

Communication from Public

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Date Submitted: 02/19/2024 12:57 PM

Council File No: 23-0668

Comments for Public Posting: Please see attached comment letter for the record.



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Via Email

February 19, 2024

Planning and Land Use Management Committee
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Councilmember Monica Rodriguez
Councilmember Katy Yaroslavsky
Councilmember John S. Lee
Councilmember Heather Hutt
John Ferraro Council Chamber
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Re: Appeal on Proposed CEQA Infill Exemption for Mixed-Use Project at 3800 North Pasadena Avenue February 20, 2024 PLUM Hearing

Dear Chair Harris-Dawson and Members of the PLUM Committee:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the proposed Class 32 In-fill Development Categorical Exemption ("Exemption" or "Class 32 Exemption") for a seven-story mixed use building with 100 dwelling units and 14,734 square feet of ground floor commercial space with 13 commercial condominium units, proposed in the City of Los Angeles ("Project").

SAFER objects to the City of Los Angeles' ("City") decision to exempt the Project from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15332 of the CEQA Guidelines. SAFER previously submitted comments on the Project on January 2024, in which SAFER argued that the Project did not qualify for the Exemption because the Project proposed mitigation to render traffic impacts less than significant, and CEQA prohibits mitigated exemptions. SAFER incorporates those comments herein by reference.

As demonstrated below, the Exemption is further inapplicable because the Project will have significant air quality impacts, precluding use of the Class 32 Exemption. Since the Project is not exempt from CEQA, an initial study must be prepared to determine the appropriate level of CEQA review required.

PROJECT DESCRIPTION

The Applicant, Naim Associates, seeks to develop the Project at 3800-3830 N. Pasadena Avenue. The Project includes the construction, use, and maintenance of a seven-story mixed-use building with 100 dwelling units, including 10 dwelling units set aside for Extremely Low Income Households and 14,734 square feet of ground floor commercial space with 13 commercial condominium units. The Project will provide 114 automobile parking spaces, 16 short-term and 210 long-term bicycle parking spaces. The property is within the Northeast Los Angeles Community Plan with a Community Commercial land use designation. The Project site currently has one duplex and a recycling center, which would be demolished in order to construct the Project.

The Project is claiming the following Tier 3 Base and Additional Incentives pursuant to the Transit Oriented Communities Affordable Housing Incentive Program: (1) a 70 percent density increase; (2) a Floor Area Ratio increase; (3) a reduction in required parking spaces; and (4) a height increase.

DISCUSSION

I. The City Incorrectly Applied CEQA's Class 32 In-Fill Development Categorical Exemption to the Project and Thus a Full CEQA Analysis Is Required.

The proposed Project does not qualify for a Class 32 In-fill Development Categorical Exemption under CEQA because of the Project's significant environmental impacts. The City must prepare an Initial Study to determine the appropriate level of CEQA review, be it a mitigated negative declaration or an environmental impact report. The Class 32 exemption provides:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***
- (e) The site can be adequately served by all required utilities and public services.

(14 CCR § 15332 [emph. added].)

One of the key limitations of the Categorical Exemption is that it does not apply if the project will have any significant effects relating to noise. (14 CCR § 15332(d).) In short, the Categorical Exemption cannot apply because there is substantial evidence submitted to the record that the Project will have potentially significant noise impacts, the Project will use a mitigation measure to reduce Project impacts below significance, and the Applicant's Noise and Vibration Technical Report ("Noise Report") prepared by Douglas Kim + Associates ("DKA") cannot constitute substantial evidence.

Mr. Jack Meighan of the expert acoustical consulting firm Wilson Ihrig reviewed the Project, including the applicable Noise Report, and concluded that the Project's analysis of noise impacts reviewed incorrectly, and the Project's use of mitigation measures renders them ineligible for the Categorical Exemption. Wilson Ihrig is a long-established and esteemed consulting firm in the field of acoustics. Wilson Ihrig's comments are attached as Exhibit A.

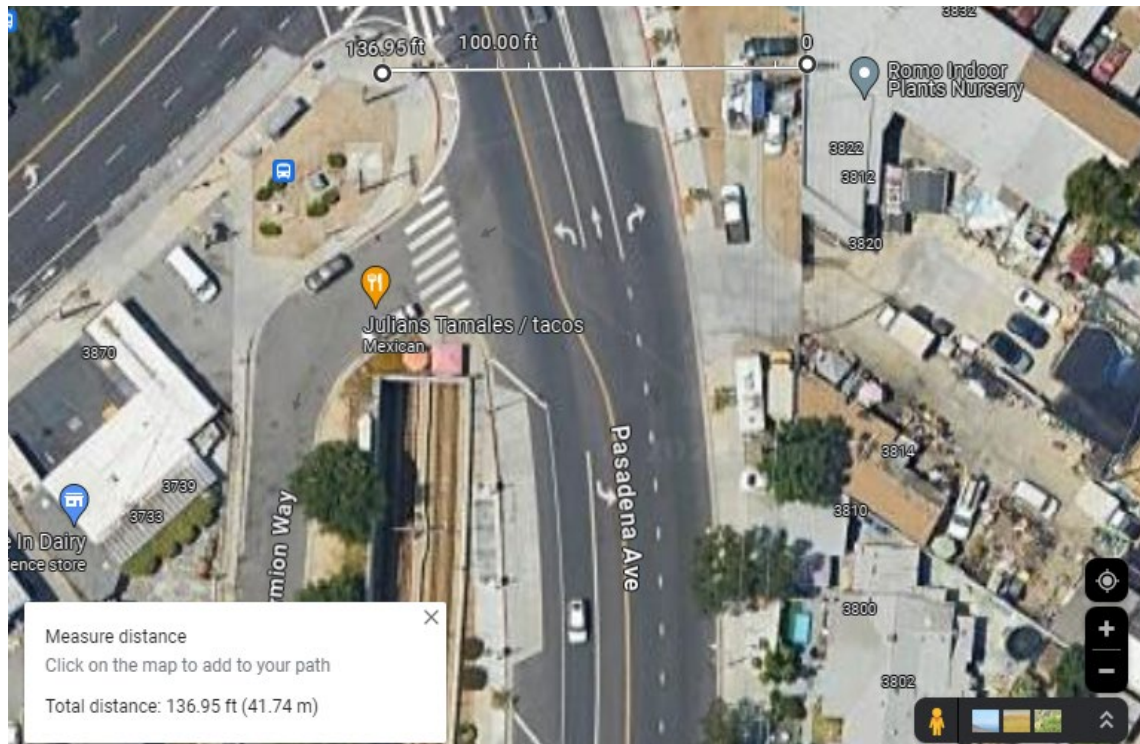
II. The Noise Report Likely Does Not Constitute Substantial Evidence.

Despite acknowledging the presence of numerous sensitive receptors surrounding the Project site, the noise levels measured by DKA do not constitute substantial evidence. Substantial evidence does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate. . . ." (Pub. Resources Code, § 21080(e)(2); Guidelines, § 15384(a).) Wilson Ihrig first identified the Noise Report's reliance on and clear misinterpretation of LAMC Section 112.05, of which the Noise Report uses as a foundation to analyze the Project's impacts. (Ex. A, p. 3.) To be deemed substantial evidence, it must, at a bare minimum, be accurate. Portions of the Noise Report are unsupported and merely speculate that Project impacts will fall below significance thresholds because LAMC Section 112.05 "would ultimately limit any noise levels from powered construction equipment to 75 dBA." (Noise Report, p. 10.)

Additionally, DKA characterized numerous sensitive noise receptors surrounding the Project site, including residential developments immediately adjacent to the Project site. (Noise Report, pp. 9-10.) However, the noise levels for the Noise Report taken "near the Project site" do not accurately capture the extent of the Project's anticipated noise levels since they only measure noises from across the street and a block away. As shown by the red dots in the Noise Report, the noise monitoring locations are not measured from 50 feet, pursuant to LAMC Section 112.05 and as reported by the Applicant. In fact, as DKA admits, the closest noise monitoring location is **over 100 feet from the Project site.**¹ (Noise Report, p. 9.) The other monitoring location was 170 feet from Figueroa Street, significantly further away from the Project. (*Id.*) The Noise Report indicates that it had taken measurements from receivers along Avenues 38 and 39, but such measurements were in relation to analyzing vibration impacts and reasonably limited to impacts from the use of a "small dozer." (Construction Vibration Impact Analysis, p. 1).

¹ A Google map review reveals that the nearest noise monitoring location is approximately 135 feet from the beginning of the Project site: <https://www.google.com/maps/@34.0906832,-118.2115462,135m/data=!3m1!1e3?entry=ttu>.

It is therefore reasonable to conclude that the noise levels captured on April 29, 2018, the only time that measurements were captured, are clearly erroneous and not accurate. Thus, the DKA's analysis cannot constitute substantial evidence, and the City incorrectly relied on these findings to conclude that the Project will not have any potentially significant noise impacts.



(Source: Google Maps)

In addition, Wilson Ihrig highlighted numerous portions of the Noise Report that are unsupported by substantial evidence. The Noise Report relies on numerous assumptions to conclude that the Project's noise impacts remain below significance thresholds. However, Wilson Ihrig notes that because the Noise Report assumed that haul trucks would not substantially raise noise levels or that it relies on uncited or unsupported noise and vibration levels, DKA's analysis underestimates the noise and vibration impacts. (Ex. A, pp. 3-5.) As such, the Noise Report cannot constitute substantial evidence, and the Categorical Exemption cannot be relied upon to make any conclusions regarding the Project's purported significant impacts.

III. The Exemption Cannot Apply Because of Potentially Significant Noise Impacts.

A Categorical Exemption cannot apply for projects if there is a potentially significant noise impact. (14 CCR § 15332(d).) The City relies on DKA's analysis to conclude that the Project's measured impacts would be less than significant. However, the Noise Report contains significant flaws that do not make the document and resulting Categorical Exemption reliable. Wilson Ihrig's review additionally shows that the Noise Report was not only erroneously

prepared, but contained critical omissions that require further reviews, such that updated analyses will likely demonstrate a significant impact. In spite of the omission of critical information, Wilson Ihrig predicts that the Project will have potentially significant impacts.



(Noise Report, p. 16.)

The Noise Report concluded that all construction noise levels fell just below the 75 dBA threshold pursuant to LAMC Section 112.05. However, DKA's monitoring location was captured further away from the Project site, not in conformity with the 50 foot parameter under Section 112.05. Wilson Ihrig additionally points out that the Project will utilize equipment that will have maximum noise levels that exceed the 75 dBA threshold at 50 feet, meaning that the Project will likely have potentially significant impacts that the Noise Report does not analyze. (Ex. A, p. 3.) Wilson Ihrig concludes how the Project's improper analysis hides the fact that noise impacts will exceed significance thresholds, thereby requiring mitigation. (Ex. A, pp. 4-5).

The City may attempt to rely on Table 3 of the Noise Report to conclude that all (inaccurately) measured noise levels fall below the 75 dBA threshold. That is incorrect. Not only does Wilson Ihrig point out the clear miscalculations made to conclude the Project's impacts fall below significance, but also how Table 3 does not measure all construction equipment that will be used for the Project. Wilson Ihrig, for example, found that "the table does not even include a grader **which is louder than any of the pieces of equipment shown in Table 3**. The Air Quality section of the [Categorical Exemption] indicates that a grader will be used for this project." (Ex. A, p. 4 (emph. added).) Therefore, the Project will have potentially significant

noise impacts that were left unanalyzed and unmitigated. The City cannot rely on a Categorical Exemption to proceed.

IV. Categorical Exemptions from CEQA are Prohibited Where Mitigation Measures are Required to Reduce a Project's Possible Significant Impacts.

A Categorical Exemption is not allowed for this Project because the City intends to apply mitigation measures to reduce Project impacts to a level below significance. A project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. (*Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102 (“*SPAWN*”).) The Court in *SPAWN* thoroughly explained why projects that require mitigation are not eligible for an exemption from CEQA. (*Id.* at 1106-08.) Mitigation includes the minimization of impacts by limiting the degree or magnitude of the action and its implementation. CEQA Guidelines § 15370. If mitigation measures are required, the public has a right to review and comment on the adequacy of those mitigation measures, which can only be accomplished through the public review process provided for an MND or EIR.

Here, the Project's noise-reducing measures are mitigation measures that are intended to minimize the noise impacts. The Noise Report explains that “temporary noise barriers may be erected between the Project Site and nearby residences located **along Avenue 39 and Avenue 38.**” (Noise Report, p. 11 (emph. added).) The corresponding Table 3 “Construction Noise Levels” attempt to reinforce the Noise Report's assertion that noise limits will not exceed the threshold set in LAMC Section 112.05.

Much like the response to SAFER's comment about the Project's use of TDM measures, the City may allege that the use of noise barriers is not a mitigation measure. The Noise Reports insists that it is using construction “best practices.” (Noise Report, p. 11.) However, the Categorical Exemption does not provide the public of any comparison to demonstrate the difference in noise levels with and without noise barriers. Wilson Ihrig even explains how the Noise Report “fails to disclose any details about those barriers or their effectiveness.” (*Id.*) As such, the Noise Report fails to adequately give the public an opportunity to view the Project without noise-reducing measures, thereby precluding them of the required disclosures of a Project's environmental impacts and efficiency of the proposed mitigation measures.

The City cannot exempt the Project because the public has a right to know the unmitigated Project impacts and comment on the adequacy of the analysis and proposed mitigation measures. Absence of such review and comment period is improper because the City evaluated the Project conditionally rather than evaluating whether the Project could result in a significant impact without the mitigation described in the Exemption. (See *SPAWN*, supra, 125 Cal.App.4th at 1103-04, 1107-09.) As such, the City's mitigated categorical exemption violates CEQA and the Project cannot proceed with the Class 32 Exemption.

a. The Noise Mitigation Measures are Not Feasible, Enforceable, or Effective.

Even if the measures are not mitigation measures (which is incorrect), there is no guarantee that the mitigation measures proposed will reduce Project impacts below significance. A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.)

The proposed mitigation measures are not enforceable. The measures are neither included in the Project’s Conditions of Approval, meaning that the City cannot legally enforce or bind the Applicant from actually using noise-reducing sound measures. Even the Applicant fails to fully commit to using the noise barriers, instead explaining that the mitigation measure *may* be utilized for the Project.

Furthermore, there is nothing to suggest from the Noise Report that the Project will be effective. Because the only noise measurements that were captured for the Noise Report are unreliable, there is no basis for the Applicant to conclude that, even assuming the noise mitigation measures will be applied, noise levels will fall below significance thresholds. Even the Noise Report fails to address to what extent these purported noise measures will reduce Project impacts. To note, the Applicant is only proposing the use of noise mitigation measures along Avenues 38 and 39. However, there are numerous sensitive residential receptors that will remain directly exposed to construction noise because they are situated immediately adjacent to the Project site. Applicant does not address how to reduce these impacts.

The City is assuming compliance without doing adequate analysis to ensure that Project impacts will actually fall below significance. Thus, proceeding with the Project as-is clearly violates CEQA.

CONCLUSION

The City cannot rely on a Class 32 exemption because the Project does not meet the terms of the exemption and because it uses a mitigation measure disguised as “industry best practice.” Accordingly, the City must prepare an initial study to determine the appropriate level of environmental review to undertake under CEQA. Thank you for considering these comments.

Sincerely,



Marjan R. Abubo
Lozeau Drury LLP

Exhibit A



22 March 2023

Amalia Bowley Fuentes
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
Subject: **Belvedere Project**
Los Angeles, California
Review and Comment on Categorical Exemption Noise Analysis

Dear Mrs. Fuentes,

As requested, we have reviewed the information and noise impact analysis for the Categorical Exemption (CatEx) for the Belvedere Project in Los Angeles, California. This letter reports our comments on the noise analysis in the subject documents, primarily the noise and vibration technical report that was undertaken for this project.¹ The project consists of developing a new, seven-story mixed-use building with 100 dwelling units with 14,734 square feet of ground floor commercial space. The subject property is bounded by Figueroa Street to the northwest, Avenue 39 to the northeast, Avenue 38 to the southwest, and Pasadena Avenue to the west. The CatEx states that all operational and construction noise and vibration impacts would not be significant, thus exempting the project from a full Environmental Impact Report

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 56 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CadnaA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise²

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational

¹ DKA Planning, *NELA Plaza – Noise and Vibration Technical Report*, December 2018. (“Noise Report”) The Noise Report does not have page numbers, so, for the purposes of citation made in this letter, we have numbered the pages beginning with the Overview page as page 1.

² More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (<https://www.who.int/docstore/peh/noise/Comnoise-1.pdf>)

Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

Baseline Noise Level Characterizations are Incomplete

The noise analysis relies on two short-term measurements of 15-minute duration on Wednesday, August 29, 2018, between 1 and 2 P.M.³ The manner in which the CatEx has determined the existing noise environment is poorly supported. The noise environment is affected by transportation sources that can change from hour to hour and day to day, and best practices call for documentation of the existing condition with measurements at different times over several days.

Furthermore, the noise analysis relies on these short-term measurements without any discussion of how typical these data were for daytime conditions or how they would apply to evening or nighttime conditions. Environmental noise can vary widely throughout the day (perhaps +/-10 dBA or more for areas with intermittent local traffic) and relying on measurements that represent only 2% of the time on one particular day during only afternoon hours is not a sound basis for a technical analysis.

³ Categorical Exemption, Noise and Vibration Impact Report, Technical Appendix

An EIR should be prepared that includes thorough baseline measurements taken at key locations over a multi-day period and an analysis should be prepared that assesses the project noise in the context of the existing ambient as required by CEQA.

Construction Noise and Vibration Analyses are Incomplete.

Improper Thresholds of Significance

The CatEx misinterprets the Los Angeles Municipal Code (LAMC) Section 112.05 and, in so doing, fails to conduct any sort of meaningful construction noise analysis. The CatEx states⁴, “Regulatory compliance with LAMC Section 112.05 would ultimately limit any noise levels from powered construction equipment to 75 dBA.” This statement seems to serve simultaneously as both the threshold of significance AND the mitigation measure that will ensure compliance.

With regards to the 75 dBA at 50 feet limit in Section 112.05 serving as a threshold of significance, it is incomplete because it only applies to each piece of equipment individually. Construction sites typically have multiple noise sources operating at once. These sources will sum, creating a higher overall level than one individual source. Two pieces of the same kind of equipment working in close proximity would be 3 louder dBA than either alone. It is very common to have multiple drills, saws, etc. on a construction site. Under the implied logic of the CatEx, there is no noise level – no matter how extreme – where daytime construction noise would be considered an impact, as long as all individual source levels are below 75 dBA at 50 feet.

With regards to the Section 112.05 limit of 75 dBA at 50 feet serving as a self-enforcing mitigation measure, it will not because Section 112.05 because it also states – unnoted by the CatEx – “Said noise limitations shall not apply where compliance therewith is technically infeasible”.

The overarching public policy goal of CEQA is to ascertain and disclose environmental impacts, not determine compliance with local regulations. While a noise ordinance provision is often a good source of information for use in a CEQA analysis, CEQA requires more. A proper noise analysis should be done that assesses the totality of construction noise at the project property line using a reasonable threshold adopted for that purpose.

Improperly Calculated Cited Source Levels

The CatEx incorrectly assumes⁵, “Regulatory compliance with LAMC Section 112.05 would ultimately limit any noise levels from powered construction equipment to 75 dBA”. As noted in the previous section, this is not necessarily true and, more to the point, likely will not be true. The Federal Highway Administration’s Roadway Construction Noise Model (RCNM) provides noise levels⁶ for equipment typically used on construction sites and the majority creates noise levels over 75 dBA at 50 feet. For this project, the Air Quality Analysis section of the CatEx lists equipment for the grading phase that includes Grader and Backhoe which have maximum noise levels of 85 dBA and 78 dBA, respectively, at 50 feet.

⁴ Page 16 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices”

⁵ Page 16 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices”

⁶ https://www.fhwa.dot.gov/Environment/noise/construction_noise/rcnm/rcnm01.cfm#table1

Noise Report Confuses Maximum and Average Noise Levels

Table 3 of the Noise Report shows noise levels under 75 dBA for equipment to be used on this project, but there are several serious problems with this table.

First, it purports to show the average noise level from various pieces of equipment whereas Section 112.05 imposes a limit on the maximum noise level.^{7,8}

Second, Table 3 seems to have miscalculated the values presented. Table 3 cites the FHWA Roadway Construction Noise Model (RCNM) as its source (presumably for both source levels and calculation methodology). For a source at 50 feet, the applicable calculation is

$$Leq = L_{max} + 10\log(UF)$$

where UF is the ratio of time that the equipment is typically at full power (the Utilization Factor). For a backhoe, directly from the RCNM,

$$Leq,backhoe = 78 \text{ dBA} + 10\log(0.4) = 74.0 \text{ dBA}$$

Table 3 indicates that $Leq,backhoe$ equals 70.6 dBA. The other values in Table 3 are similarly in error.

Finally, as noted above, the table does not even include a grader which is louder than any of the pieces of equipment shown in Table 3. The Air Quality section of the CatEx indicates that a grader will be used for this project⁹.

Comparison to Ambient Noise Levels

Criticisms about the ambient measurements made for this project notwithstanding, a crude comparison of project construction noise levels to the ambient is still possible and provides further evidence of significant environmental impact.

The receivers along Avenue 38 and Avenue 39 are both approximately 10 feet from the construction site. The standard in RCNM is based on reference levels 50 feet away. These source levels will be even louder than 75 dBA at the property line. For example, a grader with a reference level of 85 dBA at 50 feet is actually 99 dBA at 10 feet, using the distance correction equation shown below.

$$Leq,1 = Leq,2 - 20 \cdot \log_{10}(D1/D2)$$

Using the Grader and the Backhoe at the reference levels and usage factors cited in the overall Leq is 96 dBA. It is reasonable that this level, 26 decibels above the loudest measured ambient of 70

⁷ Table 3 shows the “1-hr Leq ” which is technical shorthand for the noise level effectively averaged over 1-hour.

⁸ And, as noted elsewhere, does not impose any limit if “technically infeasible”.

⁹ Page 42 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices.” Table 5.

dba¹⁰, would be considered an impact. As such, more study should be done to determine mitigation options in a full Environmental Impact Statement.

Document Implies Mitigation

The CatEx states that “temporary noise barriers may be erected between the Project Site and nearby residences located along Avenue 39 and Avenue 38”, though it fails to disclose any details about those barriers or their effectiveness¹¹. As discussed previously, without barriers, construction noise would cause significant noise impact. If barriers are required for noise mitigation, that would render the project ineligible for a Categorical Exemption.

Optimistic Mobile Noise Source Assumptions

The Noise Report asserts without analysis or substantiating evidence that “On major roadways such as Figueroa Street, Project haul trucks would not be capable of substantially raising noise levels as they would represent a small fraction of overall traffic”. [Noise Report at p. 10] The nearby Arroyo Seco Parkway (State Route 110) is car-only, so the paths trucks take might be longer than usual, since most would originate from Interstate 5. In order to prove this point, the CatEx should cite a reference, or provide an analysis with a traffic modeling program to show the expected number of trucks wouldn’t substantially increase noise levels in the vicinity of the project.

Optimistic Vibration Assumptions

The report also states that it is “standard practice” for “smaller vehicles with more precise maneuverability and fine-grading capabilities” to be utilized in “excavating and trenching when in the proximity of nearby structures”, without any citations of proof¹². As such, the analysis uses an uncited vibration level of 0.003 inches per second PPV, which may significantly underestimate the construction vibration.

Federal Transit Administration’s Transit (FTA) Noise and Vibration Impact Assessment Manual¹³ cites typical construction vibration levels in Table 7-4. The following items would all be above the construction vibration threshold of 0.2 In/sec PPV at 10 feet:

Pile Driver (impact)
Pile Driver (sonic)
Clam shovel drop
Hydromill (in soil)
Vibratory Roller
Hoe Ram
Large bulldozer

¹⁰ Page 24 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices.”

¹¹ Page 9 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices”

¹² Page 20 of the PDF copy of Exhibit D “Categorical Exemption No. ENV-2018-4189-CE and Appendices”

¹³ https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

Caisson drilling
Loaded trucks

The analysis should cite the construction methods and assumptions better. If it is indeed common practice for non-full-size trucks to be used in situations like this, a citation may be warranted. However, if it is not required, contractors may elect to do so anyway. As such, formalizing the non-use of Large Bulldozers and Full-Size Loaded Trucks would be an important mitigation measure to make sure nearby buildings aren't subjected to vibrations levels that exceed the damage threshold.

Conclusion

There are several errors and omissions in the CatEx noise analysis, and our comments present a fair argument that the project will potentially cause significant noise and vibration impacts, particularly if no mitigation is employed. If mitigation is necessary, the project would be ineligible for a Categorical Exemption. So, in either case, the environmental noise and vibration caused by the proposed project should be fully examined by an environmental impact report under CEQA.

Very truly yours,

WILSON IHRIG



Jack Meighan
Associate

draft belvedere - comments on noise analysis.docx



JACK MEIGHAN

Associate

Jack joined Wilson Ihrig in 2021 and works out of our Los Angeles office. He is an experienced acoustical engineer with expertise in projects involving rail transit systems, highways, CEQA analysis, environmental noise reduction, mechanical drawing reviews, and construction noise and vibration mitigation. He has hands-on experience with project management, including client coordination and presentations, as well as in designing, developing, and testing MATLAB code used in acoustics applications. His expertise includes field measurements, developing test plans and specifying, purchasing, setting up and repairing acoustic measurement equipment. He has experience in using Traffic Noise Model (TNM), CadnaA, EASE, Visual Basic, LabView, and CAD software.

Education

- B.S. in Mechanical Engineering, University of Southern California, Los Angeles, CA
-

Project Experience

LA Metro Regional Connector, Los Angeles CA

Planned, took, and processed measurements as part of a team to determine the effectiveness of floating slab trackwork for a new subway in downtown Los Angeles that travels below the Walt Disney Concert Hall and the Colburn School of Music.

Rodeo Credit Enterprise CEQA Analysis for New Construction, Palmdale, CA

Wrote an accepted proposal and executed it for a noise study project to determine noise mitigation requirements on a new housing development. Led all aspects of the project and managed the budget during all phases of project completion. Completed five separate projects of this type for this company.

Blackhall Studios, Santa Clarita, CA

Led the vibration measurement effort for a new soundstage directly adjacent to an existing freight and commuter rail line. Tested equipment, processed data, and analyzed results to determine the vibration propagation through the soil to the proposed soundstage locations, and was part of the team that developed mitigation techniques for the office spaces directly next to the rail line.

Octavia Residential Condos CEQA Study, San Francisco, CA

Calculated the STC ratings for the proposed windows to meet Title 24 requirements, modeled the acoustic performance of floor and ceiling structures, researched noise codes, helped with a mechanical design review, and wrote a report summarizing the results for a new Condominium project being developed in San Francisco.

ARRIVE San Diego Airport Terminal 1 Replacement, CA

Conducted interior noise and vibration measurements, analyzed measurement data to help determine project criteria, modeled the existing and future terminals in CadnaA, and was part of a team that did a complete HVAC analysis of the entire terminal, as part of a CEQA analysis where a new terminal for the airport is being designed.

Five Points Apartments Noise Study, Whittier, CA

Conducted measurements, researched sound data and solutions, and recommended mitigation for a new apartment complex that was located next to an existing car wash, as part of a CEQA review.

USC Ellison Vibration Survey, Los Angeles, CA

Conducted vibration measurements as part of a survey to determine the effectiveness of vibration isolation platforms that are used to insulate cell growth in a cancer research facility. Determined the effectiveness and presented this information to the client. Researched and recommended a permanent monitoring system so the client could view data in real time.

TEN50 Condos Noise Investigation, Los Angeles, CA

Was part of a team that investigated the noise source of an unwanted popping noise in luxury condominiums in Downtown Los Angeles. Helped isolate the noise source location with accelerometers to determine where vibrations were occurring first and used an acoustic camera to determine where in the condo the noise was coming from.

2000 University Mixed-Use Building, Berkely, CA

Wrote a construction noise monitoring plan based on environmental noise calculations, as required by CEQA, wrote a report summarizing the results, and attended a client meeting to discuss options.

Bay Area Rapid Transit (BART) On-Track, CA, San Francisco Bay Area, CA*

Day to day project manager, responsible for meetings, presentations, and coordination with the client for an ongoing noise study on the BART system. Developed MATLAB code to process measurements and determine areas where high corrugation was present, contributing to excessively high in-car noise levels. Performed noise measurements inside both the right of way and the vehicle cabin, in addition to rail corrugation measurements.

California I-605/SR-60 Interchange Improvement, Los Angeles, CA*

Developed a noise model of the area that predicted sound levels for abatement design, in addition to conducting noise measurements and analysis. Led the Team in use of the FHWA Traffic Noise Model Software for the project, involving three major highways and two busy interchanges extending over 17 miles in southern California.

Sound Transit On-Track, Seattle, WA*

Took measurements, fixed equipment, and developed software in MATLAB to process Corrugation Analysis Trolley measurements as part of an ongoing noise study on the Sound Transit Link system. Tested vibration data to determine the best measurement and processing techniques to store the data in an online database for in-car measurements.

LA Metro CRRC Railcar Testing, Los Angeles, CA*

Led the effort to plan the measurements, determine measurement locations and finalize the test plan. Formulated a method to capture speed data directly from legacy train vehicles. Executed noise and vibration specification measurements for new rail cars delivered by CRRC.

City of Los Angeles, Pershing Square Station Rehabilitation Noise Monitoring, CA*

Built noise models, wrote a construction noise plan, and assisted in on-site construction noise issues as they arose for a renovation of the Pershing Square metro station in downtown Los

Angeles. Trained construction personnel in techniques for noise reduction and how to conduct noise monitoring measurements to meet project specifications.

City of Orange Metrolink Parking Garage Construction Monitoring, CA*

Wrote an adaptive management vibration monitoring plan, set up equipment to monitor live vibration levels, and generated weekly reports as part of an effort to build a new parking garage. Designed, planned, and completed measurements to predict and mitigate pile driving construction impacts at three historic building locations adjacent to the construction site. Coordinated with the client whenever an on-site problem arose.

LA Metro Westside Subway Construction, Los Angeles, CA*

Planned, organized, and processed noise measurements for the Purple Line extension construction. Implemented both long term microphones to measure noise levels and accelerometers to measure vibration levels in existing subway tunnels. Oversaw noise monitoring at sensitive construction sites for the project and worked with the contractor to find ways to reduce construction noise levels by approximately 10dB.

Montreal Réseau Express Métropolitain, Canada*

Conducted vibration propagation measurements used to create models to predict operational vibration levels for an under-construction transit line. Managed equipment, solved problems in the field, and wrote parts of the report summarizing the findings of the acoustic study.

NCHRP Research Report 882 & 886, Multiple Locations (Dayton and Columbus, OH)

Took on-highway measurements and wrote, designed, developed, and tested MATLAB code to identify specific spectrograms to use for analyses for a project evaluating barrier reflected highway traffic noise differences in the presence of a single absorptive or reflective noise barrier.

Siemens Railcar Testing for Sound Transit, Seattle, WA*

Measured in-car noise and vibration for new rail cars delivered by Siemens. Developed new internal techniques for measurements based on the written specifications. Contributed to the team that helped identify issues that new cars had in meeting the Sound Transit specifications for noise and vibration. Participated in developing the test plan and specified then acquired new equipment for the measurement.

Toronto/Ontario Eglinton Crosstown Light Rail, Final Design, Canada*

Assisted in vibration propagation measurements, analysis, and recommendations for mitigation for a 12-mile light-rail line both on and under Eglinton Avenue. Set up and ran equipment for at-grade measurements with an impact hammer for underground measurements with an impact load cell that was used during pre-construction borehole drilling.

** Work done prior to working for Wilson Ihrig*

Communication from Public

Name: Saul Ramirez

Date Submitted: 02/19/2024 08:40 PM

Council File No: 23-0668

Comments for Public Posting: My name is Saul Ramirez, I live on Avenue 39, and my property is directly next to the proposed project being discussed. Like many of my neighbors, my family has lived on this property for decades; also, like many of my neighbors, we have been fighting for a voice on this project for years. The developer has not listened to our concerns or understood what works with the community that this project will impact (in traffic, aesthetics, and population). My understanding of the housing crisis in Los Angeles is that there is a scarcity of affordable housing available. This project, a proposed seven-story monstrosity with 100 dwelling units and 13 commercial units, only has 10 dwelling units set aside for tackling the actual problem we have in Los Angeles. This large building will dwarf everything around it, in a space that is so compact that I invite the councilmembers to visit the current site to see for themselves. How is it environmentally conscious to have so many human beings, stacked on top of each other, just because there is a metro station nearby? How is it environmentally conscious to take away direct sunlight from neighbors, and expose them to the toxic chemicals and sound pollution that will come with the building of a seven store, 100-plus unit building in such a small space? This is just another project by a developer who does not understand the needs of a community that they are coming into. One only needs to look at the recent headlines of the graffiti-covered Oceanwide Plaza building that was approved by City officials, and now stands empty and unfinished. I drive along my council district and surrounding urban districts and frequently see many buildings similar to the proposed that are both out of place and either unfinished or not fully occupied. Something does need to be built on this land, but it needs to be housing that makes sense first and foremost. Any old plan shouldn't be accepted just because of a proximity to a metro station. My parents are retirement age and are unlikely to move, at least willingly. So this is our reality, this fight. We are urging this council to realize that actual families, with roots and memories in these houses, are here and will be affected. We are not parcels of land and density counts, we are humans, and we are affected by decisions you will make. Please make a decision that requires these developers to be a good neighbor and work with the community to build a better Los

Angeles.