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March 4, 2022

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

APPEAL RESPONSE; Council File No. 22-0023

1530 North Western Avenue (1524-1530 North Western Avenue and 5446 West Harold Way)
APCC-2019-4338-SPE-CU-CUB-SPP-1A

At its meeting on October 26, 2021, the Central Los Angeles Area Planning Commission, approved a Conditional Use Permit, a Conditional Use Permit for Alcohol Sales, and a Project Permit Compliance and Specific Plan Exception from the Vermont-Western TOD Station Neighborhood Area Plan (SNAP) Specific Plan; for the demolition of an existing two-story duplex and surface parking lot; and the construction, use, and maintenance of a new four-story (60-foot), mixed-use hotel with 36 guest rooms, 10 residential apartment units, and an at-grade parking level with one subterranean level. The project would include 47 overall parking spaces with a maximum of 12 residential parking spaces (inclusive of two guest spaces) designated for the proposed apartments, 24 bicycle parking spaces, and 1,343 square feet of open space.

On December 27, 2021, an appeal of the entirety of the Area Planning Commission's action was appealed by one (1) aggrieved party. Appeals were not filed by any other aggrieved parties, other than the aforementioned. The following represents a summary and response to the appeal points identified in the appeal:

Appellant, Doug Haines, La Mirada Avenue Neighborhood Association

A-1 The Commission approved a project design that violates the SNAP development standards

The appellant claims that the project will not comply with the Specific Plan Development Standards, specifically Subarea B and C Development Standard No. 6 regarding

Stepbacks and Rooflines. The Appellant submitted photographs and a description of a site in a different portion of Hollywood which has no bearing on the subject site.

The case was conditioned to ensure that the Project would comply with the Specific Plan Development Standards (see Conditions of Approval Nos. 71 and 75). Condition No. 71 indicates that the Western Avenue frontage shall be revised to set the second floor back by a minimum of 10 feet. Additionally, Condition of Approval No. 75 was included to ensure that all façade rooflines are articulated, thereby avoiding unarticulated rooflines exceeding 40 feet in length. The 'Exhibit A' which was approved illustrates eastern and southern façade rooflines which exceed this length of 40 feet, and the project will be revised in the Condition Clearance process to ensure the project provides articulated rooflines. As such, the Project as conditioned will be in conformance with the Specific Plan and the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A-2 *The Commission abused its discretion by granting exceptions to the Specific Plan*

The appellant claims that the Commission erred in approving the project, that the project did not have a practical difficulty or hardship relating to the land, that there are no special circumstances which justify the exception, that the exception will be detrimental to the public welfare, and that the project undermines the purpose of the plan.

The Project was granted two (2) Specific Plan Exceptions – one relating to commercial uses being limited to the ground floor and the other relating to the transitional height requirements of the SNAP. As noted in Finding No. 5.a., the intent of the Plan was to limit commercial uses to the ground floor in a Mixed-Use Project in order to activate the pedestrian right-of-way and to create a better pedestrian experience. That regulation was crafted with typical commercial uses in mind, consisting of retail or restaurants, and did not contemplate hotel uses. The Plan intended to allow hotel uses in this zone, otherwise the use would have been prohibited. Limiting the hotel use to the ground floor would be an unnecessary hardship on the project and would result in practical difficulties which are inconsistent with the intent of the Plan. Additionally, the intent of the transitional height requirements of the SNAP are to move the bulk and height of a building away from the portion of the site adjacent to Subarea A lots which are smaller in scale. However, due to the L-shaped design of the lot, the majority of the site would be subject to this reduced height which would result in a practical difficulty for the use, inconsistent with the intent of the Specific Plan. This unusual design of the lot, which is noted as the exceptional circumstance applicable to the project, does not generally apply to other properties in the area, and as such, the use generally possessed by other nearby properties are denied to the property in question.

Lastly, regarding whether the project will be detrimental to the public welfare, it was noted in Finding No. 5.d. that other than the permission for commercial uses to be located above the ground floor and for the increased height, that the project will comply with all other SNAP standards. The environmental analysis which was conducted for the project analyzed the construction noise and noted that with incorporation of the Mitigation Measures, that the project would have a less than significant impact. Regarding operational noise, the environmental document analyzed noise sources such as noise from rooftop-mounted equipment, noise from the open space areas and the rooftop lounge area, as well as delivery trucks; and found that the project would have a less than significant impact. Additionally, the environmental consultants, Rincon Consultants, provided a response to comments document (dated February 9, 2022) in which they reiterated the noise analysis which was conducted as part of the Initial Study and noted

that operational noise associated with the outdoor uses have been adequately analyzed and the project will not result in a significant impact. As such, it is not anticipated that a hotel and residential mixed-use project would be detrimental to the public welfare, and as such, the Area Planning Commission did not err or abuse their discretion in the approval of the Project and the appeal should be denied.

A-3 *There are errors in the findings which incorrectly note the location of the site*

The appellant claims that there are errors in the findings which incorrectly note the location of the site. Although the appellant has correctly identified a small number of typos in the findings, the intent of the findings is not negated, nor does it indicate that the Area Planning Commission erred or abused its discretion in approving the Project. As such, staff recommends that the appeal be denied and that the City Council make the revisions to the Findings found in Attachment A to the Appeal Response.

Conclusion

The appeal address specific concerns regarding the enforcement of the Western Vermont SNAP Specific Plan and the adequacy of the entitlement findings. Upon careful consideration of the Appellant's points, the Appellant has failed to adequately disclose how the City erred or abused its discretion. Therefore, Staff recommends that the appeal should be denied, the attached revisions to the Findings be adopted, and that the actions of the City Planning Commission be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Valentina Knox-Jones
City Planner

VPB:DK:VKJ

Attachment:

- A – Staff Recommended Revisions to Findings (dated March 4, 2022)
- B – Rincon Consultants response to comments (dated February 9, 2022)

c: Craig Bullock, Planning Director, Council District 13

Attachment A

Staff Recommended Revision to Findings (3/4/2022)

Finding No. 1.a. –

“The project site is located in one of the most heavily trafficked areas in the city, along Western Avenue between Hollywood Boulevard and Sunset Boulevard, and near a subway station along the central part of the Hollywood Walk of Fame. The area is a ~~major tourist and~~ commercial hub; and as a commercial service, the project will contribute to the vibrancy and economic activity of the area. In addition, by providing alcoholic beverages, the proposed restaurant will provide a new and unique amenity and a viable dining destination for both visitors and residents alike, who wish to order beer or wine in conjunction with their meal. The abutting site is developed with a hotel that also offers alcoholic beverages to its occupants...

Conditions have been imposed to assure that the service of alcohol is not disruptive to the community. The proposed hotel is located in a part of Hollywood that continues to be the focus of rejuvenation efforts. The proximity of the proposed hotel and residential uses to shopping centers and the subway station at Hollywood Boulevard and Western Avenue ~~restaurant to movie and live theater venues, as well as other retail and restaurant uses, including a subway station stop at Hollywood and Highland,~~ contributes to the potential viability of the project given the context of the area. As proposed, the use will continue to serve the public convenience and welfare and as sited, the location is compatible with the character of the surrounding uses. Therefore, in conjunction with the imposition of operational conditions for the hotel and the alcohol use, the request should result in the continuation of a use which is compatible with and an asset to the local neighborhood and the community at large.”

Finding No 1.b. –

The surrounding properties are primarily zoned either C2-1 and located within the Vermont/Western SNAP Subarea C or [Q]R4-2 and located within the SNAP Subarea The property on the southeast corner of Harold Way and Western Avenue, to the north and west of the Project site, is a Super 8 Motel with 54 guest rooms and a cocktail bar. The property to the south is a 56-unit apartment building and corner shopping center containing a Walgreens pharmacy and a Verizon Wireless Retail Store. The property to the west, across Western Avenue, is a WSS Shoe Store. The properties to the east consist of a two story, 10-unit apartment building and other multi-family buildings, and are located within Subarea A (Neighborhood Conservation) of the Vermont/Western SNAP. The project site is located in one of the most heavily trafficked areas in the city, ~~in close proximity to the Hollywood Walk of Fame.~~ The area is a ~~major tourist and~~ commercial hub; and as a commercial service, the project will contribute to the vibrancy and economic activity of the area.



Rincon Consultants, Inc.

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February 9, 2022
Project No: 20-09256

Phil Patel
1536 North Western Avenue
Los Angeles, CA 90027
Via e-mail: philpatel@aol.com

ATTACHMENT B

Subject: Response to Select Comments in Appeals Letter for Case No.: APCC-2019-4338SPE-CU-SUB-SPP, 1524-1530 North Western Avenue and 5446 Harold Way, Los Angeles, California 90027

Dear Mr. Patel:

This letter constitutes Rincon Consultants, Inc.'s response to select comments provided in the Appeals Letter submitted by Mr. Doug Haines dated December 24, 2021, for Case No.: APCC-2019-4338SPE-CU-SUB-SPP for the Sapphire Hotel Project located at 1524-1530 North Western Avenue and 5446 Harold Way in Los Angeles. The following subsections reproduce the appellant's two comments related to the noise analysis contained in the Final Initial Study-Mitigated Negative Declaration (IS-MND) adopted for the Project by the City of Los Angeles and include responses to each comment.

Comment 1

Fifth, the applicant failed to conduct any ambient noise analysis at the site to determine construction and operational noise impacts, meaning that no realistic noise and vibration mitigation measures have been conditioned to the project. [Page 1 of Appeals Letter]

Response 1

No ambient noise measurements were conducted at the Project site during preparation of the IS-MND for the Project. The California Environmental Quality Act (CEQA) and associated CEQA Guidelines do not require ambient noise measurements to be conducted for every Project for which a CEQA document is prepared. Instead, CEQA requires evaluating whether a Project would result in a significant effect on the environment, which is defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance" (CEQA Guidelines Section 15382; Public Resources Code Section 21080). CEQA also requires using substantial evidence to justify the conclusions of whether a Project would result in a significant effect on the environment. Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached" and "shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" (CEQA Guidelines Section 15384).

As stated in Section XIII, *Noise*, of the Final IS-MND adopted for the Project, the most common source of noise in the Project site vicinity is vehicular traffic on adjacent roadways. Ambient noise levels at the Project site were characterized based on the noise level measurements taken during preparation of the

Hollywood Community Plan Area Update Environmental Impact Report.¹ The locations of the noise measurements reported in Table 23 of the Final IS-MND were selected based on their proximity to the Project site and similar surrounding land uses, which are expected to result in similar traffic volumes as those experienced on roadways adjacent to the Project site. Therefore, it is reasonable to assume that ambient noise levels at the Project site would be similar to noise levels measured at these locations because the main source of noise at these locations (i.e., traffic volumes) is expected to be similar in frequency and loudness. Noise levels measured at these locations ranged between approximately 59 and 77 dBA L_{eq} (single steady A-weighted decibel level) Specifically, ambient noise levels along transportation arteries in the Hollywood Community Plan Area (i.e., Western Avenue, Sunset Boulevard, and Hollywood Boulevard), which are similar in nature to the segment of North Western Avenue fronting the Project site, were measured to be approximately 70 dBA L_{eq} . Therefore, an ambient noise level of 70 dBA L_{eq} was determined to be an appropriate approximation of the ambient noise level at the Project site for use in the Project's noise analysis.

In addition, according to the California Department of Transportation's *Technical Noise Supplement to the Traffic Noise Analysis Protocol* (2013), noise levels in "commercial areas" are typically around 65 dBA L_{eq} , and daytime noise levels in "noisy urban areas" are typically around 75 dBA L_{eq} .² The Project site is located one block north of Sunset Boulevard (the intersection of which provides access to major commercial development including a Target, Food 4 Less, WSS, McDonalds, Walgreens, and several other stores and restaurants) and two blocks south of Hollywood Boulevard (the intersection of which provides access to several mid-rise apartment buildings, retail stores, and restaurants as well as the Hollywood/Western stop for the LA Metro B Line). Given its proximity to and connection between these major thoroughfares serving substantial residential and commercial development, the Project site is located in a "noisy urban area" in which ambient noise levels of up to approximately 75 dBA L_{eq} are typical. Therefore, the estimated ambient noise level of 70 dBA L_{eq} for the Project site is consistent with estimated ambient noise levels for similar land uses as reported by the California Department of Transportation, which further supports its use as an appropriate approximation of the ambient noise level at the Project site.

Furthermore, the Project site is not located in close proximity (i.e., within 500 feet) of substantial vibration-generating land uses, such as heavy manufacturing processes or rail operations. Therefore, it is reasonable to assume that ambient vibration levels are negligible, and no ambient vibration measurements are necessary to complete an adequate vibration analysis for the Project.

Comment 2

As previously noted, the city failed to require an adequate noise and vibration analysis, instead presenting a report that quoted ambient noise levels measured from other developments located between six blocks and 1.3 miles from the project site. No analysis was conducted of noise that would emanate from the proposed rooftop bar/lounge. [Page 10 of Appeals Letter]

¹ City of Los Angeles. 2018. Hollywood Community Plan Update Draft Environmental Impact Report. Available at: https://planning.lacity.org/eir/Hollywood_CPU/Deir/Hollywood%20Community%20Plan%20Update%20Index.html.

² California Department of Transportation (Caltrans). 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September 2013. <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tens-sep2013-a11y.pdf> (accessed January 2022).



Response 2

Please refer to Response 1 for a discussion of ambient noise levels at the Project site. Section XIII, *Noise*, of the Final IS-MND adopted for the Project evaluated noise generated by the proposed rooftop bar/lounge in the following excerpt:

Outdoor Use Areas

Outdoor uses associated with the proposed Project would include outdoor use areas at the second floor along the North Western Avenue and West Harold Way frontages and a roof top lounge. Conversations in the outdoor use areas would generate similar noise levels as existing residential and hotel uses adjacent to the site. Operational noise associated with use of rooftop lounge would include social conversations and live music events two to three times per week. However, noise from social conversations, live music, or other sound-generating equipment would be an intermittent and temporary noise source and is within 1,000 feet of similar uses including a bar, cocktail lounge, and two restaurants. In addition, LAMC §112.01 (see RCNM-NOI-5), which prohibits noise from radios, musical instruments, television sets, and other sound-amplifying devices from being audible at a distance in excess of 150 feet from the property line of the noise source within 500 feet of any residential zone or from exceeding the ambient noise level on the premises of any other occupied property. Therefore, operational noise impacts associated with the proposed outdoor uses would be less than significant.

Although the Final IS-MND mentioned that live music events and other sources of amplified music would be part of activities at the proposed rooftop lounge/bar, the project has since been conditioned to prohibit live music events to be held on-site. Condition #16 of the Conditions of Approval prohibits live entertainment or amplified music in any of the unenclosed or outdoor areas of the facilities. Condition #20 further prohibits live entertainment of any kind on the premises including, but not limited to, patron dancing, live music, disc jockey, jukebox, or karaoke nights. Therefore, the project would not result in an increase in existing ambient noise levels due to live entertainment or amplified music, and noise generated by use of the rooftop bar/lounge would be limited to social conversations between patrons. Noise generated by patrons' conversations at the proposed rooftop bar/lounge would be further minimized by compliance with Condition #11, which states that the covered bar and lounge area must be designed to be able to be fully enclosed with noise-attenuating features (physical as well as operation) and that a minimum six-foot-high glass wall must be installed around the perimeter of the rooftop deck. In addition, the project would be regulated by LAMC Section 112.01, which prohibits noise from radios, musical instruments, television sets, and other sound-amplifying devices from being audible at a distance in excess of 150 feet from the property line of the noise source within 500 feet of any residential zone or from exceeding the ambient noise level on the premises of any other occupied property, as well as LAMC Section 116.01, which prohibits any person from willfully making or continuing, or causing to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Moreover, as stated in the Final IS-MND, noise from the rooftop bar/lounge would be an intermittent and temporary noise source, and the project would be within 1,000 feet of similar uses including a bar, cocktail lounge, and two restaurants that generate similar levels of noise such that the addition of the proposed project would not generate a substantial permanent increase in ambient noise levels in the vicinity of the project site in excess of local standards. Therefore, operational noise associated with the proposed outdoor uses, including the use of



the rooftop bar/lounge, has been adequately analyzed, and the project would not result in a significant environmental impact related to operational noise.

Please do not hesitate to contact us if you have any questions regarding these responses.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in cursive script that reads "Annaliese Miller".

Annaliese Miller
Environmental Planner

A handwritten signature in cursive script that reads "Deanna Hansen".

Deanna Hansen
Principal