

Communication from Public

Name: Todd Nelson

Date Submitted: 04/18/2023 11:38 AM

Council File No: 22-0574-S1

Comments for Public Posting: On behalf of the applicant in the above-referenced matter, attached please find a supplemental response to the appellant's recent correspondence, in advance of today's PLUM Committee public hearing. Thank you very much.



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April 18, 2023

VIA EMAIL

Chair 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

**Re: Applicant's Response to April 17, 2023 SAFER/Wilson Ihrig Letter
Council File No. 22-0574-S1; 6501-6521 South Sepulveda Boulevard**

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

This firm represents FRH Realty, LLC ("Applicant") in connection with the Applicant's proposed mixed-use development ("Project") located at 6501-6521 South Sepulveda Boulevard ("Site") in the City of Los Angeles ("City"). On September 20, 2022, the PLUM Committee held a public hearing for the Project's sustainable communities environmental assessment ("SCEA"), which was prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA"). Immediately prior to that hearing, the law firm of Lozeau Drury, representing the Supporters Alliance for Environmental Responsibility ("SAFER"), submitted a letter objecting to the SCEA ("SAFER Letter"). The Applicant's expert CEQA consultants as well as Department of City Planning staff provided the PLUM Committee with substantial evidence demonstrating that the SAFER Letter's claims were unsupported and did not demonstrate any deficiency in the SCEA. On September 30, the City Council adopted the SCEA. The City Council's adoption of the SCEA is final, and not subject to further review or appeal.

On December 14, 2022, the City Planning Commission ("CPC") approved the Project's land use entitlements and found that the City Council had properly adopted the Project's SCEA. On December 27, 2022, SAFER appealed the CPC's Site Plan Review approval to the City Council. However, the only justification provided in support of this appeal was a duplicate copy of the SAFER Letter, containing exclusively CEQA objections. Nevertheless, the Applicant's expert CEQA consultants as well as Department of City Planning staff have both submitted appeal responses to the PLUM Committee in advance of today's appeal hearing, each of which constitute substantial evidence demonstrating that SAFER's CEQA objections are untimely and continue to have no merit.

Yesterday, Lozeau Drury submitted a new letter on behalf of SAFER from Wilson Ihrig, containing reiterated versions of the CEQA noise-related objections originally contained in the SAFER Letter. These CEQA objections continue to be untimely and irrelevant to the appeal proceedings to be held today, which pertain to the Project's Site Plan Review approval. Nevertheless, for purposes of completeness of the record, we have attached supplemental responses to Wilson Ihrig's letter from

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NTEC, the Project's expert noise consultant (see Exhibit 1). NTEC's responses once again demonstrate that SAFER's CEQA-related objections are unsupported and lack merit. The Project's SCEA and the associated administrative record contain abundant substantial evidence, including extensive expert reports and analyses, supporting the City Council's adoption of the SCEA for the Project. Moreover, the same administrative record contains no evidence of any deficiency in the CPC's approval of the Project's land use entitlements.

Accordingly, on behalf of the Applicant, we respectfully request that the PLUM Committee recommend denial of SAFER's Site Plan Review appeal. Thank you for your consideration

Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

Attachment

cc: More Song, Department of City Planning
Jonathan Lonner, Burns & Bouchard

EXHIBIT 1

Air Quality, Greenhouse Gases, Noise Analysis

noah tanski environmental consulting

email: noah@ntenvironmental.net
call/text: 310-722-6346

To: Marqueece Harris-Dawson, Chair
Monica Rodriguez, Councilmember
Katy Yaroslavsky, Councilmember
John S. Lee, Councilmember
Monica Rodriguez, Councilmember
Heather Hunt, Councilmember
PLUM Committee

More Song, City Planner
City of Los Angeles
Department of City Planning
200 N. Spring Street, Room 763 Los Angeles, CA 90012
more.song@lacity.org

From: Noah Tanski, NTEC

Date: April 18, 2023

RE: Response to New Noise Comments on Sustainable Communities Environmental Assessment, Dinah's Sepulveda Project (ENV-2021-4938-SCEA)

Dear Chair Harris-Dawson, Honorable PLUM Committee Councilmembers, and Mr. Song:

Noah Tanski Environmental Consulting ("NTEC") has reviewed the latest comment letter submitted to the City of Los Angeles on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the Dinah's Sepulveda Project ("Project"). Based on my technical review, SAFER's latest comment letter and the accompanying exhibit from Wilson Ihrig do not raise any new CEQA issues and do not require any change to any conclusion identified in the SCEA.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,



Noah Tanski, Principal

Exhibit 1 – Wilson Ihrig Letter

“Baseline Noise Level Characterizations are Incomplete”

The first issue raised by Ms. Deborah A. Jue of Wilson Ihrig concerns noise measurements conducted for the SCEA’s noise analysis. Ms. Jue claims these measurements “are not adequate to determine the existing 24-hour noise level, nor to provide any evidence to understand the range of existing hourly values during the daytime construction activities or during operational hours of the Project.” As explained in NTEC’s previous response to Ms. Jue dated September 29, 2022 and submitted to the PLUM Committee, ambient noise levels were measured during an off-peak traffic period that typically correlates with reduced noise conditions. This is a conservative approach because noise impacts are more pronounced when compared against lower baseline noise levels. In keeping with this conservative approach, longer noise measurements capturing “the range of existing hourly values during the daytime construction activities” are not necessary, nor are they required by the City as Lead Agency. In fact, the use of longer noise measurements capturing ambient noise levels during peak traffic periods would almost certainly result in higher baseline noise levels and thus a less conservative analysis.

Furthermore, 24-hour CNEL measurements are also not necessary to deduce that the Project’s effect on 24-hour noise levels would be below a 3 dBA increase, which is equivalent to a doubling of noise levels. The Project is located within an urbanized corridor at the intersection of two major arterial roadways, each of which carries over 10,000 vehicle trips per day. The Project is also located less than 300 feet from the I-405 Freeway. The Project is surrounded by many dense land uses that include similar operational noise sources, such as mechanical HVAC equipment, traffic generation, and parking facilities. As explained and demonstrated in the SCEA, the Project’s operational noise sources would not be capable of doubling the noise levels associated with this environment. A more detailed analysis including 24-hour CNEL measurements is not necessary or required to support this conclusion.

Thresholds of Significance are Not Properly Developed

As explained above and in NTEC’s prior responses to Wilson Ihrig, ambient noise levels were measured during an off-peak traffic period that typically correlates with reduced noise conditions. This is a conservative approach because noise impacts are more pronounced when compared against lower baseline noise levels. Ms. Jue claims that “[t]he SCEA lacks evidence” because “existing conditions are only documented over a small percentage of the day,” but as previously explained, the 15-minute measurements obtained for the noise analysis are sufficient to accurately characterize ambient noise levels at receptor locations during this off-peak traffic period. In instances when noise levels are consistent and do not fluctuate significantly – such as when they are the product of consistent vehicle traffic – it is appropriate to infer noise levels for time periods based on shorter measuring periods. For example, in its *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, Caltrans explains that “[a] noise measurement representing an hourly L_{eq} does not need to last the entire hour. As long as noise levels do not change significantly, a shorter time period will usually be sufficient to represent the entire hour of interest.” In fact, Caltrans suggests that even shorter measurement durations of 10 minutes may suffice in some instances. Caltrans also adds that “[a] measurement may be terminated when the range of the fluctuation in displayed L_{eq} is less than 0.5 dBA.” Based on the nature of receptors’ ambient noise sources (for example, consistent vehicle traffic along Sepulveda Boulevard) and the lack of significant noise fluctuations, 15-minute measurements were deemed to be an appropriate duration for characterization

of ambient noise levels during the off-peak traffic period. Ms. Jue's suggestion that "ambient noise could be less than the levels documented" is complete conjecture and disregards the fact that characterization of ambient noise levels via short-term measurements is an accepted industry practice.

As also explained above: 24-hour CNEL measurements are neither necessary nor required to deduce that the Project's effect on 24-hour noise levels would be below a 3 dBA increase, which is equivalent to a doubling of noise levels. Given the Project's location along an urbanized corridor in proximity to the I-405 Freeway and multiple dense land uses, and as explained and demonstrated in the SCEA, the Project's operational noise sources would not be capable of doubling the noise levels associated with this environment. A more detailed analysis including 24-hour CNEL measurements is not necessary or required to support this conclusion.

Ms. Jue then refers to the WHO guidance discussed within the SCEA and states, "It is inferred that this is used to evaluate nighttime noise impacts..." The inference is incorrect. As explained in NTEC's previous response to Ms. Jue, the Lead Agency has not adopted the referenced WHO guidance as thresholds of significance for analysis of the Project's noise impacts.

Ms. Jue's claim that "there is no evidence that any analysis was done for SCEA [sic] to evaluate the potential significance of noise from the outdoor event areas" is confusing. As previously explained, there are no "outdoor event areas" proposed by the Project.

"Impact Analyses are Incomplete"

Ms. Jue claims that "noise impacts from building construction and architectural coatings phases...would also be potentially significant and require mitigation." The SCEA explains that "[n]oise from demolition and grading activities is typically the foremost concern when evaluating a project's construction noise impact." The SCEA evaluates the noise impacts of these worst-case phases and demonstrates that impacts would be less than significant after mitigation. Impacts from less-noisy phases, such as building construction and architectural coatings, which involve significantly fewer large pieces of construction equipment, would be less than the demolition and grading-related impacts evaluated by the SCEA and therefore less than significant, as well. Additional mitigation would not be required because the adopted Mitigation Measure NOISE-1 would also reduce noise levels associated with the building construction and architectural coatings phases, though there is no evidence that these phases would result in significant impacts without mitigation in the first place. Ms. Jue does not provide any substantial evidence that the Project's building construction and architectural coatings phases would result in significant noise impacts, as she alleges.

Concerning outdoor mechanical systems and CNEL impacts, the SCEA discusses a range of factors that demonstrate why the Project's mechanical equipment would not be capable of increasing off-site noise levels by a discernable degree. These factors, in addition to the LAMC Section 112.02 regulation, include "distances to receptors, elevated surrounding ambient noise levels, and the relatively quiet operation of modern HVAC systems." The SCEA notes how "many surrounding land uses, both commercial and residential, also include rooftop-mounted HVAC equipment or noisier packaged systems." Yet, audible noises from these existing HVAC equipment sources were not discernable during the Project's noise measurement study, let alone substantial contributors to ambient noise levels, demonstrating that HVAC equipment noises are not sufficiently loud to affect ambient noise levels surrounding the Project Site, which are elevated due to its location at the intersection of two major arterial roadways and near the I-

405 Freeway. The SCEA adds that pool filtering and pumping equipment “would be enclosed in mechanical rooms located within the Project’s building envelope.” It also explains that the Project’s existing uses contain rooftop-mounted HVAC equipment, meaning that the Project’s equipment would not be a new source of noise at the Project Site. All of these factors are evidence that the Project’s mechanical systems would not cause or meaningfully contribute to 3 dBA increases in 24-hour CNEL, which, as explained earlier, is equivalent to a doubling of noise levels. The Project’s operational noise sources, including mechanical equipment, would not be capable of doubling the noise levels associated with its environment that is located at the intersection of two major arterial roadways and less than 300 feet from the I-405 Freeway.

Additionally, compliance with LAMC Section 112.02 is not a mitigation measure, as alleged by Ms. Jue. It would be mandatory as a matter of regulatory compliance, and enforced by the City.

Further, the SCEA does not contain an analysis “of the potential impact of music from outdoor amplified sound systems” because, as explained in NTEC’s previous response to Ms. Jue, no such amplified sound systems are proposed by the Project to begin with. And the alleged impact from “music and elevated human voice from active life celebrations” in relation to WHO guidance – which is put forward without any substantial evidence – is an irrelevant consideration because the City as Lead Agency has not adopted the WHO guidance as thresholds of significance for analysis of the Project’s noise-related impacts.

“Mitigation Measures are Lacking”

Ms. Jue’s explanation of how noise barrier effectiveness wanes as construction activities occur farther away from the “immediate shadow zone of the barrier” is generally factual. However, Ms. Jue fails to consider the fact that as the Project’s construction activities occur farther away from this “shadow zone,” they would also occur farther away from the Extended Stay America receptor. This would attenuate (i.e., reduce) the construction noise levels experienced by this receptor. In fact, at the 130-foot “Mid-Property” and 300-foot “North Property” distances evaluated by Ms. Jue, noise impacts at Extended Stay America would be less than significant without any mitigation at all:

Table 1
Construction Noise Levels – Grading (Unmitigated)

Receptor: Extended Stay America	Construction Noise Level (dBA L_{eq})	Existing Ambient Noise Level (dBA L_{eq})	New Noise Level (dBA L_{eq})	Increase
“Mid-Property” (130 feet)	65.5	68.5	70.3	1.8
“North Property” (300 feet)	60.3	68.5	69.1	0.6
Note: The Project’s most impactful/noisiest grading phase is utilized for this analysis. As demonstrated within the SCEA, demolition-related impacts to the Extended Stay America receptor would be less than grading-related impacts and less than significant without mitigation. Source: NTEC, 2023.				

Thus, Ms. Jue's claim that "significant noise impacts at the Extended Stay America would NOT be mitigated with the Mitigation Measure NOISE-1 at the second and third floors for activities occurring from the middle of the site to the north end of the site" is inaccurate and false. Ms. Jue's calculations may demonstrate that barrier effectiveness would be reduced for activities occurring in these "Mid-Property" and "North Property" locations, but they do not demonstrate that impacts at Extended Stay America would be significant as a result. As shown, impacts to Extended Stay America would be less than significant due to distance-related attenuation alone. In other words, even if the Project did not utilize noise barriers at all, impacts stemming from construction activities at Ms. Jue's 130-foot "Mid-Property" and 300-foot "North Property" scenarios would be less than significant.

Other issues regarding building construction, architectural coatings, outdoor mechanical systems, and "other noise-generating sources" are addressed earlier in this response memorandum, as well as in NTEC's prior response to Ms. Jue.

Construction Noise Impact Analysis

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Extended Stay America Hotel: GRADING. "Mid-Property" 130 feet

Ambient Noise Level:	68.5 dBA Leq	
Distance:	210 feet	(equal to 80ft setback plus 130ft "mid property" assumption)

Unmitigated

Equipment Noise Levels

Equipment	Noise Level - 50ft	Usage %	Workday Noise Level
	dBA Leq		- 50ft dBA Leq
Excavator	75.9	0.4	71.9
Bulldozer	80	0.4	76.0
Front-end Loader	72.4	0.4	68.4
-	0	1	0.0
-	0	1	0.0
Combined dBA Leq:			78.0

Unmitigated Construction Noise Impact

Combined Equipment Noise Level	78.0 dBA Leq
Existing Shielding	0 dBA
Ground Factor	0
Distance - Equipment to Receptor	210 ft
Unmitigated Construction Noise Level	65.5 dBA Leq
Ambient Noise Level	68.5 dBA
New Noise Level	70.3 dBA Leq
Unmitigated Noise Increase	1.8 dBA

Construction Noise Impact Analysis

noah tanski environmental consulting

Extended Stay America Hotel: GRADING. "North-Property" 300 feet

Ambient Noise Level:	68.5 dBA Leq	
Distance:	380 feet	(equal to 80ft setback plus 300ft "north property" assumption)

Unmitigated

Equipment Noise Levels

Equipment	Noise Level - 50ft	Usage %	Workday Noise Level
	dBA Leq		- 50ft dBA Leq
Excavator	75.9	0.4	71.9
Bulldozer	80	0.4	76.0
Front-end Loader	72.4	0.4	68.4
-	0	1	0.0
-	0	1	0.0
Combined dBA Leq:			78.0

Unmitigated Construction Noise Impact

Combined Equipment Noise Level	78.0 dBA Leq
Existing Shielding	0 dBA
Ground Factor	0
Distance - Equipment to Receptor	380 ft
Unmitigated Construction Noise Level	60.3 dBA Leq
Ambient Noise Level	68.5 dBA
New Noise Level	69.1 dBA Leq
Unmitigated Noise Increase	0.6 dBA