



Elizabeth Peterson Group, Inc.

CF-17-0927

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September 26, 2017

Zina H. Cheng  
Deputy City Clerk, Planning and Land Use Management Committee  
Clerk.plumcommittee@lacity.org  
(213) 978-1074

Re: ENV-2016-4752-CE – Response to Appeal

Dear Honorable PLUM Committee:

This responds to the appeal filed by Michel Ohana ("**Appellant**") challenging the determination of the Central Los Angeles Area Planning Commission ("**CLAAPC**") in approving the above-referenced Categorical Exemption (Class 32 for urban infill projects) as the environmental clearance for the adaptive reuse hotel project at 1543 W. Olympic (the "**Project**").

As set forth in greater detail below, the pending appeal of the environmental clearance should be denied.

**1. SUMMARY OF THE APPROVAL**

Union & Grattan Properties, LLC ("**Applicant/Owner**") proposes to adaptively reuse the building located at 1543 W. Olympic Blvd. The site is improved with a 5-story building with a 3-story parking garage. The subject site is located outside the Downtown Project Area, however the building meets the criteria for adaptive reuse under the Adaptive Reuse Ordinance because the building was constructed before July 1, 1974. The building was built in 1965. It is an ideal setting for the adaptive reuse of the building into a thoughtful, design-driven boutique hotel with food and beverage service – a concept that the Applicant has successfully implemented in other hotels in Los Angeles.

On July 24, 2017, the CLAAPC denied an appeal filed by Unite Here Local 11 challenging the Zoning Administrator approval on May 19, 2017. The CLAAPC approved the environmental clearance and sustained the Zoning Administrator's Determination to allow the adaptive reuse of the Project, conditional use permits to allow the service of alcohol for hotel restaurant and café, a hotel rooftop restaurant and garden terrace, as well as a conditional use to permit a hotel within 500 feet of an R-zoned property. The ZA imposed strict conditions on the operation specifically tailored to this Project,



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and adopted a Categorical Exemption (“CE”), concluding the fact that the proposed Project is the adaptive reuse of an urban infill building, and the fact that the hotel use would be less environmentally impactful than the prior office use, that the project would not have any significant environmental impacts, and was in fact, categorically exempt from CEQA review, as per state law. The CLAAPC denied the appeal and sustained the ZA’s determination, adopted all required findings, and issued its determination letter on July 24, 2017 (the “CLAAPC approval”). An appeal filed by Michel Ohana challenging the CLAAPC’s action was filed on July 31, 2017 (the “Appeal”).

## **2. THE APPEAL SHOULD BE DENIED**

### **a. Response to the Appeal**

#### ***i. Appellant’s Traffic Concerns are Speculative and Unsupported***

On September 13, 2017, Weston Pringle with LADOT issued a Department of Transportation Referral Form confirming that the project was exempt from traffic study requirements, due to the existing use office trip credit being greater than the amount of trips generated by the proposed hotel use.

#### ***ii. Appellant’s Noise Concerns are Speculative and Unsupported***

Appellant’s speculative concerns about noise are not supported by any relevant evidence. The Appeal speculates without any supporting evidence that the approval of the Project and the conversion from office use to hotel use “will increase the activity level at the site, and therefore will increase the impact of noise on the surrounding community.” Despite the lack of evidence, the Appellant speculates that “whereas an office building operates during typical work hours, the hotel will have extended operating hours and will potentially cause more noise.” Yet the Appeal presents no evidence whatsoever of any noise impacts from other hotel adaptive reuse projects.

The best evidence that the Project poses no noise concerns is the property line assessment provided by Veneklasen Associates (VA) dated September 25, 2017. The project includes an installation of a rooftop restaurant and garden terrace – whereas the restaurant will be enclosed and the garden terrace will be open to the sky. Both spaces will have amplified background music but live music events are not planned or allowed in the ZA entitlement. VA utilized noise models for the rooftop acoustics and concluded since the ambient noise levels are predominantly a result of traffic noise, the ambient noise will follow the same patterns as traffic noise. The criteria are that the noise from music on the rooftop deck as measured at the neighboring properties shall not exceed 70 Dba during the day time and 62 dba during the night time. The amplified sound system is intended for background music and not program audio, voice or live performance. VA concluded that the background music systems are typically set to a level that is well below the allowable limits.

Additionally, more evidence that the Project poses no noise concerns is the absence of any concerns expressed by the Los Angeles Police Department (“LAPD”). The Applicant and the Applicant’s representatives met with LAPD’s Sergeant Min, Officer-in-Charge, of the Rampart Area Vice Unit, to

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tour the Project site. The LAPD also reviewed the application and the conditions of approval. As a result, the LAPD was satisfied with the noise aspects of the project and did not oppose the application or express any concern regarding the application. The ZA and CLAAPC also cite the Project will be subject to the City of Los Angeles' regulations for construction, especially noise and dust, and will be subject to the noise ordinance of the City (ZA Approval, Condition #10).

Furthermore, the ZA and CLAAPC imposed conditions assuring the peaceful enjoyment in the vicinity, and the LAPD required a security plan be submitted and reviewed to ensure the hotel operates safely, prevents and mitigates noise or other negative activities. The ZA imposed a condition that the operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially noise derived from patron entry and exiting (ZA Approval, Condition #21). If at any time operation of the Project disrupts or interferes with peaceful enjoyment in the vicinity, then the ZA has the right to require a Plan Approval process and impose additional conditions (ZA Approval #12). The ZA required the Applicant to not permit any loitering on the premises or on property adjacent to the premises (ZA Approval, #34). The ZA also imposed a condition limiting any background music or other amplified recorded-music shall not be audible beyond the area under control of the Applicant (ZA Approval, #26).

Clearly, the ZA gave careful consideration to noise concerns and imposed significant conditions and requirements addressing noise prior to approving the Project. In stark contrast to the lack of evidence supporting the Appeal, substantial evidence supports the ZA's determination to approve the Project.

***iii. Substantial Evidence Set Forth in the ZA Findings Demonstrate that the Project Area is Not Unduly Over-Concentrated with Alcohol Licenses***

The ZA carefully considered the issue of over-concentration of alcohol licenses in the Project area, and rightly concluded that although the number of alcohol licenses in the area exceeds the number allotted by census tract; this overconcentration is not an undue overconcentration.

"Over-concentration can be undue when the addition of a license will negatively impact a neighborhood. Over-concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Although the census tract is numerically over-concentrated, the project will not adversely affect the community because the proposed hotel is a desirable and needed use on a corridor designated for such uses.

(ZA Approval, Finding 5, pg. 20 [emphasis added].)

Contrary to the Appellant's mere speculation that over-concentration of alcohol licenses will jeopardize public safety, the ZA property considered the question of over-concentration within the context of a commercial area and in light of alcohol-related crime statistics in the vicinity of the Project. For the following reasons, the ZA rightly determined that the over-concentration of alcohol licenses in this census tract is not undue:



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- Given the size of the Project's proposed restaurant and its association with the proposed hotel, the sale and consumption of alcohol is not expected to add to the existing crime levels in the area
- The Project will enhance public safety.
- No evidence was submitted by LAPD or adjacent residents indicating or suggesting any link between the subject site and the neighborhood's above average crime rate.

Appellant's may disagree with the ZA and speculate that adverse impacts may arise, but Appellant's mere disagreement with the ZA and its speculation without evidence is not a sufficient basis to overturn the thoughtful and considered determination by the ZA.

***iv. Appellant's Cumulative Impact Concerns are Speculative and Unsupported***

The Project is considered Categorical Exempt from consideration of project impacts under CEQA, due to its minimal impact, therefore no cumulative impact has been identified. The project reuses an existing blighted building occupying a block of Westlake South within the Central City West area. This project will brighten and restore and improve the public safety and welfare.

**c. Substantial Evidence Supports the ZA Approval**

In contrast to the dearth of evidence supporting the Appeal, there is substantial evidence supporting the ZA Approval. The ZA Approval sets forth substantial evidence supporting the ZA's Findings and a LADOT review demonstrates that the existing use trips are greater than the amount of trips generated by the proposed hotel use. The APC must not accept mere speculation as evidence and must deny the Appeal for failure to provide any evidence supporting its speculative noise and traffic concerns.

**3. CONCLUSION**

Thank you for your careful consideration of the Appeal and of the Project. We respectfully request that you deny the Appeal in its entirety and uphold the thoughtful and thorough ZA and CLAAPC approval.

With respect,  
Elizabeth Peterson

cc: Henry Chu, Associate Zoning Administrator  
Union & Grattan Properties, LLC





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Re: ENV-2016-4752-CE – Veneklasen Associates (VA) Property Line Noise Assessment

Dear Honorable PLUM Committee:

Please see the enclosed property line noise assessment prepared by Veneklasen Associates, dated September 25, 2017.

With respect,  
Elizabeth Peterson

cc: Henry Chu, Associate Zoning Administrator  
Union & Grattan Properties, LLC



September 25, 2017

**Elizabeth Peterson Group, Inc.**  
400 S. Main Street, 808  
Los Angeles, California 90013

Attention: **Nick Leathers | Planner**

Subject: **1543 W. Olympic Blvd; Los Angeles, California**  
**Property Line Noise Assessment**  
**VA Project No. 6901-001**

Dear Nick:

Veneklasen Associates (VA) provides the following property line noise assessment for the 1543 W. Olympic Boulevard Rooftop Restaurant/Garden Terrace project. The project includes an installation of a rooftop restaurant and garden terrace on the 1543 W. Olympic Blvd property. The restaurant will be enclosed and the garden terrace will be open to sky. Both spaces will have amplified background music, but live music events are not planned.

The closest adjacent property is an eight-story residential complex directly to the east of the project site. Additionally, there are commercial buildings to the south and the west of the project site as well as an elementary school at the south-east corner of the project site. The project and the adjacent buildings are in a commercial zone.

#### **Criteria**

The City of Los Angeles Municipal Code chapter 11 governs allowable sound levels. The requirement for the level from amplified music is set forth in section 112.01(a) and (c), which state:

- It shall be unlawful for any person within any zone of the City to use or operate any... machine or device for the producing, reproducing or amplification of the human voice, music, or any other sound, in such a manner, as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area. Any noise level caused by such use or operation which exceeds the ambient noise level on the premises of any other occupied property...by more than five (5) decibels shall be a violation of the provisions of this section.*

"Ambient Noise" is defined in section 111.01(a) as "the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured. Ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured." Section 111.03 additionally specified that when the ambient noise level is below the presumed ambient noise level, the presumed ambient shall be used. The presumed ambient noise level during daytime (7 a.m. – 10 p.m.) is 60 dBA for commercial zones and 50 dBA for residential zones; during nighttime (10 p.m. – 7 a.m.), it is 55 dBA for commercial zones and 40 dBA for residential zones.

VA has utilized the Traffic Noise Model computer software program developed by the FHWA (Federal Highway Administration TNM 2.5) in order to predict vehicular noise levels at the project site. This model provides an accurate estimate for the ambient noise present at the project site. Traffic counts for local streets were obtained from the Los Angeles Department of Transportation.

Since the ambient noise levels are predominately a result of traffic noise, the ambient noise will follow the same patterns as traffic noise. Daytime noise levels tend to decrease throughout the evening since traffic



decreases in the evening. The FHWA model estimates a daytime (7 a.m. and 10 p.m.) ambient noise level of 65 dBA and a nighttime (10 p.m. and 2 a.m.) ambient noise level of 57 dBA. It is assumed that the amplified music will end by 2 a.m..

Therefore, the criteria are that the noise from music on the rooftop deck as measured at the neighboring properties *shall not exceed 70 dBA during the daytime and 62 dBA during the nighttime.*

**Analysis**

VA assumes the rooftop garden will have a distributed loudspeaker system. The calculations assume loudspeakers will be aimed towards the center of activity in the restaurant or garden and away from the property lines.

VA calculated the difference in noise level between the rooftop restaurant/garden and the neighboring buildings. The sound system noise level is measured at the edge of the rooftop, approximately 15 feet from the edge of the seating area where loudspeakers would likely be placed. Based on these calculations, Table 1 indicates the maximum allowable rooftop noise levels that will satisfy the municipal code requirements.

**Table 1: Sound System Noise Limits (dBA)**

Time of Day	Maximum Allowable Receiver Levels	Sound System Noise Limits
Daytime (prior to 10 p.m.)	70	80
Nighttime (10 p.m. – 2 a.m.)	62	72

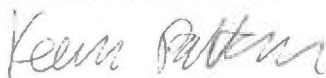
**Conclusion**

The audio system on the patio should include a limiter so that the sound level does not exceed the values in Table 1, as measured at the edge of the roof.

It is our understanding that the amplified sound system is intended for background music and not program audio, voice, or live performance. Our experience is that background music systems are typically set to a level of about 65 dBA, which is well below the allowable limits.

If you have any questions, please do not hesitate to call.

Sincerely,  
**Veneklasen Associates, Inc.**



Kevin Patterson  
 Associate



Wayland Dong  
 Associate Principal



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Re: ENV-2016-4752-CE – Department of Transportation Referral Form

Dear Honorable PLUM Committee:

Please see the enclosed Department of Transportation Referral Form. On September 13, 2017, Weston Pringle with LADOT issued a DOT Referral Form confirming that the project was exempt from traffic study requirements, due to the existing use office trip credit being greater than the amount of trips generated by the proposed hotel use.

With respect,  
Elizabeth Peterson

cc: Henry Chu, Associate Zoning Administrator  
Union & Grattan Properties, LLC





**REFERRAL FORMS:**

**DEPARTMENT OF TRANSPORTATION REFERRAL FORM:  
TRAFFIC STUDY ASSESSMENT**

The Department of Transportation (DOT) Referral Form serves as an initial assessment to determine whether a project requires a traffic Study.

Prior to the submittal of a referral form with DOT, a Planning case must have been filed with the Department of City Planning, and:

- The referral form must be accompanied by a proof of filing of an Environmental Assessment Form (EAF) or Environmental Impact Report (EIR) for a project with new floor area, change of use, new construction; and
- Project exceeds a threshold as listed in the "Traffic Study Exemption Thresholds"

**NOTES:**

1. All new school projects, including by-right projects, must contact DOT for an assessment of the school's proposed drop-off/pick-up scheme and to determine if any traffic controls, school warning and speed limit signs, school crosswalk and pavement markings, passenger loading zones and school bus loading zones are needed.
2. Unless exempted, projects located within a transportation specific plan area may be required to pay a traffic impact assessment fee regardless of the need to prepare a traffic study.
3. Pursuant to LAMC Section 19.15, a review fee payable to DOT may be required to process this form. The applicant should contact the appropriate DOT Development Services Office to arrange payment.
4. DOT's Traffic Study Policies and Procedures can be found at <http://ladot.lacity.org>, under "B-Permit & Traffic Studies."

**RELATED CODE SECTION/ORDINANCE:** LAMC Section 16.05; various ordinances

**SPECIALIZED REQUIREMENTS:** When submitting this referral form to DOT, include the documents listed below:

- Copy of completed Planning Department Master Land Use Permit Application (CP-7771)
- Copy of a fully dimensioned site plan showing all existing and proposed structures, parking and loading areas, driveways, as well as on-site and off-site circulation.
- If filing for purposes of Site Plan Review, a copy of the completed Site Plan Review Supplemental Application (CP-2150)

**DOT DEVELOPMENT SERVICES DIVISION OFFICES:** Please route this form for processing to the appropriate DOT Office as follows:

**Metro**

213-972-8482  
100 S Main St, 9<sup>th</sup> Floor  
Los Angeles, CA 90012

**West LA**

213-485-1062  
7166 W Manchester Blvd  
Los Angeles, CA 90045

**Valley**

818-374-4699  
6262 Van Nuys Blvd, 3<sup>rd</sup> Floor  
Van Nuys, CA 91401

**TO BE VERIFIED BY CITY PLANNING STAFF PRIOR TO DOT REVIEW  
PROJECT INFORMATION**

Case Number: 2016-4751-CU-CUB-ZAD

Project Address: 1543 W. Olympic Bl

Project Description: Adaptive reuse and change of use of office space to 200 hotel guest rooms with ground floor retail space.

**TO BE COMPLETED BY DOT STAFF:  
TRIP GENERATION CALCULATION**


	Land Use (list each use)	Size / Unit	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Proposed	Hotel	200 Rooms	1634	106	120
	Restaurant	13200 SF	1187	11	99
	<i>Total new trips:</i>		2821	117	219
Existing	Restaurant	4120 SF	371	3	31
	Office	111487 SF	1230	174	166
	<i>Total existing trips:</i>		1601	177	197
<i>Net Increase / Decrease (+ or -)</i>			1220	-60	22

DOT  
Comments: \_\_\_\_\_

*Please note that this form is not intended to address the project's site access plan, driveway dimensions and location, internal circulation elements, dedication and widening, etc. These items require separate review and approval by DOT.*

Transportation Specific Plan Area:      Yes       No   
Fee Calculation:

Traffic Study Required:      Yes       No

Prepared by DOT Staff:      Name: Weston Pringle      Phone: 213-972-8482  
Signature:       Date: 09/13/17