

**From:** David Carrera <davidcarrera@prodigy.net>  
**Sent time:** 10/12/2020 10:33:24 AM  
**To:** Mindy Nguyen <mindy.nguyen@lacity.org>  
**Subject:** CPC-2018-2114-DB-CU-MCUP-SPR, Hollywood Center  
**Attachments:** =UTF-8bQ1BDLTIwMTgtMjExNC1EQi1DVS1NQ1VQLVNQUigxKSS

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Hello Mindy,

Attached is my letter with my concerns for CPC-2018-2114-DB-CU-MCUP-SPR, Hollywood Center Project.

Can you please respond you received it and that it's been added to the file?

Thanks,

David Carrera

Mindy Nguyen  
City of Los Angeles, Department of City Planning  
221 N. Figueroa St., Suite 1350  
Los Angeles, CA 90012

October 8, 2020

RE: CPC-2018-2114-DB-CU-MCUP-SPR

Dear Ms. Nguyen and/or other appropriate City Planners,

I, and my neighborhood, have some serious concerns about CPC-2018-2114-DB-CU-MCUP-SPR and related cases that are before you. The overriding worry has to do with operational noise from the rooftop/pool deck on the West Site Podium. I hope you're aware that there's an over-concentration of alcohol sales in Hollywood. The community is vastly impacted from the negative effects of so much alcohol and the people and behavior that it attracts. Noise is one of the greatest impacts that the people who live here deal with. Outdoor/rooftop locations are the most egregious creators of this disruptive and invasive noise. Outdoor ground level spaces have been horrible enough, but once the source of the noise is outside and put up into the air, even 30 feet up, it multiplies the problem. Add alcohol into the mix and the Project's pool deck could become a nightmare for the neighbors. It is a basic fact of life that people are louder when they are drinking alcohol. Two rooftop uses in the recent past, The Kress and Draï's at the W Hotel, both caused awful problems. I used to hear the Kress every night it was open and it was on Hollywood Blvd. and well over 1600 feet away from our house (per Zimas). The rooftop was entitled and sworn to be a quiet bar for 36 people with "background, ambient music only", but soon after opening it became a full-on nightclub with blasting music and flashing lights.

Currently we are experiencing problems from the Dream Hotel's rooftop at 6417 Selma. Though the intent of its CUB conditions are clearly for it not to be a disruption, it is being operated at night as a nightclub, and has been a disruption. It can serve alcohol till 2AM and has a 4AM closure. It lacks tight, detailed conditions, and has no expiration, hence no incentive to operate responsibly. If it had a earlier closure, this would not be happening. Nightclubs, including this one, don't even start to get loud and packed until 11:30PM-12 midnight. During entitlement, they swore and promised repeatedly that the rooftop would not be a nuisance. It is and has been since it's third day of opening. It clearly operates as a nightclub. When I am impacted by noise, I just do not guess who the violator is. When I have the energy and intend to complain, I get up and trace the noise. After lying in bed past midnight and hearing songs clear as day, I have traced the noise many, many times to the Highlight Room. I am 1,409-feet away, according to Zimas. Two videos have been posted to Youtube documenting the noise from Dream Hotel from almost a half mile away! Please see

<https://www.youtube.com/watch?v=upVgkM5RDjg&feature=youtu.be>  
<https://www.youtube.com/watch?v=TLmLFZVjyOM&feature=youtu.be>

It is not just rooftop bars that have been a problem, but bars outdoors of any kind that are not properly conditioned. At 1430 Cahuenga is a nightclub called Lure with an outdoor patio that for years we've had terrible noise issues with. I live over 1000- feet away (according to Zimas) and this is what I often experience: With the TV on, I will hear and feel a thumping bass and music that sounds like someone is parked in front of our house blasting their car stereo. See case file ZA 2004- 5422(CUB)(ZV)(PA2) for more details of the problems we experience here. These are not one-off anecdotes but are quite common with outdoor/rooftop spaces. Rooftop uses are generally harder to trace if and when they become a problem, and the LAMC noise ordinance is all but useless. How does one measure DB levels at the property line when the source is 160-feet in the air? In general, noise impacts are very erratic, arbitrary, and unpredictable. One location will be greatly impacted and a few feet away it will be minimal. Noise issues can change with the weather and which way the wind is blowing. When nightclubs

and bars are at ground level, at least the noise is easily traced and more predictable and contained, but when raised in the air the impacts change and so does any accountability. Furthermore, a lot of operators don't care about noise violation tickets, figuring it as the cost of doing business and in no way are citations a disincentive for them. Events might earn the operator tens of thousands (even hundreds of thousand) of dollars a night, why would they care about a \$200 ticket? Regardless, there is scarce and difficult enforcement for these quality of life issues, which is why the discretionary actions before you should be carefully considered and responsibly decided. Hollywood has seen an explosion of hotel-with-activated-rooftop-development projects in the last couple years with at least 6 other hotel rooftops within 500-feet of this hotel. When the radius is widened out to 1,500- feet, there are at least 10. This is an important and significant fact. So many rooftops serving alcohol will clearly have a cumulative noise impact, and with so many competing potential suspects, make enforcement of noise regulations daunting if not outright impossible.

There are only a few conditions in a Zoning Administrators tool bag to prevent these locations from becoming de facto nightclubs. They are an earlier closing time, no Live Entertainment/DJ, no amplified music, and no cover charge/restricted access. CUB's should have effective, all-encompassing, comprehensive conditions for a worst-case scenario. Many CUB's lack them and it makes enforcement frustrating and exhausting, and a waste of resources in time and money for LAPD and the City.

It is also easier to apply conditions ahead of time than try and add them after problems arise. Getting a bad operator to comply and be a good neighbor is not an easy task. Not only does it require a lot of resources from LAPD, Building and Safety, and Planning, it is not an expeditious process. Revocation of a grant typically takes 3-6 years. In the meantime, neighbors and the community suffer.

### **Conditional Use Beverage LAMC Section 12.24-W,1,**

- 1.) *that 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.*

A rooftop with alcohol service will NOT provide a service that is essential, and especially will NOT be beneficial to the community. It will have the great potential to be a nuisance to the community by disturbing thousands of residents in the quiet enjoyment of their property. Both food and alcohol are readily and widely available in the immediate area, so the project will not be providing any service to the community than the community already has in abundance.

- 2.) *that 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 operation and significant feature of rooftop alcohol sales will degrade the surrounding neighborhood, both commercial and residentially zoned. More alcohol in an already alcohol over-concentrated area will further jeopardize public safety via drunk driving, and the accompanying crime and behavior that goes along with so much alcohol consumption.

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

The project does NOT conform to the purpose, intent or provision of the General Plan. Chapter III of the Noise Element of the General Plan states that the Goal of the Plan is " A City where noise does not reduce the quality of urban life." Objective 2 (Non airport) of the Plan states " Reduce or eliminate nonairport related intrusive noise, especially relative to noise sensitive uses." The Policy states " 2.2 Enforce and/or implement applicable city, state and federal

regulations intended to mitigate proposed noise producing activities, reduce intrusive noise and alleviate noise that is deemed a public nuisance.” Objective 3 (Land Use Development) of the Plan states “Reduce or eliminate noise impacts associated with proposed development of land and changes in land use”, and the Policy states “Develop land use policies and programs that will reduce or eliminate potential and existing noise impacts.” A rooftop bar and special events will create intrusive noise for all the surrounding residential areas within 2000 feet, possibly further. A rooftop use with just 100 people only talking and under the influence of alcohol could easily affect residential area within 1000 feet, depending on weather. This is one reason why LAMC requires a variance for outdoor eating area above ground level. Any rooftop use does not conform in any way to the General Plan cited above.

In the 1988 Hollywood Community Plan, Objective #3 states “To encourage the preservation and enhancement of the varied and distinctive residential character of the Community...”. Under the Policies Chapter, Land Use, Commerce, Features headings, the Plan states for the Hollywood Center (both sides Hollywood and Sunset Blvds., between La Brea and Gower) that “Future development should be compatible with existing commercial development, surrounding residential neighborhoods...Developments combining residential and commercial uses are especially encouraged in this Center area.”

Any rooftop bar use, with or without live entertainment, amplified music, special events, etc. will not enhance any surrounding residential community and is against the idea for the Center to be built with residential and commercial uses that coexist and operate in harmony with each other as the Plan desires.

The three additional Findings required for alcohol use (and my response):

*1.)that the proposed use will not adversely affect the welfare of the pertinent community;* Rooftop alcohol sales and consumption will negatively affect the community, as has already been stated, and as has already been demonstrated in the past at such venues as The Kress (6608 Hollywood Blvd.). This type of use will cause the surrounding residential areas to deteriorate. Quiet, law abiding and beneficial persons being negatively impacted from rooftop intrusive noise will abandon the community and move to areas without such problems. The only people who will want to live here will be young and here to “party”. I have seen this happen in subneighborhoods and certain apartment buildings in Hollywood for the last 12 years. The good residents leave because of all the nightclubs, noise, drinking and partying that goes on in Hollywood. This is a fact and the results of rooftop CUB’s do not need speculation or hypothesis. We know what happens when people and alcohol and elevation are combined in the out of doors. Residents and community suffering is the outcome.

*2.)that 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;*

There is an overconcentration of alcohol licenses in the area. Census Tract 1907 has 54 on-sale retail licenses! This more than abundantly serves the public convenience. The Census Tract is permitted to have a maximum of 3 on-site licenses. The Census Tract does not need one more and aside from this application before you there are many more in the planning stages. This is

an overconcentration by any definition and the weight of so many establishments is crushing the area. It does not need one more.

*3.)that 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 proposed use WILL detrimentally affect nearby residentially zoned communities because it is an outdoor bar and special events that is not enclosed and 100 feet in the air. This fact has been demonstrated over and over in the immediate area as already stated in this letter and including one-block away at the Dream Hotel.

Based on the foregoing facts and testimony, I urge you to DENY any rooftop CUB because of potential noise impacts.

In Los Angeles we all argue over the impacts of new projects. Historical Preservation, parking, traffic, affect us all equally and in our shared spaces. But noise intrusion into someone's home is a completely different thing. I think it is reasonable, and a right, to want to enjoy one's private personal home without someone or something entering and disturbing us.

Thank you for your time,

David Carrera  
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