from outdoor pool area activities.

THE COMBINED NOISE LEVEL IMPACTS TO GRADUATE STUDENT HOUSING APARTMENTS FROM HOTEL’S OUTDOOR POOL DECK CROWDS AND RESTAURANT TERRACE CROWDS MAY BE SIGNIFICANT

This Project will create alcohol-fueled event noise from the outdoor pool area and from the outdoor commons dining area. It will also at times generate loud noise from crowds of people gathering, drinking or dining in front of the multiple new restaurants along Alcazar Street. Some residents in apartments near the corner of the graduate student housing building’s intersection of the Service Drive and Alcazar Street will be exposed to cumulatively significant levels of noise from both sources simultaneously. See **Figure D** below.

As depicted in the combined floor plans in **Figure B** above of the Hyatt House Hotel and the neighboring graduate student housing building, this hotel Project includes an outdoor ground-floor pool deck area and adjacent outdoor commons area. Loud noise from outdoor hotel guest activities could significantly impact neighboring graduate student housing residents. The center of the pool deck area is perhaps about 120 feet from some neighboring graduate student bedroom windows near Alcazar Street (shown in **Figure D**). Those apartments will be exposed to not only this pool deck area noise, but also to occasionally loud noise from alcohol-fueled patrons gathered outside nearby Project restaurants with their outdoor terrace and arcade uses.

¹⁷ CalTrans (Sep. 2013) Technical Noise Supplement Part 1, p. 1:1 (prepared to provide technical background information on transportation-related noise in general and highway traffic noise in particular), https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rcref/ch2.6/2014-12-19_Caltrans_TrafficNoiseAnalysisProtocol_Part1.pdf; see also *id.*, Part 2, p. 2:37, https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/Soitec-Documents/Final-EIR-Files/references/rcref/ch2.6/2014-12-19_Caltrans_TrafficNoiseAnalysisProtocol_Part2.pdf.

¹⁸ See: Noise Control Engineering Journal (Jan. 2014), Traffic Noise and Vehicle Movement at a Controlled Intersection, p. 10, (stating that: “It was found that the facade reflection correction was equal to 2 dB. The value of 2 dB for the facade reflection correction is a reasonable value. It is 1 dB lower than the value of 3 dB corresponding to incoherent summation of equal-amplitude direct and reflected sound waves. The value of 2 dB for the correction implies that the reflected sound is about 2 dB weaker than the direct sound, since the incoherent sum of 0 dB and –2 dB is 2 dB. The 2 dB attenuation of the reflected sound is caused by two effects: i) absorption of sound energy by the facade, and ii) partial screening of the sound field by the parapet.”), attached hereto as “Attachment 6”.

Figure D –Noise from Outdoor Restaurant Activities Combined with Noise from Pool Deck Area May Also Cumulatively Impact Graduate Student Housing Units Significantly



Loud noise from the voices of a crowded outdoor pool deck area 120 feet away, as discussed above, would reduce by the distance at these apartments to about **65.8 dBA**.¹⁹ That does not include the echoed noise of as much as about 2 dBA that reflects from the pool deck area's tall building walls. At the outdoor restaurant arcade and terrace areas, where seated or standing patrons could also speak in loud voices, their voices would be audible at the graduate student apartments as close as about 60 feet away. (See red arrows on **Figure A** for the path of travel for such sound waves.) While the hotel's corner stairwell enclosure adjacent to the Service Drive will partially block some of that outdoor noise in the direction of those apartments, there are many square feet outside the restaurants where pedestrians and patrons can gather near the apartments that have a direct line-of-sight in between. If even 10 people are speaking simultaneously in very loud voices there in plain view of the closest student housing, the combined daytime voice levels from outdoor restaurant crowds along Alcazar Street would be about **62 dBA** at the students' windows or outdoor decks. The combined noise levels of both outdoor pool area activities and outdoor restaurant patrons or pedestrians would total to about **67.3 dBA** at these particular graduate student apartments illustrated in **Figure D** above. During the daytime, if the presumed ambient noise level is 60 dBA, then this Project's magnitude of a noise increase at those apartments would be greater than 5 dB, and thus would constitute a significant noise impact. ($67.3 - 60.0 = 7.3$ dBA increase.)

PROJECT-SPECIFIC MITIGATION MEASURES ALLOWED ON VIA MNDs OR EIRS

It must be noted that the Hyatt House Hotel's conditional use permit was approved only after the City adopted nine, Project-specific Conditions of Approval ("COAs") to directly or indirectly mitigate noise

¹⁹ Noise level attenuation due to distance is calculated as reduced by about 6 dB for each doubling of distance from a point source. In this case, at a location 120' (d_2) from the center of the pool deck area, where $dB_1 = 73.4$ dBA at 50' (d_1) from that location, $dB_2 = dB_1 - 10 \times A \times \text{LOG}(d_2/d_1) = 73.4 - 10 \times 2.0 \times \text{LOG}(120'/50') = \underline{\underline{65.8 \text{ dBA}}}$.

impacts (e.g., COAs 7, 10-13, 17-19, 24), which is an admission that there is a fair argument that the Project may cause significant noise impacts and, therefore, a categorical exemption is inappropriate for this Project. While the City should be applauded for trying to ameliorate the Project's noise impacts, these COAs have not been vetted by the public nor tethered to a noise analysis as required by CEQA and the L.A. CEQA Threshold Guide.

Furthermore, CEQA does not allow an agency to use project-specific mitigation measures, like the nine noise-related COAs to reduce a project impacts as a means to qualify for a categorical exemption and evade a more demanding CEQA review.²⁰ Even if the Project utilized an MND, which it did not, CEQA requires a lead agency to recirculate the MND if additional mitigation measures are subsequently added after the MND's initial circulation in order to publicly-vet the adequacy of the new mitigation measures.²¹ As recognized by one court, lead agencies are not required to evaluate mitigation measures during its preliminary review of projects and therefore not appropriate in the context of categorical exemptions; instead consideration of mitigation measures are reserved (as relevant here) for MNDs subject to CEQA's fair argument standard whereby "[i]f there is a disagreement between experts over the significance of an effect . . . the lead agency shall treat the effect as significant . . ." *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200-1201 (citing CEQA Guidelines § 15064(h)(2)). As discussed herein, there is a fair argument of operational impacts and, therefore, mitigation measures should be considered pursuant to a CEQA-compliant MND or EIR being prepared—such as those proposed below

PROPOSED MITIGATION MEASURES

A land-use permit allows cities to place conditions on the location, design and operation of new businesses to protect the health, safety and well-being of the community. When a CUP is required for alcohol-licensed businesses, new alcohol-licensed businesses must have a CUP to operate and must abide by the conditions of the CUP. The City enforces the CUP. Applications for a new CUP or for changes to an existing CUP are processed through the City's normal land-use permitting process, which includes public notice and review, public hearings, and decisions made by city officials. The following conditions or mitigation measures are recommended:

- Limit hours alcohol can be sold. Limit hours of operation for when alcohol can be sold. No alcohol after 12 a.m.
- Prohibit the consumption of alcohol in any outside areas of the hotel (e.g., outside restaurant/dining areas, etc.); limit alcohol consumption to inside the hotel only.
- Prohibit amplified sounds or music, including even unamplified instrumental music, in all outdoor spaces within 100 feet of the graduate student housing building and/or meet specified decibel levels that can be readily monitored. Prohibit any music in outdoor pool area, even ambient music.
- Since the Project's architectural elevation drawings show that some 2nd and 3rd floor hotel guest room windows are proposed being able to open, then sounds and music or video emanating from TVs, stereos or other noise sources within all interior guest rooms must also be limited so neighboring graduate student housing occupants are not annoyed or harmed.
- To reduce the outdoor noise level from alcohol-fueled patrons as heard at the close residences, designate the fast-food restaurant nearest the Service Drive and adjacent housing for non-alcohol service. Also prohibit outdoor seating at this easternmost fast-food restaurant to reduce noise

²⁰ See e.g., *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102, 1108; *Azusa Land Reclamation Co. v. Main San Gabriel basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200.

²¹ See *Gentry v. Murrieta* (1995) 36 Cal.App.4th 1359, 1380.

impacts from loud voices there. The Project is approved for serving alcohol at one restaurant and five fast food restaurants, so two would not be serving alcohol, and the easternmost one could be so restricted.

- Limit the hours of use of outdoor pool deck to at latest 9:00 p.m. and no earlier than 8:00 a.m. After-hour use of the outdoor deck/patio facilities, other than routine clean-up and maintenance is not permitted.
- When any of the Hotel's enclosed lobby, corridors, fitness room, restaurant and bar doors or windows are open between 7:00 a.m. and 12:00 a.m., any music, sound, noise, or vibration shall not be audible or felt beyond that part of the premises which is under the control of the applicant. The doors to the lobby area or corridors near the Service Drive area shall be closed whenever live entertainment, and/or amplified music is played in the hotel's indoor areas including the integrated ground-floor lobby area, dining area (restaurant and bar), and conference rooms.
- Require that a solid noise barrier wall to be higher than the existing 8'-8" high wall between the pool deck and the loading zone and service driveway to the east. This wall height increase would be installed to help block some noise emanating from the pool deck and reaching the adjacent graduate housing units unimpeded. Such a noise barrier wall should be approximately 18 feet high to match the height of the adjacent building's walls.

CONCLUSION

For the reasons discussed herein, the Project will have noise impacts based on applicable thresholds. This is implicitly admitted by the City due to its use of Project-specific mitigation measures. However, the current proposed COAs are not tethered to any noise analysis that looks at the Project specific factors at issue here. Nor do the current COAs include objective noise levels/monitoring requirements that ensure the COAs effectiveness.²² This should be cured via an MND or EIR with a new noise analysis that carefully considers the issues discussed herein and consider feasible mitigation measures.

Sincerely,



Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)

Dale La Forest & Associates

Attachment 1 - Professional Qualifications

²² [or example, the COAs do not specify which numeric standards in the City's Noise Ordinance are to be enforced. Nor do the COAs define what standard of "audibility" the hotel will have to meet. When local traffic noise subsides, for example, hotel outdoor pool area noise might be starkly audible and annoying to students living nearby because voices carry informational content, even if such voices might not be *audible* at other times when masked by background noise. Also, the condition to limit amplified ambience music to a "low volume" is much too vague to be enforceable.

ATTACHMENT 1

Statement of Qualifications

EDUCATION AND EXPERIENCE

I received a Bachelor of Architecture Degree with Master of Architecture studies in architecture and planning from the University of Michigan (1966 – 1973). My university education included architectural acoustics and the math and physics related to analysis of sound transmission. In 45 years, I have designed hundreds of homes in California. During the last 20 years, I have also prepared expert acoustical studies for various development projects and reviewed and commented upon dozens of noise studies prepared by others. My expertise in environmental noise analysis comes from this formal educational training in architecture and planning, and from many years of evaluation of acoustics as relates to environmental analysis and challenging flawed project applications prepared by less-than-professional, industry-biased acousticians. I regularly measure and calculate noise propagation and the effects of noise barriers and building acoustics as they apply to homes near projects and their vehicular travel routes. I have also prepared initial environmental studies for noise-sensitive development projects including hotel and campground projects along major highways. I have reviewed dozens of quarry project and batch plant project environmental documents. I have designed highway noise walls, recommended noise mitigations, and have designed residential and commercial structures to limit their occupants' exposure to excessive exterior noise levels throughout California.

Dale La Forest

EXHIBIT C

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

January 27, 2021

VIA EMAIL: apceastla@lacity.org

Re: Item 5 & 6, East LA APC Hearing Scheduled January 27, 2021; Appeal of Hyatt / USC Conference Center MPAs; DCP Case Nos. ZA-2020-1128 & ZA-2020-1128 -1097

On behalf of SEIU Local 721 and its members (“**Local 721**” or “**Appellant**”), this Office provides the following comments to the City of Los Angeles (“**City**”) Department of City Planning (“**DCP**”) regarding Local 721’s appeal (“**Appeal**”) of the two above-referenced inter-related Master Plan Approvals (“**MPA(s)**”) involving a mixed-use hotel development (“**Hotel MPA**”) and the USC Conference Center (“**Conference MPA**”) (collectively “**Project**”) located at 1550 N. San Pablo St. (“**Site**”). This letter responds to the claims made by the applicant’s representative (CLR Enterprises, Inc or “**CLR**”) in its letters dated January 18, 2021, located in the Project’s staff reports.¹

First, Local 721 has standing to file its Appeal and litigate zoning/environmental approvals at issue in the MPAs. CLR claims Local 721 is not aggrieved and lacks standing to file the Appeal. However, unions and organizations have routinely been found to have standing to prosecute local appeals and litigate zoning and environmental claims under the California Environmental Quality Act (“**CEQA**”), particularly when seeking the enforcement of important public duties²—such as here involving the City’s duty to adequately review and mitigate discretionary approvals. Local 721 has thousands of members who live and work in the City and Council District 14. USC has to be a good neighbor to the community and mitigate Project impacts.

Second, the prior CEQA review for this project never considered the site-specific factors at issue here. CLR claims the 2010 EIR and 2015 addendum already addressed Project noise impacts. However, those reviews did not consider the site-specific conditions and how alcohol may impact the area. This is why the City purposefully required the MPA public review process to consider additional measures to address alcohol/nuisance related issues (LAMC § 12.24-M)—like noise impacts. Moreover, CEQA requires additional analysis for this discretionary MPA approval.

Third, the use of project-specific mitigation measures to address noise impacts is an admission that the Project could have noise impacts. CLR claims the ZA’s approval of the MPAs included mitigation measures to address noise impacts. However, under CEQA, these project-specific measures are allowed only via MNDs and EIRs, not categorical exemptions as done here.³ This violates CEQA.

Fourth, as noted by our noise expert letter (already provided to the APC),⁴ the Project can have significant noise impacts by increasing levels by nearly 10 dbA above the presumed 60-dBA daytime ambient noise baseline, which is well above the 5-dBA increase allowed under applicable thresholds. These impacts are due to site-specific conditions (e.g., close proximity of graduate students, ability to accommodate large outdoor crowds, loading zone

¹ DCP (1/27/21) Item 5 Staff Report RE Conference MPA, PDF pp. 76-81; DCP (1/27/21) Item 6 Staff Report RE Hotel MPA, PDF pp. 77-81.

² See e.g., *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198; *Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 480.

³ See e.g., *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102, 1108; *Azusa Land Reclamation Co. v. Main San Gabriel basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200.

⁴ Dale La Forest & Associates (1/25/21) Report of Potential Noise Impacts of Hyatt House Hotel Project, <https://www.dropbox.com/s/sybhdi8820h3l9f/DLA%20%20Report%20of%20Hyatt%20House%20Hotel%20Projects%20Noise%20Impacts%201-25-2021%20f.pdf?dl=0>; Statement of Qualification, <https://www.dropbox.com/s/wx448hwrawgebjs/DL%26A%20-%20Statement%20of%20Qualifications.pdf?dl=0>.



walls not high enough to block direct line-of-sight from the pool area, echo noise bouncing off the hotel's upper exterior walls and reflected towards student housing, etc.)—which are exacerbated by alcohol-charged guests. CEQA requires mitigation measures, as specifically forth in the expert letter.

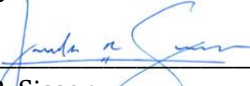
Fifth, also noted by our expert, the current conditions are not adequate. CLR claims that it anticipates a benign and quiet extended-stay hotel serving mainly families visiting patients. While the Project may operate as a “Ronald McDonald” hotel (as they put it), the Conditions of Approval (“COA(s)”) do not ensure that. For example, COA 17 says an inspector “may” inspect and conduct noise tests but does not require any regular testing, reporting, or disclosure of noise performance. COA 18 only requires ambient/live music to be played at “low volume,” which is void of any objective performance level. While COA 19 says all entertainment shall be done within an enclosed building, it does not require windows/doors to be closed to prevent noise from emanating outdoors. COAs 7, 9, 11, 12 may place some limits on hours and seating in outdoor areas but do not prevent large, alcohol-charged crowds that can cause significant noise impacts during evenings. These and other conditions do not adequately protect against noise impacts identified in the expert letter.

For these reasons, Appellant respectfully requests the following conditions to be considered:

1. **Restrict Outdoor Music:** Prohibit amplified sounds or music, including unamplified instrumental music, in all outdoor space within 100 feet of grad housing or limit noise to 60 dbA at a 25-foot distance.
2. **Prohibit the Restaurant Nearest the Service Drive and Adjacent Housing from Serving Alcohol:** Designate the fast-food restaurant nearest the Service Drive and adjacent housing for non-alcohol service and prohibit outdoor seating at this easternmost fast-food restaurant to reduce noise impacts from loud voices.
3. **Time of Day Limitation Pool Deck Use:** Limit the hours of use of the outdoor pool deck to 8:00 pm (Sunday through Thursday) and 9:00 pm (Friday and Saturday).
4. **Doors and Windows Closed During Live Entertainment and Music:** The doors to the lobby area or corridors near the Service Drive area should be closed whenever live entertainment or amplified music is played in the hotel's indoor areas, including the integrated ground-floor lobby area, dining area (restaurant and bar), and conference rooms.
5. **Equipment Noise Protection Measures:** All outdoor-mounted mechanical equipment should be enclosed and shielded from noise-sensitive receptors, use quieter equipment types, and tested by a licensed acoustical sound engineer before issuance of a Certificate of Occupancy.
6. **Monitoring Equipment Requirement:** Additional cameras should be added to monitor in real-time the entirety of the parking areas, Service Drive, Loading Zone, and on the interior and exterior of the building.
7. **Increased Height Noise Barrier Wall:** Require that a solid noise barrier wall higher than the existing 8'-8" wall between the pool deck and the loading zone and service driveway to the east. The barrier shall have a sufficient noise rating to reduce noise, as tested and confirmed by a qualified acoustical engineer.
8. **Reduce Loading Area Noise from Delivery Trucks:** The Project shall not allow delivery truck idling main engines in the loading area. Signs should be posted prohibiting idling, and deliveries, trash removal, and other use of this Loading Area should not be allowed between 10:00 pm to 8:00 am.
9. **Ambient Music:** Amplification of recorded music/sounds (i.e., ambient music) should be prohibited on the outdoor pool deck, ambient music should be limited in all outdoor commons to a maximum of 60 dBA at approximately 25 feet, and all speakers should be directed away from the student housing and other noise-sensitive receptors.
10. **Monitoring Requirements for LAMC § 116.01 for other Noise Sources:** To ensure compliance with the City's Noise Ordinance, the City should add conditions requiring routine monitoring, reporting, and publication of noise testing, complaints, and other findings. This can be on a weekly, monthly, or quarterly basis and give particular attention to large conference events and high occupancy of the hotel and restaurants.

Thank you for your consideration of these comments. Please add them to the administrative record for this Project.

Sincerely,



Jordan R. Sisson
Attorney for Appellant



EAST LOS ANGELES AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

Mailing Date: **FEB 18 2021**

Case No. **ZA-2020-1128-MPA-1A**

Council District: 14 – de León

CEQA: ENV-2020-1129-CE

Plan Area: Northeast Los Angeles

Related Case: ZA-2020-1097-MPA-1A

Project Site: 1550 North San Pablo Street, Unit #100 (2200 East Trojan Way)

Applicant: Tom Weigel, MHH-LA Liquor Subsidiary, LLC
Representative: Lee Rabun, CLR Enterprises, Inc.

Appellant: Susan Li, SEIU Local 721
Representative: Jordan R. Sisson, Law Office of Gideon Kracov

At its meeting of **January 27, 2021**, the East Los Angeles Area Planning Commission took the actions below in conjunction with the approval of the following project:

A Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with live entertainment in conjunction with a proposed 200 guest room hotel with a 18,400 square-foot ground-floor lobby, restaurant, bar, conference rooms and outdoor pool area.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines Section 15300.2, applies;
2. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified Environmental Impact Report No. ENV-2004-1950-EIR, certified on July 18, 2006, and addenda dated March 2013 and April 2014; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;
3. **Denied** the appeal and **sustained** the Zoning Administrator's determination dated October 29, 2020 to approve, pursuant to Section 12.24 M of the Los Angeles Municipal Code, a Master Plan Approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with live entertainment in conjunction with a proposed 200 guest room hotel with a 18,400 square-foot ground-floor lobby, restaurant, bar, conference rooms and outdoor pool area;
4. **Adopted** the attached Conditions of Approval; and
5. **Adopted** the attached Findings.

This action was taken by the following vote:

Moved: Campos
Second: Arellano
Ayes: Stevens
Nays: Espinoza, Rascon

Vote: 3 - 2

Etta Armstrong

Etta Armstrong, Commission Executive Assistant I
East Los Angeles Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the East Los Angeles Area Planning Commission is appealable to City Council within 15 days of the mailing date of this determination letter. An appeal not filed within the 15-day period shall not be considered by the City Council and the decision of the East Los Angeles Area Planning Commission will become final and effective upon the close of the 15 -day appeal period.

FINAL APPEAL DATE: **MAR 05 2021**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Interim Appeal Procedures

c: Heather Bleemers, Senior City Planner
Jojo Pewsawang, City Planner
David Woon, Planning Assistant

CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Zoning Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file. Fees required per L.A.M.C section 19.01 E (3) for Monitoring of Conditional Use Permits and Inspection and Field Compliance Review of Operations shall be paid to the City prior to the final clearance of this condition.
7. Authorized herein is the sale and dispensing of a full line of alcoholic beverages for on-site consumption with live entertainment in conjunction with the 200 guest rooms and the 18,400 square-foot ground-floor lobby, restaurant, bar, conference rooms, and a 5,800 square foot uncovered outdoor pool area of a proposed mixed-use hotel. The grant shall be subject to the following limitations:
 - a. The hours of operation for the hotel shall be 24-hours, daily. The hours of the pool patio area shall be limited to 6:00 a.m. to 10:00 p.m.
 - b. The use of controlled-access liquor cabinets in guest rooms.
 - c. Interior seating shall be limited to a maximum of 175 seats within the 18,400 square-foot ground floor which includes the integrated lobby area, dining area (restaurant and bar), and conference rooms. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety. Maximum occupancy shall be as determined by the Department of Building and Safety.

- d. Outdoor seating shall be limited to a maximum of 24 seats within the pool area of the hotel's ground floor. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety.
8. The applicant shall comply with Condition Nos. 4 – 18 of Case No. CPC 2015-376-MCUP-ZV-ZAD-SPR.
9. No after-hour use is permitted, except routine clean-up. This includes, but is not limited to, private or promotional events, special events, excluding any activities which are issued film permits by the City.
10. No conditional use for dancing has been requested or approved herein. Dancing is prohibited.
11. The establishment shall not be leased or contracted out to third party promoters that will require cover charge or prepayment for admission to the establishment for uses such as or similar to rave parties, electronic music parties, or record release parties advertised and open to the general public.
12. The premises shall not be leased or rented to outside promoters or to any third parties for private parties or special events. The applicant/operator may host private parties or events where a fixed number of customers is predetermined and does not exceed the seating capacity or maximum occupancy approved by the Fire Department. The conduct of the business during any private parties shall be under the direct control of the business owner/operator and restaurant management staff shall be present during private parties. The person responsible for the private party or event shall be provided with a copy of the conditions of this grant and the language below or similar language shall be included in the contract related to any private party or event. **Prior to the utilization of this grant**, the Applicant shall provide a copy of its standard contract related to private parties or events to the Department of City Planning for inclusion in the case file.

The total number of guests shall not exceed the maximum occupancy determined by the Fire Department. Restaurant management staff shall be present during the private party or event. The City's conditions of approval imposed on the operation of the establishment by Case No. ZA-2020-1128-MPA, which permits the sale and dispensation of a full line of alcoholic beverages for on-site consumption, shall be observed at all times during the private party or event.

13. **Private Events.** Any use of the hotel's guest rooms, ground-floor lobby, dining area (restaurant and bar), conference rooms, and outdoor pool area for private events, including corporate events, birthday parties, anniversary parties, weddings or other private events which are not open to the general public, shall be subject to all the same provisions and hours of operation stated herein.
14. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
15. Coin operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
16. There shall be no Adult Entertainment of any type pursuant to Los Angeles Municipal Code Section 12.70.

17. Any music, sound or noise including amplified or acoustic music which is under control of the applicant shall not violate Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within the property such as, noise barriers, sound absorbers or buffer zones.
18. Entertainment in conjunction with the hotel is limited to ambience music or live band without amplified sound (acoustic) Amplified ambience music played by hotel employees to compliment the hotel experience, shall be limited to background music at a low volume. Independent, professional or amateur disc jockeys are not allowed.
19. All entertainment shall be conducted within a wholly enclosed building; there shall be no live entertainment or dancing in the outdoor pool area at any time.
20. A camera surveillance system shall be installed at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recorded tapes/images shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
21. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
22. The applicant shall be responsible for maintaining free of debris or litter the area adjacent to the premises over which they have control, including the sidewalk in front of the establishment.
23. The exterior windows and glass doors of the location shall be maintained substantially free of signs and other materials from the ground to at least six (6) feet in height above the ground so as to permit surveillance into the location by Police and private security. Notwithstanding this condition, exterior windows and glass doors of the location may be covered by sheer roll-up shades or other mechanisms to shield the patrons from excessive glare of the sun, if necessary.
24. **Complaint Log.** Prior to the utilization of this grant, a phone number and an email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations:
 - a. Entry, visible to pedestrians.
 - b. Customer service desk, front desk or near the cash registers.

The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.
25. **STAR/LEAD/RBS Training.** Within the first six months of operation or effectuation of the grant, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police

- Department "Standardized Training for Alcohol Retailers" (STAR), Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program, or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. Thereafter STAR/LEAD/RBS training shall be conducted for all new hires within three (3) months of their employment. In the event there is a change in the licensee, within six months of such change, this training program shall be required for all new staff. STAR training shall be conducted for all new hires within two months of their employment.
26. An electronic age verification device shall be retained on the premises to determine the age of any individual and shall be installed on at each point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.
 27. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
 28. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
 29. Smoking tobacco or any non-tobacco substance including from electronic smoking devices is prohibited in or within 10 feet of any outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B2(c). This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
 30. The applicant shall comply with California Labor Code Section 6404.5(b) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.
 31. "No Smoking" signs shall be posted in English and in the predominant language of the facility's clientele, if different, at the front entrance and at any other entrance utilized by the public in accordance with Los Angeles Municipal Code Section 41.50 C. A sufficient number of signs which are clearly visible and readable to patrons shall be posted around the outdoor pool area to ensure the "No Smoking" prohibition.
 32. At least one on-duty manager with authority over the activities within the facility shall be on the premises at all times that the facility is open for business. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the master plan approval herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activity on the subject premises and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism or truancy occur.
 33. A copy of the conditions of this letter of determination, business permit and insurance information shall be retained on the premises at all times and produced upon request by the Police Department, the Department of Building and Safety or the State Department of

Alcoholic Beverage Control. All employees working in the restaurant shall be knowledgeable of these conditions and shall sign a document acknowledging receipt of these conditions.

ADMINISTRATIVE CONDITIONS

34. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per LAMC Section 19.01-E, 3 for Monitoring of Conditional Use Permits, Inspection, and Field Compliance Review of Operations shall be paid to the City.
- a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
35. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required here with has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30-days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
36. The Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application, if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has changed in mode or character from the original approval, or if documented evidence be submitted showing a continued violation(s) of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties. The application, in association with the appropriate fees, and a 500-foot notification radius, shall be submitted to the Department of City Planning within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add or delete conditions, and if warranted, reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
37. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the

environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The proposed Hyatt House hotel will be located in a portion of the Lincoln Heights neighborhood that consists of the County-USC Medical Center and the USC Health Science Campus. Prior to 2014, the subject project area was designated Limited Industrial until approval of a General Plan Amendment was granted transitioning it to General Commercial (Case No. CPC-2013-7-GPA-ZC-ZAD-SPR). While academic and medical institutions largely inhabit the area, the neighborhood is also characterized by several open space and public facilities. Commercial uses are new and uncommon in the area, especially developments such as the Hyatt House hotel which will provide a mixture of lodging accommodations, retail and dining services, and a gathering space for conferences and social events.

The Hyatt House hotel will enhance the surrounding built environment by creating a more vibrant and active streetscape within the USC Health Science Campus. Prior to the proposed hotel development, the subject property was partially utilized as a surface parking lot. The site's conversion into a mixed-use development will attract commercial and pedestrian activity through its lodging, dining, social gathering capabilities. It will primarily serve visiting scholars and prospective students of the USC Health Science Campus, as well as family and friends of in-patients at the Los Angeles County + USC Medical Center and the Keck Hospital of USC. In addition, activation of the site will also contribute to the area's safety and surveillance with the addition of amenities such as lighting fixtures, security cameras, and landscaping.

Approval of the request will enable Hyatt House hotel to offer its patrons a full line of alcoholic beverages through its in-room mini-cabinets and hotel bar and restaurant. The sale of alcoholic beverages, with or without food or other beverage sales, will lend to the commercial vibrancy of neighborhood by providing a service that is generally in demand by hotel patrons and commonly provided by similar hotel operators. It will provide additional sales revenue for the hotel as well as enhance patron experience. While the sale of alcoholic beverages is already authorized on the site by the approved Master Conditional Use Permit (Case No. CPC-2015-376-MCUP-ZV-ZAD-SPR), the Plan Approval enables the Zoning Administrator to consider more closely the nature of each operation and to impose further conditions as necessary. Monitoring and safety conditions have been imposed in this grant to address public concerns related to the sale and on-site consumption of alcoholic beverages at the subject Hyatt House.

The approval of the sale and dispensing of a full line of alcoholic beverages, in conjunction with the imposed conditions of approval, will assure that the service of alcohol is not disruptive to the community. The approved grant supports the transition of properties from Light Industrial to General Commercial, with the Hyatt House hotel development offering services and amenities that are new to the community. Nearby residents and staff will have the opportunity shop, dine, and host events at the mixed-use hotel while guests can find accommodations during their visit to the USC Health Science Campus or nearby hospitals. As such, the request will contribute to the commercial and pedestrian activation of the surrounding built environment.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property was previously entitled for a Master Conditional Use Permit (MCUP) to allow on-site alcohol sales at five establishments at the mixed-use Hyatt House hotel development (Case No. CPC-2015-376-MCUP-ZV-ZAD-SPR). The MCUP requires each tenant to file for a Master Plan Approval to review the proposed operation of each tenant in further detail and to impose project-specific conditions of approval that address hours of operation, seating, size, security, live entertainment, etc. The 175,845 square-foot Hyatt House hotel, at-large, anchors the mixed-use development and is the subject project in review. Other tenants include the USC Conference Center and prospective retail shops and restaurants. Upon completion, the hotel will provide 200 guest rooms and a variety of amenities and services on the ground floor. The hotel will be located on the northeast corner of San Pablo Street and Alcazar Street.

Surrounding land uses consist of commercial, light industrial, open space, and public facility uses. Properties north of the subject property and across Valley Boulevard are zoned PF-1 and OS-1XL, and include a Union Pacific rail right-of-way and Lincoln Park. Properties east of the subject project are zoned PF-1 and CM-1, and include Los Angeles County Department of Public Works facilities and parking. Properties south of the subject property are zoned C2-2 and include a variety of academic and medical facilities part of the USC Health Science Campus. Properties west of the subject property are zoned [T][Q] C2-2 and include a graduate student housing complex and childcare facility.

The Plan Approval for the sale of a full line of alcoholic beverages on the subject site in conjunction with the Hyatt House hotel will not further degrade adjacent properties. The request does not alter the location, size, height, or any other significant features associated with the overall development of the Hyatt House hotel, including the ground-floor tenant spaces and the USC Conference Center. The sale and on-site consumption of alcoholic beverages will be confined within the hotel premises.

The subject hotel will conform with the development standards for projects in the C2-2 zone set forth by the Northeast Los Angeles Community Plan and the Citywide Commercial Design Guidelines. It will be consistent with the following design components: (i) articulation of facades to provide variation and visual interest; (ii) use of building materials that accent or complement adjacent and nearby building facades; (iii) screening of mechanical, electrical and rooftop equipment from public view; and (iv) on-site lighting along pedestrian walkways and vehicular access ways.

The height of the project will be consistent in scale with the height of the existing structures within the USC Health Science Campus. The Hyatt House hotel will stand five-stories tall similar to that of the adjacent graduate student housing complex. Other nearby USC Health Science Campus and public facilities buildings range from 4 to 15 stories in height.

Hyatt House hotel will provide 24-hour daily operation for guests to check-in and out. Guests will have access to numerous hotel amenities, including but not limited to, a 5,800 square foot uncovered outdoor pool area, two conference rooms, and a restaurant and bar located adjacent to the hotel lobby. These spaces serve as extensions of the guest rooms allowing guests to gather, dine, and socialize. Live music, in the form of piano and jazz, will also be offered as entertainment at these locations. Food and alcohol service will be offered from the hotel's fixed bar and restaurant, as well as portable bars stationed within the outdoor pool area. Upon request, hotel staff will authorize use of controlled-access liquor cabinets in guest rooms as commonly practiced among hotel operators.

During the public process, two communications were received from the public. These include an email from the Lincoln Heights Neighborhood Council (via the applicant's representative) denoting that every attempt was made to coordinate outreach between the applicant and the

Neighborhood Council during the Covid Pandemic. The meeting was held on July 22, 2020 in which the project received unanimous support from their Planning and Land Use Committee. A second email communication Council District 14 (via the applicant's representative) indicating that their office will not be taking a position on the case and they have no concerns at this time.

The public hearing was held on August 26, 2020 at 9:30 a.m. telephonically in conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19. There were approximately eight persons who called in to attend – the applicants, his representative, and stakeholders in the area. Lee Rabun of CLR Enterprises, Inc. representative for both the hotel and USC Conference Center. Tom Weigel is the applicant of Hyatt Hotel and Dine Dejong is the applicant of USC Hospitality along with Mr. Jung. Mr. Rabun indicated that the applicants were present and commented that in 2015, a Master Conditional Use and other entitlements were approved by the City Planning Commission with the larger scope of the project involving a hotel of 185,000 square feet having 200 rooms and a ground floor area with 39,000 square feet including a 24,000 square foot restaurant service area, involving 180 interior seats and 32 outdoor seats; however, we are asking for 175 interior seats and 24 outdoor seats. The conference facility will provide catalyst opportunities for the USC campus. The banquet hall is composed of a 9,000 square foot banquet center for private and public bookings, from 6 a.m. to 2 a.m. There are 171 on site parking spaces for the hotel and conference center provided in the parking structure across San Pablo Street. Security is provided by the larger USC Security Guard Service. Outreach was also done with the Lincoln Heights Neighborhood Council but Mr. Rabun was sick during their first meeting, then the Covid Pandemic hit. It was no fault of the Neighborhood Council, but it was difficult to meet until March 20th. The committee wondered what happened then unanimously approved the request. The full Council didn't have a quorum in June and will meet at a later date. Council District No. 14 supports the request, as evidence of their email and had no issues. Officer Sandoval of the LAPD is poised to comment on the request.

There were three community stakeholders that expressed opposition to alcohol sales and cited the following issues:

- there will be problems of clean-up. There are always debris in the neighborhood from patrons of the liquor store. Another liquor outlet would create the same problem.
- the conference facility will be open later hours into the night. USC has made it safer, but the on-site sales will cause problems in the adjacent neighborhood. There is a larger problem in the neighborhood when people leave the conference center at night while drunk.
- The neighbors are older may not want to speak up on these issues.
- Bravo High School is close by as well. He is concerned of people that leave while intoxicated.
- The hotel's alcohol sales should not be at the expense of the neighbors.
- the neighborhood will benefit from the project; however, rejects alcohol in the neighborhood. The other liquor store in the area where people on campus already purchase alcohol.
- concerned with accidents and people drinking outside of the liquor store and drunken behavior toward the high school.

Officer Angel Sandoval of LAPD indicated he will submit a letter in a few weeks. Had been working with Lee Rabun. He had been working with USC on the larger campus and noted that their agency has a good working relationship with the school. He will continue working with Mr. Rabun on the day care, hotel, and conference center.

Lee Rabun responded that there are two liquor licenses on the Arts Coffee Shop and the Health Sciences Campus. They are for facilities and campus employees. Then in 2015 the Conditional Use identified the Faculty House license will be replaced by the current project site. The paragraph on page 11 read to record that state Alcohol facilities will serve largely the campus. Liquor stores do pose problems that have triggered Conditional Use Permit laws and the South Central Alcohol Specific Plan. Homeless and drunken behavior on public streets have occurred. Mr. Rabun is familiar with the problems in downtown LA. However, part of the economic resurgence is downtown is due to restaurants and liquor licenses. Full-service hotel and conference are able to serve the facility, patients of the hospital and campus and others in the neighborhood doing quince eras at the conference center. These licenses have been vetted by the City Planning Commission in the Master Conditional Use entitlement.

The Zoning Administrator closed the public hearing and stated that he finds the testimony favorable and within the scope of the Master Conditional Use. He indicated that there is concern with traffic and patrons of the site exiting the site through the residential neighborhood via the interior of the campus and through Soto Street. The Zoning Administrator prefers exiting traffic be directed towards Valley Boulevard. Additionally, with the proper conditions, indicated that findings can be made in the affirmative after review of the administrative record and intends to conditionally grant the case. Further, the Zoning Administrator stated that the case will be held on advisement for a period of one week pending the receipt of the following information:

- Consideration of safety issues
- Sensitive uses nearby (residential uses and Bravo High School)
- LAPD's letter

Beyond the advisement period, LAPD's recommendations were received. An updated Plot Plan was also received from the applicant's representative.

Upon review of the administrative record, findings were made for the granting of the instant request. As with the approval of the Master Conditional Use Permit, the Plan Approval request was determined to be compatible with the surrounding uses, subject to specific conditions imposed. The Master Plan Approval for the sale of a full line of alcoholic beverages in conjunction with the proposed Hyatt Hotel on the subject site will not further degrade adjacent properties. The request will not alter the location, size, height, or any other significant features associated with the overall development of the Hyatt House mixed-use development. The sale and on-site consumption of alcoholic beverages shall be restricted to premises of the hotel and restaurant.

Operating conditions were established in the review of the record in order to achieve compatibility with the surrounding vicinity. To mitigate potential nuisances and criminal activity from occurring, conditions have been imposed to ensure the safety and welfare of the community and to encourage responsible management. Between 25-30 employees will be staffed at the hotel with all restaurant and bar employees fulfilling the required training pertaining to alcohol sales, an on-site security program will provide safeguards against alcohol-related issues and USC campus security personnel will ensure that alcohol consumption is conducted in a responsible manner. As conditioned, the proposed development and operation of the Hyatt House hotel will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety and the development of the community.

3. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The twelve elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the Los Angeles Municipal Code (LAMC). Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject site is located within the Northeast Los Angeles Community Plan area, and designates the land use as General Commercial.

The Northeast Los Angeles Community Plan identifies the project site as being within a portion of the Lincoln Heights neighborhood (County-USC Medical Center and USC Health Science Campus) posed with unique opportunities and challenges. Within the past decade, the subject property been approved of:

- Zone and Height change from CM-1 to [T][Q]C2-2 (Case No. CPC-2013-7-GPA-ZC-ZAD-SPR);
- Two General Plan Amendments approving the change from Limited Industrial to General Commercial, and the reclassification of streets within the USC Health Science Campus (Case No. CPC-2013-7-GPA-ZC-ZAD-SPR and Case No. CPC-2011-3043-GPA)
- Parcel Map approving the subdivision of commercial and residential lots (Case No. AA-2014-599-PMLA);
- Two Site Plan Reviews approving a new graduate student housing complex, childcare facility, and hotel (Case No. CPC-2015-376-MCUP-ZV-ZAD-SPR and Case No. CPC-2013-7-GPA-ZC-ZAD-SPR); and more

With the property transitioning into commercial use, the Community Plan acknowledges opportunities that will increase compatibility and complimentary uses between commercial and institutional areas. Hyatt House hotel will provide lodging accommodations for visiting scholars and prospective students of the USC Health Science Campus, as well as for family and friends of in-patients in the Los Angeles County + USC Medical Center and the Keck Hospital of USC. Given the large student and staff population that work in these institutions, the on-site restaurant bar, and conference rooms will provide beneficial services to the community and enhance the commercial character of the neighborhood. With the subject property adjacent to a student housing complex, medical and public facilities, the project complements these uses by functioning as a gathering space for hotel guests and visitors to socialize, dine, and attend public/private events.

The Community Plan text is silent with regards to alcohol sales, therefore in such cases the Zoning Administrator must interpret the intent of the plan. Approval of the applicant's request is consistent with the plan's objectives and policies, including:

- **Objective 2-2:** *To enhance the identity and appearance of commercial districts;*
 - **Policy 2-2.2:** *Require that projects in commercial areas be designed and developed to achieve a high level of quality, distinctive character, and compatibility with appropriate existing uses and development limited conversion to accommodate affordable residential uses.*

The Framework Element identifies the proposed hotel as a "community center". Community Centers "contain a diversity of uses such as small offices, overnight accommodations, cultural and entertainment facilities, schools and libraries in addition to neighborhood-oriented uses".

As such, the subject project is consistent with the objectives and policies related to the [Q]C2-2 designation in the following matter:

- **Objective 3.9** *Reinforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime;*
 - **Policy 3.9.2:** *Encourage the integration of school classrooms, libraries, and similar educational cultural facilities within commercial, office, and mixed commercial-residential structures*

The proposed Hyatt House hotel also adheres with the objectives of the Adelante-Eastside Redevelopment Plan notably:

- **§ 106.1:** *Improve the quality of life for those who live and work in and visit the Project Area through enhanced business, employment, housing, shopping, entertainment, recreational, and educational opportunities.*

The project supports the objectives and policies of the above plans providing a beneficial and complementary use to the USC Health Science Campus community. The required findings have been made and the operation has been imposed with conditions of approval. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan, the Northeast Los Angeles Community Plan, and the Adelante-Eastside Redevelopment Plan.

4. **The proposed use will not adversely affect the welfare of the pertinent community.**

The approval of the Master Plan Approval request for the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the subject hotel will not adversely affect the welfare of the community. The site was entitled for a Master Conditional Use Permit of up to five (5) establishments to sell alcoholic beverages on-site. It will offer guests lodging accommodations during their visit to the USC Health Science and the nearby hospital facilities. Additionally, the hotel's ground-floor restaurant, bar, conference rooms, and outdoor pool area will serve as a gathering place for people to socialize, dine, and attend academic and social events. The incidental sale of alcohol will provide a desired service for guests, enhancing their stay at the hotel. In addition, the project will positively impact the public and economic welfare of the neighborhood with the generation of new job opportunities and tax revenue. While the proposed Hyatt House hotel will be a new and uncommon use to the area, conditions have been imposed to safeguard against any nuisances and criminal activity associated with the sale and consumption of alcohol.

With oversight from the California Department of Alcoholic Beverage Control (ABC) and the conditions which have been imposed upon the conference center, the project will be compatible with the character of the immediate neighborhood. Such conditions include the requirement of security measures such as a surveillance system and deterrence of graffiti and loitering. In addition, the grant requires the use and maintenance of an age verification device to deter underage purchases and drinking. Employees must also undergo STAR (Standardized Training for Alcohol Retailers) training, provided by the Los Angeles Police Department, LEAD (Licensee Education on Alcohol and Drugs) training, or RBS (Responsible Beverage Service) provided by the Department of Alcoholic Beverage Control. Both the Conditions of Approval and the requirements of the State Alcoholic Beverage Control agency are intended to protect the public health, welfare, and safety of the

community. Therefore, it is expected that the sale and dispensing of alcohol will not adversely affect the welfare of the pertinent community.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control's (ABC) licensing criteria, two (2) on-sale and one (1) off-sale consumption licenses are allocated and authorized to the subject census tract (Census Tract 2033). Currently there are 3 establishments holding active, alcohol licenses in the census tract which include:

- (1) *Type 20: Off-Sale Beer and Wine*
- (1) *Type 41: On-Sale Beer and Wine – Eating Place*
- (1) *Type 51: Club*

Within 1,000 feet of the subject site there are two (2) alcohol-selling establishments holding a total of two (2) alcohol licenses. They include:

- Type 41: On-Sale Beer and Wine – Eating Place, Art's Coffeeshop*
- Type 51: Club, Edmondson Faculty Center*

According to statistics provided by the Los Angeles Police Department's Central Division Vice Unit, within Crime Reporting District No. 443, which has jurisdiction over the subject property, a total of 164 crimes were reported in 2019 (121 Part I, Crimes and 43 Part II, Arrests), compared to the Citywide Average of 170 crimes and compared to the High Crimes average of 204 crimes for the same reporting period.

Part I Crimes reported by LAPD include Homicide (0), Rape (1), Robbery (8), Aggravated Assault (13), Burglary (11), Auto Theft (9), and Larceny (79). Part II Crimes reported include, Narcotics (8), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (0), Disorderly Conduct (0), Gambling (0), DUI related (6), Moving Traffic Violations (3), Miscellaneous Other Violations (15) and other offenses (5). Of the 164 total crimes reported for the Reporting District, 6 arrests were made for driving under the influence.

The concentration of alcohol licenses in a given area can be undue if the addition of a license will negatively impact the surrounding neighborhood. Concentration is not undue when the approval of a license does not negatively impact the neighborhood, rather it serves a public convenience to the community. The subject request allowing the sale of a full line of alcoholic beverages for on-site consumption at Hyatt House hotel will not, by itself, contribute to an undue concentration of on-sale licenses within the Census Tract with respect to the maximum numbers authorized and it being located within a crime reporting district where the crime rate is below the Citywide average. However, with the MCUP of 2015 permitting on-sale alcohol service for up to five establishments on the subject property and the USC Conference Center's pending request (Case No. ZA-2020-1097-MPA), the number of licenses will surpass the authorized threshold.

Like many hotel operators, the sale and dispensing of alcohol for on-site consumption is a

typical service provided to patrons to complement their hotel and dining experience. It also lends to the economic viability of the hotel operation and contributes to an increase in tax revenue. With one other establishment (Edmond Faculty Center) in USC's Health Science Campus licensed to serve alcohol, the demand for gathering places such as the Hyatt House hotel which are capable of accommodating guests and hosting events justifies the need for on-site sale of alcohol. Therefore, the sale and dispensing of alcohol will not contribute to an undue concentration of alcohol licenses in the area and will be of public convenience to the community.

Conditions have been imposed in the grant to mitigate potential nuisances and criminal activity at the subject property. ABC has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. In addition, negative impacts commonly associated with the sale of alcohol for on-site consumption such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions set forth by the Zoning Administrator to safeguard the welfare of the community. For example, hotel employees responsible for serving alcohol to patrons must complete the required training pertaining to alcohol sales, and security personnel will be present to monitor responsible behavior. The operation of the Hyatt House hotel, in conjunction with the sale and dispensing of a full line of alcoholic beverages for on-site consumption will serve to enhance the character of the area while operating in a manner that will be responsible and considerate of its surrounding uses.

6. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is zoned for commercial use and will be utilized as such with the development of the subject Hyatt House hotel. The five-story hotel will operate within the USC Health Science Campus in the Lincoln Heights neighborhood, an area predominantly surrounded by institutional (academic and medical) and public facilities. The hotel will serve the surrounding community by offering lodging accommodations, food service, and conference rooms for meetings and social events. It will also contribute to the commercial and pedestrian vibrancy of the surrounding built environment. The hotel will complement the needs of the neighboring students, employees, and guests while not detrimentally affecting the surrounding residential communities and sensitive uses. The following sensitive uses are located within a 1,000-foot radius of the site:

Sensitive Uses

Eastlake Juvenile Court	1601 Eastlake Ave.
Central Juvenile Hall	1605 Eastlake Ave.
Lincoln Park	3501 Valley Blvd.
El Parque de Mexico	Mission Rd./Valley Blvd.
Hazard Recreation Center	2230 Norfolk St.
Keck School of Medicine of USC	1975 Zonal Ave.
LAC + USC Medical Center	2051 Marengo St.
Alcazar Child Development Center	2215 Alcazar St.

Currie Hall (Graduate Student Housing)

2215 Alcazar St.

Establishments Selling Alcoholic Beverages

Art's Coffee Shop

1917 Zonal Ave.

Edmondson Faculty Center

1969 Zonal Ave.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive use. The grant has been well-conditioned, which should protect the health, safety, and welfare of the surrounding neighbors including the adjacent graduate student housing complex (Currie Hall). The potential effects of excessive noise or disruptive behavior have been considered and addressed by imposing conditions related to noise and loitering. The project is consistent with the zoning and in keeping with the existing uses adjacent to the development. This project will contribute to the USC Health Science Campus in Boyle Heights and will provide a beneficial service to neighboring residents, employees, and visitors. Therefore, as conditioned, the project will not detrimentally affect residentially-zoned properties or any other sensitive uses in the area.

ADDITIONAL MANDATORY FINDINGS

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Flood Zone X, areas determined to be outside the 500-year flood plain.

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check.

Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment. On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment

Applicant Copy
Office: Downtown
Application Invoice No: 70620

City of Los Angeles
Department of City Planning



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



6800170620



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:040321E3E-139F6584-45AF-4EA2-AE6C-C1B3A0BF12F2, Amount:\$109.47, Paid Date:03/04/2021

Applicant: SEIU LOCAL 721 - LI, SUSAN (213-3048792)
Representative:
Project Address: 1550 N SAN PABLO ST, 90033

NOTES: Correction 3/8/21: CEQA appeal is the correct appeal. The determination letter from the APCE has an error on it. Invoice was issued under ZA-2020-1128-MPA-2A should be moved to ENV-2020-1129-CE-1A. requested by Anna Vidal and Maritza Przekop, Appeal period re-opened on 3/8/21.

ENV-2020-1129-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 14
Plan Area: Northeast Los Angeles
Processed by VIDAL, ANNA on 03/04/2021

Signature: _____



Scan this QR Code® with a barcode reading app on your Smartphone. Bookmark page for future reference.



City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

If you have questions about this invoice, please contact the planner assigned to this case. To identify the assigned planner, please visit <https://planning.lacity.org/pdiscaseinfo/> and enter the Case Number.

Receipt Number:040321E3E-139F6584-45AF-4EA2-AE6C-C1B3A0BF12F2, Amount:\$109.47, Paid Date:03/04/2021

Applicant: SEIU LOCAL 721 - LI, SUSAN (213-3048792)
Representative:
Project Address: 1550 N SAN PABLO ST, 90033

NOTES: Correction 3/8/21: CEQA appeal is the correct appeal. The determination letter from the APCE has an error on it. Invoice was issued under ZA-2020-1128-MPA-2A should be moved to ENV-2020-1129-CE-1A. requested by Anna Vidal and Maritza Przekop, Appeal period re-opened on 3/8/21.

ENV-2020-1129-CE-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 14
Plan Area: Northeast Los Angeles
Processed by VIDAL, ANNA on 03/04/2021

Signature: _____