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February 9, 2022
Project No: 20-09256

Phil Patel
1536 North Western Avenue
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Via e-mail: philpatel@aol.com

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