ATTACHMENT NO. 5

Seena Max Samimi
ssamimi@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

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VIA E-MAIL

Chair Dana Sayles and Members of the
Culver City Planning Commission
Planning Division
9770 Culver Boulevard
Culver City, CA 90232

Michael Allen, Planning Manager
City of Culver City, Planning Division
9770 Culver Boulevard
Culver City, CA 90232
PH: 310.253.5727
Michael.Allen@culvercity.org

Re: Brick and Machine Project - 9735 Washington Boulevard Comments on The Project and Proposed Mitigated Negative Declaration

Honorable Members of the Culver City Planning Commission:

This firm represents Prospect Medical Holdings, Inc. ("Prospect"), owner of the Southern California Hospital at Culver City ("Hospital"), located at 3828 Delmas Terrace, immediately adjacent to the Project Site. We apologize for this late submission but it is due to the fact that neither our client, its experts, nor our office were made aware of this hearing until we called the Planning Department last Thursday to inform it that we have not heard anything from the applicant following the meetings of our experts several weeks earlier. That is when the Planning Department informed us that the applicant had asked this Project to be agendized before your Commission. Neither the staff report nor its many attachments were available until Thursday night. Hence, we had to have our experts and our office work over the weekend to analyze the documents and provide our responses. We have since learned that the applicant asked the Planning Department as early as January 31, 2018 to agendize this matter but never bothered to inform us.

As stated in prior correspondence from Prospect's former counsel,[1] the Hospital—Culver City's only such facility—is an extremely sensitive use that includes emergency, surgical, and intensive

[1] Prospect specifically preserves all arguments set forth in its letter from prior counsel, Allen Matkins, dated August 21, 2017 to the Planning Commission (the "Allen Matkins Letter"), which is attached as Attachment No. 12 to the Staff Report to Agenda item PH-1 (18-0912) of the February. 28, 2018 Planning Commission hearing.

care units that treat gravely ill and injured patients and operate a range of ultra-sensitive medical devices. Although Prospect does not oppose development, or even the Project concept, the mitigated negative declaration ("MND") and associated documents that purport to evaluate the proposed Brick and Machine Project (the "Project") fails adequately to evaluate or mitigate the effects of the Project on the environment, including sensitive uses such as the Hospital, and fails adequately to respond to public comments.

As described below, **substantial evidence supports a fair argument that the Project would have one or more significant environmental effects**. Thus, the California Environmental Quality Act ("CEQA"; Pub. Res. Code §21000 *et seq.*) requires the City to prepare and circulate an environmental impact report ("EIR") and evaluate alternatives that would avoid or reduce the Project's significant effects.[2]

This letter contains two main parts: Part 1 responds to the September 28, 2017 Memorandum from ESA PCR (Mike Harden and Jay Ziff) to Jose Mendivil entitled "9735 Washington or 'Brick-Machine' Project – Responses to Allen Matkins Letter," Attachment No. 14 to Agenda item PH-1 (18-0912) of the February. 28, 2018 Planning Commission hearing ("Memorandum"). This segment will set forth the various reasons why the responses provided in the Memorandum are wholly insufficient, as they do not adequately address the issues and concerns raised in the Allen Matkins Letter. The Memorandum was updated on February 14, 2018 with respect to a single issue – "Noise/Vibration Corrections and Revisions" (also included in Attachment No. 14.). The purported "Noise/Vibration Corrections and Revisions" which provide minor refinements to mitigation measures for several of the Noise and Vibrations impacts, do not adequately mitigate the Project's impacts, as addressed in more detail in Sections 1(e) and 2(e) below, and in the attached report from Veneklasen Associates (see Exhibit B).

Part 2 addresses further deficiencies of the MND beyond those previously identified, and additional information regarding previously raised issues.

At bottom, the **evidence in this case supports a fair argument that a significant effect may occur, which requires an EIR** under CEQA. Therefore, the Planning Commission must either require an EIR now, or in the alternative, continue the hearing until a time where the potential significant impacts on the environment are properly studied and evaluated.

1. THE MEMORANDUM FAILS TO ADEQUATELY ADDRESS THE DEFICIENCIES RAISED IN THE ALLEN MATKINS LETTER

(a) Comments 2-4: Legal Standard for Preparation of an EIR

Comments 2, 3 and 4 establish, among other things, why an EIR is required in this case. As stated therein, CEQA generally presumes an MND is inadequate and establishes the "fair

[2] 14 Cal. Code Regs. ("CEQA Guidelines") §15064(f)(1).

argument" standard for requiring an EIR. That standard is a low bar, requiring only that evidence support a fair argument a significant effect ***may*** occur, even if other evidence in the record indicates otherwise. Although the remainder of the Memorandum attempts (albeit unsuccessfully) to address the technical and policy points raised in the Allen Matkins letter, it never actually rebuts the presumption that an EIR is required, and cannot rebut the fact that Prospect has successfully raised and satisfied the "fair argument" requirement. In other words, all of the details addressed in the Memorandum cannot overcome the strong presumption in favor of requiring an EIR.

(b) Comment 5: Insufficient Time to Respond

Comment 5 addresses the lack of time and opportunity for Prospect to respond to the MND. In the intervening time, Prospect has consulted with various experts, including structural engineers, soils engineers, acoustics/noise/vibrations consulting firms. However, all of them agreed more information regarding the Project was required for a full and complete analysis; for example, the specific construction equipment employed. While the Applicant has provided some additional information, much of the required information remains outstanding.

The structural and soils engineers needed details regarding the structural drawings to reach valid conclusions regarding construction effects on the Hospital. A limited number of structural "concept" plans were provided on October 19, 2017, and Prospect's engineers have not had sufficient time to properly analyze these plans, or to review them with the Office of Statewide Health Planning and Development ("OSHPD"). Further, even these plans contained insufficient detail for an adequate analysis.

In other words, despite the passage of time and some communications from the Applicant, a complete evaluation of the effect of the Project on surrounding sensitive uses, including the Hospital, remains impossible.

We also note that OSHPD requested more detailed structural plans from the Applicant, as State regulations prevent the structural support of hospital buildings by non-hospital buildings. To our knowledge and the knowledge of Prospect's structural engineer (see Exhibit A to this letter, which contains a report from IMEG), the Applicant has yet to respond, despite multiple requests.

(c) Comments 6-9: Geological & Soil, and Seismic Safety

As stated above, Prospect was only provided some limited preliminary "concept" structural plans relating to the Project on October 19, 2017. Prospect's structural and soils engineers are still in the process of analyzing these plans, reviewing them with OSHPD, and have not yet reached final conclusions on their potential impacts. See Exhibit A to this letter. However, aside from the Applicant's failure to provide critical information to Prospect and to OSHPD, the responses to comments 6-9 are inadequate.

First, the Memorandum's response to comments 6 and 9 is essentially that the Project complies with the California Building Code and the Culver City Building Code, and misleadingly attempts to frame a potential impact to public safety and to a sensitive noise and vibration receptor as something other than an impact under CEQA. Mere code compliance, however, it is not relevant to the impact under CEQA, and does not address the concerns raised by the Hospital. **Even if the Project complies with all relevant City and statewide codes, the construction activity and the future building itself may endanger the Hospital and its occupants**. The relevant regulating entity, as far as the Hospital is concerned, is OSHPD, and even if construction shoring mechanisms are used in accordance with City and State regulations, but undermine the structural integrity of the Hospital according to the more stringent OSHPD regulations, the Project has failed to mitigate the potential harm to the Hospital and its occupants. Again, this is the only Hospital in the City, with the only emergency room in the City. The Project's impacts may actually result in the shut-down of the Hospital because an adjacent building has affected its seismic rating, as described in detail in the Allen Matkins letter, identified by ESA as comment 8. (See Exhibit A ["If the Pavilion Building cannot be reclassified to SPC-2, it would have a significant impact for SCH-CC since they would not be able to use this building to provide acute care services after 07/01/2019"].)

Second, the response to comment 8 is misleading. The response reads, in relevant part:

> No evidence has been presented indicating that the Project would have any effect on the [Hospital's] ability to comply with state-mandated standards for seismic stability or its plans for the required retrofit. Moreover, this comment does not concern the potential *environmental* impacts of the Project. See CEQA Guidelines section 15361 ("'Environment' means the physical conditions which exist within the area which will be affected by a proposed project…"). Therefore, the comment does not require further response, but is part of the record and may be considered by the decision-makers as part of the decision making process.

[Emphasis in original.] As to the first sentence of the response, because Prospect had not been given the structural plans, or the construction plans for the Project, it did not have the opportunity to provide evidence relating to the effects that the Project would have on state-mandated standards. Only after a series of negotiations with the City and with the developer of the Project did the developer agree to provide plans for review by Prospect on October 19, 2017. As stated above, Prospect's engineers are currently in the process of reviewing these incomplete and conceptual plans (including meetings with OSHPD), and more time is needed for them to be able to make conclusions and present evidence relating to this issue.

As to the second sentence and remainder of the response, the statement that the Hospital, an adjacent **sensitive use**, is not part of the "physical conditions which exist within the area which will be affected by a proposed project" is flatly wrong and contrary to CEQA. The Hospital is a physical structure that is well within the area affected by the Project, and indeed, is the closest

physical structure in proximity to the Project. It is totally disingenuous, and a complete misreading of CEQA Guidelines section 15361 to suggest that impacts to the Hospital are not "environmental" impacts, particularly where the CEQA Guidelines and City practice include a focus on sensitive receptors such as the Hospital. The City must consider and address environmental impacts in the same way as other sensitive receptors, at a minimum, and should pay particular attention to this unique and uniquely sensitive facility and the vulnerable population within.

Third, to the extent that the concept plans are accurate, a commercial non-hospital building such as the Project cannot support a hospital building (see Memorandum, p. 4, response 6). On this specific issue, OSHPD has confirmed that because it would have no jurisdiction over a non-hospital building, the shoring for the Project that is adjacent to the Hospital must be separate and apart from the Project structure itself. This is fundamental to the structural design of the Project, and requires further analysis. Counsel for Prospect has been in contact with counsel for the developers and has attempted to reach informal resolution relating to this fundamental issue, but as of the date of this hearing, no resolution has been reached. See Exhibit A for additional detail on this issue.

The responses to comments 6-9 are perhaps most indicative of the fact that this Project requires an EIR. By providing a lower level of environmental review (IS and MND) the Project seeks to evade the thorough analysis that would normally be required in an EIR. Again, Prospect does not seek to stop the Project from going forward. However, Prospect seeks to protect the Hospital (and its occupants) from the potential harmful effects of the construction and the future building will have. Substantial evidence supports a fair argument that the potential for a loss of structural support, or of the loss of the required OSHPD rating for the Hospital to operate, could occur as a result of the Project. Therefore, an EIR is required.

(d) Comments 10-12: Traffic Impacts

Comments 10-12 of the Allen Matkins Letter provides a detailed description of the inadequacy of the traffic analysis. However, rather than address this issue, the responses in the Memorandum concentrate on technical distinctions relating to the calculation of floor area (see Memorandum, p. 7, response 10.) Simply put, the Memorandum avoids the point: the new proposed use of the Project, by any measure, is an extremely high traffic use compared to the bank that was sitting on the site before. The Project proposes tens of thousands of square feet of restaurant uses, commercial lease uses, and commercial retail—roughly quintupling the commercial floor area currently on-site—which draws a number of patrons that is incomparable to the existing bank.

The entrance to the parking lot for the new patrons will be immediately adjacent to the hospital, and importantly, almost directly across from where the emergency vehicles enter and exit on Delmas Terrace. Yet, no evaluation of this potential impact occurred, and not a single mitigation measure was imposed to address these concerns.

The proposed use of Delmas Terrace for construction vehicles and hauling is a several-fold danger to Hospital staff, patients, and visitors:

- There is a cross-walk in the middle of Delmas Terrace (between Washington and Venice) that is frequently used by Hospital staff, patients, and visitors, as Delmas Terrace is in the middle of the Hospital campus. There is also a tunnel that runs under Delmas Terrace that connects different wings of the Hospital campus. The use of the construction vehicles on Delmas Terrace presents a real danger to pedestrians that are constantly crossing there throughout all hours of the day and night.
- The vibrations from the trucks hauling dirt and the machines for construction create a disturbance to Hospital equipment and can interrupt procedures. The noise from idling is also disruptive to patients. (See more on this in the Noise/Vibrations comments)
- The trail of dirt and the airborne dust that travels from the trucks during the construction phase will infiltrate the Hospital's HVAC system, and effect the air being breathed-in by patients who are often in critical medical condition.

These factors were not analyzed at all (let alone given the in-depth analysis that they require) in the MND, and further discussion of these factors is required in an EIR. At a minimum, the hauling routes must be changed in order to mitigate some of these dangers.[3]

Many of the assumptions relating to response-times in the Memorandum are wrong. The drafters of the MND never consulted the Hospital or Prospect regarding the flow of emergency vehicles or response-times. The MND incorrectly assumes, for example, that emergency vehicles do not enter from Delmas Terrace. They do. The MND incorrectly assumes that there would be no effect on response times. This is false, both in the construction phase, and in the operations phase. During the construction phase, the emergency vehicles entering from or exiting onto Delmas Terrace would be slowed down by the construction vehicles idling and using Delmas Terrace. During the operations phase, the emergency vehicles entering from or exiting onto Delmas Terrace would be slowed by the additional traffic from the Project, and the entrance to the parking lot, which is located almost directly across from the emergency vehicles exit. In the experienced judgment of the Hospital and Prospect, this also creates a traffic and safety hazard, with higher risk for accidents. Many of these impacts can be avoided if a proper analysis is done through an EIR. For example, if hauling and circulation routes were moved to Washington Blvd. instead of Delmas Terrace, the impacts would be reduced significantly.

The City cannot merely dismiss Hospital management's and owners' observations regarding these matters. That personal observations of area residents—even those who are not environmental experts—can constitute substantial evidence is well settled at law. *See*, *e.g.*,

[3] Indeed, in meetings with the Applicant and the City, Prospect proposed hauling and circulation routes involving Washington Blvd. that would avoid many of the impacts to Delmas Terrace, and those proposed solutions and mitigation measures have been completely ignored.

Bowman v. City of Berkeley, 122 Cal. App. 4th 572, 583 (2004). Observations regarding, for example, traffic conditions clearly qualify. *See Arviv Enterprises, Inc. v. So. Valley Area Planning Comm'n*, 101 Cal. App. 4th 1333, 1347 (2002); *Citizens' Assn. for Sensible Devel. Of Bishop Area v. County of Inyo*, 172 Cal. App. 3d 151, 173 (1985).

It is possible that many of these issues could potentially be mitigated with adequate analysis. However, as it currently stands, the analysis of the MND is insufficient, and its numerous factual errors prevent an accurate analysis of Project impacts. At the very least, the City must revise the MND to include and rely upon accurate assumptions of emergency vehicle operations. But the substantial quantitative and qualitative evidence cited above also supports a fair argument of a significant impact.

(e) Comments 13-17: Noise and Vibrations Impacts

Prospect has engaged an acoustics/noise/vibrations expert, Venaklasen Associates, to evaluate the adequacy of the MND's analysis, and the adequacy of the Memorandum's responses to the concerns raised by Prospect in prior correspondence. In short, Veneklasen Associates concludes that the MND "does not present a complete and accurate analysis of the potential noise and vibration impacts associated with the proposed project." (Ex. B., Nov. 26 letter, p.7; Dec. 21 letter, p. 6; Feb. 27 letter, p. 7.) Also, the report finds that many environmental impacts are improperly marked as a "less than significant impact with mitigation incorporated" when there is "inadequate" information to be able to support that conclusion, and where there is a fair argument that a higher significance threshold is met. (Ex. B., Nov. 26 letter, pp. 6-7.)

Their report, which consists of three separate letters, is attached hereto as Exhibit B, and we summarize the key observations below:

- "Estimated noise levels from construction activities are dubious and suspect." (Dec. 21 letter, p.2.)
- Groundborne Vibration levels could exceed International Standards Organization standard vibration criteria for operating rooms, potentially compromising the performance of vibration sensitive surgical instruments. As such, a more complete listing of the equipment used and related impacts is needed. (Nov. 26 letter, p. 6; Feb. 27 letter, p. 6.)
- Several items on the CEQA Noise Checklist are improperly marked as a "less than significant impact with mitigation incorporated" when there is "inadequate" information to be able to support that conclusion, and where there is a fair argument that a higher significance threshold is met. (Nov. 26 letter, pp. 6-7.)
- Mitigation Measure NOISE-5 "does not address monitoring for potential vibration impacts to vibration sensitive uses" within the Hospital. "To assess potential vibration impacts to the sensitive use areas within SCH-CC, a detailed vibration analysis should be performed including all equipment planned for the proposed project, detailed work activities and phasing, and vibration sensitivity characterization of the vibration sensitive surgical instrumentation at the receptor." (Feb. 27 letter, p. 6.)

- Mitigation measure NOISE-5 lacks a "vibration control plan" and/or "vibration monitoring plan," which is industry standard practice, and include much higher levels of detail than that provided in the mitigation measures proposed, like:
  - 1. Number of vibration monitors and specific locations,
  - 2. Technical specifications of the monitoring equipment,
  - 3. Project vibration criteria/thresholds and thresholds for warning and exceedance
  - alarm levels,
  - 4. Exceedance protocol with respect to project construction,
  - 5. Provisions for monitoring reporting. (Dec. 21 letter, p. 6; Feb. 27 letter, pp. 5-6.)
- Mitigation Measure NOISE-4 is inadequate as more noise reduction and/ or a different height noise barrier may be necessary to reduce construction noise levels to below the significance threshold. (Nov. 26 letter, pp. 2-3)
- Mitigation measure NOISE-1 regarding noise generating equipment is "inaccurate and misleading" as muffler systems are only effective for machinery powered by internal combustion engines and does not affect operational noise (noise produced by doing the work).
  - For example, a concrete industrial saw has two primary noise sources: noise associated with mechanical engagement of the saw via an internal combustion engine and operational noise associated with the saw cutting through concrete. "Muffler systems" will only attenuate noise due to the internal combustion engine and will not attenuate noise due to the saw cutting through concrete. (Dec. 21 letter, pp. 2-3; Feb. 27 letter, pp. 2-3, 5-6.)
- Mitigation measure for multiple pieces equipment operating at once (NOISE-3) does not provide analysis for all potential measurements and distances, and is inadequate due to improper assumptions of equipment operations. Also, the work activity distances and construction logistics are impractical and infeasible for the proposed Project. (Dec. 21 letter, pp. 3-4; Feb. 27 letter, pp. 3, 5-6.)
- MND does not properly assesses ambient noise levels (Nov. 26 letter, p.2) and "presents an inadequate assessment of potential noise impacts due to construction of the proposed project" (Feb. 27 letter, pp. 3-4.)
- MND does not consider all reasonably potential noise sources, and lists incorrect usage factors for several important pieces of equipment. (Nov. 26 letter, pp. 2-3)
- MND does not correctly identify all applicable Exterior Noise Standards and misleads readers that higher CNEL values are "Acceptable" than what is published in the regulatory agency's guidelines. (Nov. 26 letter, p.2)
- MND does not consider relevant local (neither City nor County) vibration and noise guidelines and regulations. (Nov. 26 letter, p.2; Feb. 27 letter, p. 2.)

Importantly, vibration impacts from the Project construction may present the single greatest danger to the life and safety of Hospital patients. The MND, rather than concentrating on the impacts of the Project construction to the adjacent sensitive use, speaks in generalities that are insufficient to gauge the real impacts on the Hospital. **The inadequate analysis and evaluation of all vibration impacts on the sensitive Hospital use could lead to serious irreparable**

injury or even deaths of patients during complicated medical procedures, to the extent that the surgical equipment is affected. And critically, the MND fails to evaluate these very impacts. (Ex. B, Nov. 26 letter, p. 6; Feb. 27 letter, p. 6.) Note that there are routinely sensitive heart procedures and other complex surgeries that take place at the hospital on a daily basis, so real lives are at stake. Hospital management has observed that even simple jackhammering of nearby sidewalks have interrupted procedures in operating rooms in the past, such that work had to be temporarily halted. Full excavation with heavy equipment will present even greater dangers – dangers that have yet to even be properly analyzed and evaluated through the present MND.

Hospital management and ownership are properly considered experts regarding Hospital operations and the effects of certain activities, such as construction and operational traffic, on those operations. The same holds true for subjective assessments such as aesthetics and noise (and here, vibration, as well). *Ocean View Estates HOA v. Montecito Water Dist.*, 116 Cal. App. 4th 396, 402 (2004). That is, even if the Project noise impacts on the Hospital are disputable from a quantitative perspective (they are not), the experience of Hospital staff and management constitutes substantial evidence supporting fair argument that a significant impact could occur.

Lastly, we remind this Commission that the very existence of a disagreement among the Applicant's consultants and the Hospital's consultants mandates treatment of the impact as significant and, therefore, preparation of an EIR. (CEQA Guidelines §15064(b), (g) ["If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR"].)

(f) Comment 18: The Project puts Public Services at Risk

Comment 18 identifies the importance of a proper and thorough analysis of response times and effects on public services, given that the Hospital is the only emergency service provider in the City. The response to Comment 18 is completely without foundation, and because it refers to the responses to Comments 10-12 above, it suffers from the same false assumptions identified above.

(g) Comments 19-20: Incompatibility with Surrounding Uses and Entitlements Not Supported by Required Findings

Regarding Comment 19, the Memorandum essentially refers to prior responses, and makes no substantive response regarding compatibility with surrounding uses. Speaking from the perspective of the largest surrounding use, the Hospital's input into this factor should be given weight and taken into consideration.

As noted above, Delmas Terrace acts as the virtual connector between the two sides of the Hospital campus. Despite the underground tunnel under Delmas Terrace, the heavy flow of pedestrian traffic on the (relatively new) crosswalk (between Washington and Vine) on Delmas

Terrace will be a constant, as long as the Hospital is in operation. Even setting aside the significant construction-phase dangers and impacts, the final Project will have a significant effect on the traffic on Delmas Terrace, because 100% of the cars will enter and exit the Project parking lot from Delmas Terrace. The MND entirely ignores the crosswalk that connects the two sides of the Hospital campus, and the analysis of the pedestrian and use-impacts are entirely inadequate. The heavy flow of patrons to the newly proposed uses (restaurants, retail, offices) compared to the comparatively low-traffic bank is a substantial change in the environment, and one that has not been adequately mitigated.

The Project's entitlements must take into consideration the surrounding environment of the Project, of which, the Hospital is the largest and most likely to feel the brunt of the effects. There are several issues identified above that the Memorandum did not adequately address, and that have not been properly mitigated. A thorough review, in an EIR, of all of the issues discussed herein is not only practically necessary in this case, it is legally required, because Prospect has presented a **fair argument that the Project may have a significant effect on the environment.** Even though the developer has attempted to present other evidence that the Project will not have a significant effect, an EIR is still required.

2. SEVERAL ADDITIONAL ISSUES REQUIRE FURTHER ANALYSIS, AND REQUIRE PREPARATION OF AN EIR

While the above section addressed the insufficiency of the responses provided in the Memorandum, this section addresses additional issues with the MND and staff report that were not specifically addressed in the prior Allen Matkins Letter and the Memorandum.

(a) Location and Surrounding Uses: Sensitive Hospital Use Not Accounted For

As an initial matter, other than a cursory 2-line explanation that the Hospital is a surrounding use to the north of the Project (MND, p. A-1), there is no analysis or discussion relating to the consequences of developing a massive project that abuts such a **sensitive use**. Indeed, in each of the sections where one would normally expect a discussion regarding specific impacts to neighboring uses, such a discussion is virtually always lacking. This includes noise, vibrations, seismic risks, traffic impacts, parking and access, pedestrian impacts, and practically every other category of impacts addressed in the MND.

It is important to note that this is a comment coming not from a competing interest or a NIMBY campaign, but from a Hospital – the only hospital in Culver City, and the institution charged with protecting the health and safety of patients throughout the entire region. **As stated in Section 1(e) above, the inadequacy of the MND's analysis of sensitive receptors in connection with many of the relevant environmental impacts are potentially putting lives at risk.** Again, this is a call for a proper environmental analysis (an EIR) as the law requires – not a call to halt a Project for self-serving reasons.

(b) Traffic and Circulation Analysis is Inadequate

The MND explains that all direct vehicular access to the Project will be along Delmas Terrace. (MND p. A-17.) What the MND fails to mention or take into consideration is that the entrance to the parking lot is at the northern-most end of the Property, and that any vehicles turning left into the parking lot from Delmas Terrace will be queuing directly in front of the exit of the emergency vehicles (see figure below).

In addition, any vehicles exiting the parking lot and turning right or left will be directly in the path of the emergency vehicles. Furthermore, all patrons of the Project, entering or exiting to the north will create additional safety concerns for the scores of pedestrians that are constantly moving between the two sides of the hospital (using the cross-walk on Delmas Terrace).

Note that this is an issue both during the construction phase (with respect to hauling and construction vehicles) as well as during the operation phase (with respect to the hundreds of Project patrons and tenants who will be accessing the building in their vehicles on a daily basis). Again, many of these impacts can be avoided if a proper analysis is done through an EIR. For

example, if hauling and circulation routes were moved to Washington Blvd. instead of Delmas Terrace, the impacts would be reduced significantly.

This is just one blatant example of how the MND analysis fails to address even the most basic issues dealing with traffic, circulation, and access parking and fails to acknowledge that emergency hospital services are being provided right across the street. In terms of disruptions to Hospital operations, the Project's design of the access to the parking lot literally could not have been put in a worse location.

(c) The City Cannot Make the Required Findings to Support an Administrative Modification and an Administrative Use Permit for Parking Modifications

An additional point that has not yet been raised in Prospect's prior correspondence is its vehement objection to the following two parking-related administrative entitlements that the applicants seek:

> **Administrative Modification**: for the reduction in the number of required parking spaces and parking space dimensions, based on the finding that strict application of these standards creates an unnecessary, involuntarily created hardship or unreasonable regulation which makes it impractical to require compliance with the development standards;
>
> **Administrative Use Permit**: for shared parking and the striping of tandem parking spaces in the subterranean parking level, to ensure that the shared parking and tandem parking spaces for some of the Project's required parking is in compliance with all required standards and City ordinances and establish conditions of approval to ensure the uses are compatible with the Project site and surrounding area

The City cannot make the requisite findings to be able to approve the administrative modification for the parking. Namely, Culver City Municipal Code section 17.550.020 requires the following findings, in order to approve an administrative modification:

> **A. Administrative Modification Findings.** The Director shall record the decision in writing, with the findings on which the decision is based. The Administrative Modification may be approved, with or without conditions, only after making all of the following findings.
>
> **1.** The strict application of the applicable development standard **creates an unnecessary, involuntarily-created hardship, or unreasonable regulation** that makes it obviously impractical to require compliance with the development standards.
>
> **2.** Approval of the Administrative Modification would **not be detrimental to the public health, interest, safety, or general welfare, and would not be detrimental or injurious to property or improvements in the vicinity** and in the same zoning district.

[emphasis added].

The City cannot make the first finding that "that strict application of these standards creates an unnecessary, **involuntarily created hardship** or unreasonable regulation which makes it impractical to require compliance with the development standards." Nothing about the parking standards is "involuntary." It would be perfectly reasonable to require the applicant to provide the requisite parking in an area where parking is already difficult to come by. The "hardship" produced is entirely self-imposed by the applicant, in that they are proposing to build tens of thousands of square feet of floor area that requires a proportionally robust parking allocation. The applicant could just as easily reduce the footprint of the proposed Project in order to reduce the parking burden, rather than request an administrative modification from the City.

The second required finding, that the "Administrative Modification would **not be detrimental to the public health, interest, safety, or general welfare, and would not be detrimental or injurious to property or improvements in the vicinity"** is also impossible to meet. In this case, because the Hospital is immediately adjacent to the proposed Project, strict adherence to the parking requirements is absolutely necessary, and neither the Administrative Modification nor the Administrative Use Permit should be granted. As stated above, the Hospital requires the frequent ingress and egress of emergency vehicles due to the emergency room. Any additional traffic from cars that would be generated by neighboring uses, and these more lenient parking terms would inhibit these emergency vehicles, and create a public safety issue. Furthermore, patrons of the Project who are unable to find parking on the premises will be circling the area, endangering pedestrians, and inhibiting emergency vehicles. Also, Project patrons may end up utilizing Hospital parking, which would deprive the Hospital of the parking that it needs for patients, staff, and visitors. Delmas Terrace is a small road that will not be able to sustain any additional parking leniency, and strict adherence to the provisions of the code are required in order to maintain safety on that road, and safety of the Hospital patients.

For similar reasons, the administrative use permit should also be denied. There is no reason for the City to allow a new project – which is **not** a low-income or affordable housing project – to be given leniency on its parking requirements. The congested parking plan presented by the Project, with its stacked and tandem parking arrangements are excessive and unnecessary. Instead, the Project profile should be reduced such that less parking is required, and so that these excessive measures would not be necessary.

(d) Air Quality Impacts on Sensitive Receptor Hospital Have Not Been Analyzed

The South Coast Air Quality Management District ("SCAQMD") states the following regarding sensitive receptors in its Guidance Document:

> **LOCAL GOVERNMENT SITING CONSIDERATIONS FOR SENSITIVE RECEPTORS**
> There is a strong connection between health risk and the proximity of the source of air pollution. **Local jurisdictions have the responsibility for determining land use compatibility for sensitive receptors. A sensitive receptor is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant.** The following are land uses (sensitive sites) where sensitive receptors are typically located:
> • schools, playgrounds and childcare centers
> • long-term health care facilities
> • rehabilitation centers
> • convalescent centers
> • **hospitals**
> • retirement homes
> • residences

(SCAQMD Guidance Document[4], Chapter 2, p. 2-1.) Throughout the document, there is an emphasis on protecting sensitive receptors:

> **Objective 1.1** Through land use plans provide heightened consideration of policies and strategies to minimize exposure of sensitive receptors and sites (e.g., schools, **hospitals**, and residences) to health risks related to air pollution.

(SCAQMD Guidance Document, Chapter 2, p. 2-13.) Shockingly, however, the MND does not separately analyze effects on sensitive receptors, even though the Project sits adjacent to the only Hospital in the entire City.

Prospect has multiple concerns regarding air quality during the construction phase of the Project, as the dust and dirt and construction effects will infiltrate the Hospital's HVAC system. Also, as the hauling routes are currently configured, the trail of dirt left behind from the hauling vehicles on Delmas Terrace will also be brought into the Hospital by visitors, patients, and staff, putting the patients' safety at risk.

Rather than doing a thorough analysis with "heightened consideration of policies and strategies to minimize exposure of sensitive receptors, the MND simply concludes, with absolutely no justification for its conclusion, that "the impacts will be less than significant and no mitigation measures would be necessary." (MND, p. B-15.)

There is no basis for such a conclusion, and such a conclusion is not supported by the findings. Indeed, there are no findings at all, and no analysis at all, relating to sensitive receptors. For this

[4] http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/chapter-2---air-quality-issues-regarding-land-use.pdf

reason alone, the MND is insufficient, and an EIR is required to conduct a thorough analysis of the air quality effects on a sensitive receptor.

(e) Noise and Vibration Impacts are Significant

The noise and vibrations impacts from the Project are significant and unavoidable. The Hospital's concerns relating to noise and vibration impacts include:

- The vibrations from the machines used for construction create a disturbance to Hospital equipment and can interrupt procedures – which could lead to serious irreparable injury and/or death.
- The vibrations from the trucks hauling dirt create a disturbance to Hospital equipment and can interrupt procedures, which could lead to surgical complications.
- The vibrations from proposed operation of mechanical lifts in the parking facilities create a disturbance to Hospital equipment and can interrupt procedures, which could lead to surgical complications.
- The proposed mitigation measures do not go far enough, because they do not take into consideration the fact that there are complicated medical procedures and surgeries that can be effected by the vibrations, even if those vibrations do not technically reach the identified thresholds.
- The proposed mitigation measures fail to identify the thresholds that would set off the automatic stop in construction.
- The proposed mitigation measures fail to identify an enforcement mechanism to ensure that the construction will actually stop when the detectors are triggered.
- The noise from idling is disruptive to patients.

None of those concerns are adequately addressed in the MND or subsequent documentation submitted by the applicant and its consultants.

The Environmental Checklist Form and Environmental Determination asks the following question: "Would the project result in: a) Exposure of persons to or generation of noise level in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? … d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?" (MND, p. EC-10.)

The answers to all of these questions are definitively yes, and the boxes checked should have been "Potentially Significant Impact" for all three of these areas. However, in all three cases, the box checked is "Less Than Significant With Mitigation Incorporated." This is incorrect for a number of reasons, many of which are described above, and have already been provided in prior correspondence.

In response to the comments in the Allen Matkins Letter, ESA revised portions of its analysis to attempt to address certain inadequacies, including unenforceable and inadequate mitigation. Those revisions only emphasize the potential for more severe impacts than those previously disclosed, and even the additional mitigation concedes that significant residual impacts could remain. For the latter reason alone, an EIR is required here.

For example, the City proposes to modify mitigation measure MM-NOISE-5 requires rubber tires on construction equipment within a certain distance of the Hospital "where available and feasible." Yet the MND does not include any criteria to evaluate the availability and feasibility of such equipment. Even if it did, however, the requirement to provide that equipment is not absolute and the MND fails to acknowledge this, or the potential for a significant residual impact. This is all the more important because—as the Memorandum concedes—the residential noise emissions of the Project after mitigation are exactly at significance threshold levels: there simply is no room for a potentially ineffective or infeasible measure.

Further, the same measure provides a remedy for exceedances of applicable vibration thresholds: "feasible steps" to attempt to further reduce vibration, or repair of the building. That is, the mitigation measure itself concedes the potential for a significant residual impact. The purported ultimate remedy—repair—also ignores the safety impact presented**. Vibration is not merely inconvenient: it can directly affect sensitive testing and/or medical procedures at the Hospital – leading to significant irreparable injury or even death. A repair to a building will not remedy an impact on a patient who has suffered or died because of vibrations related to the construction.** The Project has been analyzed without taking into account the sensitive uses that are just inches away from the construction. This is a flaw that can only be remedied through a more thorough analysis of an EIR.

Also, Prospect is so concerned with the severe noise and vibration impacts of the Project that it has hired an independent acoustics expert to opine on the subject. The report of the expert, Veneklasen Associates, is attached hereto as Exhibit B, and incorporated herein; the report includes a thorough explanation of some of the noise and vibration impacts that the Project will have, discussed in Section 1(e) above.

(f) Geological Impacts and Earthquake Hazards are Significant

The Environmental Checklist Form and Environmental Determination asks the following question: "Would the project: a) Expose people or structures to substantial adverse effects, including the risk of loss, injury or death involving: …ii) Strong seismic ground shaking?" (MND p. EC-7.) Somehow, with no substantial justification, the box checked is "Less Than Significant With Mitigation Incorporated."

The problem with that conclusion is that the MND never actually analyzes whether the Hospital (which would include both "people" and "structures") would be "exposed" to "substantial adverse effects, including risk of loss" due to "strong seismic ground shaking." Indeed, until it

was raised by Prospect through the Allen Matkins Letter, the MND was entirely silent on effects to the Hospital at all. Although we will not repeat the arguments relating to OSHPD risks and approvals here, suffice it to say that it is difficult to think of a situation where an adjacent Project could have a more profound effect on exposing a structure (the Hospital) to a risk of loss. Indeed, the entire Hospital could be shut down by OSHPD if the Project's structural design is not modified such that the support, underpinnings, and shoring comply with OSHPD's requirements. (See Exhibit A.) If the Hospital is shut down, it would absolutely put hundreds, if not thousands of lives at risk. Exhibit A contains an explanation of some of these structural issues, which can be summarized as:

- OSPHD regulations contain specific requirements for shoring and construction adjacent to a hospital building, and the conformance of the Project to these regulations cannot be established with the available plans; and
- Adequate support for the Pavilion Building at the Hospital cannot be established with the available plans.

In other words, this is not a close case. Substantial evidence indicates that the potentially significant effects are glaring, and the only reason the wrong box was checked is because no one bothered to consult with the Hospital or Prospect regarding the potential structural effects of the Project on the Hospital. Indeed, even after the Prospect's engineers started to work with the Applicant's engineers on some of these structural issues, the cooperation was halted without arriving at any conclusions. Namely, OSHPD had requested structural plans from the Project's engineers, but to Prospect's knowledge, those plans were never submitted to OSHPD. (See Exhibit A, pp. 1-2.)

The analysis contained in the MND at p. B-31 (and surrounding pages) is utterly insufficient, as it does not address the effects on the nearby hospitals.

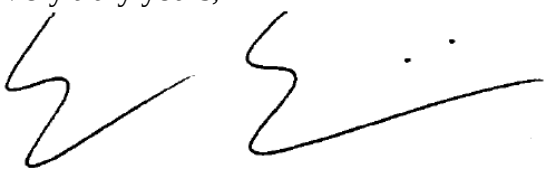
3. CONCLUSION – AN EIR IS ABSOLUTELY REQUIRED HERE

Prospect is not opposed to the Project going forward. Prospect is opposed to the Project going forward without undergoing the appropriate legally mandated environmental review, which in this case is definitively an EIR. There is no doubt that Prospect has presented a fair argument that there will be a potentially significant impact, and that an EIR is required. Anything less is legally inadequate, and will be reversed in court.

Again, the very existence of a disagreement among the Applicant's consultants and the Hospital's consultants mandates treatment of the impact as significant and, therefore, preparation of an EIR. (CEQA Guidelines §15064(b), (g).) In this case, there is a disagreement among the experts regarding both the structural issues, and the noise and vibrations impacts. That alone necessitates an EIR in this case.

Approval of the resolution and findings is simply not an option here. If the Planning Commission does not require an EIR now, the only other viable option is for the Planning Commission to continue this matter until it has been determined that the Hospital will be able to obtain OSHPD certification with the construction of the proposed Project. It is impossible to know the real environmental effects of the Project until that question is answered (which would include potentially no longer having an operational hospital in Culver City, and the related effects on health, safety, public services, etc. on the community at large).

Very truly yours,



BENJAMIN M. REZNIK
SEENA MAX SAMIMI for
Jeffer Mangels Butler & Mitchell LLP

cc: Jose Mendivil (jose.mendivil@culvercity.org) – Associate Planner
Sol Blumenfeld (Sol.Blumenfeld@culvercity.org) – Community Development Director
Carol Schwab (city.attorney@culvercity.org) – City Attorney

EXHIBIT A

February 27, 2018

Re: **"Structural" Impacts of Brick & Machine (9735 Washington Blvd.) on Hospital (Pavilion) Building for Southern California Hospital at Culver City**

To Whom It May Concern

I, Balram Gupta, represent IMEG Corp., which is a consulting firm assisting Southern California Hospital at Culver City (SCH-CC) with structural engineering related works including obtaining seismic compliance pursuant to the requirements of Senate Bill 1953 (SB-1953), which is administered by the Office of Statewide Health Planning & Development (OSHPD).

The construction of Brick & Machine (B&M) development immediately adjacent to and south of the existing Hospital (Pavilion) Building has, primarily, two "structural" issues for the Pavilion Building.

First issue is associated with potential impact on SPC-2 reclassification of the Pavilion Building because of removal of dirt (restraint) on the south side due to construction of the B&M. The Pavilion building is currently classified as SPC-1. **If the Pavilion Building cannot be reclassified to SPC-2, it would have significant impact for SCH-CC since they would not be able to use this building to provide acute care services after 07/01/2019.**

Second issue is associated with structural integrity and support of the Pavilion Building during and after construction of the B&M because of deep excavation to make room for three subterranean levels in B&M immediately south of the Pavilion Building. More detailed discussion follows.

The structural concrete walls for Brick and Machine are proposed to be located approximately 3 feet away from the property line, which coincides with the southern edge of the existing Hospital (Pavilion) Building. Pavilion Building has one subterranean level while B&M would have three subterranean levels. This means that ground, immediately south of the existing Pavilion Building, would be excavated approximately two stories below the lowest (foundation) level of the Pavilion Building.

From a structural engineering perspective, it is certainly feasible to excavate two stories immediately adjacent to and below the lowest level of an existing building. However, if not done properly, it could have significant structural impact on the existing building and operations therein during excavation for construction of the new building and thereafter.

300 N. Lake Avenue, 14th Floor, Pasadena, CA 91101
›626.463.2800 ›Fax: 626.463.2801 ›imegcorp.com
D B A TTG ENGINEERS

OSHPD, through California Building Codes, has specific requirements and provisions that must be complied with for any construction immediately adjacent to a hospital building. In our interpretation of the building codes, a hospital building cannot be supported by a non-hospital building. We believe the hospital building should have an "independent gravity support system" without having to rely, in any shape or form, on the non-hospital building. In engineering terms, this "independent gravity support system" is typically referred to as "underpinning".

We communicated our interpretation of California Building Code provisions in this regard to the B&M team on multiple occasions. We had met with them at SCH-CC on 11/13/17 and then a meeting was held with structural engineers from OSHPD on 11/28/17. During that meeting, B&M team was requested by OSHPD to formally submit their proposal for gravity support of the hospital building for review and comments. Despite multiple reminders to the structural engineer for B&M, we have not seen any submittal to OSHPD till date.

A need to adequately support the Pavilion Building during excavation for construction of B&M and thereafter cannot be overemphasized. It is imperative that B&M team obtain approval from IMEG as well as OSHPD for their plan for supporting the Pavilion Building.

Please feel free to contact us should there be questions. Thanks.

Sincerely,
IMEG Corp.

Balram Gupta, Ph.D., S.E.
Principal, Structural

EXHIBIT B

Veneklasen Associates

Consultants in Acoustics | Noise | Vibration | AV | IT

November 26, 2017

City of Culver City, Planning Division
9770 Culver Boulevard
Culver City, CA 90232-0507

Attention: Jose Mendivil, Associate Planner

Subject: **"Brick and Machine" (9735 Washignton Boulevard)**
MND Peer Review – Section XII. Noise
VA Project No.: 6933-001

Dear Mr. Mendivil:

Veneklasen Associates (VA) has performed a peer review of the noise section of the MND of the proposed "Brick and Machine" project to be constructed in Culver City. The following document presents the results of our review efforts, with comments refenced both to the project MND and the project's Noise and Vibration Technical Report. To compose our commentary, we have reviewed the following documents:

- Mitigated Negative Declaration P2017-0021-MND for the 9725 Washington Boulevard Project or "Brick and Machine"
- 9735 Washington Boulevard Project Noise and Vibration Technical Report, prepared by ESA (February 2017)
- Project Memorandum 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter, dated 28 September 2017
- Structural Concept Partial Plan and Section and Shoring Concept Partial Plan and Section drawings, prepared by John Labib + Associates Structural Engineers, dated 27 July 2017
- Site Plan for Southern California Hospital at Culver City, prepared by Hutner & Appel Architects, Inc., dated 20 July 1994
- Southern California Hospital at Culver City Pavilion Basement Floor Plan, provided by JMBM on 26 October 2017
- State of California General Plan Guidelines, Governor's Office of Planning and Research, 2003
- L.A. CEQA Thresholds Guide, City of Los Angeles 2006
- Los Angeles County Code of Ordinances
- Culver City General Plan Noise Element, dated 22 July 1996
- The Municipal Code of the City of Culver City, California
- FHWA Roadway Construction Noise Model User's Guide, January 2006
- FTA Transit Noise and Vibration Impact Assessment, May 2006
- Caltrans Transportation and Construction Vibration Guidance Manual, September 2013
- Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013

The MND and noise and vibration analysis require the following clarifications:

1. **MND does not appear to correctly identify all applicable Exterior Noise Standards.**
   (Page B-67, Table B-12 of the MND, Page 14, Table 3 of the Noise and Vibration Technical Report)
   Both the MND and the Noise and Vibration Technical Report incorrectly report "Clearly Acceptable" CNEL values for specific land use categories in Table B-12 (MND) and Table 3 (Noise and Vibration Technical Report). The values listed in both tables are "Clearly Unacceptable" per the Office of Planning and Research, State of California General Plan Guidelines (October 2003). This misleads readers that higher CNEL values are "Acceptable" than what is published in the regulatory agency's guidelines.

2. **MND does not appear to consider relevant local vibration and noise guidelines and regulations.**
   (Pages B-67 and B-78 of the MND, Page 15 of the Noise and Vibration Technical Report)
   The second paragraph of page B-67 of the MND (third paragraph of page 15 of the Noise and Vibration Technical Report) states "The City of Culver City does not address vibration either in their municipal code or in the Noise Element of the General Plan." This is an erroneous statement as vibration is cited thirteen (13) times in the Culver City Municipal Code with respect to guidelines, operating standards, and performance requirements.

   (Pages B-67 and B-78 of the MND, Page 15 of the Noise and Vibration Technical Report)
   VA notes that the Los Angeles County Code of Ordinances is not cited, but also applies to this project, given the project is located within Los Angeles County. VA notes that neither the noise nor the vibration regulations contained within Chapter 12.08 Noise Control and Chapter 12.12 Building Construction Noise of the Los Angeles County Code of Ordinances are cited.

3. **MND does not appear to properly assesses ambient noise levels.**
   (Page B-69 of the MND, Page 22 and Appendix A of the Noise and Vibration Technical Report)
   Page B-69 of the MND states, "…(The) measured day-time noise levels range from 58 dBA, L_{eq} at R1 to 73 dBA at the R4…" but Appendix A of the Noise and Vibration Technical Report lists daytime hourly noise levels as low as 57 dBA (measured at 8:00 A.M., 1:00 P.M., 3:00 P.M., and 6:00 P.M.). The reported "range" in the section content is inconsistent with Table B-13, as Table B-13 lists "Average Daytime" and "Average Nighttime" values. Additionally, the bottom of page B-68 discusses noise measurements with respect to project construction hours. As project construction activities are stated to comply with The City of Culver City's allowable construction hours of Monday – Friday, 8:00 A.M. – 8:00 P.M., Saturdays 9:00 A.M. – 7:00 P.M., and Sundays 10:00 A.M. – 7:00 P.M., and long-term noise measurements for the Technical Report were conducted on a Tuesday and Wednesday, the lowest measured average hourly noise level between 8:00 A.M. – 8:00 P.M. should be utilized to present a conservative analysis (56 dBA at 7:00 P.M.).

4. **MND does not appear to consider all reasonably potential noise sources.**
   A. Construction – 4.A.1
      (Page B-73, Table B-14 of the MND, Page 21, Table 6 and Appendix B of the Noise and Vibration Technical Report)
      Table B-14 in the MND notes "Noise Levels at 50 ft. and Usage Factors are derived from the Federal Highway Administration (FHWA) Roadway Construction Noise Model User's Guide", yet the table references a usage factor and noise levels at 50 feet for a "Concrete Industrial Saw" (85 dBA at 50 ft. with 20% Usage Factor), but the FHWA Roadway Construction Noise Model User's Guide (RCNM) lists no such entry. The closest approximation listed in the RCNM guide is an entry for "Concrete Saw" which lists "90 dBA at 50 feet" for a "Use Factor of 20%" for both "Specification 721.560" and "Actual Measured" data sets. Likewise, Table B-14 in the MND lists "Boom Pump Trucks, Rough Terrain Forklift, and Zoom Boom" yet these entries (or approximate equivalents) are not published in the RCNM User's Guide. Table B-14 lists incorrect usage factors for "Air Compressor, Cranes, Dump/Haul Truck, and Forklift (Man Lift)". Neither the MND nor the Noise and Vibration Technical Report discuss any engineering reasoning or methodology behind deviating from the recommended equipment

usage factors published in the RCNM. Additionally, the FHWA Roadway Construction Noise Model User's Guide (2006) lists separate entries for tractors, loaders, and backhoes with differing, associated usage factors and noise levels at 50 feet, yet Table B-14 of the MND lists these three items as one, single entry. Furthermore, Table B-14 in the MND does not specify whether the noise levels listed are in reference to Specification 721.560 or are Actual Measured Values from the FHWA Roadway Construction Noise Model User's Guide (2006). The inaccurate reporting of construction equipment noise levels and usage factors contained in the MND as referenced from the RCNM User's Guide, with no engineering methodology to support deviation from the reference, potentially misrepresents estimated noise levels due to construction activity thus rendering the noise analysis and associated mitigations worthy of additional explanation.

Construction – 4.A.2
(Pages B-73 and B-79, Tables B-14 and B-18, respectively of the MND, Page 21, Table 6, Table 8 and Appendix B of the Noise and Vibration Technical Report)
Key equipment potentially used for the proposed project are omitted from Table B-14 in the MND. For example, for the demolition phase, no backhoe attachments are listed in Table B-14. The proposed project anticipates demolishing the existing paved-asphalt parking areas and the existing two-story building. It is unlikely that this activity could be accomplished with the use of one (1) concrete industrial saw, one (1) rubber tired dozer, and two (2) tractor/ loader/backhoe (as reported in the MND and Noise and Vibration Technical Report) alone and in a time efficient manner. The RCNM guide lists a noise level and usage factor for a "Mounted Impact Hammer (hoe ram)". This is an appropriate generalized equipment selection for the demolition phase for the proposed project as such equipment will most likely be necessary to break apart any footings or shear walls in the existing two-story structure. Similarly, no site compaction equipment is listed in the MND or the Noise and Vibration Technical Report. The proposed project plans to construct a 3 level subterranean parking structure. Some type of site compaction will need to occur after excavation and before/ during shoring and before foundation work. The RCNM guide lists noise levels and usage factors for both a "Compactor (ground)" and a "Grader". Either of these are an appropriate generalized equipment selection for the grading phase. Additionally, the proposed project's Structural Concept Partial Plan and Section and Shoring Concept Partial Plan and Section drawings (John Labib + Associates Structural Engineers, 7/27/17) indicate W24 soldier beams to be drilled to support shoring efforts. The only equipment listed in Table B-14 that could be related to this specific shoring effort is the entry "Drill Rig Truck", but this entry relates to the noise of the truck supporting the drill rig, not the noise of the drill rig itself. The RCNM guide lists a noise level and usage factor for an "Auger Drill Rig". This is an appropriate generalized equipment selection for the shoring efforts of the proposed project. Furthermore, Tables B-14 and B-18 in the MND (Tables 6 and 8 in the Noise and Vibration Technical Report) are inconsistent. Typical equipment to be used on the proposed project listed in Table B-18 in the MND is not entirely listed in Table B-14 and vice versa. For example, approximate peak particle velocity (PPV) levels are listed for Caisson Drilling in Table B-18 but there exists no entry for the noise levels or associated usage factor for Caisson Drilling in Table B-14. Further work and explanation appear required to resolve these differences and verify that all equipment is properly analyzed and references that will be used to achieve the result.

Construction – 4.A.3
(Pages B-72 and B-73, Table B-14 of the MND, Page 22, Table 6 and Appendix B of the Noise and Vibration Technical Report)
The last sentence of the second paragraph of page B-72 of the MND states, "The estimated noise levels represent a conservative scenario because construction activities are analyzed as if some of them were occurring along the perimeter of the construction area, whereas construction would typically occur throughout the site, further from noise-sensitive receptors." It is unclear how this statement relates to the construction noise calculations contained in Appendix B in the Noise and Vibration Technical Report. The distances listed in the calculations are "50 feet" and "100 feet". The

project site and ground plans contained in the MND (Figures A-3 and A-4) indicate the proposed project plans construction up to within 3 feet of the property line on the northwestern side (Southern California Hospital Culver City) and up to the property line on the southeastern side (Alandales). Furthermore, the proposed project's Shoring Concept Partial Plan and Section drawings (John Labib + Associates Structural Engineers, 7/27/17) indicate W24 soldier beams to be drilled approximately 3 feet from the northwestern property line (Southern California Hospital Culver City). Noise levels calculated considering a source to receiver distance of 3 feet will result in significantly louder levels than if calculations are made considering a source to receiver distance of 50 feet. To present a conservative analysis, estimated noise from construction activity should be calculated at both the extent of the work areas and at the center of the project site. Additionally, the first few sentences of paragraph three of page B-72 in the MND state," The multi-family residential building and the Southern California Hospital Culver City buildings (R1) adjacent to the north are approximately 15 feet from the project site. During the grading and paving, the noise level would be approximately 95 dBA at 15 feet at the multi-family residential building and the hospital building (R1)." It is unclear from the construction noise calculations contained within Appendix B of the Noise and Vibration Technical report how the 95 dBA estimated resulting noise level was calculated since two different distances (50 feet and 150 feet) were used for noise calculations during the grading/excavation phase. In summary, the construction noise calculations and resulting estimated noise levels presented in both the MND and the Noise and Vibration Technical Report are misleading and suspect for the following reasons, which require additional analysis and clarification: 1. Key equipment to be used on the proposed project are missing from proposed equipment list and noise calculations; 2. Construction noise calculations utilize distances that are not in agreement with planned work activities; 3. Construction noise calculations do not appear to present a conservative analysis as stated in both the MND and Noise and Vibration Technical Report (due to reasons 1 and 2); 4. Construction noise calculations do not properly reference noise data from the RCNM User's Guide.

B. Open Space, Landscape and Amenities – 4.B.1
(Page B-74 of the MND and Page 25 of the Noise and Vibration Technical Report)
The sixth paragraph on page B-74 of the MND discusses open spaces and amenities planned for the proposed project, but there is no discussion of potential noise impacts due to these open space areas and amenities. Instead, incorrect noise analysis has been performed comparing Off-Site Traffic Noise Impacts (Table B-15 in the MND and Table 7 in the Noise and Vibration Technical Report) incident on (some of) the open space planned for the proposed project. To correctly and adequately address the Los Angeles CEQA Threshold Guide item XI.a with respect to I.2 Operational Noise, noise analysis should be performed to determine potential noise impacts *due to* the proposed project's open space, landscape and amenities. This analysis should include, but not be limited to the following: maximum occupancy based human speech (conversation) noise for ground level public open space along Washington Boulevard and Delmas Terrace, balconies, the open-air interior office courtyard, and the rooftop terrace/ garden and courtyard; any amplified or live music (or PA system) planned for the proposed ground level public open space, balconies, open-air interior office courtyard, and the rooftop terrace/ garden and courtyard; noise specific to the rooftop restaurant/ outdoor kitchen operation such as noise from activity related to glassware, silverware, cookware, and refuse/ dishware collection. The absence of this analysis from the Operational Noise discussion contained in both the MND and the Noise and Vibration Technical Report presents a major deficiency in the overall noise analysis for the proposed project, rendering proposed impacts and associated mitigations dubious and potentially invalid.

5. <u>Inadequate Mitigation</u>
Mitigation – 5.1
(Page B-78 of the MND, Page 29 of Noise and Vibration Technical Report)
Mitigation measure NOISE-4 states, "Temporary noise barriers that provide a minimum of 20 dB noise reduction shall be used to block the line-of-site between construction equipment and noise-sensitive

receptors (residences and hospital uses, R1) during project construction. Noise barriers shall be a minimum of 20-feet tall along the north boundary adjacent to residential and hospital uses." Mitigation measures cannot be appropriately evaluated if the construction noise analysis predictions are in question (see above). More noise reduction and/ or a different height noise barrier may be necessary to reduce construction noise levels to below the significance threshold. Furthermore, only receptor R1 is discussed with respect to construction noise mitigation. Sensitive receptor R2 has a direct line-of-sight to the proposed project construction. Since the construction noise analysis needs further explanation and clarity, construction noise mitigation may be needed for sensitive receptor R2.

Mitigation – 5.2
(Page B-80 of the MND, Page 29 of the Noise and Vibration Technical Report)
Mitigation measure NOISE-5 states, "Contractors would phase in construction activity, use low-impact construction technologies, and avoid the use of heavy vibrating equipment where possible to avoid construction vibration impacts. Especially, contractors shall use smaller and lower impact construction technologies to avoid human annoyance to the adjacent building. Contractors shall avoid the use of driving piles and drill piles instead where necessary to avoid structural damage. The construction contractor shall be responsible for implementing this measure during the construction phase." This mitigation measure is inadequate as it addresses only structural and human annoyance impacts and does not directly address vibration impacts to vibration sensitive uses (i.e. hospital operating rooms). Furthermore, the mitigation measure should address critical limiting distances that heavy machinery/equipment should observe from vibration sensitive receptors.

6. <u>MND does not appear to adequately assess vibration impacts</u>

Groundborne Vibration – 6.1
(Page B-78, Table B-16 of the MND)
Table B-16 presents "Caltrans Vibration Annoyance Potential Criteria" sourced from Caltrans, Transportation and Construction Vibration Guidance Manual (September 2013,) yet the table contains false citations and incorrect comparisons. Table B-16 incorrectly reports human response as "Structure and Condition". Furthermore, it combines human responses to "Transient Sources" and "Continuous/Frequent Intermittent Sources" in the same table. This combined reporting is incorrect as it utilizes descriptors from Wiss' 1974 study of human responses to transient vibration to characterize human responses to steady-state vibration (Reiher's 1931 study). The Caltrans Transportation and Construction Vibration Guidance Manual (September 2013) presents the results of these studies in two separate tables with different human response descriptors. Reiher's 1931 study exposed humans to steady vibrations for 5 minute periods, with results illustrating a frequency dependence (as reported in the Caltrans Transportation and Construction Vibration Guidance Manual). Wiss's 1974 study exposed humans to vibrations for 5 second periods, with the Caltrans Transportation and Construction Vibration Guidance Manual not reporting a frequency dependence. As these two studies had very different investigation and analysis parameters, presenting these together could lead to misinterpretations and confusion.

Groundborne Vibration – 6.2
(Page B-79, Table B-17 of the MND and Page 16, Table 5 of the Noise and Vibration Technical Report)
Table B-17 reports Groundborne Vibration Impact Criteria for Structure Damage referenced from the Transit Noise and Vibration Impact Assessment, FTA (2006), yet the descriptors for the various building classes presented in Table B-17 do not match the Building Class descriptors contained within the FTA Transit Noise and Vibration Impact Assessment. Table B-17 features a level of detail regarding building construction that is found nowhere in the FTA Transit Noise and Vibration Impact Assessment discussion of vibration damage criteria. It is unclear, both in the MND and the Noise and Vibration Technical Report, where the Building Class descriptors have been sourced. The bottom of page B-79 of the MND states, "Structures in the vicinity of the project site would be classified as Class III buildings as shown in Table B-17." As the Building Class descriptors listed in the MND are dubious, the claim that "structures in the vicinity of the project would be classified as Class III buildings" may not be accurate. As a result, the

damage criteria of 0.2 in/ sec Peak Particle Velocity (PPV) applied in both the MND and the Noise and Vibration Technical Report may not be appropriate. Furthermore, the statement "Implication of Mitigation Measure NOISE-5 would ensure potentially significant impacts are reduced to a less than significant level" may need revision as the mitigation measure addresses potentially incorrect analysis.

Groundborne Vibration – 6.3
(Page B-80 of the MND and Page 28 of the Noise and Vibration Technical Report)
The second sentence of the first paragraph of page B-80 of the MND states, "The vibration impact threshold for human annoyance at a residential would be 0.035 in/sec PPV." It is unclear in both the MND and the Noise and Vibration Technical Report where the 0.035 in/sec PPV has been sourced. This value is not contained in Table B-16 of the MND nor in Table 4 of the Noise and Vibration Technical Report, nor is the value qualified in the section content as a threshold for "human annoyance". Furthermore, the "threshold" is not qualified as a steady-state value or a transient vibration value.

Groundborne Vibration – 6.4
(Pages B-78 – B-80 of the MND and Pages 15-16, 27-28 of the Noise and Vibration Technical Report)
The first sentence of the last paragraph on Page B-78 states "Vibration impacts due to the construction activities could occur when a large machine would be operated near the fragile structures or vibration sensitive uses within a building", but analysis of potential vibration impacts to surrounding vibration sensitive uses within buildings are completely missing from the MND and the Noise and Vibration Technical Report. The Pavilion Building of the Southern California Hospital Culver City, immediately adjacent, northwest of the proposed project contains eight (8) basement level operating rooms, including a catheterization laboratory with equipment that is more than 20 years old (and as a result, is more susceptible to vibration impacts than newer equipment). Per ISO (International Standards Organization) 2631-2 (1989) [2], the steady-state vibration criterion limit for operating rooms is a root-mean-square (RMS) velocity level of 4,000 micro-inches per second. In terms of peak particle velocity (PPV), this value approximates to 0.006 in/sec PPV. As previously mentioned in item 4.A.2, the equipment list presented in Table B-18 of the MND is incomplete and not in agreement with the equipment listed in Table B-14. For example, no equipment is listed for site compaction in Table B-18. A common piece of equipment to perform this activity is a vibratory roller (0.210 PPV at 25 feet, per the FTA Transit Noise and Vibration Impact Assessment (2006)). If this equipment were used for site compaction, vibration levels may reach 0.008 in/sec PPV at the nearest operating room in the Pavilion Building of the Southern California Hospital Culver City, exceeding the ISO standard vibration criteria for operating rooms and potentially compromising the performance of vibration sensitive surgical instrumentation. Clarification and complete listing of how and what impacts will result from equipment is needed.

7. <u>MND does not appear to adequately assess Initial Study Checklist Questions with respect to the CEQA Thresholds Guide for Section XI. Noise</u>

CEQA Noise Checklist – 7.1
(Page B-65 of the MND)
Item a in the Initial Study Checklist for section XI. Noise asks *would the project result in* "Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?" The MND states "Less Than Significant Impact with Mitigation Incorporated." As addressed in item 2 of this comment letter, since all relevant local vibration and noise guidelines and regulations were not considered in the analysis and per item 5 of this comment letter, mitigation measure NOISE-4 may be inadequate, determination of potential significant impacts for CEQA Noise Checklist item a may need revision.

CEQA Noise Checklist – 7.2
(Page B-78 of the MND)
Item b in the Initial Study Checklist for section XI. Noise asks *would the project result in* "Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?" The MND states "Less Than Significant Impact with Mitigation Incorporated." As addressed in item 6 of this comment letter, since analysis of vibration impacts due to the proposed project construction may be inadequate, and per item 5 of this comment letter, mitigation measure NOISE-5 may be inadequate, determination of potential significant impacts for CEQA Noise Checklist item b may need revision.

CEQA Noise Checklist – 7.3
(Page B-80 of the MND)
Item c in the Initial Study Checklist for section XI. Noise asks *would the project result in* "A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?" The MND states "Less Than Significant Impact." As addressed in item 4.B.1 of this comment letter, since analysis of potential noise impacts due to the open space, landscape, and amenities is completely missing from the content of the MND, determination of potential significant impacts for CEQA Noise Checklist item c may need revision.

CEQA Noise Checklist – 7.4
(Page B-80 of the MND)
Item d in the Initial Study Checklist for section XI. Noise asks *would the project result in* "A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?" The MND states "Less Than Significant Impact with Mitigation Incorporated." As addressed in items 4.A of this comment letter, since analysis of potential noise impacts due to the proposed project construction may be inadequate, and per item 5 of this comment letter, mitigation measures NOISE-4 and NOISE-5 may be inadequate, determination of potential significant impacts for CEQA Noise Checklist item d may need revision. Furthermore, the last paragraph of page B-80 of the MND states, "Mitigation Measures NOISE-1 through NOISE-3 would reduce the construction noise levels approximately 5 dBA…" but there is no engineering analysis or support contained in either the MND or the Noise and Vibration Technical Report to support this claim. The same applies for the claim stated in the first paragraph of page B-81 of the MND, "Measure NOISE-5 would reduce construction noise levels approximately 5 dBA at the residential building and hospital buildings." The MND presents Mitigation Measure NOISE-5 as a mitigation to item b of the Initial Study Checklist relating to groundborne vibration or groundborne noise. Neither the MND nor the Noise and Vibration Technical Report present any engineering analysis or support to claim any resulting noise reduction as a result of implementing NOISE-5.

Conclusions

For these reasons, Veneklasen Associates concludes that the subject MND prepared for the proposed "Brick and Machine" (9735 Washington Boulevard) project is in need of additional evaluation and clarity. Therefore, the report does not present a complete and accurate analysis of the potential noise and vibration impacts associated with the proposed project.

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Please feel free to call if you have any questions; we may be reached in our Santa Monica office by telephone at (+1) 310-450-1733 or via email at adeloach@veneklasen.com.

Sincerely,
Veneklasen Associates, Inc.

John J. LoVerde
Principal

Alana DeLoach
Associate

Veneklasen Associates

Consultants in Acoustics | Noise | Vibration | AV | IT

December 21, 2017

City of Culver City, Planning Division
9770 Culver Boulevard
Culver City, CA 90232-0507

Attention: Jose Mendivil, Associate Planner

Subject: **"Brick and Machine" (9735 Washingtonn Boulevard)**
Addendum to "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise: VA Comments to 9725 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter
VA Project No. 6933-001

Dear Mr. Mendivil:

Veneklasen Associates (VA) previously performed a peer review of the noise section of the MND of the proposed "Brick and Machine" project to be constructed in Culver City. We understand that a project memorandum was issued on 28 September 2017, "9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter". The following document presents our comments to this memorandum as they relate to noise and vibration concerns with respect to the proposed project. To compose our commentary, we have reviewed the following documents:

- Mitigated Negative Declaration P2017-0021-MND for the 9725 Washington Boulevard Project or "Brick and Machine"
- 9735 Washington Boulevard Project Noise and Vibration Technical Report, prepared by ESA (February 2017)
- "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise, prepared by Veneklasen Associates, dated 26 November 2017
- Structural Concept Partial Plan and Section and Shoring Concept Partial Plan and Section drawings, prepared by John Labib + Associates Structural Engineers, dated 27 July 2017
- Site Plan for Southern California Hospital at Culver City, prepared by Hutner & Appel Architects, Inc., dated 20 July 1994
- Southern California Hospital at Culver City Pavilion Basement Floor Plan, provided by JMBM on 26 October 2017
- State of California General Plan Guidelines, Governor's Office of Planning and Research, 2003
- L.A. CEQA Thresholds Guide, City of Los Angeles 2006
- Los Angeles County Code of Ordinances
- Culver City General Plan Noise Element, dated 22 July 1996
- The Municipal Code of the City of Culver City, California
- FHWA Roadway Construction Noise Model User's Guide, January 2006
- FTA Transit Noise and Vibration Impact Assessment, May 2006
- Caltrans Transportation and Construction Vibration Guidance Manual, September 2013
- Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013

The 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter features five (5) comments regarding the IS/MND analysis with respect to noise and vibration impacts due to the proposed project. The original Allen Matkins Letter comments are repeated below for reference, with Veneklasen's comments to the Letter responses directly following.

Comment 13

C. Noise

The Noise impacts discussion in the IS/MND is likewise inadequate. The IS/MND fails to analyze the noise impacts of the Project in a manner that accounts for sensitive receptors and/or that documents compliance with Culver City's Interior Noise Standards.

The IS/MND fails to analyze whether the noise generated by the Project would result in significant noise impacts by exceeding the interior noise standards for the Hospital and nearby residential uses, which are both subject to an interior noise standard of 45 dBA (CNEL).

The third sentence in the first paragraph of the response to Comment 13 states, "The MND documents the existing noise environment at those sensitive receptors and analyzes project impacts on those sensitive receptors pursuant to CEQA and City requirements."

Veneklasen has noted in item 2 of VA's "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise specific deficiencies in the noise analysis with respect to local vibration and noise guidelines and regulations.

The last sentence of the first paragraph of the response to Comment 13 states, "As discussed under Response 14 below, incorporation of Mitigation Measures NOISE-1 through NOISE-4 (as revised herein) would effectively reduce construction noise levels to 61 dBA at the adjacent hospital and residential receptors."

Veneklasen notes that if the noise analysis and associated Mitigation Measures for the proposed project have been revised, then a revised IS/MND should be issued, which would provide the methodology and analysis associated with the conclusion drawn.

Comment 14

Further, while the IS/MND identifies Mitigation Measures NOISE-1 through NOISE-4 to mitigate construction noise impacts on hospital and residential use, there is no substantial evidence to support the conclusion that these mitigation measures will be effective in reducing the potentially significant noise impacts of the Project. Of particular concern to the SCH-CC is the IS/MND's failure to analyze noise impacts on sensitive uses such as the adjacent Hospital and residences. The IS/MND does not asses the noise impacts on these sensitive uses after incorporation of the mitigation measures in order to determine the effectiveness of the mitigation measures to reduce the significance of construction noise impacts.

The first sentence of the second paragraph of the response to Comment 14 states, "As discussed on page B-72 of the MND, worst-case construction noise levels reaching the adjacent hospital and residential uses at 15 feet from the Project Site could reach 95 dBA Leq."

Veneklasen has noted in item 4.A.3 of VA's "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise specific deficiencies in the construction noise analysis such that estimated noise levels from construction activities are dubious and suspect.

The third sentence of the second paragraph of the response to Comment 14 states, "According to the Federal Highway Administration (FHWA), use of adequate muffler systems can achieve reductions in noise levels of up to 10 dBA."

What is missing from the proposed project's IS/MND, the Noise and Vibration Technical Report, and the 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter is the FHWA stated disadvantage

that the subject "adequate muffler systems" are only effective for machinery powered by internal combustion engines and does not affect operational noise (noise produced by doing the work). For example, a concrete industrial saw, listed for use on the project in both the project's IS/MND and the Noise and Vibration Technical Report has two primary noise sources: noise associated with mechanical engagement of the saw via an internal combustion engine (saw "on" as opposed to "off") and operational noise associated with the saw cutting through concrete. The subject "adequate muffler systems" will only attenuate noise due to the internal combustion engine and will not attenuate noise due to the saw cutting through concrete.

The last sentence of the second paragraph of the response to Comment 14 states, "Mitigation Measure NOISE-1 has been modified to explicitly require that noise control devices be employed to achieve a noise level reduction of at least 10 dBA."

VA again notes that if Mitigation Measures for the subject project have been revised, then the IS/MND requires formal revision to include these changes.

The first, second, and fourth sentences of the fourth paragraph of the response to Comment 14 state, "Mitigation Measure NOISE-3 requires that the simultaneous operation of multiple pieces of equipment be avoided. The mitigation measure has been modified to specifically allow no more than one piece of noise-generating equipment at a time to operate within 15 feet of the adjacent hospital and residential use. All other noise-generating equipment must be operated no closer than 120 feet of the adjacent hospital and residential uses."

These work activity distances/construction logistics are normally impractical and infeasible to construct the proposed project. The City of Culver City Noise Element states that noise level standards are in reference to the property line of the noise sensitive receptor. Please see Figure 1 for an example illustration, utilizing the proposed project design documents, of equipment locations based on revised Mitigation Measure NOISE-3, noted to scale. Furthermore, what are the projected, resulting noise levels due to equipment located just outside of the 15 feet distance threshold? Several pieces of construction equipment located at 16 feet from the property line of the hospital or the nearest residence could result in noise levels well above 91 dBA Leq.

Additionally, the revised construction noise analysis is described incorrectly in the fourth paragraph of the response to Comment 14 as the fifth sentence states, "As shown in the calculations below (page 13), assuming that the loudest piece of equipment during each construction phase would be operating at 15 feet from sensitive receptors..," yet the revised calculations feature the loudest piece of equipment at a distance of 15 feet from the sensitive receptor in only 3 out of 6 work phases analyzed. The construction noise calculations need to be revised to support estimated noise level claims.

The first, second, and fourth sentences of the fifth paragraph of the response to Comment 14 state, "the table below (page 14) summarizes the reductions achieved by Mitigation measures NOISE-1 through NOISE-4, a total reduction of 34 dBA. As shown, mitigated construction noise could reach 61 dBA and would not result in temporary increases of 5 dBA over the ambient daytime noise level of 58 dBA Leq. Therefore, construction noise would be less than significant with mitigation incorporated."

This claim is misleading and suspect for the following reasons: 1. With respect to NOISE-1, an overall noise level reduction of 10 dBA should not be applied to the project, as discussed above, noise attenuation related to use of adequate muffler systems only applies to equipment noise due to internal combustion engines, not due to operational noise generated by equipment use. 2. With respect to NOISE-3, a noise level reduction of 4 dBA should not be applied to the project, as discussed above, the revised construction noise analysis is inadequate as it does not present the case of locating several pieces of equipment just outside of the 15 feet distance threshold (i.e. 16 feet), nor do the calculations reflect the loudest piece of equipment per work phase located at the 15 feet distance threshold, as stated in the response to Comment 14. As a result of these deficiencies, proposed mitigation measures could be inadequate, therefore "mitigated" construction noise due to the propose project could be significant.

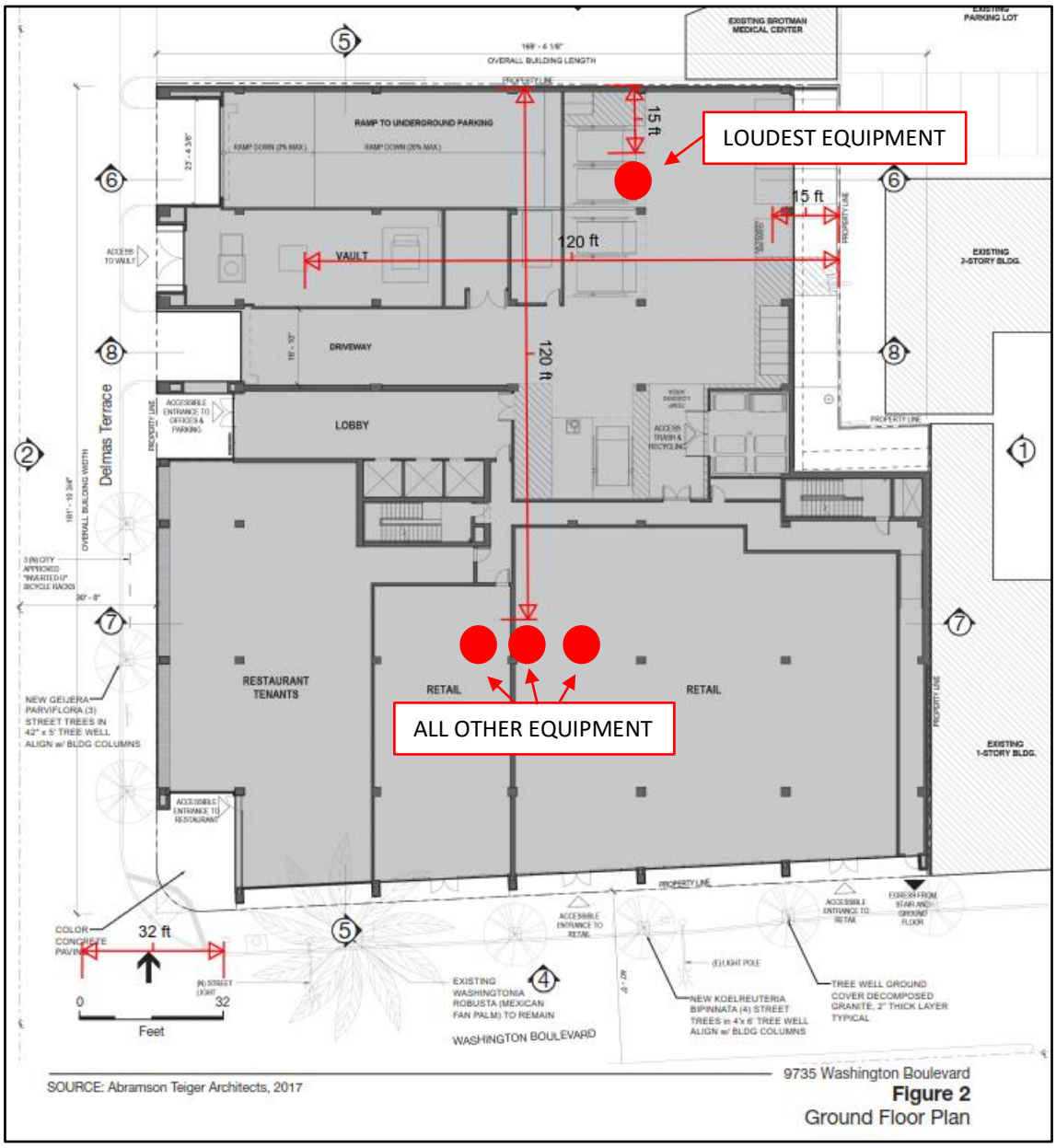

Figure 1. Potentially Impractical/ Infeasible Construction Logistics Based on Revised Mitigation Measure NOISE-3

Revised Mitigation measures are featured on page 14 of the 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter.

If the noise analysis and mitigation measures have been revised from the original content contained within the IS/MND, then the IS/MND requires formal revision to reflect these changes to support the conclusions within the revisions presented. The revised Mitigation Measure NOISE-1 on page 14 on the Responses to Allen Matkins Letter should be amended to clearly define the distinctions between equipment noise due to engine combustion (mitigatable via noise control devices) and equipment noise due to operational use. One example revision may be, "…achieving a minimum of 10 dB reduction in equipment noise due to internal combustion engine noise." Additionally, revised Mitigation Measure NOISE-3 should be amended to address noise impacts

for distance thresholds greater than 15 feet from sensitive receptors, for multiple pieces of equipment operating.

Comment 15

Moreover, none of these mitigation measures account for the particularities of constructing a project of this size directly adjacent to a 24-hour emergency care facility housing critically ill and injured patients. Mitigation Measure NOISE-1 proposes to limit construction activities to the hours of 8:00 PM and 8:00 AM Monday through Friday, 7:00 PM and 7:00 AM on Saturdays, and 7:00 PM and 10:00 AM on Sundays. However, since the SHC-CC treats patients 24 hours a day, 7 days a week, these time limitations will not mitigate noise impacts on the hospital during permitted construction hours directly adjacent to where critical patients are being treated.

VA has no additional comments to the response to Comment 15.

Comment 16

Also, as noted, the Hospital and Project's extremely close proximity and shared use of Delmas Terrace make construction noise impacts particularly harmful to patients. For example, SCH-CC anticipates that significant noise impacts will result from construction trucks hauling soil and materials to the Project site idling in or near Delmas Terrace next to the ER facility and ICU. The IS/MND does not analyze or purpose to mitigate these unique potential impacts.

VA has no additional comments to the response to Comment 16.

Comment 17

Finally, as the IS/MND acknowledges, the Hospital building could suffer structural damage impact as a result of the vibration impacts from the Project's construction activities. The IS/MND identifies a Mitigation Measure NOISE-5, which requires the developer to use low-impact construction technologies; avoid the use of heavy vibration equipment, where possible (implicitly acknowledging that this will sometimes be impossible) and avoid driving piles where necessary to avoid structural damage.

However, there is no substantial evidence to support the conclusion that this mitigation measure will be effective in reducing the potentially significant impact of structural damage and extreme vibration. In addition to the proposed noise mitigation measures, the Project proponent should be required to implement a vibration, crack, and line and grade monitoring program at existing residential and the Hospital buildings located within 15 feet of construction activities and to provide a report to the City Chief Building Official regrading crack and vibration monitoring conducted during demolition and construction phase. Following additional evaluation of these issues, this additional may ensure that the proposed mitigation measure NOISE-5 is effective in minimizing structural damage to the existing buildings."

The first and second sentences of the second paragraph of the response to Comment 17 state, "As shown in Table B-18 on page B-79 of the MND, a large bulldozer would result in vibration levels of up to 0.089 in/sec at 25 feet from the construction equipment. As discussed on page B-80 of the MND, the use of a large bulldozer within 15 feet of the adjacent hospital and residential use would result in a vibration level of 0.19 in/sec PPV, which does not exceed the threshold for potential structural damage (0.2 in/sec PPV), but was determined to be potentially significant as a conservative analysis."

Veneklasen has noted four (4) deficiencies in the IS/MND's construction vibration impact analysis in item 6 of VA's "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise, including

comments regarding inconsistency and incompleteness in analysis of equipment to be used on the proposed project. One example highlighted in VA's peer review is that no construction equipment is designated for site compaction, although this activity will be required to construct the proposed project. A common piece of equipment to perform this activity is a vibratory roller (0.210 PPV at 25 feet, per the FTA Transit Noise and Vibration Impact Assessment (2006)). If this equipment were to be used for site compaction, PPV levels at 15 feet would exceed 0.2 in/sec PPV potentially causing structural damage.

The second and third sentences of the first paragraph on page 18 of the response to Comment 17 state, "Mitigation Measure NOISE-5 has been modified to prohibit the use of a large bulldozer closer than 20 feet to the adjacent hospital and residential uses. Instead, a small bulldozer shall be utilized at a minimum, within 20 feet of the adjacent receptors."

This revision to Mitigation Measure NOISE-5 limits a specific piece of equipment and all not all equipment proposed project has been listed and analyzed for potential vibration impacts. Rather than defining a limitation on the type of equipment used, a limitation should be defined on reference PPV levels for any type of equipment to be used (i.e., *any* equipment with reference PPV levels of 0.xxx in/sec at 25 feet should not be used within xx feet of sensitive receptors). This amendment to limit equipment with specific refence PPV level thresholds rather than specific equipment types should be reflected in the revised Mitigation Measure NOISE-5 and language specifically regarding the bulldozers should be removed. Again, VA notes that if Mitigation Measures for the proposed project are revised, then the proposed project's IS/MND should also be revised to reflect the changes.

The second paragraph of revised Mitigation Measure NOISE-5 on page 18 of the 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter discusses details regarding the proposed vibration monitoring. VA notes that it is industry standard practice to include a provision for a "Vibration Control Plan" and/ or "Vibration Monitoring Plan" to be drafted for the proposed project, authored by a licensed professional acoustics and vibration consultant. The aforementioned Plan should include in detail, but not limited to the following: 1. Number of vibration monitors and specific locations, 2. Technical specifications of the monitoring equipment, 3. Project vibration criteria/thresholds and thresholds for warning and exceedance alarm levels, 4. Exceedance protocol with respect to project construction, 5. Provisions for monitoring reporting.

Conclusions

As a result of the comments outlined herein, Veneklasen Associates concludes that some responses contained in the 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter, as they pertain to noise and vibration impacts for the proposed project, require further study and analysis and some revised Mitigation Measures are incomplete and require further consideration.

This letter is an addendum to VA's "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise, where multiple deficiencies in the noise and vibration analysis (in addition to deficiencies discussed in this comment letter) were identified and should be reviewed and revised. As a result, VA concludes that "Brick and Machine" (9735 Washington Boulevard) IS/MND, Noise and Vibration Technical Report, and Responses to Allen Matkins Letter do not present a complete analysis of the potential noise and vibration impacts associated with the proposed project.

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Please feel free to call if you have any questions; we may be reached in our Santa Monica office by telephone at (+1) 310-450-1733 or via email at adeloach@veneklasen.com.

Sincerely,
Veneklasen Associates, Inc.

John J. LoVerde, FASA
Principal

Alana DeLoach
Associate

Veneklasen Associates

Consultants in Acoustics | Noise | Vibration | AV | IT

February 27, 2017

City of Culver City, Planning Division
9770 Culver Boulevard
Culver City, CA 90232-0507

Attention: Jose Mendivil, Associate Planner

Subject: **"Brick and Machine" (9735 Washingtonn Boulevard)**
Veneklasen Associates Comment Letter to 9735 Washinton or "Brick-Machine" Project – Noise/Vibration Corrections and Revisions
VA Project No. 6933-001

Dear Mr. Mendivil:

Veneklasen Associates (VA) previously performed a peer review of the noise section of the MND of the proposed "Brick and Machine" project to be constructed in Culver City. VA also presented a comment letter addressing the project memorandum, originally issued on 28 September 2017, entitled "9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter". VA understands that a new project memorandum has been issued – "9735 Washington or "Brick-Machine" Project – Noise/Vibration Corrections and Revisions" on 14 February 2018. The following document presents VA's comments to this correction/revision memorandum as they relate to noise and vibration concerns with respect to the proposed project. To compose our commentary, we have reviewed the following documents:

- 9735 Washington or "Brick-Machine" Project – Noise/Vibration Corrections and Revisions (14 February 2018)
- Memo: 9735 Washington or "Brick-Machine" Project – Response to Allen Matkins Letter, prepared by ESA PCR (28 September 2017)
- Vibration Study of Planned Construction for Future Mixed-Use Development at 9735 Washington Boulevard or "Brick-Machine", Culver City, California, prepared by Wilson Ihrig (7 February 2018)
- Groundborne Noise Study of Planned Construction for Future Mixed-use Development at 8735 Washington Boulevard or "Brick-Machine", Culver City, California, prepared by Wilson Ihrig (9 February 2018)
- Mitigated Negative Declaration P2017-0021-MND for the 9725 Washington Boulevard Project or "Brick and Machine"
- 9735 Washington Boulevard Project Noise and Vibration Technical Report, prepared by ESA (February 2017)
- "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise, prepared by Veneklasen Associates, dated 26 November 2017
- Structural Concept Partial Plan and Section and Shoring Concept Partial Plan and Section drawings, prepared by John Labib + Associates Structural Engineers, dated 27 July 2017
- Site Plan for Southern California Hospital at Culver City, prepared by Hutner & Appel Architects, Inc., dated 20 July 1994
- Southern California Hospital at Culver City Pavilion Basement Floor Plan, provided by JMBM on 26 October 2017
- State of California General Plan Guidelines, Governor's Office of Planning and Research, 2003
- L.A. CEQA Thresholds Guide, City of Los Angeles 2006
- Los Angeles County Code of Ordinances
- Culver City General Plan Noise Element, dated 22 July 1996
- The Municipal Code of the City of Culver City, California

- FHWA Roadway Construction Noise Model User's Guide, January 2006
- FTA Transit Noise and Vibration Impact Assessment, May 2006
- Caltrans Transportation and Construction Vibration Guidance Manual, September 2013
- Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013

Veneklasen Associates presents comments per the 14 February 2018 Noise/Vibration Corrections and Revisions Memo sections outlined in **bold**:

Construction Noise – Ground Level

1. VA Comment: Noise/Vibration Corrections and Revisions Memorandum does not appear to correctly calculate construction noise emission estimations according to local noise guidelines and regulations.

The first and second sentences of the second paragraph on Page 1 state, "As discussed in ESA's September 28, 2017 Memo (see Attachment A), the southern façade of the hospital building is separated from the project site by an approximately 15-foot wide loading ramp and variations in the façade set patients rooms back from the project site. Therefore, construction noise levels conservatively assume that the nearest habitable rooms at the adjacent receptors are located 15 feet from the project site."

Veneklasen notes that utilizing this "15 foot" distance does not present a conservative analysis that reflects the requirements of the Municipal Code. Chapter 9.07: *Noise Regulations*, Section 9.07.010 *Definitions* of the Culver City Municipal Code defines the following:

REAL PROPERTY BOUNDARY. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person or a public right-of-way.

Additionally, the first paragraph of Page N-24 in the Culver City General Plan Noise Element discusses (noise) standards at the property line of the noise sensitive receptor.

To present a conservative analysis, and an analysis aligned with the intent of both the Culver City Municipal Code Noise Regulations and the Culver City General Plan Noise Element, construction noise impacts should include noise emission estimations from both the center of the project site and the extent of the work areas to the *real property boundary* of the subject sensitive receptor(s), which in the case of this project are located less than 15 feet from construction activities.

VA notes that the since the distances utilized in the subject project's construction noise emission calculations have not been revised to capture the intent of the local noise ordinances, VA's original comments 4.A.3, 5.1. 7.1, and 7.4 listed in the original peer review and VA's response to Comment 14 listed in "VA Comments to Response to Allen Matkins Letter" still apply. As a result, construction noise emission estimations for the proposed project may be inadequate and misleading.

2. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present inadequate Mitigation Measures (NOISE-1).**

The bottom of Page 1 exhibits "Modifications to Mitigation Measure(s) NOISE-1 which states:

NOISE-1 Noise-generating equipment operated at the project site shall be equipped with the most effective noise control devices, (i.e. mufflers, lagging, and/or motor enclosures) achieving a minimum 10 dB reduction in equipment noise.

VA's response to Comment 14 listed in "VA Comments to Response to Allen Matkins Letter" discussed in depth why the claim of achieving a "10 dB reduction in equipment noise" due to the use of "effective noise control devices" is inaccurate and misleading. For reference, VA has again included the same discussion, listed in VA's response to Comment 14 listed in "VA Comments to Response to Allen Matkins Letter" below:

"What is missing from the proposed project's IS/MND, the Noise and Vibration Technical Report, and the 9735 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter is the FHWA stated disadvantage that the subject "adequate muffler systems" are only effective for machinery powered by internal combustion engines and does not affect operational noise (noise produced by doing the work). For example, a concrete industrial saw, listed for use on the project in both the project's IS/MND and the Noise and Vibration Technical Report has two primary noise sources: noise associated with mechanical engagement of the saw via an internal combustion engine (saw "on" as opposed to "off") and operational noise associated with the saw cutting through concrete. The subject "adequate muffler systems" will only attenuate noise due to the internal combustion engine and will not attenuate noise due to the saw cutting through concrete." *(Reference: Veneklasen Associates' Addendum to "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise: VA Comments to Responses to Allen Matkins Letter, submitted 21 December 2017).*

For the reasons described above, the claim of achieving a "10 dB reduction in equipment noise" due to the use of "effective noise control devices" is inaccurate and misleading and thus should be removed from Mitigation Measure NOISE-1. Further definition of the effective noise control devices appears to be needed to fully define the method of achieving the 10 dB reduction.

3. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present inadequate Mitigation Measures (NOISE-3).**

The top of Page 2 exhibits the following modification to Mitigation Measure NOISE-3:

NOISE-3 Construction and demolition activities shall be scheduled so as to avoid operating more than one piece of motorized equipment simultaneously within 15 feet of the adjacent sensitive receptor's nearest building façade. Should one piece of motorized equipment be operational within 15 feet to an adjacent sensitive receptor's nearest building façade, all other motorized equipment must be operated at a minimum of 120 feet from that receptor, measured from the same point at the receiving location. The Chief Building Official, or designated representative, shall conduct periodic site visits to ensure compliance with the requirements set forth in this measure.

VA's response to Comment 14 listed in "VA Comments to Response to Allen Matkins Letter" discussed in depth why work activity distances/ construction logistics as defined in NOISE-3 are misleading, arbitrary, impractical, and infeasible to construct the proposed project. VA again reiterates the discussion below:

These work activity distances/construction logistics are normally impractical and infeasible to construct the proposed project. The City of Culver City Noise Element states that noise level standards are in reference to the *property line* of the noise sensitive receptor, not the sensitive receptor's nearest building façade. The distance constraints outlined in NOISE-3 are arbitrary as several pieces of construction equipment located at 16 feet from the property line of the hospital or the nearest residence could result in noise levels well above 91 dBA Leq. Construction logistics employing several pieces of construction equipment located at 16 feet from the property line of a sensitive receptor would be allowed under modified Mitigation Measure NOISE-3, yet could result in potentially significant noise impacts. Furthermore, verification of the proposed modified Mitigation Measure NOISE-3 does not provide sufficient detail ("shall conduct periodic site visits to ensure compliance") to assure accountability for compliance with the proposed Mitigation Measure.

4. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present an inadequate assessment of potential noise impacts due to construction of the proposed project.**

The first paragraph of Page 2 states:

"The revised construction noise analysis included in the September 28,2017 Memo analyzed the use of a drill rig, truck, air compressor, and backhoe operating at 15 feet from the SCH-CC (Sothern California Hospital at Culver City) façade during the grading/ excavation phase of construction, resulting in maximum hourly noise level of 95 dBA Leq. As stated within the September 28, 2017 Memo, with incorporation of modified

mitigation, noise levels at the nearest sensitive receptors would be reduced to 61 dBA Leq, which is below the significance threshold of 63 dBA Leq."

The content of this paragraph is erroneous. The "revised" construction noise analysis presented in the September 28, 2017 memo features only the air compressor analyzed at a distance of 15 feet during the grading/excavation phase. The drill rig (listed as drill rig truck – a separate piece of equipment entirely), truck (listed as Boom Pump Truck?) and backhoe are listed with analysis distances of 120 feet from the sensitive receptor during the grading/ excavation construction phase. Furthermore, VA's response to Comment 14 listed in "VA Comments to Response to Allen Matkins Letter" states that the subject revised construction noise analysis is described incorrectly in the fourth paragraph of the response to Comment 14 as the fifth sentence states, "As shown in the calculations below (page 13), assuming that the *loudest* piece of equipment during each construction phase would be operating at 15 feet from sensitive receptors..," yet the revised calculations feature the loudest piece of equipment at a distance of 15 feet from the sensitive receptor in only 3 out of 6 work phases analyzed. VA notes that the grading/ excavation phase referenced in the Noise/Vibration Corrections and Revisions Memo is an example phase that does not feature the loudest piece of equipment planned for that work phase at a distance of 15 feet from the sensitive receptors (it features an air compressor – 78 dBA at 50 feet analyzed at 15 feet, whereas the loudest equipment planned for the phase, sweepers – 82 dBA at 50 feet is analyzed at 120 feet).

The claim, "As stated within the September 28, 2017 Memo, with incorporation of modified mitigation, noise levels at the nearest sensitive receptors would be reduced to 61 dBA Leq, which is below the significance threshold of 63 dBA Leq" is misleading and suspect for the following reasons: 1. With respect to Modified Mitigation Measure NOISE-1, an overall noise level reduction of 10 dB should not be applied to the project, as discussed above, noise attenuation related to use of adequate muffler systems only applies to equipment noise due to internal combustion engines, not due to operational noise generated by equipment use. 2. With respect to Modified Mitigation Measure NOISE-3, a noise level reduction of 4 dBA should not be applied to the project, as discussed above, the revised construction noise analysis is inadequate as it does not present the case of locating several pieces of equipment just outside of the 15 feet distance threshold (i.e. 16 feet), nor do the calculations reflect the loudest piece of equipment per work phase located at the 15 feet distance threshold. As a result of these deficiencies, proposed mitigation measures could be inadequate, therefore "mitigated" construction noise due to the propose project could be significant.

5. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present an inadequate assessment of potential noise impacts due to construction of the proposed project.**

The "further refined" construction noise analysis discussed in the second paragraph and presented in the table on Page 2 is incomplete in determining noise level. The paragraph discusses the "refinement" of the construction noise analysis of the grading/excavation phase of construction, incorporating the use of an "auger drill rig" in place of the "drill rig truck" (as included in the construction noise analysis presented in the September 28, 2017 Memo), yet the "refined" grading/excavation construction noise analysis contained in the Noise/Vibration Corrections and Revisions Memo features the *addition* of a crane, a rubber tired loader, and a skid steer loader, features only one (1) backhoe (whereas the September 28, 2017 Memo revised analysis featured three (3) backhoes), and alters the usage factor for the backhoe (RCNM lists an acoustical usage factor of 40% for a backhoe, the September 28, 2017 Memo lists 25% as its acoustical usage factor) all without engineering reason, support, or context. Furthermore, the grading/excavation noise analysis table featured in the Noise/Vibration Corrections and Revisions Memo contains only one column heading (Grading/ Excavation), leaving readers to deduce the type of information presented for themselves. The paragraph proceeds to reiterate the conditions outlined in modified Mitigation Measure NOISE-3, yet the table features distances of 15 feet and 65 feet (deduced) from the sensitive receptor(s), not 15 feet and 120 feet as outlined in the modified Mitigation Measure NOISE-3.

6. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present inadequate Mitigation Measures (NOISE-1; NOISE-3; NOISE-4).**

The end of the second paragraph on page 2 states "As shown below, implementation of mitigation would reduce construction noise to 63 dBA Leq, which does not exceed the threshold of 63 dBA Leq. Therefore, refinement of construction equipment would not result in a greater impact than previously analyzed and impacts would remain less than significant with implementation of mitigation as modified." The following table is also presented:

Mitigation Measure	Noise Level Reduction (dBA)
NOISE-1	10
NOISE-2	--
NOISE-3	4
NOISE-4	20
Total Reduction	34
Unmitigated Construction Noise Level	97
Mitigated Construction Noise Level	63
Threshold (Ambient 58 dBA + 5 dBA)	63
Exceeds Threshold?	No

VA notes again, that this claim is misleading and suspect for the following reasons: 1. With respect to NOISE-1, an overall noise level reduction of 10 dBA should not be applied to the project, as discussed above, noise attenuation related to use of adequate muffler systems only applies to equipment noise due to internal combustion engines, not due to operational noise generated by equipment use. 2. With respect to NOISE-3, a noise level reduction of 4 dBA should not be applied to the project, as discussed above, the revised construction noise analysis is inadequate as it does not present the case of locating several pieces of equipment just outside of the 15 feet distance threshold (i.e. 16 feet), nor do the calculations reflect the loudest piece of equipment per work phase located at the 15 feet distance threshold, nor do the revised calculations follow the logic outlined in modified Mitigation Measure NOISE-3, and additionally, there exist unexplained discrepancies between the grading/excavation noise analysis presented in the September 28, 2017 Memo as compared to the grading/excavation noise analysis presented in the Noise/Vibration Corrections and Revisions Memo. VA also notes that there is no discussion of Mitigation Measure NOISE-4 (noise barriers) in the Noise/Vibration Corrections and Revisions Memo. Item Mitigtaion-5.1 presented in VA's original MND peer review report for the subject project specifically states that mitigation measures cannot be appropriately evaluated if the construction noise analysis predictions are suspect. More noise reduction and/or a different height noise barrier may be necessary to reduce construction noise levels to below the significance threshold. As a result of these deficiencies, proposed mitigation measures could be inadequate, therefore "mitigated" construction noise due to the propose project could be significant.

7. VA Comment: **Noise/Vibration Corrections and Revisions Memorandum appears to present inadequate Mitigation Measures (NOISE-5).**

While modified Mitigation Measure NOISE-5 (Page 3) features more detail regarding equipment selection, critical distance restrictions, and specific provisions for vibration monitoring, modified Mitigation Measure NOISE-5 only addresses the two (2) Thresholds of Significance for vibration impacts stated in the original MND of the subject project:

NOISE-3 Potential Building Damage – Project construction activities cause ground-borne vibration levels to exceed 0.2 on/sec PPV at the nearest residential buildings.

NOISE-4 Potential Human Perception – Project construction activities cause ground-borne vibration levels to exceed 0.035 in/sec PPV at the nearest residential buildings.

VA notes that Wilson Ihrig Associates' (WIA) "Vibration Study of Planned Construction for Future Mixed-Use Development at 9735 Washington Boulevard or "Brick-Machine", Culver City, California (7 February 2018, Attachment B to the Noise/Vibration Corrections and Revisions Memo) also only addresses the two (2) Thresholds of Significance for vibration impacts stated in the original MND of the subject project.

The first sentence of the last paragraph on Page B-78 of the original MND for the subject project states "Vibration impacts due to the construction activities could occur when a large machine would be operated near the fragile structures or vibration sensitive uses within a building", but analysis of potential vibration impacts to surrounding vibration sensitive uses within buildings are completely missing from the MND and the Noise and Vibration Technical Report. The Pavilion Building of the Southern California Hospital Culver City, immediately adjacent, northwest of the proposed project contains eight (8) basement level operating rooms, including a catheterization laboratory with equipment that is more than 20 years old (and as a result, is more susceptible to vibration impacts than newer equipment). Per ISO (International Standards Organization) 2631-2 (1989) [2], the steady-state vibration criterion limit for operating rooms is a root-mean-square (RMS) velocity level of 4,000 micro-inches per second. In terms of peak particle velocity (PPV), this value approximates to 0.006 in/sec PPV. As previously mentioned in item 4.A.2 of VA's original peer review of the subject project, the equipment list presented in Table B-18 of the MND is incomplete and not in agreement with the equipment listed in Table B-14. For example, no equipment is listed for site compaction in Table B-18. A common piece of equipment to perform this activity is a vibratory roller (0.210 PPV at 25 feet, per the FTA Transit Noise and Vibration Impact Assessment (2006)). If this equipment were used for site compaction, vibration levels may reach 0.008 in/sec PPV at the nearest operating room in the Pavilion Building of the Southern California Hospital Culver City, exceeding the ISO standard vibration criteria for operating rooms and potentially compromising the performance of vibration sensitive surgical instrumentation.

VA notes that Wilson Ihrig Associates' (WIA) "Vibration Study of Planned Construction for Future Mixed-Use Development at 9735 Washington Boulevard or "Brick-Machine", Culver City, California (7 February 2018, Attachment B to the Noise/Vibration Corrections and Revisions Memo) recommends that "vibration within the SCH-CC be monitored at the location closest to the auger bit until it can be confirmed that the vibration threshold for potential structural damage will not be exceeded, and that structural damage will not occur due to augering" but this provision does not address monitoring for potential vibration impacts to vibration sensitive uses within the SCH-CC. As a result, modified Mitigation Measure NOISE-5 is inadequate as it does not address all potential significant vibration impacts due to construction of the proposed project. To assess potential vibration impacts to the sensitive use areas within SCH-CC, a detailed vibration analysis should be performed including **all** equipment planned for the proposed project, detailed work activities and phasing, and vibration sensitivity characterization of the vibration sensitive surgical instrumentation at the receptor.

Conclusions

As a result of the comments outlined herein, Veneklasen Associates concludes that the additions and modifictaions contained in the 9735 Washington or "Brick-Machine" Project – Noise/Vibration Corrections and Revisions, as they pertain to noise and vibration impacts for the proposed project, are potentially inadequate and require further detailed study and revision.

This letter serves as an addendum to the following documents: VA's "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise, where multiple deficiencies in the noise and vibration analysis were identified and should be reviewed and revised; "Brick and Machine" (9735 Washington Boulevard) Addendum to "Brick and Machine" (9735 Washington Boulevard) MND Peer Review – Section XII. Noise: VA Comments to 9725 Washington or "Brick-Machine" Project – Responses to Allen Matkins Letter, where further deficiencies in the noise and vibration analysis were identified and should be reviewed and revised.

As a result, VA concludes that "Brick and Machine" (9735 Washington Boulevard) IS/MND, Noise and Vibration Technical Report, Responses to Allen Matkins Letter, and the Noise/Vibration Corrections and Revisions Memorandum do not present a complete analysis of the potential noise and vibration impacts associated with the proposed project.

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Please feel free to call if you have any questions; we may be reached in our Santa Monica office by telephone at (+1) 310-450-1733 or via email at adeloach@veneklasen.com.

Sincerely,
Veneklasen Associates, Inc.

John J. LoVerde, FASA
Principal

Alana DeLoach
Associate