

Communication from Public

Name: Victoria Yundt

Date Submitted: 01/27/2025 11:30 AM

Council File No: 24-1064

Comments for Public Posting: Dear Chair Lee and Honorable Council Members of the Los Angeles PLUM Committee: On behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) and its members living, working, and recreating in and around the City of Los Angeles, please find comments attached regarding the proposed Class 32 “Infill Development” Categorical Exemption for the five-story mixed-use project proposed at 2511 Sunset Boulevard, which is scheduled to be heard on appeal by the PLUM Committee on Tuesday, January 28, 2025. Thank you for your consideration. Sincerely, Victoria Yundt Lozeau Drury LLP



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Via Email

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Re: Appellant SAFER's Supplemental Noise Comment on Proposed CEQA Infill Exemption – 2511 Sunset Blvd. Project (DIR-2023-2028-TOC-SPR-HCA; ENV-2023-2029-CE); January 28, 2025 PLUM Meeting

Dear Chair Lee and Honorable Council Members of the Los Angeles PLUM Committee:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living, working, and recreating in and around the City of Los Angeles ("City"). This comment is with regard to the proposed Class 32 "Infill Development" Categorical Exemption ("Categorical Exemption" or "Class 32 Exemption") for a five-story mixed-use project proposed at 2511 Sunset Boulevard ("Project").

As discussed in prior comments and below, the City cannot demonstrate that their decision to exempt the Project complies with the terms of a 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, be it an Environmental Impact Report ("EIR") or a Mitigated Negative Declaration ("MND").

LEGAL BACKGROUND

CEQA identifies certain classes of projects which are exempt from the provisions of CEQA, called Categorical Exemptions. (14 CCR §§ 15300, 15354.) "Exemptions to CEQA are narrowly construed and "[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language." (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16

Cal.4th 105, 125.) The determination as to the appropriate scope of a categorical exemption is a question of law subject to independent, or de novo, review. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.*, (2006) 139 Cal. App. 4th 1356, 1375 (“[Q]uestions of interpretation or application of the requirements of CEQA are matters of law. (Citations). Thus, for example, interpreting the scope of a CEQA exemption presents ‘a question of law, subject to de novo review by this court.’ (Citations).”).)

Here, the City is relying on the Class 32 Exemption pursuant to CEQA Guidelines section 15332, which exempts infill development projects from CEQA where the following conditions are met:

- (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].)

In order to approve the Project based on the Class 32 Exemption, the City must make the above findings, and support those findings with substantial evidence. (See, *Protect Tustin Ranch v. City of Tustin* (2021) 70 Cal. App. 5th 951, 960.) As discussed below, the Project does not qualify for the Infill Exemption because the Project will have significant noise impacts. As a result, the Project is not exempt from CEQA and the City must prepare an Initial Study followed by an EIR or MND prior to approval of the Project.

DISCUSSION

I. The Project Will Have Significant Noise Impacts, Precluding Reliance on the Class 32 Infill Exemption.

The Infill Exemption does not apply to projects, such as here, that will result in significant noise impacts. (14 CCR § 15332 (d).) Wilson Ihrig reviewed and analyzed the Appendix B: Noise Study (“Noise Study”) prepared for the Project and found that the Project would result in significant noise and vibration impacts. Wilson Ihrig’s comments and CVs are attached as Exhibit A.

a. The Project underestimates construction and operational noise impacts.

The Project's noise analysis is not supported by substantial evidence because it underestimates the Project's construction and operational noise impacts. Wilson Ihrig's review of the Project's construction and operational noise impacts indicate that the Project's noise impacts would not only exceed the estimates provided in the noise analysis, but also CEQA significance thresholds.

For the construction noise impacts, Wilson Ihrig found that the Project's noise analysis used inconsistent noise list estimates. First, as Wilson Ihrig explains:

The noise level estimates in *Table 3* are not consistent with the supporting RCNM printouts supplied in *Appendix B: Noise Study, Attachment B: Construction Noise Worksheets*. In some cases, the levels differ by more than 10 dBA. For instance, *Table 3* reports the level at Site 2 for the Demolition phase as 81.1 dBA, but the RCNM printout for Site 2 in *Attachment B.1* reports an Leq of 96.5 dBA during the phase. RCNM is an industry standard calculation tool for construction noise and the values calculated in *Attachment B* are valid estimates of potential noise. There is no documentation accounting for the 15 dBA difference in level between the RCNM printouts and the noise estimates provided in the body of *Appendix B: Noise Study*.

(Ex. A, p. 3.)

Moreover, “[t]he construction noise level calculations are also not supported by the methodology reported in the body of *Appendix B: Noise Study. Table 2: Construction Equipment by Phase* shows calculated average noise levels (dBA Leq-1hr) per phase.” (Ex. A, p. 4.) According to Wilson Ihrig:

The reference noise levels used to calculate these averages are only valid at 50 feet, therefore the average noise levels are also only valid at 50 ft. In the Demolition phase, *Table 2* correctly calculates an average Demolition phase noise level at 50 ft as 86.1 dBA Leq1h. However, typical distance adjustments would not result in the final noise level estimates presented in *Table 3*. For example, using a hard-ground distance adjustment of $20\log_{10} (Distance (ft)/50)$, the noise level at 15 ft for Site 2 would be 96.6 dBA. This agrees with the RCNM calculation provided in *Attachment B* and is also 15 dB higher than the final construction noise estimate level reported in *Table 3* at this receiver. There is no evidence provided for this difference in level. Corrected noise level estimates or support for the noise estimates in *Table 2* should be provided in an EIR.

(Ex. A, p. 4.)

Due to the deficiencies in the Noise Study, which include underestimated construction and operational noise impacts, the City's conclusion that the Project will not result in significant noise impacts is not supported by substantial evidence. Since the City's noise expert relies on a clearly erroneous analysis that it not based on facts, it does not constitute substantial evidence. (*Woodward Park Homeowners Ass'n, Inc. v. City of Fresno*, 150 Cal. App. 4th 683, 720, (2007); *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.*, 141 Cal. App. 4th 677, 705, (2006); *City of Hesperia v. Lake Arrowhead Cmty. Servs. Dist.*, 37 Cal. App. 5th 734, 766-67, (2019); *Center for Biological Diversity v. California Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 227 (2015).) Wilson Ihrig's findings that the Project could result in significant noise impacts precludes the City from relying on the Infill Exemption.

b. The City fails to properly analyze the Project's vibration impacts.

Another reason why the Project does not qualify for the Infill Exemption is because it will result in significant vibration impacts during construction. (Ex. A, p. 2.) Wilson Ihrig, found that the Noise Study erroneously omits the damage to adjacent commercial buildings in its construction vibration impact assessment. (Ex. A, pp. 2-3.) Whereas the analysis evaluates vibration impacts from 82 feet (identified in green below), the unanalyzed buildings (in red) are located much closer to the Project site. (*Id.* at p. 4.)

According to Wilson Ihrig, the Noise Study incorrectly implies that buildings susceptible to vibration damage are the same as the noise-sensitive residential receivers that were identified in the noise analysis. However, construction vibration analyses should include any building in the vicinity of construction, as all structures are susceptible to damage at varying levels of vibration. Wilson Ihrig explains:

The FTA guidance manual states on Page 182 that "Buildings founded on the soil near the construction site [can] respond to these [construction] vibrations with ... slight damage at the highest [vibration] levels."

(Ex. A, p. 2; see also, Ex. A, p. 4, *Table 1: Caltrans Vibration Damage Criteria*.)

As such, Wilson Ihrig concludes that "[t]he commercial buildings adjacent to the project site on Sunset Blvd should be included in the vibration damage assessment. This includes business in Golden Plaza to the northwest of the Project site and Sunset Plaza to the southeast. These buildings are located as close as 2 feet from the project site and could experience vibration levels higher than the 0.5 in/s PPV damage impact threshold for modern commercial buildings." (Ex. A, p. 3; see also, Ex. A, p.5.) Therefore, The Noise Study's omission of this analysis means that vibration impacts on these buildings are left unanalyzed and unmitigated. Thus, the City's conclusion that the Project will not result in significant vibration impacts is not supported by substantial evidence.

Moreover, Wilson Ihrig explains that the sources of construction vibration identified in the Noise Study analysis are loaded trucks, jackhammers, and small bulldozers. (Ex. A, p. 3.)

Wilson Ihrig found that the use of loaded trucks or jackhammers at the edges of the worksite (at 2 feet) have the potential to exceed vibration damage criteria for the nearest commercial buildings:

Table 2: Construction Vibration at Adjacent Receivers

	PPV level at 2 ft (in/s)
Loaded trucks	3.359
Jackhammer	1.547
Small bulldozer	0.133

(Ex. A, p. 3.)

Based on this information, Wilson Ihrig concluded that “**Vibration levels for loaded trucks and jackhammers at this distance are extremely high and several times the damage thresholds.** This potential for building damage should be documented and studied in an EIR.” (Ex. A, p. 3.)

Due to the City’s failure to adequately analyze the Project’s noise and vibration impacts, and the significant noise impacts identified by Wilson and Ihrig, the City cannot rely on the Infill Exemption. Instead, the City must prepare an MND or EIR to properly account for, and mitigate the Project’s significant noise impacts.

II. Exemptions from CEQA are Prohibited Where Mitigation Measures are Required to Reduce a Project’s Possible Significant Impacts.

The Project’s use of mitigation measures renders the Categorical Exemption inapplicable. 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.App4th 1098, 1102 (“*SPAWN*”).) The Court in *SPAWN* explained that projects that require mitigation are not eligible for an exemption from CEQA. (*Id.* at 1106-08.) 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.

As explained above, the Categorical Exemption’s noise study projects that demolition and construction equipment will generate noise levels that exceed significance thresholds. (Categorical Exemption, pp. 20-21.) In order to reduce noise impacts, the Categorical Exemption proposes mitigation measures such as the use of noise control barriers and other related measures. (*Id.*)¹ The noise study concedes that compliance is possible *only if* the Project implements mitigation measures.

¹ “Source control techniques can include: (1) muffler requirements, (2) maintenance and operational requirements, and (3) equipment emission level requirements. These control techniques can be used separately or in combination with each other in order to achieve the

The referenced measures are clearly mitigation measures, meaning that the Project is prohibited from proceeding under a CEQA exemption. Such measures are clearly independent of the Project's design because they are intended to be incorporated into the equipment during demolition and construction. The mischaracterization of the mitigation measure as a design feature "precludes...the required disclosure of the Project's environmental impacts and analysis of potential mitigation measures." (*Mission Bay All. V. Off. of Cmty. Inv. & Infrastructure* (2016) Cal.App.5th 160, 185.) As such, these additional noise-reducing measures are mitigation measures, thereby precluding reliance on a Categorical Exemption.

Even if the City does not regard these as mitigation measures, it cannot rely on these measures if they are not enforceable or effective. Here, according to the Wilson Ihrig, there is no guarantee that inclusion of the mitigation measures for mufflers and simultaneous equipment will result in less-than-significant impacts, as the Categorical Exemption merely estimates what combination of mitigation measures may reduce noise levels. (See, Ex. A, p. 4.) Furthermore, the Categorical Exemption does not include a binding requirement to implement the mitigation measures into the Project, meaning that there is no enforcement mechanism to require the use of the proposed mitigation measures. As such, there is no guarantee that noise measures will be implemented, meaning that there is no certainty that safeguards will be implemented to reduce noise effects below significance thresholds. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2). See *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement); *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal. App.4th 173, 195-96.) Since the mitigation measures are not enforceable, the City may not rely on these measures to shield the Project's significant noise impacts from CEQA review.

The City cannot exempt the Project from CEQA review because the public has a right to know the unmitigated Project impacts and comment on the adequacy of the 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 Categorical Exemption. (See *SPAWN, supra*, 125 Cal.App.4th at 1103-04, 1107-09.) Therefore, the City's use of mitigation measures in the noise analysis violates CEQA and the Project cannot proceed with the Class 32 Exemption.

desired results. Most control noise originates from equipment powered by either gasoline or diesel engines. Using optimal muffler systems on all equipment would reduce construction noise levels by 10 dBA or more.[] Additionally, a noise barrier can achieve a 5 dBA noise level reduction, when it is tall enough to break the line-of-sight to the sensitive receiver. It can achieve approximately 1.5 dBA of additional noise level reduction for each meter of barrier height. Additionally, limiting the number of noise-generating, heavy-duty construction equipment to two (2) pieces operating simultaneously would reduce construction noise levels by approximately 1.5 dBA." (Categorical Exemption, p. 21.)

CONCLUSION

For the foregoing reasons, the Project does not qualify for the Infill Exemption and the City must prepare an EIR or MND prior to any further action on the Project. Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Yundt".

Victoria Yundt
LOZEAU | DRURY LLP

EXHIBIT A



WI #24-002.11

June 10th, 2024

Mr. Marjan Kris Abubo
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

**SUBJECT: 2511 Sunset Mixed-Use Categorical Exemption
Los Angeles, California
Review and Comment on Noise Study**

Dear Mr. Abubo,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the Categorical Exemption (CatEx) for the 2511 Sunset Mixed-Use Project, with an emphasis on the Appendix B, the Noise Technical Report, developed by Meridian Consultants and dated December 2023. The Proposed Project is construction of a 5-story approximately 121-unit multi-family residential building on four lots on Sunset Blvd in Los Angeles. The project is surrounded by sensitive uses, including many residences to the north and south of the project and the Comfort Inn Los Angeles near Hollywood.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 58 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 CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

Adverse Effects of Noise¹

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 Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and

¹ 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 (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.

Construction Vibration is Not Assessed at Adjacent Commercial Buildings

The CatEx fails to address potential vibration damage impacts at commercial buildings adjacent to the project site. *Appendix B: Noise Study, Table 4: On-Site Construction Vibration Impacts – Building Damage* implies that buildings susceptible to vibration damage are the same as the noise-sensitive residential receivers that were identified in the noise analysis. Construction vibration analyses should include any building in the vicinity of construction, as all structures are susceptible to damage at varying levels of vibration. The FTA guidance manual states on Page 182 that "Buildings founded on the soil near the construction site [can] respond to these [construction] vibrations with ... slight damage at the highest [vibration] levels." Vibration damage threshold levels developed by Caltrans are shown in Table 1.

Table 1: Caltrans Vibration Damage Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2020

The commercial buildings adjacent to the project site on Sunset Blvd should be included in the vibration damage assessment. This includes business in Golden Plaza to the northwest of the Project site and Sunset Plaza to the southeast. These buildings are located as close as 2 feet from the project site and could experience vibration levels higher than the 0.5 in/s PPV damage impact threshold for modern commercial buildings.

The sources of construction vibration identified in the Noise Study analysis are loaded trucks, jackhammers, and small bulldozers. Use of loaded trucks or Jackhammers at the edges of the worksite have the potential to exceed vibration damage criteria for the nearest commercial buildings. Calculated vibration levels at 2 feet are provided in Table 2. **Vibration levels for loaded trucks and jackhammers at this distance are extremely high and several times the damage thresholds.** This potential for building damage should be documented and studied in an EIR.

Table 2: Construction Vibration at Adjacent Receivers

	PPV level at 2 ft (in/s)
Loaded trucks	3.359
Jackhammer	1.547
Small bulldozer	0.133

Construction Noise Level Estimates are Incorrect and Unsupported

The CatEx does not provide supporting documentation for the values reported in *Appendix B: Noise Study, Table 3: Construction Maximum Noise Estimates*.

The noise level estimates in *Table 3* are not consistent with the supporting RCNM printouts supplied in *Appendix B: Noise Study, Attachment B: Construction Noise Worksheets*. In some cases, the levels differ by more than 10 dBA. For instance, *Table 3* reports the level at Site 2 for the Demolition phase as 81.1 dBA, but the RCNM printout for Site 2 in *Attachment B.1* reports an L_{eq} of 96.5 dBA during the phase. RCNM is an industry standard calculation tool for construction noise and the values calculated in *Attachment B* are valid estimates of potential noise. There is no documentation accounting for the 15 dBA difference in level between the RCNM printouts and the noise estimates provided in the body of *Appendix B: Noise Study*.

The construction noise level calculations are also not supported by the methodology reported in the body of *Appendix B: Noise Study, Table 2: Construction Equipment by Phase* shows calculated average noise levels (dBA L_{eq-1hr}) per phase. The reference noise levels used to calculate these averages are only valid at 50 feet, therefore the average noise levels are also only valid at 50 ft. In the Demolition phase, *Table 2* correctly calculates an average Demolition phase noise level at 50 ft as 86.1 dBA L_{eq-1hr} . However, typical distance adjustments would not result in the final noise level estimates presented in *Table 3*. For example, using a hard-ground distance adjustment of $20 \log_{10}(Distance (ft)/50)$, the noise level at 15 ft for Site 2 would be 96.6 dBA. This agrees with the RCNM calculation provided in *Attachment B* and is also 15 dB higher than the final construction noise estimate level reported in *Table 3* at this receiver. There is no evidence provided for this difference in level. Corrected noise level estimates or support for the noise estimates in *Table 2* should be provided in an EIR.

Insufficient Support for Mitigation – Mufflers

The source noise levels in *Appendix B: Noise Study, Table 2: Construction Equipment by Phase* come from the FHWA Construction Noise Handbook and *Attachment B: Construction Noise Worksheets* show estimated construction noise levels modeled with RCNM which uses the same source noise levels. Those data represent contemporary equipment that is already equipped with mufflers, as the bulk of sound data in this model was obtained during the 1990s and 2000s during the Central Artery Tunnel project in Boston. By the 1990s, virtually all construction equipment was fitted with mufflers, so the reference sound levels already account for the noise reduction they provide. Therefore, the assumption that adding mufflers can provide a 10 dB reduction to estimated noise levels is unsubstantiated and unrealistic, creating an underestimation of construction noise levels that may lead to unstudied and unmitigated significant noise impacts.

Insufficient Support for Mitigation – Simultaneous Equipment

Appendix B: Noise Study claims that using only two pieces of equipment at a time can reduce noise levels by approximately 1.5 dB. The Noise Study does not provide evidence for this claim. The potential noise reduction can vary widely depending on which two pieces of equipment are chosen to run simultaneously. For example, in the Demolition phase, running only the concrete saw and excavator simultaneously and turning off the other equipment shown in *Table 2* gives a reduction of 2.5 dBA opposed to when everything in the demolition phase is running, but when the same simulation is run with the concrete saw and other equipment greater than 5 horsepower, the reduction is only 0.8 dBA. Also, as the relevant criteria is based on an hourly L_{eq} , this mitigation would require only those two pieces of equipment to be operated during a given hour. The noise reduction achieved from reducing the number of simultaneous pieces of equipment should be shown in the report Attachments along with the unmitigated predictions.

On-Site Operational Noise Analysis is Incomplete

Appendix B: Noise Study does not quantitatively study impacts generated by noise produced by this project on nearby receivers. As such, it is possible the rooftop mechanical equipment, among other things, would raise nearby ambient levels over impact thresholds. This is especially a concern at night since HVAC systems can run at any hour.

There are no calculations nor any evidence provided that demonstrates mechanical equipment used in the Project will not be potentially significant at nearby sensitive receivers. Typical noise levels associated with mechanical equipment can be placed in a noise model with distance attenuation and

project geometry to determine if there is an impact that would require mitigation. To confirm a less than significant impact, the Project Applicant should demonstrate that the noise levels generated by these construction phases are below reasonable significance thresholds.

Hotel Not Identified as Sensitive Receiver

The CatEx does not identify the Comfort Inn Los Angeles near Hollywood Hotel as a sensitive receiver. The hotel is located approximately 225 ft from the edge of the Project site at the intersection of Sunset Blvd and Benton Wy. This receiver is within screening distances and needs to be included in a full CEQA analysis to accurately study and represent potential impacts on the community.

Conclusion

The CatEx *Appendix B: Noise Study* includes several errors, omissions, and unsubstantiated mitigation claims. The construction noise estimates are not supported by either noise analysis methodology, or the construction noise worksheets provided in the *Attachment B*. Little to no analysis is provided on construction vibration damage to adjacent commercial buildings or noise from mechanical equipment on the rooftop. Two of the three construction noise mitigation methods are unsubstantiated and unrealistic. These errors and omissions should be corrected in a revised CatEx or in an Environmental Impact Report.

Please feel free to contact me with any questions on this information.

Sincerely,
WILSON IHRIG



Kathryn Krainc
Associate

2511 sunset mixed use ce - comments on noise analysis - k krainc