

Communication from Public

Name:

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Council File No: 21-1502

Comments for Public Posting: Please find attached our office's supplemental comment letter for council file no. 21-1502. Thank you.

P: (626) 314-3821
F: (626) 389-5414
E: info@mitsailsailaw.com



Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL AND E-SUBMISSION

June 2, 2023

City Clerk
City Hall, Room 395
200 N. Spring Street
Los Angeles, CA 90012
E-submission: www.LACouncilComment.com
Em: holly.wolcott@lacity.org

**RE: Planning and Land Use Management Committee Appeal Hearing
– City of Los Angeles’ 1321 North Virgil Avenue Project**

Dear Planning and Land Use Management Committee,

On behalf of the Southwest Mountain States Regional Council of Carpenters (“**Southwest Mountain States Carpenters**” or “**SWMSRCC**”), my Office is submitting these supplemental comments for the City of Los Angeles’ (“**City**”) **June 6, 2023** Planning and Land Use Management (“**PLUM**”) Committee meeting for the appeal of the approved 1321 North Virgil Avenue Project (“**Project**” or “**Revised Project**”).

As part of the Hollywood Presbyterian Medical Center (“**HPMC**”) campus, the Project calls for the construction of three (3) levels of “medical office and clinic uses, containing 95,995 square feet of floor area . . . on top of an existing parking structure approved in Case DIR-2015-309-SPPA-SPA . . .”¹

The Southwest Mountain States Carpenters is a labor union representing 63,000 union carpenters in 10 states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

¹ City of Los Angeles, *Project Permit Compliance/ Specific Plan Exception/ Site Plan Review Findings HPMC Building Project* (Mar. 2020), available at <https://planning.lacity.org/pdiscaseinfo/document/NzU1NjU0/4596a256-522b-4c94-acc5-77ce1b3c8ef1/submit> (accessed on Apr. 24, 2023).

Individual members of SWMSRCC live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

The Southwest Mountain States Carpenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

The Southwest Mountain States Carpenters incorporates by reference all comments raising issues regarding the Addendum submitted prior to certification of the Addendum for the Project. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, the Southwest Mountain States Carpenters requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

I. THE PROJECT VIOLATES THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BECAUSE THERE IS SUBSTANTIAL EVIDENCE TO SUPPORT A FAIR ARGUMENT THAT THE PROJECT MAY HAVE SIGNIFICANT IMPACTS, REQUIRING AN ENVIRONMENTAL IMPACT REPORT AS A MATTER OF LAW

A. Background Concerning the California Environmental Quality Act

The California Environmental Quality Act is a California statute designed to inform decision-makers and the public about the potential significant environmental effects of a project. 14 California Code of Regulations (“**CEQA Guidelines**”), § 15002, subd.

(a)(1).² At its core, its purpose is to “inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made.” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.

B. There Is a Fair Argument that the Project May Have Significant and New Noise Impacts That Were Not Identified, Studied or Mitigated in the 2015 Initial Study and Mitigated Negative Declaration

As previously discussed in our Office’s May 25, 2023 comment letter, incorporated by reference herein, the Revised Project may have significant and new noise impacts in addition to those discussed or mitigated in the 2015 IS/MND Declaration (“**IS/MND**” or “**2015 IS/MND**”) for the previously approved 2015 Project (“**Approved Project**”).

According to the May 31, 2023 expert opinion provided by the Transportation, Acoustics, and Air Quality expert Bryan Estrada³ of RK Engineering Group, Inc. (“**RK Engineering Letter**”), the Project’s Noise Study relied upon by the City is flawed and has failed to disclose all potential noise impacts from the Project’s construction and operation, and therefore, additional analysis and mitigation measures are necessary. *See, Exhibit A* (RK Engineering Letter).

First, as detailed by expert Bryan Estrada in the RK Engineering Letter, the Noise Study for the Revised Project “utilizes the incorrect thresholds of significance for determining impacts from construction noise. The City of Los Angeles has established thresholds of significance in the *L.A. CEQA Thresholds Guide, Your Resource for Preparing CEQA Analyses in Los Angeles, City of Los Angeles, 2006* (hereinafter referred to as LA CEQA Guide).” *See, Exhibit A*, pp. 5-6. Thus, the RK Engineering Letter concludes that the Revised Project’s Noise Study has not used the LA CEQA Guide significance thresholds and therefore the Project’s noise impacts associated with construction have not been properly analyzed based on the City’s applicable standards. *Id.*

Second, and as addressed in the RK Engineering Letter, the Project’s Noise Study also inaccurately assesses the noise impacts that the Project’s construction activities will

² The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 et seq., are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. Cal. Pub. Res. Code, § 21083. The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 217.

³ *See, <https://rkengineer.com/about-us/>.*

have on the surrounding residential properties located at the south end of the Project Site. **Exhibit A**, *supra*, at p. 7. According to the RK Engineering Letter, “[t]he Noise study only considers the noise level impacts from a crane stationed on De Longpre Avenue as the sole source of on-site noise during building construction” while failing to consider the noise from the “on-site pneumatic tools, generators, welders, impact devices, or lifts . . .” *Id.*

Third, the noise impact levels were calculated at *110 feet* away from the neighboring residential properties although the homes are situated *within fifteen (15) feet* of the existing parking structure where the Project will be constructed. *Id.* Thus, according to the RK Engineering Letter, “[t]he Noise Study grossly underestimates the type of activity that will occur on-site and the distance from which it will occur to the adjacent noise sensitive receptors.” *Id.* Therefore, the RK Engineering Letter concludes that the Project’s noise analysis underestimates the Project’s potential noise impacts. *Id.*

Fourth and finally, according to the RK Engineering Letter, the Noise Study “does not provide an adequate analysis of how construction noise levels will be reduced by the noise reduction techniques within the Construction Management Plan.” **Exhibit A**, *supra*, at p. 7. The RK Engineering Letter points out that the referenced noise barriers to be used for reducing noise levels are inadequate as most of the Project’s construction activities will occur more than forty (40) feet above ground level, where such ground level barriers would become ineffective. *Id.* Thus, the RK Engineering Letter calls for the use of a “detailed and quantified noise modeling analysis” in order to show how all construction activity noise will be mitigated to a level of less than significant per the requirements of the LA CEQA Guide. *Id.*

The expert opinion in the RK Engineering Letter is also consistent with CEQA and case law, which require that, to qualify a Project for a mitigated negative declaration, the proposed revisions or mitigation measures in the Project “would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur...” CEQA Guidelines § 15369.5; *see also, California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 210 (regulatory compliance may be inadequate to mitigate impacts for CEQA purposes); *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 17 (agency “abused its discretion by relying on DPR’s regulatory scheme as a substitute for performing its own evaluation of the environmental impacts....” *Id.* at 16].) Here, in light of the noted

inaccuracies, there is no such certainty or showing as to whether the noise impacts would indeed be reduced to the level of insignificance.

As such, the Project may have significant and adverse noise impacts on human beings, including hospital patients and staff of the HPMC hospital, requiring mandatory findings of significance. CEQA Guidelines § 15064(a)(4) (mandatory findings of significance and an EIR are required if “environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly”).

In addition to the foregoing issues, the RK Engineering Letter highlights a number of other deficiencies and details in the Noise Study. *See*, **Exhibit A**, pp. 5-7.

The RK Engineering Letter also identifies numerous omissions and deficiencies in the City’s traffic impact study (as detailed in Section C, *infra*), which shows that the traffic impacts were understated and suggests that the traffic-related noise impact were derivatively understated.

Accordingly, the Revised Project may have significant noise impacts, which should be fully analyzed in an Environmental Impact Report, and the Addendum is improper in this case.

C. There is a Fair Argument that the Project May Have Significant and New Traffic Impacts That Were Not Identified, Studied or Mitigated in the 2015 Initial Study and Mitigated Negative Declaration

The Project, with its substantial proposed changes and increased intensity of land uses, may have new and more severe traffic impacts than studied in the 2015 IS/MND, requiring an EIR. As discussed by Transportation expert Bryan Estrada in the RK Engineering Letter (esp. pp. 2-5), *supra*, the Revised Project’s Traffic Study is deficient for various reasons.

First, the RK Engineering Letter notes that the Addendum omitted and failed to analyze the two existing project driveways and impacts on those, in light of the Project:

“Project Driveways (Traffic Study Page 5 and Figure 2). The Traffic Study **does not analyze** the two (2) existing **project driveways** as part of the Study Area. The LADOT Transportation Assessment Guidelines, August 2022 (hereinafter referred to as LADOT Guidelines) specifically indicate that all primary project driveways should be included in the Study Area. This is a **significant omission**, as the project is forecast to add at least

2,368 new daily trips to the existing driveways and the Traffic Study should have analyzed the potential impacts at these key locations. Of particular concern are the impacts from gate queuing and the potential for backups onto the adjacent public streets.” (Exhibit A, p. 2, *emph. added*)

Second, the RK Engineering Letter notes that, the Addendum and its underlying traffic study are based on inaccurate and speculative assumptions and traffic reduction, especially in light of the fact that the Project is not a mixed-use development:

“Project Trip Generation (Traffic Study, Page 58, and Table 7). The Traffic Study applies a **10% internal capture trip reduction credit** to the project’s trip generation and states the credit was taken for person trips made within the larger medical center. However, **no additional** supporting evidence was provided to justify this claim.... The Traffic Study does not provide adequate justification for applying the 10% internal capture trip credit, and as a result, it **may be overestimating the potential trip reduction.**” (Exhibit A, p. 3, *emph. added*.)

Third, the RK Engineering Letter provides that the Addendum and the underlying traffic study overestimate the lane capacity in an urban environment where there is evidence that such analysis may be inaccurate and, as a result, understates the traffic impacts of the Project:

“Intersection LOS and Queuing Analyses (Traffic Study Pages 68-69, Tables 8-9, and Appendix C). The Traffic Study does not appear to **accurately model existing and future traffic operations** using the Highway Capacity Manual (HCM) methodology. According to the HCM, the maximum saturation flow rate of uninterrupted flow is 1,900 vehicles per hour per lane.... For example, LADOT previously recommended lane capacity to be 1,500 vehicles per hour per lane.

By **overestimating lane capacity** in the **urban environment**, the level of service analysis does not provide an accurate assessment of existing roadways operations and **vehicle delay may be worse** than reported.” (Exhibit A, pp. 3-4, *emph. added*.)

Fourth, the RK Engineering Letter provides that the Addendum and the underlying traffic study rely on incorrect assumptions that a residential cut-

through will not occur and therefore omit the respective analysis, whereas there is evidence such cut-through traffic may occur and its impacts must be studied:

“Residential Cut-Through Analysis (Traffic Study, Page 74). The Traffic Study indicates that a **residential cut-through analysis is not required** because Local Streets **would not** be affected by project traffic. **However**, upon further review, it appears **Local Streets likely would be affected** by project traffic. Residential cut-through traffic has the potential to occur on **Lyman Place**, south of **Fountain Avenue**....” (Exhibit A, p. 4, *emph. added*.)

Fifth, the RK Engineering noted that the Addendum fails to account for a potential significant impact caused by the construction workers’ traffic, in light of the unenforceable and illusory condition that such traffic will not occur during peak hours:

“Construction Impact Analysis. (Traffic Study, Page 75-79). The Traffic Study states that worker trips to and from the project site would occur outside of the peak hours, and therefore, no peak hour construction traffic impacts are expected during construction.” (**Exhibit A**, *supra*, p. 5.)

However, as the RK Engineering Letter highlights, the Construction Management Plan’s (“**CMP**”) conditions do not address prohibiting construction worker traffic at peak traffic hours, and therefore, the CMP should add a condition to restrict construction worker traffic to occur strictly outside of peak hours so that it is consistent with the Addendum findings. *Id.* Peak hours, according to the RK Engineering Letter, are from 7:00 a.m. to 10:00 a.m., and from 3:00 p.m. to 6:00 p.m. *Id.*

Sixth and finally, the RK Engineering Letter notes yet another flawed assumption in the Addendum and its underlying Traffic Study, this time related to the loss of parking. Specifically, although the Traffic Study indicates that 164 parking spaces within the existing parking structure are to be dedicated to the Project, page 15 of the Addendum shows that those spaces are currently dedicated for parking for the HPMC hospital campus; as such, the Revised Project will cause a parking shortage at the hospital campus. **Exhibit A**, *supra*, at p. 5. Therefore, expert Bryan Estrada concludes that the Addendum and Traffic Study failed to account for this loss of parking and an additional evaluation should be provided to demonstrate how the parking loss at the HPMC hospital campus will be addressed, if at all. *Id.*

Accordingly, in light of all of the above-noted omissions and flawed baseline assumptions in the Addendum and its Traffic Study, there is a fair argument that the Revised Project may have significant traffic impacts, requiring an Environmental Impact Report, and an Addendum is improper.

II. CONCLUSION

For all the foregoing reasons set forth above, the City should **grant** the appeal and deny the Mitigated Negative Declaration No. ENV-2015-310-MND-REC1 Addendum and require the preparation of an Environmental Impact Report.

Sincerely,

A handwritten signature in cursive script, reading "Stephanie Papayanis", is written over a horizontal line.

Stephanie Papayanis, Esq.

Attorneys for Southwest Mountain
States Regional Council of Carpenters

Attached:

May 31, 2023 RK Engineering Group, Inc. Letter to Mitchell M. Tsai, Attorney at Law, PC Regarding HPMC Building Project Transportation and Noise Impact Review, City of Los Angeles (Exhibit A).

EXHIBIT A

May 31, 2023

Ms. Stephanie Papayanis
Mitchell M. Tsai, Attorney at Law, PC
139 South Hudson Avenue, Suite 200
Pasadena, CA 91101

**Subject: HPMC Building Project Transportation and Noise Impact Review, City
of Los Angeles**

Dear Ms. Papayanis:

Introduction

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this review of potential transportation and noise related impacts from the Hollywood Presbyterian Medical Center (HPMC) Building Project Addendum. The project site is located along the south side of De Longpre Avenue, between Lyman Place and Virgil Avenue, in the City of Los Angeles.

The City of Los Angeles previously prepared and adopted a Mitigated Negative Declaration (MND) for the construction of a parking structure at the project site. An application for the proposed HPMC Building Project, to be located at the same site as the previously approved parking structure has now been submitted and is being evaluated through an Addendum to the adopted MND.

The project evaluated in the MND consisted of the construction of a parking structure containing 654 automobile parking spaces in 7 levels, consisting of 3 subterranean parking levels and 4 aboveground levels, with an additional level of parking on the roof deck. As built, the parking structure contains 562 automobile parking spaces in 7 levels, consisting of 2 subterranean parking levels and 5 aboveground levels, with no roof deck. The structure features a lobby at the corner of De Longpre Avenue and Lyman Place and provides parking spaces for patients, visitors, and employees of HPMC. The structure is approximately 42 to 56 feet above ground level, due to the sloping nature of the Project Site.

The Revised Project would create three levels of medical office and clinical suites with a total net floor area of approximately 95,995 square feet (and gross floor area of approximately 102,780 square feet) on top of the existing parking garage. Each level would have several shared elements, including lobbies, restrooms, bike racks, a staff lounge, physician's workspace, and accessory retail. Expected accessory retail, which would be located close to the lobby for convenient access, could include a pharmacy, medical equipment shop, optical shop, beauty and cosmetic shop, or supplement store. No additional vehicle parking spaces would be proposed as part of the Revised Project.

The purpose of this letter is to review the Revised Project from a transportation and noise impact standpoint and provide comments to help ensure that all potential impacts are adequately identified, and the effects mitigated to the maximum extent feasible. RK specializes in preparing transportation and noise impact studies for public agencies and the private sector community throughout California, and the firms' Principals have over 50 years of combined experience in traffic engineering and environmental noise.

This review is based on the information provided in the *HPMC Building Project Initial Study – Addendum, April 2021* (hereinafter referred to as Addendum).

Comments on Transportation

The following comments are provided regarding the Transportation section of the Addendum and Appendix C *Transportation Assessment for the Hollywood Presbyterian Medical Center Building Project, Los Angeles, California, April 2020, prepared by Gibson Transportation Consulting, Inc* (hereinafter referred to as Traffic Study).

1. Project Driveways (Traffic Study Page 5 and Figure 2). The Traffic Study does not analyze the two (2) existing project driveways as part of the Study Area. The LADOT Transportation Assessment Guidelines, August 2022 (hereinafter referred to as LADOT Guidelines) specifically indicate that all primary project driveways should be included in the Study Area. This is a significant omission, as the project is forecast to add at least 2,368 new daily trips to the existing driveways and the Traffic Study should have analyzed the potential impacts at these key locations. Of particular concern are the impacts from gate queuing and the potential for backups onto the adjacent public streets. The service rate of the gates should be studied to ensure adequate driveway throat and storage is provided to serve the peak demand of inbound traffic, and ensure that it would not spill back onto Virgil Avenue or Lyman

Place. Additionally, deficiencies in sight distance (especially at the driveway on Virgil Avenue, where the intersection is skewed, and the presence of on-street parking, street trees, and power poles create a sub-standard design)¹ could be exacerbated by the added project traffic. Without an analysis of the project driveways, the Addendum has not adequately assessed whether the project would substantially increase hazards due to a geometric design feature.

2. Project Trip Generation (Traffic Study, Page 58, and Table 7). The Traffic Study applies a 10% internal capture trip reduction credit to the project's trip generation and states the credit was taken for person trips made within the larger medical center. However, no additional supporting evidence was provided to justify this claim. Per the LADOT Guidelines, the methods for determining internal capture are provided in the Institute of Transportation Engineers Trip Generation Handbook, Transportation Research Board (TRB) National Cooperative Highway Research Program (NCHRP) Report 684: Enhancing Internal Trip Capture Estimation for Mixed-Use Developments, and the United States Environmental Protection Agency's Mixed-Use Trip Generation Tool (MXD). If other rates are proposed, then these rates must first be submitted with the appropriate background survey data. The Traffic Study does not provide adequate justification for applying the 10% internal capture trip credit, and as a result, it may be overestimating the potential trip reduction.
3. Intersection LOS and Queuing Analyses (Traffic Study Pages 68-69, Tables 8-9, and Appendix C). The Traffic Study does not appear to accurately model existing and future traffic operations using the Highway Capacity Manual (HCM) methodology. According to the HCM, the maximum saturation flow rate of uninterrupted flow is 1,900 vehicles per hour per lane. However, urban conditions significantly reduce maximum flow, with lower travel speeds, greater intersection density, interrupted flow, reduced lane widths, and the presence of parking and driveways. Yet, it does not appear that any changes were made to the Synchro calculations to account for the dense urban setting of the project. For example, LADOT previously recommended lane capacity to be 1,500 vehicles per hour per lane.

¹ California Highway Design Manual. July 1, 2020. Section 405.1 (2) Corner Sight Distance. The minimum corner sight distance along Virgil Avenue is 330 feet and there should be no sight obstructions within the clear sight triangle. Based on RK's review, the sight distance standard is not met at the existing project driveway on Virgil Avenue.

By overestimating lane capacity in the urban environment, the level of service analysis does not provide an accurate assessment of existing roadways operations and vehicle delay may be worse than reported.

4. Residential Cut-Through Analysis (Traffic Study, Page 74). The Traffic Study indicates that a residential cut-through analysis is not required because Local Streets would not be affected by project traffic. However, upon further review, it appears Local Streets likely would be affected by project traffic. Residential cut-through traffic has the potential to occur on Lyman Place, south of Fountain Avenue. A Residential Cut-Through Screening Analysis is provided based on the LADOT Guidelines criteria.

Residential Cut-Through Screening Criteria	Response
• Would the project generate a net increase of 250 or more daily vehicle trips?	Yes, project is shown to generate 2,368 daily trips.
• Does the land use project include a discretionary action that would be under review by the Department of City Planning?	Yes
• The project is located along a currently congested Boulevard or Avenue and adds trips that may lead to trip diversion to parallel routes along residential Local Streets. The congestion level of the Boulevard or Avenue can be determined based on the estimated peak hour LOS under project conditions of the study intersection(s) (as determined in Section 3.3). LOS E and F are considered to represent congested conditions;	Additional analysis is required to determine. (The traffic study does not analyze LOS conditions along Sunset Boulevard and Santa Monica Boulevard, which are critical in determining potential congestion levels affecting project traffic and assignment.) Furthermore, as discussed in Comment 3, the level of service calculations at the Study Area intersections underestimates the real-world traffic operations in the vicinity of the site due to unrealistic estimates of existing lane capacity.
• The project is projected to add a substantial amount of automobile traffic to the congested Boulevard(s), Avenue(s), or Collector(s) that could potentially cause a shift to alternative route(s); and	The project is shown to add 2,368 daily trips to the adjacent roadway network could potentially cause a shift to alternative routes.
• Nearby local residential street(s) (defined as Local streets as designated in the City's General Plan passing through a residential neighborhood) provide motorists with a viable alternative route. A viable alternative route is defined as one which is parallel and reasonably adjacent to the primary route as to make it attractive as an alternative to the primary route. LADOT has discretion to define	Lyman Place, south of Fountain Avenue is a viable alternative route to avoid the existing signals along Vermont Avenue, Virgil Avenue and Santa Monica Boulevard.

which routes are viable alternative routes, based on, but not limited to, features such as geography and presence of existing traffic control devices, etc.	
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5. Construction Impact Analysis. (Traffic Study, Page 75-79). The Traffic Study states that worker trips to and from the project site would occur outside of the peak hours, and therefore, no peak hour construction traffic impacts are expected during construction. However, the conditions included in the Construction Management Plan on Page 79 do not mention prohibiting construction worker traffic during the peak hours. A condition should be added to the Construction Management Plan restricting construction worker traffic to only occur outside the peak hours so that it is consistent with the Addendum findings. For the purposes of the analysis, the peak hours are from 7:00 AM to 10:00 AM and from 3:00 PM to 6:00 PM.
6. Parking. (Traffic Study, Pages 80-82). The Traffic Study indicates that a total of 164 parking spaces within the existing structure will be dedicated to the project. However, as stated on Page 15 of the Addendum, those spaces are currently dedicated toward the parking required for the HPMC hospital campus. Therefore, it appears a parking shortage will occur on the HPMC hospital campus, as it will lose 164 parking spaces because of the project. Additional analysis and discussion should be provided to demonstrate how the loss of parking at the HPMC hospital campus will be dealt with.

Comments on Noise

The following comments are provided regarding the Noise section of the Addendum and Appendix B *Noise Study for the HPMC Building Project 1318 N. Lyman Place, Los Angeles, CA 90027, December 2020, prepared by Meridian Consultants* (hereinafter referred to as Noise Study).

1. Significance Thresholds (Noise Study, Page 8). The Noise Study utilizes the incorrect thresholds of significance for determining impacts from construction noise. The City of Los Angeles has established thresholds of significance in the *L.A. CEQA Thresholds Guide, Your Resource for Preparing CEQA Analyses in Los Angeles, City of Los Angeles, 2006* (hereinafter referred to as LA CEQA Guide). The LA CEQA Guide establishes that a project would normally have a significant impact on noise levels from construction if:

- Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use;
- Construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; or
- Construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at anytime on Sunday.

The Noise Study has not utilized the LA CEQA Guide thresholds of significance, and as a result, noise impacts associated with construction have not been adequately assessed per the City's standards.²

2. Page 20-21. Ambient Noise Levels. The Noise Study has not adequately established the existing ambient noise environment at the adjacent noise sensitive residential properties. Per the LA CEQA Guide, the quantification of ambient noise levels should be measured in CNEL for purposes of determining significance during construction. The CNEL represents an energy average of the A-weighted noise levels over a 24-hour period with 5 dBA and 10 dBA increases added for nighttime noise between the hours of 7:00 p.m. and 10:00 p.m. and 10:00 p.m. to 7:00 a.m., respectively. However, the Noise Study only measured noise levels for a 15-minute period during daytime hours, which does not provide sufficient analysis of ambient conditions. Of particular concern are the residential properties located along Lyman Place immediately south of the project site.

There are a few potential ways the CNEL can be estimated without 24-hour noise monitoring data. The City of Los Angeles Municipal Code (LAMC) Section 111.03 establishes the Presumed Ambient Noise Levels, which for residential land uses is 50 dBA during the daytime and 40 dBA during the nighttime. This equates to a CNEL of approximately 51 dBA.³

² L.A. CEQA Threshold Guide, City of Los Angeles. 2006.

<https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/A07.pdf> (Website accessed February 2023)

³ See attachment A for noise calculation worksheets.

The CNEL can also be estimated based on the Average Daily Traffic (ADT) of the adjacent roadways. Using data from the Traffic Study, Lyman Place has an ADT of approximately 2,100 vehicles per day⁴ which results in a CNEL of 54.7 dBA, which is lower than what is reported in the Noise Study.

3. Construction Maximum Noise Estimates (Table 5). The noise study provides an inaccurate assessment of construction noise impacts to the neighboring residential properties located south of the site. The Noise study only considers the noise level impacts from a crane stationed on De Longpre Avenue as the sole source of on-site noise during building construction. No consideration for on-site pneumatic tools, generators, welders, impact devices, or lifts was assumed. As such, noise level impacts are calculated at 110 feet away from the adjacent residential properties located along the project's southern boundary. Certainly, this is not a conservative analysis, as residential homes are located less than 15 feet from the existing parking structure on which the project will be constructed. The Noise Study grossly underestimates the type of activity that will occur on-site and the distance from which it will occur to the adjacent noise sensitive receptors. As a result, the noise impact analysis has underestimated potential noise impacts.
4. On-Site Construction Noise (Noise Study, Pages 19-20). The Noise Study does not provide an adequate analysis of how construction noise levels will be reduced by the noise reduction techniques within the Construction Management Plan. The Noise Study mentions noise barriers will be used to reduce noise levels, however, most of the construction activity will occur over 40 feet above ground level. At this elevation, ground level barriers would be ineffective. A detailed and quantified noise modeling analysis should be provided to demonstrate how all construction activity noise will be reduced to less than significant levels per the LA CEQA Guide requirements.

Conclusions

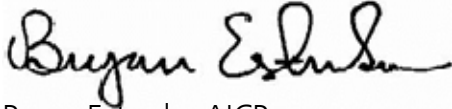
Based upon this review, the Noise Study for the HPMC Building Project has not analyzed and disclosed all potential transportation and noise impacts from the construction and operation of the project. Additional analysis and mitigation measures should be provided to ensure the project does not adversely affect the surrounding community and roadway network.

⁴ ADT estimated using the following equation: *Leg ADT = (Peak hour approach + departure volume) x 12.*

Mitchell M. Tsai, Attorney at Law, PC
RK 19070
Page 8

RK Engineering Group, Inc appreciates this opportunity to work with Mitchell Tsai, Attorney at Law. If you have any questions regarding our review, or need additional analysis, please contact us at (949) 474-0809.

Respectfully submitted,
RK ENGINEERING GROUP, INC.

A handwritten signature in black ink, appearing to read "Bryan Estrada", is written over a light gray rectangular background.

Bryan Estrada, AICP
Principal

Attachment A
Noise Calculation Worksheets

CNEL CALCULATOR

PROJECT: HPMC BUILDING PROJECT

DATE: 31-May-23

SCENARIO: LAMC 111.03 PRESUMED AMBIENT NOISE LEVEL

JN: 2828-23-04

TIME BEGINNING	HOURLY LEQ	HOURLY LEQ WEIGHTING	ADJUSTED HOURLY LEQ	10^ADJ HRLY LEQ/10
0000	40.0	10.0	50.0	100000.000
0100	40.0	10.0	50.0	100000.000
0200	40.0	10.0	50.0	100000.000
0300	40.0	10.0	50.0	100000.000
0400	40.0	10.0	50.0	100000.000
0500	40.0	10.0	50.0	100000.000
0600	40.0	10.0	50.0	100000.000
0700	50.0	0.0	50.0	100000.000
0800	50.0	0.0	50.0	100000.000
0900	50.0	0.0	50.0	100000.000
1000	50.0	0.0	50.0	100000.000
1100	50.0	0.0	50.0	100000.000
1200	50.0	0.0	50.0	100000.000
1300	50.0	0.0	50.0	100000.000
1400	50.0	0.0	50.0	100000.000
1500	50.0	0.0	50.0	100000.000
1600	50.0	0.0	50.0	100000.000
1700	50.0	0.0	50.0	100000.000
1800	50.0	0.0	50.0	100000.000
1900	50.0	5.0	55.0	316227.766
2000	50.0	5.0	55.0	316227.766
2100	50.0	5.0	55.0	316227.766
2200	40.0	10.0	50.0	100000.000
2300	40.0	10.0	50.0	100000.000
CNEL (dBA)			51.0	3048683.298

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (CALVENO)

PROJECT: **HPMC BUILDING PROJECT**
ROADWAY: **LYMAN PLACE, NORTH OF FOUNTAIN AVENUE**
LOCATION: **50 FEET FROM CENTERLINE**

JOB #: **2828-2023-01**
DATE: **31-May-23**
ENGINEER: **B. Estrada**

NOISE INPUT DATA

ROADWAY CONDITIONS

ADT = **2,100**
SPEED = **25**
PK HR % = **10**
NEAR LANE/FAR LANE DIST = **12**
ROAD ELEVATION = **0.0**
GRADE = **0.0** %
PK HR VOL = **210**

RECEIVER INPUT DATA

RECEIVER DISTANCE = **50**
DIST C/L TO WALL = **0**
RECEIVER HEIGHT = **5.0**
WALL DISTANCE FROM RECEIVER = **50**
PAD ELEVATION = **0.0**
ROADWAY VIEW: LF ANGLE= **-90**
RT ANGLE= **90**
DF ANGLE= **180**

SITE CONDITIONS

AUTOMOBILES = **10**
MEDIUM TRUCKS = **10** (10 = HARD SITE, 15 = SOFT SITE)
HEAVY TRUCKS = **10**

WALL INFORMATION

HTH WALL= **0.0**
AMBIENT= **0.0**
BARRIER = **0** (0 = WALL, 1 = BERM)

VEHICLE MIX DATA

VEHICLE TYPE	DAY	EVENING	NIGHT	DAILY
AUTOMOBILES	0.777	0.127	0.096	0.9750
MEDIUM TRUCKS	0.874	0.051	0.075	0.0180
HEAVY TRUCKS	0.891	0.028	0.081	0.0070

MISC. VEHICLE INFO

VEHICLE TYPE	HEIGHT	SLE DISTANCE	GRADE ADJUSTMENT
AUTOMOBILES	2.0	49.73	--
MEDIUM TRUCKS	4.0	49.65	--
HEAVY TRUCKS	8.0	49.73	0.00

NOISE OUTPUT DATA

NOISE IMPACTS (WITHOUT TOPO OR BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	53.2	51.3	49.5	43.5	52.1	52.7
MEDIUM TRUCKS	47.5	46.2	39.8	36.8	46.0	46.3
HEAVY TRUCKS	49.6	48.3	39.3	39.1	48.2	48.3
NOISE LEVELS (dBA)	55.5	53.9	50.3	45.5	54.3	54.7

NOISE IMPACTS (WITH TOPO AND BARRIER SHIELDING)

VEHICLE TYPE	PK HR LEQ	DAY LEQ	EVEN LEQ	NIGHT LEQ	LDN	CNEL
AUTOMOBILES	53.2	51.3	49.5	43.5	52.1	52.7
MEDIUM TRUCKS	47.5	46.2	39.8	36.8	46.0	46.3
HEAVY TRUCKS	49.6	48.3	39.3	39.1	48.2	48.3
NOISE LEVELS (dBA)	55.5	53.9	50.3	45.5	54.3	54.7

NOISE CONTOUR (FT)

NOISE LEVELS	70 dBA	65 dBA	60 dBA	55 dBA
CNEL	1	5	15	47
LDN	1	4	13	42