



January 9, 2023

Mindy Nguyen
Department of City Planning
City of Los Angeles

Re: Construction Noise and Vibration - Proposed Updates to Thresholds and Methodology

Dear Ms. Nguyen:

Please consider the following comments on the proposed update to the Construction Noise and Vibration Thresholds and Methodology for CEQA analysis in the City of Los Angeles. These comments represent the position of the Planning and Land Use Committee of the Bel Air-Beverly Crest Neighborhood Council, which met this evening at a duly noticed meeting with a quorum of members present. The comments could not go to our Board because of the inadequate notice and opportunity for public involvement in the CEQA update process; the deadline for comments is before our January Board meeting. This position was approved unanimously by 10 members of the Planning and Land Use Committee present and voting.

We are concerned that the CEQA thresholds update proposal is to weaken the protections from excessive noise for all areas of the city, including the much less developed hillside areas, on the argument that Los Angeles is an "urban environment" and that residents are "used to temporary construction noise." This approach is disrespectful to the residents of Los Angeles and is not based in the intent of CEQA which is "Take all action necessary to provide ... freedom from excessive noise" (CEQA Guidelines § 21001. Additional Legislative Intent). There is no provision in CEQA that allows a Lead Agency to simply assert people are used to excessive noise so it is now acceptable, which is what the updates, in effect, do. We are gravely concerned about the process by which the update has been proposed, its questionable

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Custodians of Open Space
Faith-Based Institutions
Public Schools & Private Schools

technical merit, its discriminatory approach to people who do shift work, and the resulting implications for the hillside areas that we represent that are substantially quieter than much of the rest of the City.

Process Is Rushed and Excludes Meaningful Public Input

The email announcing that City Planning intended to update these very important thresholds was sent on December 8, 2023 with a deadline for comments of December 20, 2023. This is shocking enough, but even more concerning is that this was not an announcement of starting the process, but rather the end of what had to be an extensive process already undertaken outside the public eye with a hand-selected group of consultants picked by City Planning, with no notice to the community that the effort was even ongoing. That comments are being accepted a month after the December 20, 2023 initial deadline is hardly compensation for the entire process having been secret until City Planning decided to ask for public input at the 11th hour. We find the process to be fatally flawed and request that the proposal be withdrawn on this basis alone and reformulated with public input from the people who will be affected by the policy changes.

Technical Advisory Panel Lacked Independent Scientific Experts on Health and Annoyance

A review of the Technical Advisory Panel for the proposed updates reveals a list of consulting firms that make their living by doing analysis for developers seeking to have permits granted for construction projects. They have, by definition, a significant and unavoidable conflict of interest in the development of the updates because regardless of whether they have any current client seeking permits, any future clients would benefit from the updated guidelines that they recommended to the City. As everyone in consulting knows, the job is to get the clients, and delivering benefits to clients like the wholesale weakening of environmental regulations is a glaringly obvious conflict. On this basis, we request that the current draft be withdrawn, and an advisory panel constituted that includes qualified scientific researchers on noise and vibration who do not make a living consulting to obtain permits for projects. We are profoundly disappointed, but not surprised, that City Planning has chosen to ask the foxes to design the safety regulations for the henhouse.

Fundamental Rationale for Update (to Make CEQA Easier for the City) is Flawed and Unsupported by Evidence

City Planning appears to have initiated this update so that they could do less work in evaluating the noise impacts of projects. They complain that “Use of the above [current] thresholds in City CEQA documents for construction noise impact analysis has proven to be overly sensitive and has resulted in impact conclusions that are not supported with substantial evidence.” First, the City provides no evidence to back up its claim that the impact conclusions are wrong, but simply asserts it. Second, the City rightfully notes that it has the ability to evaluate whether an impact is significant under CEQA based on the evidence and is capable of doing that job. It is not a reasonable public policy goal to weaken environmental regulations to make the Planning Department’s job easier (by defining away problems through lowering standards), especially when CEQA’s intent requires “all action necessary” to ensure environmental protection.

Daytime Noise Limits Are Essential to Protect All People, Including Shift Workers

City Planning proposed to get rid of noise increase limits and only put a cap of 80 dB Leq (daytime) on noise. It bases much of this argument on when it believes that people will be sleeping. This is not a modern view of impacts and is discriminatory against people who work night shifts and sleep during the day. That number is 27% of all workers and 7.5% of workers have night shifts at least five times a month (NIOSH 2015). Protecting vulnerable populations (e.g., those workers already facing circadian disruption from work schedules) is a duty of City Planning and it must adopt standards that assume that people may be sleeping at any hour of the day or night to reflect the reality of the modern city and not some 1950s caricature of suburbia.

The proposed update makes a series of assertions about how much people in Los Angeles are used to noise so it does not bother them (e.g., “noise levels less than 55 dBA are acceptable to over 90 percent of the general public,” “This construction noise threshold does not recognize the urban nature of much of the City and the expectation that daytime construction activities are a common activity within an urban environment,” “residents of urban areas are used to temporary construction noise and its increase to ambient noise levels of 10 to 25 dBA and higher”). We agree that some areas of the City are exposed to higher ambient noise levels, but the City has provided no data or studies showing that they are not disturbed by those noise levels. Just because people tolerate it does not mean it isn’t excessive. Furthermore, these elevated levels should not be applied to the hillside areas of the City, which have much lower ambient noise levels and should not be treated in the same way even if the City insists on the flawed people-are-used-to-it argument to inflict further noise on other areas of the City.

The City should instead take heed of scientific studies of noise impacts, describing the impacts from transportation noise as follows.

<30 dB - Although individual sensitivities and circumstances differ, it appears that up to this level no substantial biological effects are observed.

30-40 dB - A number of effects on sleep are observed from this range: Body movements, awakening, self-reported sleep disturbance, and arousals. The intensity of the effect depends on the nature of the source and the number of events. Vulnerable groups (e.g., children, the chronically ill and the elderly) are more susceptible. However, even in the worst cases the effects seem modest.

40-55 dB - Adverse health effects are observed among the exposed population. Many people have to adapt their lives to cope with the noise at night. Vulnerable groups are more severely affected.

>55 dB - The situation is considered increasingly dangerous for public health. Adverse health effects occur frequently, a sizeable proportion of the population is highly annoyed and sleep disturbed. There is evidence that the risk of cardiovascular disease increases (Hume et al. 2012).

Compare this with the City's proposal to allow 80 dB Leq and it becomes clear that the proposed updates are inconsistent with scientific understanding and cannot be adopted unless the intent is to further harm Los Angeles residents. People need to sleep any time of the day in a 24-hour city like Los Angeles and a proposal to allow 80 dB Leq exposures at residential locations at any time — even if “only” during the day — is unconscionable.

We should note here that excess noise is associated with a range of adverse health outcomes (Basner et al. 2014) at levels far below those proposed by the City as the new thresholds. These include cardiovascular and metabolic disease (Münzel et al. 2014, Recio et al. 2016), hypertension (Dzhambov and Dimitrova 2018), risk of weight gain (Christensen et al. 2015), diabetes (Sørensen et al. 2013), obesity (Ofstedal et al. 2015), sleep disturbance (Hume et al. 2012), annoyance, and psychological distress (Mucci et al. 2020). We know these impacts all too well in the hillside areas in our territory that are chronically bombarded by jet noise from Burbank and Van Nuys airports.

We have reviewed the daytime noise levels for the City of Los Angeles (Figure 1) as mapped and published by the National Park Service in a nationwide assessment (Mennitt et al. 2014). These values incorporate traffic and urban noise parameterized by extensive field work but exclude airplane noise. The results show that the daytime L50 noise levels in Los Angeles only range up to 60 dB. A “L50” measurement is the level at which half of the daytime measurements are above it and half are below. These data show that the City's noise levels are nowhere near the 80 dB being proposed as a threshold, even in the noisiest locations, and entirely undermine the City's argument that the public is used to noise levels approaching 80 dB. It also demonstrates how much quieter some areas of the City are than others, providing support for the current approach of evaluating impacts based on increases above ambient levels as opposed to the proposed approach of allowing a 10 or 25 dB increase in ambient noise and not considering it to be significant. The proposal is an insult to the intelligence of the residents who will bear the brunt of City Planning's flawed logic.

The values in the NPS noise map, which has been validated and is used in epidemiological research on noise impacts (Zhong et al. 2021, Roscoe et al. 2023), show lower ambient noise levels than the limited data provided by City Planning in the proposed update (Table 1). The measurements in Table 1 are not, however, useful, because there is no methodology reported and the duration of measurement is not provided (e.g., was the measurement instantaneous or averaged over some period?). Accurate sound exposure assessments can only be achieved with long-term monitoring as was done to develop the NPS's nationwide map.

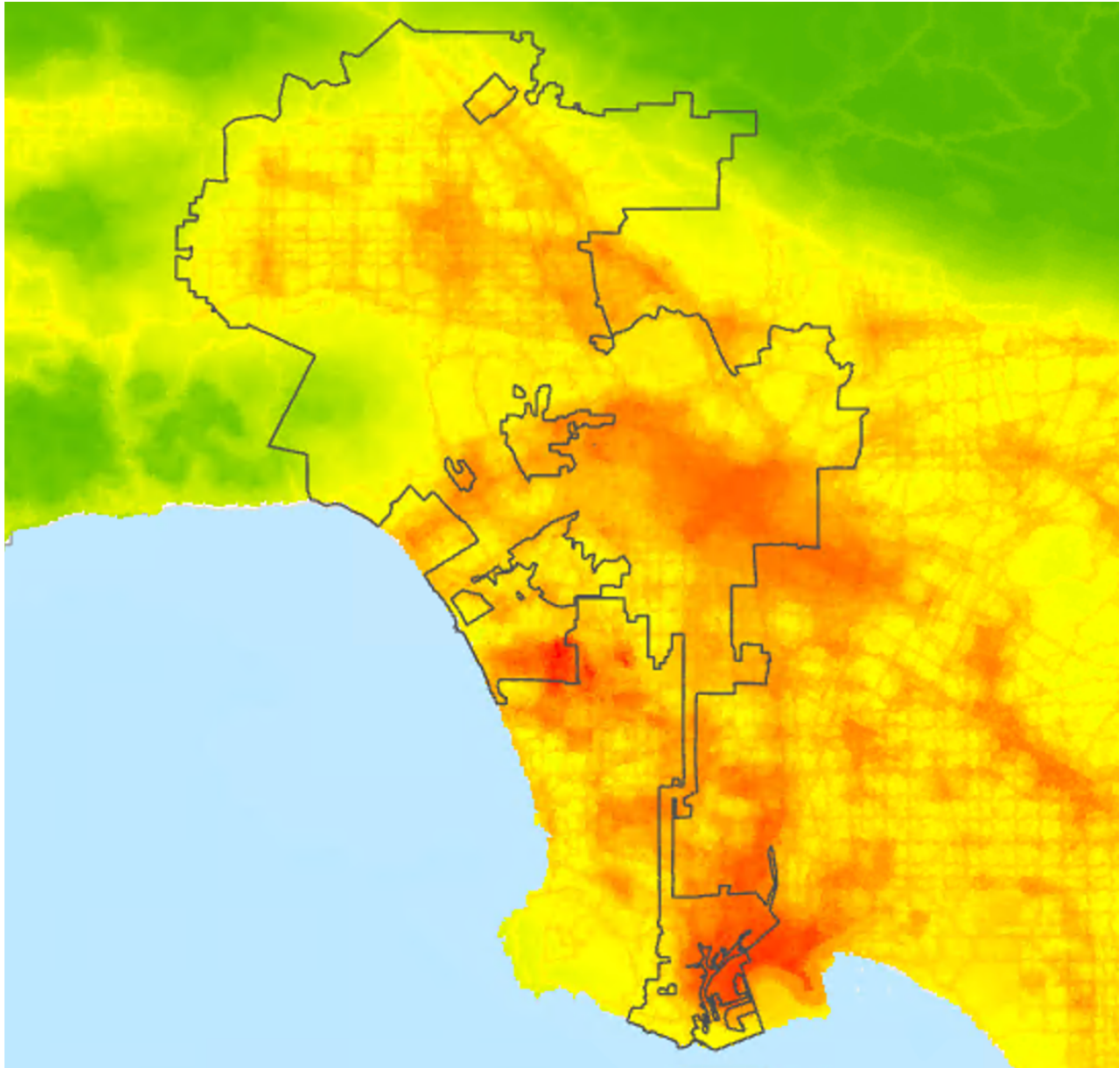


Figure 1. Daytime L50 noise levels (dB) in City of Los Angeles as mapped by the National Park Service in a nationwide assessment (Mennitt et al. 2014). This map does not include airport noise. The darkest reds are 60 dB, while the darkest greens are under 25 dB.

Reliance on New Building Codes to Mitigate Noise is Unacceptable

The proposed update argues that sound thresholds can be higher because building regulations are in place to ensure that indoor noise levels are controlled (“Daytime construction noise levels are further reduced by existing building codes for certain types of buildings”). But this only applies to new and recent construction. It is discriminatory against the poor, and by extension all manner of protected, vulnerable communities, who live in older housing and will not soon receive any benefit of current building standards. Such standards will never be in place for people living in historic neighborhoods. It is embarrassing that City Planning would even consider using this discriminatory approach to rationalize weakening of an environmental protection.

Evaluation of Noise Impacts on Wildlife Should Be Included

The proposed update states, “Noise-related impacts to biological resources should be addressed in the biological resources analysis of the CEQA document.” However, the policy is applied to wildlife preserves. If the standards were for people only as sensitive receptors then wildlife preserves would not be included. We believe that wildlife impacts should be included in these standards because the City does not in fact have any guidance for noise impacts in its biological thresholds and rarely if ever proactively considers noise impacts on wildlife in any rigorous way unless forced to by the public in the review process. Wildlife impacts of noise are indisputable and extensive (Knight and Swaddle 2011, Francis and Barber 2013, Swaddle et al. 2015, Shannon et al. 2016, Kunc and Schmidt 2019) and deserve to be included in CEQA thresholds pertaining to noise.

Use of Leq as Measurement Standard Hides Disturbing Noise Levels

Although use of Leq is common in impact assessment, it deserves mention that it can hide extremely high noise levels because it averages out the total noise levels during an entire day. There may be extremely high noise levels that are disturbing for a short period of time, but if it is reasonably quiet the rest of the day, then the Leq number can be low. The example of the national transportation noise maps shows just how flawed this metric is, and how extremely noise 80 dB Leq is (Figure 2). As can be seen on the map, 80 dB Leq is only achieved on the runway itself, and the areas where our stakeholders are chronically disturbed by air noise only reach 45–50 dB Leq. Anyone looking at this map having been driven to distraction by airplane overflights would recognize that significant impacts from construction noise occur at levels far below 80 dB Leq.

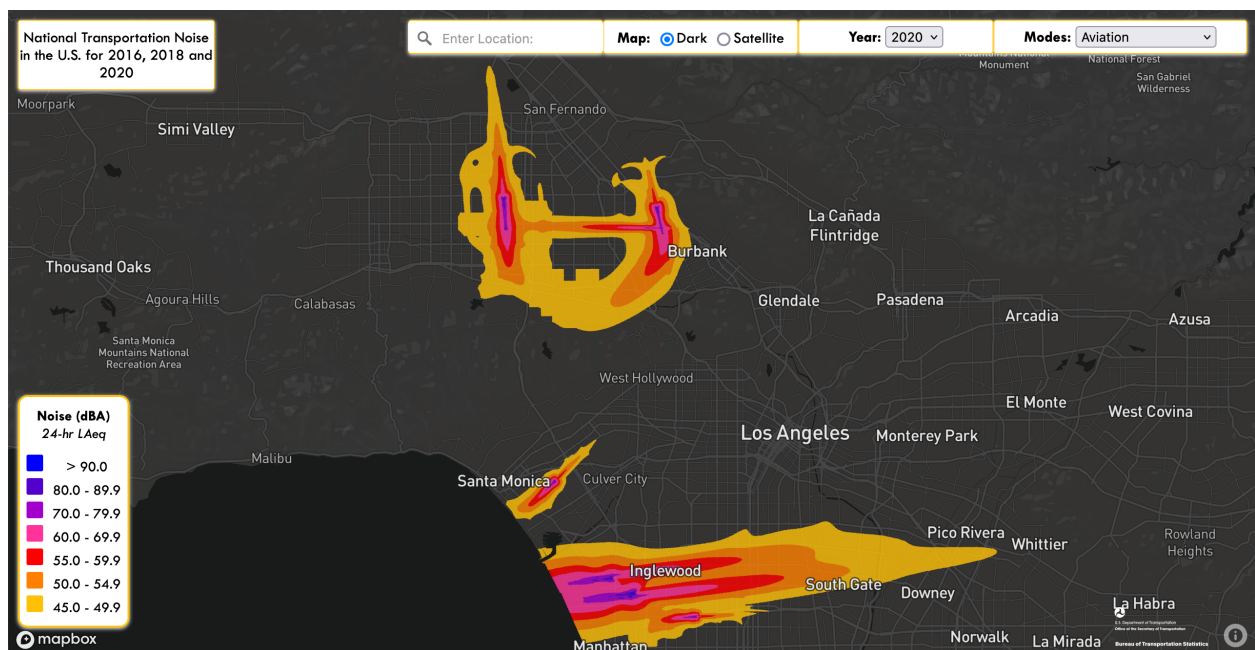


Figure 2. Noise levels in 24-hour LAeq from LAX, Santa Monica, Burbank, and Van Nuys Airports, from the federal National Transportation Map. The “A” in LAeq refers to how the different wavelengths of sound are weighted in the measurement.

Vibration Proposal Must Also Be Withdrawn

The proposal for vibration thresholds is derived from the same corrupt process of having developer's consultants guide the revision, and failure to have meaningful public input in the process.

For nearly a decade, our area has been experiencing a boom in construction. We are in the hills, so the use of caissons is prevalent and ground vibrations from construction are a regular occurrence. We have 25 designated Historic Cultural Monuments within our borders, some very fragile, and many additional structures that are potentially eligible for such a designation. Preservation of the history embodied in these structures is a priority for our community. We also have many very small and steeply sloped lots in our area, so it is common for new single-family dwellings to have a relatively small RFA with substantial additional basement square footage. The Baseline Survey and Vibration Control Plan generally does not apply to projects with 2,000 square feet or less of floor area dedicated to residential uses, and we want to ensure that in the hillsides, habitable basements would be considered as floor area dedicated to residential use. We oppose the increase in allowable vibration impacting historic structures to 0.25 PPV from 0.12 PPV. Our irreplaceable structures are deserving of the more conservative standard, especially given the vibration-intensive construction practices in our area.

The entire proposal must be withdrawn, and the process started again with a citizen advisory panel and a technical advisory panel that is free from financial conflicts of interest.

We look forward to hearing from you at your earliest convenience to discuss these concerns further.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Longcore", with a stylized, flowing script.

Travis Longcore, Ph.D.
President

cc

Mayor Karen Bass

Councilmember Nithya Raman

Councilmember Katy Yaroslavsky

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