

Communication from Public

Name: Ned Baldwin
Date Submitted: 06/16/2023 02:57 PM
Council File No: 23-0557
Comments for Public Posting: Response to Additional Comment Letter dated June 12, 2023 submitted by Supporters Alliance for Environmental Responsibility regarding CPC-2021-8442-CU-DB-SPR-HCA



910 Hampshire Road, Suite V
Westlake Village, California 91631
Tel. 805.367.5720 Fax. 805.367.5733

Date: June 16, 2023
To: Helen Jadali, Planning Associate
Department of City Planning, City of Los Angeles
From: Ned Baldwin, Associate
Meridian Consultants LLC
Subject: Response to Additional Comment Letter dated June 12, 2023 submitted by Supporters
Alliance for Environmental Responsibility regarding CPC-2021-8442-CU-DB-SPR-HCA

Meridian Consultants has had the opportunity to review the additional comments submitted by Supporters Alliance for Environmental Responsibility ("Appellant") dated June 12, 2023, with regard to CPC-2021-8442-CU-DB-SPR-HCA. To assist the City in its consideration of this appeal, Meridian provides the Department with the following responses.

The Additional Comment letter consists of 54 pages in total. However, the substance of the comments in the letter appears under the heading "Discussion" from the lower half of page 4 through the end of page 7 and are divided into two topics – Noise Impacts and Health Risk Impact from Indoor Air Quality. Meridian's responses will focus on this portion of the letter and follow the same set of headings.

I. Noise

Comment 1.1 [page 4]

Mr. Meighan notes that the 2017 EIR that this Project is relying on found that construction noise impacts were significant and unavoidable. Since the prior EIR upon which the City relies found a significant unmitigated noise impact, subsequent CEQA review is required to identify feasible mitigation measures to reduce this significant impact. (*Communities for a Better Env't. v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 122-25.)

Response 1.1

The 2017 EIR found that construction noise impacts were significant and unavoidable in part because "specific development plans have not yet been determined at individual sites" and "in the absence of construction details associated with specific projects and without knowing the proximity of construction activities to specific receptors". Subsequent CEQA review can provide this missing information to enable a more conclusive determination if impacts at an individual project level would still be significant. The CEQA Technical Memorandum prepared for the project determined that with the project-specific information that was unavailable for the 2017 EIR, the impacts were no longer significant and



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unavoidable in the case of the project. Pursuant to Public Resource Code 21166, no further EIR or mitigation is necessary.

Comment 1.2 [page 4]

Mr. Meighan points out that "[a] numerical analysis to support the CEQA document's claim about the school impact is not included." (Ex. A, p. 1.) He adds that the CEQA document "does not calculate the actual construction noise at nearby receptors and does not show that feasible mitigation would be effective." (Id at 1-2.) The City therefore does not have adequate evidence demonstrating that the Project's noise impacts will be less than significant.

Response 1.2

The CEQA Technical Memorandum cites the noise Analysis Memorandum that was included as an appendix, and which contained the numerical analysis relied upon to support the conclusions of the CEQA Technical Memorandum.

Comment 1.3 [page 4-5]

Mr. Meighan then presents an example of significant noise impacts which may occur as a result of Project construction, and which the City failed to model or mitigate. (Ex. A, p. 2.) He describes a potential scenario in which an air compressor and concrete saw would be used 15 feet from the property line for the apartment complex at 2231 Western Ave. and states that in that case, a ten-foot barrier on the property line, as required by the 2017 EIR's mitigation measures, would not block the line of sight to the second-floor receiver. (Id) Therefore, the construction equipment would create an unmitigated noise level of 87 dBA, which could not otherwise be mitigated by the other measures applied from the 2017 EIR. (Id) This expert analysis demonstrates the gaps in the City's analysis of noise impacts and the City's failure to assess the feasibility and effectiveness of mitigation measures.

Response 1.4

The CEQA Technical Memorandum recognized that the noise threshold could be exceeded at adjacent uses without mitigation. The 2017 EIR included mitigation measures that require locating equipment away from sensitive uses when possible, using noise barriers between activities and noise-sensitive uses (no precise height or location specified); installing mufflers on equipment; and using electric powered equipment where feasible. All of these measures could be used to mitigate the scenario described. The CEQA Technical Memorandum indicated to what extent the different mitigation measures would reduce noise levels experienced off site and thus implemented in combination would reduce the potential noise

elves to a less than significant level. Specifically, using optimal muffler systems on all equipment would reduce construction noise levels by 10 dBA or more and noise barriers can achieve reductions of 10dBA to 20 dBA. Placing equipment further from neighboring properties and utilizing mufflers is feasible to address the hypothetical scenario and in most cases would ensure that impacts would be less than significant. Given the physical separation between the building at 2231 Western and the proposed building, a 10-foot barrier would block line of sight from the second story to activities immediately behind the barrier. Furthermore, the 2017 EIR mitigation does not specify a ten-foot barrier on the property line but rather provides for a more flexible placement of barriers While higher levels may not have line of sight blocked by barriers at the ground level, the noise receptors would be at an even greater distance from the noise sources, further attenuating noise levels. Additionally, limiting the number and location of noise-generating heavy-duty construction equipment would further reduce construction noise levels. As such it is incorrect to claim that the scenario described above “could not otherwise be mitigated by the other measures applied from the 2017 EIR”. Based on the potential effectiveness of a combination of the several mitigation measures from the 2017 EIR, it is reasonable to expect that construction noise levels would be mitigated to a less than significant level.

Comment 1.5 [page 5]

A construction vibration impact analysis was conducted for the 24th Street school, but not for the apartment complex at 2231 S. Western Ave. (Id at 2.) Mr. Meighan estimated construction vibration impacts on 2231 S. Western Ave. based on information in the proposed Project's technical memorandum and found that impacts would be significant. (Id at 3.) He therefore recommends that a vibration control plan be provided in Project documents. (Id)

Response 1.5

The CEQA Technical Memorandum referenced the potential vibration levels at the school site in its analysis because of the proximity of the proposed building to the school property line. This provided a worse case scenario. This analysis determined that significant effects might be experienced at a distance of 25 feet from the proposed building. In addition, the CEQA Technical Memorandum discusses how the project would incorporate the mitigation measures from the 2017 EIR that would further reduce vibration effects. 2231 Western is setback from the proposed building by over 40 feet. As was stated in the CEQA Technical Memorandum, “Other surrounding structures are at distances greater than 25 feet at which even the vibration from large bulldozers, caisson drilling or loaded trucks would attenuate to below the significance threshold of 85 VdB. As such, residents of 2231 Western would not experience significant vibration from construction of the proposed building.

Commented [m1]: Is this true?

Commented [m2R1]: ??? Is this right? Is that a problem?

Commented [NB3R1]: I think the response addresses why its not a problem,



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Comment 1.6 [page 5]

As for operational noise, he notes that "no ambient measurements were taken of adjacent sensitive receptors, so no threshold can be set to establish the baseline to compare the noise increase from operational levels."

Response 1.6

The Community Plan EIR stated that under the Community Plan, foreseeable projects would be consistent with the LAMC and the CPIO development standards, which are anticipated to eliminate potential noise impacts from operational sources. The EIR went on to state that some future land uses have the potential to generate operational noise in excess of LAMC standards and therefore the EIR identified mitigation which would reduce potential operational noise levels would be less than significant. As reflected in the analysis and conclusion in the 2017 EIR, ambient measurements are not necessary for the purposes of evaluating potential operational noise impact. As was demonstrated in the CEQA Technical Memorandum, the project would not involve any substantial changes resulting in new or substantially more severe impacts as compared to what was evaluated in the 2017 EIR. As such, no further data collection or analysis is necessary per Public Resource Code 21166. Furthermore, the Project would incorporate the applicable mitigation measures identified in the Community Plan EIR.

II Health Risk Impact from Indoor Air Quality

Comment 2.1 [page 5]

Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, has conducted a review of the proposed Project and relevant documents regarding the Project's indoor air emissions. Indoor Environmental Engineering Comments (February 5, 2023). Mr. Offermann concludes that it is likely that the Project will expose residents and commercial employees of the Project to significant impacts related to indoor air quality, and in particular, emissions of the cancer-causing chemical formaldehyde. This impact was not analyzed at all in the 2017 EIR and therefore must be analyzed in a subsequent CEQA document. Mr. Offermann is a leading expert on indoor air quality and has published extensively on the topic. Mr. Offermann's expert comments and curriculum vitae are attached as Exhibit B.

Mr. Offermann explains that many composite wood products used in building materials and furnishings commonly found in offices, warehouses, residences, and hotels contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "[t]he primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particleboard. These



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materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.” (Ex. B, p. 2-3).

Formaldehyde is a known human carcinogen. Mr. Offermann states that future residents of the Project would be exposed to a 120 in one million cancer risk, and commercial employees of the Project would be exposed to a 17.7 in one million risk, even assuming all materials are compliant with the California Air Resources Board’s formaldehyde airborne toxics control measure. (Id. at 4-5). This potential exposure level exceeds the SCAQMD CEQA significance threshold for airborne cancer risk of 10 per million.

Mr. Offermann identifies mitigation measures that are available to reduce these significant health risks, including the installation of air filters and a requirement that the applicant use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins in the buildings’ interiors. (Id. at 12-13). These significant environmental impacts should be analyzed in an EIR or an MND and mitigation measures should be imposed to reduce the risk of formaldehyde exposure.

Response 2.1 [page 5]

Offerman first cited a 2009 study of indoor air quality (California New Home Study (CNHS); Offermann, 2009). The data collected for this study preceded the adoption and implementation of the 2009 CARB Standards for formaldehyde in wood composite building products and the 2009 implementation of CALGreen, which were the first State standards to limit formaldehyde from building materials. Subsequent to the study cited, the 2009 CARB standards for building materials were adopted to ensure that new construction does not expose occupants to substantial pollutant concentrations. Offerman then cites a follow up study from 2016-2018 (Singer et. al., 2019) that found a substantial decrease in median indoor formaldehyde levels built after the 2009 with CARB standards. The CALGreen building codes continue to be updated and the current requirements place limits on the formaldehyde content of building materials (see CalGreen section 4.504.5 Composite wood products).

Mr Offerman uses an inhalation rate of 20 cubic meters per day. The source for this input is not cited but it correlates with EPA guidance from decades ago.¹ However, the US EPA 2011 Exposure Factors Handbook provides updated factors with an introductory statement that “recommended inhalation rates for adults and children are based on three recent studies (U.S. EPA, 2009a; Stifelman, 2007; Brochu et al., 2006b), as well as an additional study of children (Arcus-Arth and Blaisdell, 2007). These studies represent an

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improvement upon those previously used for recommended inhalation rates in earlier versions of this handbook, because they use a large data set that is representative of the United States as a whole and consider the correlation between body weight and inhalation rate.” The handbook goes on to say that “Mean values for adults range from 12.2 m³/day (81 years and older) to 16.0 m³/day (31 to <51 years).”² Assuming an inhalation rate of 20 cubic meters per day instead of 12-16 as indicated by the EPA’s 2011 handbook, overestimated the volume of formaldehyde particles that would be breathed in. As a result, it is clear Mr Offerman has over-estimated the risk of using construction materials that comply with state regulation.

Regardless, the State of California has established a standard that “applies to all occupational exposures to formaldehyde”.³ This standard establishes a time-weighted average exposure limit for employee of 0.75 parts formaldehyde per million parts of air and an “action level” of 0.5 part formaldehyde per million. Mr Offerman modeled a peak formaldehyde rate for the project of 46 µg/m³. This would convert to less than 0.04 parts per million, or less than one tenth of the State limit.⁴ As such, evidence has not been provided that the proposed construction of the Project would exceed state limits for formaldehyde.

² US EPA, Exposure Factors Handbook: 2011 Edition, Chapter 6, <https://www.epa.gov/expobox/exposure-factors-handbook-chapter-6>

³ California Code of Regulations; Title 8, §5217

⁴ CDC conversion calculator with molecular weight for formaldehyde of 30; <https://www.cdc.gov/niosh/docs/2004-101/calc.html>

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