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September 30, 2024

VIA EMAIL

Chair Marqueece Harris-Dawson and Honorable Members
of the Planning and Land Use Management Committee
Los Angeles City Council
200 N. Spring Street, Room 395
Los Angeles, CA 90012

clerk.plumcommittee@lacity.org

**Re: Artisan Hollywood Project, Response to Supplemental Appeal Documents
Council File No. 24-0290, October 1, 2024 PLUM Committee Meeting, Agenda Item No. 15**

Dear Chair Harris-Dawson and Honorable Committee Members:

On behalf of Artisan Ventures (“Artisan”), the applicant for the Artisan Hollywood mixed-use residential and commercial project (“Project”) located at 1520-1542 North Cahuenga Boulevard, 1523-1549 North Ivar Avenue, and 6350 West Selma Avenue (“Site”), we are submitting this letter in response to the supplemental materials recently filed by the Sound Factory to support its appeal (“Appeal”) of the Project’s vesting tentative tract map (“VTTM”), which the PLUM Committee will consider at its October 1, 2024 meeting.

Artisan and this firm wish to thank the PLUM Committee for granting several prior continuances of time to allow Artisan and the Sound Factory to discuss the potential resolution of concerns expressed in the Appeal. Unfortunately, this parties have not yet been able to reach resolution, and in consideration of the many other pending matters to be considered by the PLUM Committee and the full City Council, the time has come for this Appeal to be heard. For the reasons set forth below, in addition to the evidence contained in the entire administrative record, the Appeal has no merit, and should be dismissed.

Responses to Appeal’s California Environmental Quality Act (“CEQA”) Objections

As made clear by the Project’s environmental impact report (“EIR”), recording studios are not considered noise-sensitive uses by the City for purposes of CEQA analysis. This is true under the City’s

CEQA guidelines utilized in connection with the preparation of the EIR, as well as the City's recently updated CEQA noise and vibration thresholds.¹

Notwithstanding, for informational purposes, in addition to its analysis of potential noise impacts at all nearby qualifying noise-sensitive uses, the Project's EIR assessed the maximum potential temporary increases in ambient noise levels at the Sound Factory due to Project construction activities. This analysis, fully set forth in the EIR, discloses that these anticipated noise level increases from both on-site sources (i.e., construction equipment being used on the Site) and off-site sources (i.e., haul trucks used during the excavation phase of construction) would exceed the City's thresholds of significance for construction noise utilized for the EIR.

The EIR also identified the Sound Factory as a potential vibration-sensitive receptor for both building damage and human annoyance, in accordance with the City's CEQA guidelines utilized for the EIR. As demonstrated by the EIR, the Project would not result in any potential building damage-related vibration effects on the Sound Factory, but would exceed the City's threshold for human annoyance-related vibration effects for recording studios in connection with the Project's daytime construction activities. Notably, in contrast to the CEQA thresholds utilized for the EIR, the City's recently updated CEQA noise and vibration thresholds do not impose any human annoyance-related vibration thresholds for recording studios during daytime hours.²

Due to the fact that the EIR identified significant and unavoidable Project-related noise and vibration impacts upon adjacent receptors (including but not limited to the Sound Factory), the City has compiled extensive supporting evidence demonstrating that the Project's significant local and Citywide benefits outweigh and override the Project's temporary construction-related significant impacts, and has adopted a Statement of Overriding Considerations for the Project.

As set forth in the Draft EIR and its supporting technical analyses, the extensive responses provided in the Final EIR, the staff report and responses to public comments provided to the City Planning Commission ("CPC"), and multiple prior responses by the Project's expert CEQA consultants and this firm, the City properly assessed the Project's potential environmental effects, including its noise and vibration impacts on nearby sensitive receptors. However, the Sound Factory continues to object to the Project's CEQA analysis, and in its supplemental appeal materials, has now offered several new objections to the Final EIR's responses to comments that were published over one year ago. These new objections fail to raise any new or different issues regarding the EIR; nevertheless, for purposes of completeness of the record, responses to these latest comments are provided in Attachment 1, as well as in the memorandum from the Project's expert noise consultant, Acoustical Engineering Services ("AES") included as Attachment 2. As demonstrated by these responses, Sound Factory's repeated objections regarding the EIR's analysis of noise and vibration continue to have no merit.

¹ See City of Los Angeles, Construction Noise and Vibration Updates to Thresholds and Methodology, August 2024, available at <https://planning.lacity.gov/odocument/fba26ae5-ca95-48c3-aace-ae3bf0cb43b1/Construction%20Noise%20and%20Vibration%20-%20Proposed%20Updates%20to%20Thresholds%20and%20Methodology%20&%20Attachments.pdf>.

² Ibid.

Responses to Appeal's VTTM and Entitlement Approval Objections

Sound Factory's latest appeal documents also claim that the VTTM "fails to inform about inconsistencies with the current zoning." It is not clear what this comment refers to, as Sound Factory does not cite to any provision of the Los Angeles Municipal Code ("LAMC") or any other City regulation that the Project or VTTM allegedly conflicts with. Instead, these comments appear to take issue with the VTTM's proposed merger of the Site's multiple existing lots into a single ground lot, which is entirely permissible under the Subdivision Map Act and the City's subdivision regulations. Moreover, as documented by the City's Advisory Agency and upheld by the CPC, the Project's VTTM is fully compliant with the LAMC, the Site's applicable zoning regulations, and the City's Transit Oriented Communities Affordable Housing Incentive Program. No substantial evidence of any inconsistency or deficiency with the Project's VTTM approval has been provided.

Sound Factory also makes other unsupported claims regarding the Project's entitlement approvals, including claims that the Site's "D" development limitation has somehow been violated, the Project conflicts with the Hollywood Redevelopment Plan, and the Project's Site Plan Review findings are unsubstantiated. These claims ignore the detailed analysis in the EIR and the City's findings of approval for the Project demonstrating its consistency with all applicable land use plans and policies, as well as the detailed responses to these same objections made prior to the CPC's consideration and rejection of Sound Factory's initial appeal filings. The latest claims also include a statement that the Project does not qualify as a housing development project under State law, with no further explanation or justification. These objections fail to demonstrate any deficiency in the City's approval of the VTTM or any other Project entitlement. And to be clear, the Project is a housing development project and benefits from the protections of multiple State housing laws, including but not limited to the Housing Accountability Act.

We again appreciate the PLUM Committee's generosity in granting previous continuances of this hearing, and now respectfully request that you grant approval of the Project and allow its much-needed housing units be developed at the Site. Thank you for your consideration.

Sincerely,



Todd Nelson
Partner
of RAND PASTER & NELSON, LLP

cc: Erin Strelch, Department of City Planning
More Song, Department of City Planning

Attachment 1: Responses to Sound Factory’s “Exhibit I: FEIR Responses” Comments

Com-ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
5.1	Acoustic experts (RNS Acoustics) specializing in construction impacts concluded construction will make operation of recording studio business impossible	See DEIR and comment answers 5-2 through 5-25	Refers to subsequent comments	<u>No new CEQA objection made, no new response required.</u>
	Precedent for feasible mitigation measures imposed by City was for Emerson College construction project affecting East West Studios on Sunset Blvd	Fails to respond	Fails to respond	<u>No new CEQA objection made, no new response required.</u>
	Construction worker parking	Fails to respond	Fails to respond	<u>No new CEQA objection made, no new response required.</u>
5.2	EXECUTIVE SUMMARY of RNS Report-shows intrusive noise and vibration detrimental effects missed by DEIR		Refers to subsequent comments	<u>No new CEQA objection made, no new response required.</u>
	DEIR concludes “significant and unavoidable impacts to Sound Factory” with proposed Mitigation Measures and Project Design Features	“Noted for the record – forward to decisionmakers”	Fails to respond-- Not compliant with CEQA: City may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” NB- multiple following items cite commonly used mitigations as “infeasible” – which is erroneous	<u>No new CEQA objection made, no new response required. Draft and Final EIR contain extensive analysis of feasible and infeasible mitigation measures to address noise and vibration, commenter provides no substantial evidence demonstrating deficiency in City’s analysis.</u>
5.3	Sound Factory has critical working hours 8:00 am – 12:00 pm 7 days a week; specialized recording studios are engineered sound isolated construction	Response omitted	Fails to respond- Fails to analyze critical issue Response in Comment 5-5 Fails to Respond: Fails to clarify how the overlap of construction with Sound Factory hours effects recording	<u>No CEQA objection made (then or now), no response required.</u>
5.4	DEIR Definition of Noise Sensitive Receptors omits Sound Factory by improperly citing Sound Factory included “for informational purposes”- (ERROR is in LA CEQA Threshold Guide which omits	DEIR did analyze Sound Factory anyway	Fails to Respond- Fails to acknowledge that LA CEQA Threshold Guide is standard., Fails to Respond (See 5.12) fails to acknowledge omission of Sound Factory as vibration-sensitive receptor	<u>Neither LA CEQA Thresholds Guide nor recently updated City noise threshold identifies recording studios as noise-sensitive receptors; contrary to comment, EIR identified Sound Factory as vibration-sensitive receptor for human annoyance; no new response required.</u>

Comment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
	noise sensitive equipment as a defining feature of noise sensitive receptors)			
5.5	Construction duration and schedule showing disruptive noise times is missing: schedule is missing which provides when there will be disruptive noise	See IV G-11 Demolition – 1 MO Grading – 7 MOS Building-15 MOS Paving- 2 MOS	Fails to respond- provides construction stages schedule but fails to distinguish what and when there is noise disruption	<u>Existing response explains EIR’s methodology to conservatively identify peak noise and vibration periods; current comment raises no new CEQA objection, no new response required.</u>
		DEIR models noise with “close” equipment but actual equipment will be farther	False statement- Nothing in project Conditions assures that equipment and especially trucks, will not be “close” to Sound Factory	
5.6	Estimated Exterior Noise Levels from Construction RNS summarizes noise levels from on site construction equipment—shows that for sound originating within the construction site, the sound barrier required by NOI MM1 will FAIL to reduce construction equipment-generated noise by 10 dBA exceedance.	“Noted for the record – forward to decisionmakers”	Fails to respond: This central comment stating that the sound barrier will NOT be effective for reducing construction site equipment-generated noise is simply sent to decision-makers	<u>No CEQA objection made (then or now), no response required.</u>
5.7	DEIR Sound Level Analysis Using A-weighted Hourly Equivalent is wrong— understates actual impact at a specifically noise-sensitive business. Averaging over an hour misses instantaneous louder noise sources	Sound analysis matches LA CEQA Thresholds Guide	False statement; RNA provided expert additional data and analysis for this specific site and use; this cannot be dismissed based on LA’s CEQA Thresholds Guide	<u>Comment does not provide any evidence demonstrating error by City in utilizing L_{eq} or the A-weighted decibel scale (dBA) in noise analysis. As explained by the Draft EIR as well as the Final EIR response, dBA includes low frequency sound and is adjusted to approximate human hearing sensitivity.³ Use of the A-weighted decibel scale is specifically recommended by LA CEQA Thresholds Guide⁴ and also recommended by FTA noise</u>

³ See Draft EIR p. IV.G-2 (citing Caltrans guidance regarding use of A-weighted decibel scale).

⁴ LA City CEQA Thresholds Guide, 2006, p. I.1-1 (“Environmental noise is measured in decibels (dB). To better approximate the range of sensitivity of the human ear to sounds of different frequencies, the A-weighted decibel scale (dBA) was devised. Because the human ear is less sensitive to low frequency sounds, the A-scale deemphasizes these frequencies by incorporating frequency weighting of the sound signal.”)

<i>Comment</i>	<i>Paraphrase of RNS Acoustics Comments on DEIR</i>	<i>Response by City in FEIR</i>	<i>Is FEIR Response Valid?</i>	Applicant Responses
				<u>assessment guidance;⁵ no new CEQA objection made, no new response required.</u>
	<i>Averaging over an hour also misses low frequency sounds from construction equipment and sound barrier may fail to block that low frequency sound</i>	<i>A- weighted level did include low frequency sound</i>	<i>No substantiation provided in FEIR</i>	<u>See above, no new response required.</u>
	<i>DEIR calculations are based on a construction site logistics plan that is not available to public and not produced in FEIR</i>	<i>Construction equipment will be further away and have fewer pieces of equipment</i>	<i>No substantiation provided in FEIR</i>	<u>Draft EIR and associated noise appendix provides full explanation of methodology utilized; no new CEQA objection, no new response required.</u>
5.8	<i>Sound barrier design under NOI MM1 fails to deal with sound not attenuated by sound barrier—Not affected are: sound above barrier (above the 1st floor of a 24 story building); sound escaping with gates opening on to Selma in barrier; sound sources farther away on the site; low frequency sound not captured by design of sound barrier.</i>	<i>FEIR agrees with this criticism</i>	<i>Fails to resolve: States Plan Checker is required to “verify”. Plan Checker cannot resolve noise generated by equipment above the sound barrier; has no guidance on prohibiting gates to the north in the sound barrier, etc. Plan checker will need detailed guidance. The acoustic barrier is only expected to attenuate air-borne sound from sources behind the barrier, such that no line-of-sight is possible between the noise sources the receiver. Vibration and ground-borne energy is not expected to be attenuated by the acoustic barrier and will require other analysis and mitigation.</i>	<u>Comment does not provide any substantial evidence of deficiency in mitigation measure’s requirement for attenuation level to be verified by noise consultant; no new CEQA objections, no new response required.</u>

⁵ FTA Transit Noise and Vibration Impact Assessment Manual, 2018, p. 10 (“This manual uses the noise metrics outlined in Table 3-1 for transit noise measurements, computations, and assessment. The terminology is consistent with common usage in the United States. All of these noise metrics are expressed in units of A-weighted decibels (dBA). A-weighted sound levels represent the overall noise at a receiver that is adjusted in frequency to approximate typical human hearing sensitivity.”) Available at: 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.

Com-ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
	<p>Barrier attenuating 15 dBA may NOT be attenuating it at low frequency. RNS showed below 100 hz Sound Factory sound isolation reduced only 20-38 dB</p>		<p>Fails to respond: Reviewer failed to address critical issue. The barrier's overall dBA level attenuation and attenuation per octave band center frequency should be verified by a certified acoustician. The low frequency attenuation (250 Hz and below) should maintain the 15 dBA overall reduction. If a barrier can achieve 15 dBA of overall attenuation, it's possible that most of the attenuated energy is in the mid to high frequencies and very little energy is controlled at low frequencies, where sound transmission into the studios is a concern. Acoustician specifications for barrier design and performance must address this specifically based on testing data of low frequency energy so that it is controlled at the Sound Factory receptor to achieve needed relief from disturbance at all frequencies.</p>	<p><u>Comment provides no substantial evidence supporting use of suggested noise analysis in lieu of City-approved methodology and City-adopted thresholds of significance detailed in and utilized by EIR; see also AES response to related comments regarding noise methodology in Attachment 2</u></p>
5.9	<p>Exterior to interior Sound Attenuation Measured by RNS, proves construction will be a problem: Interior studio level found by RNS to be 17 dBA, meaning sound isolation at building can achieve 47 dB attenuation at some frequencies based on the ambient level of 64 found by RNS at that time. RNS found only 20-38 dB attenuation at others.</p>	<p>FEIR argues attenuation is sufficient</p>	<p>False response: Reviewer misses that RNS was pointing out that sudden noise did disrupt recording AND that sound isolation/wall attenuation is reduced at some frequencies. This is factual data. RNS took readings in 1 interior studio. A complete analysis considering all 4 studios may find even greater need for sound and vibration reduction. Current Sound Factory</p>	<p><u>As acknowledged by EIR, ambient noise levels at Sound Factory will increase due to Project construction; as demonstrated by prior Final EIR responses, significant attenuation of exterior noise levels will be provided by Sound Factory building; while interior ambient noise levels at recording studios could increase, noise levels would remain consistent with FTA identified noise impact criteria for recording studios; no substantial evidence has been provided demonstrating error in EIR's noise methodology or</u></p>

Com- ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
	<p>Sudden noise was significantly noisier and less attenuated; Conclusion-</p> <p>ANY higher noise than ambient (DEIR used 59 dBA) will be problematic,, as sound barrier will not be reducing construction noise to that. Sudden noise will be more problematic and less attenuated</p>		<p>sound isolated construction will not reduce noise outside which is above ambient level—which includes expected truck hauling and delivery noise. See Exhibit 2</p> <p>Sound barrier at construction site only reduces noise reaching Sound Factory to 10 dBA above ambient, and thus will be “heard” by sound recording equipment and be a problem.</p> <p>Response math incorrect: states attenuation was 52 dB for a specific noise event but correct amount is best case 47.7, Lower attenuation of 20-38 dB is expected at certain frequencies and lower attenuation of expected sudden noise..</p>	<p><u>noise impact determination.</u></p>
5.10	<p>Construction Traffic Noise/Haul Route : City requires hauling trucks to use Selma Ave past Sound Factory from 9:00 am – 3:00 pm</p>	<p>“Noted for the record – forward to decisionmakers”</p>	<p>Fails to respond</p>	<p><u>No CEQA objection made (then or now), no response required.</u></p>
	<p>Frequency of grading/excavation trucks- 57 days or 10 weeks (6 day week) for 2 ½ mos at 1 truck every 2 mins (Appendix 1, Page 86 shows 200 daily trips 69,333 yards) 12 yds per export trip= 5,777 trips X 2 + 11,555 trips div by 200 per day is 57 days at 34 truck trips per hour</p>	<p>“Noted for the record – forward to decisionmakers”</p>	<p>Fails to respond: City requires use of Selma for hauling. DEIR and FEIR fail to evaluate noise from truck traffic</p>	<p><u>No CEQA objection made (then or now), no response required.</u></p>

Comment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
	Frequency of concrete trucks for mat foundation-670 trucks is 2 days @ 335 trucks; 16 hr day means 21 trucks per hour	"Noted for the record – forward to decisionmakers"		<u>No CEQA objection made (then or now), no response required.</u>
5.11	Quantity of truck traffic noise undercounted Hauling trucks in Noise Analysis reduces amount by half from Transportation Analysis	Noise analysis did indeed only count one way	Fail to admit error and correct analysis: UNDERCOUNTS noise from hauling trucks by 50% Math error from attenuation repeated from Response 5.8	<u>As explained in Final EIR response, noise analysis tracks haul route details, with 17 one-way truck trips counted along Selma between Gower and Argyle, and 34 two-way truck trips counted along Selma between Argyle Avenue and Site; no additional response required.</u>
	Truck low frequency noise issue missing from DEIR because uncaptured by improper A- weighted hourly analysis for a recording studio.	Trucks along Selma at 68 dBA	False response: FHWA and CalTrans guides indicate much higher truck noise levels. Use 88 dBA per attached analysis. Fails to respond: By using hourly analysis EIR reduces noise levels— Low frequency sound missing from DEIR, not analyzed or dealt with also in FEIR. See Exhibit 2	<u>See Attachment 2 for responses to unfounded claims regarding truck noise levels.</u>
5.12	Ground- borne Vibration Analysis completely missing for Sound Factory Human Annoyance Threshold and Structural Damage Threshold used in DEIR do NOT capture vibration threshold for Sensitive Equipment- the 3rd "normal" factor. RNS also cites specific construction equipment which will exceed noise levels used in DEIR	"No feasible mitigation measures could be implemented to reduce temporary impacts"	Critical Omission: DEIR failed to address/analyze vibration effect on sensitive equipment- the 3rd effect always analyzed per "Transportation and Construction Vibration Guidelines Manual of 2020 by Caltrans. False response: Impacts are NOT temporary and feasible methods exist to identify, monitor, and end impacts	<u>Comment does not provide any substantial evidence demonstrating that a third vibration threshold (apart from building damage and human annoyance) exists and should have been analyzed; as described by EIR, human annoyance vibration analysis that was conducted for Project includes assessment of potential impacts on sensitive equipment, including such equipment used in recording studios.</u>
5.13	Trucks passing Sound Factory to exceed above-threshold level DEIR shows 72 vDB at 25', above 65 dBA threshold	FEIR agrees with 72 vDB, but fails to then	Failure to respond: Failure to state adverse effect and add Mitigation Measure	<u>Contrary to comment, EIR identifies significant human annoyance impacts due to off-site trucks, and explains in detail the infeasibility of mitigation measures to reduce this impact; no further response required.</u>

Com-ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
	Other equipment etc also exceeds such as hoe rams, vibratory rollers,	No hoe rams or vibratory rollers to be used	No substantiation: No Project Condition prevents use of these or similar equipment. Also these were examples, not an exhaustive list	<u>EIR describes anticipated equipment mix and assesses worst-case vibration scenarios; no new CEQA objection made, no response required.</u>
	Street bumps and bad paving can increase truck vibration effects	Google Earth shows good paving	False response: Google photos do not show condition of street at time of Artisan construction nor the roughness after 11,000 truck trips. No substantiation: No project Condition requires pavement maintenance	<u>No new CEQA objection made, no response required.</u>
	No impact piles anticipated	Commenter misread this comment	No Issue: RNS correctly cited that impact piles are prohibited. As long as that prohibition remain, no issue.	<u>No CEQA objection made, no response required.</u>
5.14	Vibration Monitoring- NOI MM2- Sound Factory was NOT required by EIR to be monitored for structural damage. A recently- built building to the west must be monitored, and if not damaged vibration threshold may be increased.	DEIR only monitors building "immediately adjacent" to Artisan site	False response: Construction type is central in determining what buildings should be monitored for vibration impacts, and DEIR and FEIR fail on this. Sound Factory building is equidistant to parts of construction site as building being monitored. . See Comment 5-23	<u>EIR as well as City's prior responses to Sound Factory demonstrate the identified building for implementation of NOI-MM2 is the immediately adjacent commercial building at 1556-1564 N. Cahuenga Boulevard, located directly adjacent to the Project's proposed footprint. The EIR further makes it clear that the commercial buildings located to the north of the Project Site across Selma Avenue (e.g., Sound Factory) would not be exposed to potentially damaging levels of vibration due to attenuation owing to the distance of these buildings from the Site; no new response required.</u>

Com- ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
5.15	<p>Amplified sound systems at Amenity Decks will be a major problem if allowed on outdoor decks: can exceed allowed levels for short times, or special events. Amenity Deck projected at 75 dBA at Level 4 and 80 dBA at level 25—and thus 42.8 dBA at Sound Factory.</p>	<p>PDF requires qualified noise consultant sign-off</p>	<p>Failure to repond: Answer repeats statements in DEIR, without addressing 3 aspects of how a qualified noise consultant can carry out their responsibility: how volume will be limited in actual use; how extra plug-in speakers etc will be prohibited; and how the damaging effect of using the dBA L eq measurement averaged over 1 hour will be corrected, as it misses sudden or even continuing louder noise. As well the response misses the damage of low end in amplified music and the fact that attenuation and testing has not been done through building roofs. In addition, the renderings approved by City Planning now show giant openable 2nd floor window walls directly across from Sound Factory.</p>	<p><u>No substantial evidence provided supporting any alleged operational noise impact, or even any increase in existing ambient noise levels, at Sound Factory due to noise from Project occupancy and/or any use of an amplified sound system complying with NOI-PDF-4; no new response required</u></p>
5.16	<p>Amplified sound systems at ground Floor Restaurants will be a major problem</p>	<p>Project does not include amplified sound at ground level LAMC 112.01 cited- allows +5 dBA increase</p>	<p>Failure to respond/ not substantiated: If project does not “anticipate” amplified sound, then there would be a Condition stating that it won’t have amplified sound. . A 5 dBA increase of ambient noise level at Sound Factory is a disturbance for this sensitive receptor and its equipment. .</p>	<p><u>See above response.</u></p>

Com- ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
5.17	<p>Recommend Mitigation-Monitoring of Noise and Vibration Levels: Microphone monitors and accelerometers would be operated by third party experts throughout the construction; automated threshold set with warning and stop levels</p>	<p>All feasible mitigations are already in EIR. Including one NOI MM1 .- sound barrier</p> <p>Responder concludes monitoring “is not warranted” responder appears ignorant that monitoring is needed to identify noise sources accurately and for automating warnings</p> <p>Responder fails to acknowledge effects of vibration beyond structural damage</p>	<p>False response: Noise monitoring is eminently feasible and is a customary mandatory mitigation. – unless City Planning employs a clairvoyant</p> <p>False response: “it does not appear that existing interior sound levels at the Sound Factory would be significantly affected” is patently untrue- Sound barrier fails to block sound generated above the first floor; sound barrier has entrance required on north; sound barrier has zero effect on truck and equipment noise on Selma. See other responses.</p> <p>False response; Extensive additional sound control and construction hours limitations are feasible have been implemented commonly</p> <p>False response: CalTrans and FHTA all recognize that vibration damage is NOT limited to structural damage, but are required to assess Human Annoyance and effects on Sensitive Equipment</p>	<p><u>As explained in Final EIR response, all feasible mitigation has been implemented to reduce on-site construction noise levels, monitoring would not reduce these noise levels; long-term vibration monitoring is recommended to address potential building damage impacts, which EIR demonstrates would not occur at Sound Factory; as described above, EIR did assess human annoyance/operational vibration impacts at Sound Factory, concluded a significant impact would occur, and described in detail the infeasibility of mitigating this impact; see Draft and Final EIR, prior City responses, and City’s adoption of Statement of Overriding Considerations for Project</u></p>

Com- ment	Paraphrase of RNS Acoustics Comments on DEIR	Response by City in FEIR	Is FEIR Response Valid?	Applicant Responses
5.18	Recommend Mitigation: Limited Hours of Construction	City respondent says NO- recites City construction hours	Omission: Responder fails to note Haul Route hours Denial: Other projects have construction hours limited to reduce significant adverse effects on sensitive receptors, and specifically on recording studios. Even City Planning now is including recording studios in its CEQA guidelines for noise	<u>As explained in Final EIR response, suggested measures would not reduce or eliminate impacts; contrary to comment, City has not identified recording studios as noise-sensitive use for CEQA analysis purposes</u>
5.19	Recommend Mitigation: Sound Barrier for Upper Floor Construction: RNS recommends temporary sound barriers for construction equipment higher than sound barrier (undefined height)	City respondent says NO- recites damaging noise only in excavation and garage months; upper floor construction uses small tools and happens indoors	Denial/unsubstantiated: Equipment places higher than sound barrier (such as jackhammers, drills, concrete corers, concrete pumping, stucco mixers, hoses) were not analyzed; may exceed noise levels; are not reduced by the sound barrier; and thresholds require testing through roof- which has not been done.	<u>Comment is speculative and does not provide any substantial evidence demonstrating deficiency of EIR's noise analysis</u>
5.20	Recommend Noise Committee to meet directly with affected parties	City respondent says NO- Plan Checker checks plans and beyond that City does enforcement	False Response: Without an effective monitoring system and a method of notification of building Owner and Developer and without a requirement for immediate action, any perpetrator can deny having caused noise and vibration . City has record of no enforcement.	<u>As explained in Final EIR response, enforcement of Mitigation Monitoring Program is City's obligation</u>

<i>Com-ment</i>	<i>Paraphrase of RNS Acoustics Comments on DEIR</i>	<i>Response by City in FEIR</i>	<i>Is FEIR Response Valid?</i>	Applicant Responses
5.21	<i>Recommend Mitigation; Modify the Haul Route; Penalize Construction trucks on Selma etc</i>	<i>City response- routes selected to avoid residential areas . Routes approved by DOT and the Bureau of Street Services</i>	<i>False response: Haul Route required by City Planning not only directs trucks past an extremely sensitive receptor—Sound Factory—but the route is lined with mostly residential uses- apartment building after apartment building after apartment building. A route south on Ivar to Sunset is highly preferable and environmentally superior.</i>	<u>As explained in Final EIR response, the Project’s haul route was selected by relevant City departments in consideration of multiple sensitive receptors in vicinity of Project; no new CEQA objection made, and no response required</u>
5.22	<i>Recommend Mitigation- Noise Control for On-Site Equipment : recommend all generators, compressors, jackhammers and other noisy equipment be located as far away from Sound Factory as possible, and when stationary should have temporary noise barriers</i>	<i>PDF 5 has been added</i>	<i>Concluded; PDF 5 has been added in Revisions, Clarifications, and Corrections in FEIR Note- repeated references to noise reduction at Sound Factory due to sound barrier are only if value up to the 1st floor.</i>	<u>No new CEQA objection made, and no response required</u>
5.23	<i>Recommend Change Mitigation- do not allow Vibration Threshold increase</i>	<i>Mitigation is for another building, but that same number and kind of equipment affecting Sound Factory will have no effect.</i>	<i>Omission: Sound Factory was not included in this Mitigation Measure. The structural value in the equation is wrong. False response/no substantiation: Increasing a vibration thresholds when no damage is “seen” at a different building fails to acknowledge the structural differences of the buildings; the effect of repetitive vibration in causing damage; and the effect of vibration on sound recording</i>	<u>See responses to comment 5.14 above and in Final EIR</u>

<i>Com- ment</i>	<i>Paraphrase of RNS Acoustics Comments on DEIR</i>	<i>Response by City in FEIR</i>	<i>Is FEIR Response Valid?</i>	Applicant Responses
5.24	<i>Recommend appropriate Mitigation or Project Design Feature: Prohibit outdoor amplified noise levels from ground floor retail/restaurant and from Amenity Decks at Level 4 and 25</i>	<i>Response only repeats DEIR information</i>	<i>False response: See response 5.15</i>	<u>See responses to comment 5.14 above and in Final EIR; no new CEQA objection made and no response required</u>

Attachment 2: AES Responses to RNS Acoustics' Supplemental Appeal Comments

To	Todd Nelson / Rand Paster & Nelson LLP	Project number
		2022110
cc		File reference
		M-Artisan Hollywood
From	Sean Bui, P.E. / AES	Date
		September 30, 2024
Subject	Artisan Hollywood Project – Final EIR Responses to Supplemental Appeal Documents from Sound Factory and RNS Acoustics dated September 25, 2024	

We have reviewed the noise-related objections in the above-referenced materials and provide the following responses:

Document Title: “Exhibit 2: Trucks on Selma”

This document, which appears to have been prepared by RNS Acoustics, offers a response to a memorandum prepared by AES dated December 1, 2023 regarding sound levels from construction trucks associated with the Artisan Hollywood project, and claims that truck noise levels would be higher than calculated by AES.

This response begins with a citation of the methodology utilized by AES in its December 1, 2023 memorandum, which is based on the current Federal Highway Administration (FHWA) published noise level in 2006, and adjusted for distance from Selma roadway center line to the Sound Factory building.¹ The estimated noise level of 81.4 dBA (L_{max}) based on a distance of 27 feet, would be below the measured noise level of 82.6 dBA (L_{max}) by the Sound Factory consultant. As such, the Project truck noise level (maximum noise level) would be consistent with maximum noise level in the current noise environment.

RNS next states that on-road truck noise levels are typically higher than the 76 dBA level utilized by AES, and could reach levels of 87.4 dBA. However, as disclosed by RNS in its comment, the noted noise levels are based on trucks traveling at 59 mph. Trucks would not be traveling at that speed in the vicinity of the Project Site, and would be at much lowered speed (approx. 25 mph). Based on FHWA's current Vehicle Noise Emission Levels, heavy trucks traveling at 25 mph would generate approximately 10 dBA lower than at 59 mph.² Therefore, it is not appropriate to compare the reference truck noise level at 59 mph to the construction trucks that would be accessing the Project Site at low speeds appropriate for local roadways.

RNS next cites a study identifying a total truck noise level of 88 dBA at speeds of less than 35 mph at 50 feet. However, it should be noted that the cited reference paper was published in 1975, which utilized data from much older trucks. As indicated in Table 4 of the referenced paper, trucks noise levels were certified for maximum noise level of 88 dBA at 50 feet (for trucks up to 1972 model year), noise level drops to 86 dBA for 1972, continue to drop to 83 dBA by 1974, and further drop to 70 dBA by 1987. Therefore, the suggested truck noise level of 88 dBA is not appropriate for the Project.

¹ Federal Highway Administration (FHWA), Roadway Construction Noise Model User's Guide, Final Report, January 2006.

² Federal Highway Administration (FHWA), Technical Manual Traffic Noise Model 3.0, December 2019.

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The remainder of this document provides additional proposed calculations of construction truck noise on Selma Avenue; however, as noted above, these calculations are based on older and louder trucks included in an outdated study, and do not accurately represent truck noise levels that would be generated by construction of the Project. The reference noise levels as provided in the Project's EIR are based on the most current published data by the FHWA, and therefore provide a more accurate and well-supported analysis.

Document Title: FEIR Responses to Project Noise Operation on Sound Factory Operations

This document provides comments on the Project's Final EIR responses to comments regarding construction noise and vibration.

The first comment (regarding FEIR Response to Comment 5.8) claims that the temporary sound barriers to be implemented as part of the Project's mitigation program would only attenuate air-borne sound and would not attenuate ground-borne energy. It is agreed that the Project's sound barriers would only attenuate air-borne sound; vibration impacts have been analyzed separately, as provided in the EIR (see Draft EIR Section IV.G) and Final EIR (see FEIR Responses to Comment No. 5-12).

The next comment notes the required 15 dBA reduction for the sound barriers and states that this noise reduction does not account for the reduced performance of barriers in terms of low frequency noise. However, the overall 15 dBA noise reduction specified for the noise barriers is inclusive of all frequencies. The noise reduction provided by the noise barrier would be slightly lower at the lower frequencies (e.g., 250 Hz), and likely a few decibels lower than at the higher frequencies (e.g., 1000 Hz). However, this would be compensated for by the fact that the ambient noise levels at the lower frequencies are higher than at the high frequencies; therefore, the barriers would effectively attenuate noise at the appropriate levels.

The next comment notes that a 25 dBA attenuation for the sound barriers would not be realistic; however, a 25-dBA reduction criteria is not proposed for the barriers, and as specified in the EIR, a 15-dBA reduction criteria has been identified.

The next comment notes that sound barrier performance in the field is characterized by attenuation typically observed in the mid- to high-frequencies, with low frequency attenuation typically less than 15 dBA at 250 Hz and below. As noted above, it is correct that the noise reduction provided by the noise barrier would be slightly lower at the lower frequencies (e.g., 250 Hz), likely a few decibels lower than at the higher frequencies (e.g., 1000 Hz). However, as also noted above, this would be compensated for by the fact that the ambient noise levels at the lower frequencies are higher than at the high frequencies.

The next comment states that the Project's mitigation strategies are not expected to reduce construction sound levels to mitigate the anticipated intrusions into the Sound Factory studio spaces. However, as previously discussed in the FEIR responses (see Response to Comment 5.9), the existing ambient noise levels in the Sound Factory were measured between 17-23 dBA with maximum noise level of 30.3 dBA (L_{max}), and the anticipated noise levels at the interior of the recording studios during the Project's loudest construction phases would be approximately 18.8 dBA L_{eq} or 23 dBA L_{max} maximum noise level. Therefore, the estimated maximum construction noise levels from the Project would be consistent with the existing ambient noise levels.

The final comment references updated construction truck noise levels calculated by RNS. However, as discussed in the above responses to Document 1, RNS noise data from 1972 in its calculations, which

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reflected much older and noisier trucks. In contrast, the EIR utilized the current construction truck noise data provided by the FHWA in its analysis.