

**DRAFT letter re Construction Noise Thresholds – proposed by the PPCC LUC for board consideration 2/8/24**

Date \_\_, 2024

Mindy Nguyen  
Senior City Planner  
Los Angeles Dept. of City Planning

Via email

**Re: Construction Noise and Vibration – Proposed Updates to Thresholds & Methodology: OPPOSED**

Dear Ms. Nguyen:

Pacific Palisades Community Council (PPCC) has been the most broad-based, representative voice of the Palisades for 50 years. Pacific Palisades is a quiet, largely residential, coastal and hillside community. Since its founding in 1973, PPCC's mission has been to protect and improve our community's quality of life.

**PPCC strongly opposes the proposal by the Dept. of City Planning (DCP) to change the City's construction noise thresholds.** The proposal would remove noise increase limits and only place a cap of 80 dBA Leq (daytime) on noise. *These changes would substantially weaken protections for residential areas from excessive construction noise levels.*

We understand that Mayor Bass has directed DCP to update the noise thresholds, "pursuant to the California Environmental Quality Act" (CEQA), in order to streamline construction of affordable housing (Mayor's Executive Directive No. 7). PPCC recognizes the need for more affordable housing, and while the goal may be laudable, *the proposed measure must comply with CEQA requirements.* As discussed below, the proposal does not comply with CEQA. Moreover, there is no showing that weakening protections from excessive construction noise will achieve an actual, appreciable level of additional affordable housing in Los Angeles.

**The Proposal Is Not Compliant with CEQA**

The DCP proposal is *contrary to the express intent of CEQA*, which is to "Take all action necessary to provide the people of this state with . . . **freedom from excessive noise**" (Cal. Public Resources Code § 21001; emphasis added). The proposal also does not comply with the express CEQA requirement of "**substantial evidence**" to develop "thresholds of significance" (CEQA Guidelines, Cal. Code Regs. Sec. 15064.7(b)).

The Planning proposal/report is *not based on "substantial evidence,"* but solely on multiple conclusory assertions to the effect that residents of all areas of the City are supposedly "used to temporary construction noise" and therefore will not be materially affected by the changes. No evidence is shown that residents of areas with higher ambient noise levels are not *already disturbed by noise levels* that circumstances require them to tolerate, or that they would not be materially affected if the threshold level were changed as proposed.

Moreover, even if some City neighborhoods may now experience high ambient noise levels, a large number of quiet, residential and hillside areas of the City, such as Pacific Palisades, do not routinely experience the same level of ambient noise. The DCP proposal fails to address the obvious material impact of such a change on residential neighborhoods citywide.

In fact, relevant provisions of the Noise Element of the City's General Plan (Noise Element) are *directly contrary to the new proposed changes in the construction noise threshold.* Regarding levels of **70dBA or higher**, the Noise Element explicitly warns in Chap. II ("Existing Conditions, Noise Impact Issues and Noise Management History"):

"The range of human hearing is approximately 3 to 140 dBA, with 110 dBA considered intolerable or painful to the human ear. **Continuous levels of 70 dBA or higher can cause loss of hearing** . . . The goal of all noise mitigation is to reduce or manage intrusive noise so as to achieve or maintain healthful ambient sound levels." (See p. 20/2-1 of the Noise Element; emphasis added.)

Further, in Exhibit I (“Guidelines for Noise Compatible Land Use”), the Noise Element expressly provides that average exterior sound levels in the “Residential Single Family” category in the range of **70 dB and above** are **“Clearly unacceptable**. New construction or development generally should not be undertaken.” (See p. 78/I-1 of the Noise Element; emphasis added.)

Palisades residents – and residents of other quiet residential areas of the City – are entitled to “freedom from excessive noise.” They should not be forced to accept negative impacts, including *potential risk of loss of hearing*, from the “clearly unacceptable” construction noise level (daytime cap of **80 dBA Leq**) that would be allowed under the DCP proposal.

Even if the proposed cap on construction noise level were not “clearly unacceptable,” there is no showing (by substantial evidence or otherwise) that changing the noise threshold will result in more affordable housing in Los Angeles. *There is no reason whatsoever to make this significant and potentially harmful change when there is no evidence that it will even achieve the purported goal.*

### **The Proposal is Discriminatory**

The DCP proposal fails to take into account the negative impacts on the many residents throughout the City who work at home during the day or who work “night shifts” and must sleep during the day. Residents from all walks of life who work night shifts or who work from home, wherever they reside in the City, deserve and – under CEQA – are entitled to “freedom from excessive noise.” A daytime cap of 80 dBA Leq is “clearly unacceptable,” per the General Plan Noise Element, whether a night shift or home worker lives in Boyle Heights, West Adams, Chatsworth or Pacific Palisades.

### **The Process Is Flawed**

PPCC is concerned with the rushed process by which this proposal has been developed, with limited notice and insufficient time for neighborhood and community councils and constituents to adequately respond.

We are also concerned that this proposal will be decided by the Planning Director, without further review or approval by the City Planning Commission or City Council (ostensibly pursuant to City Charter Sec. 506 – City agency directors’ authority to make “rules & regulations”). We believe that Sec. 506 was not intended, and should not be applied, to give sole authority to the Planning Director to make a unilateral decision on a proposed significant change in citywide policy with substantial environmental implications and potential negative health impacts, especially *when CEQA compliance is required*.

It appears that the current advisory panel (composed of development industry consultants with a potential interest in the outcome) may have been hurriedly convened after the Mayor’s directive was issued in November 2023, in order to produce a study that would support the directive and the DCP proposal. We believe it is imperative that a new advisory panel (composed of *independent members with scientific backgrounds who are experts in health and noise impacts*) be convened for further, comprehensive study of impacts, and that a new report should be prepared and considered before any action is taken on the DCP proposal.

We submit that any such new study must comply with CEQA and provide “substantial evidence” to support the proposed change, including evidence as to whether the change presents a risk of harm to health, as well as evidence that the change will in fact achieve the goal of building substantially more affordable housing.

PPCC concurs in general with the additional concerns expressed in the letter on this subject from Travis Longcore, PhD., President of Bel Air-Beverly Crest Neighborhood Council, to Mindy Nguyen of DCP, dated January 9, 2023.

This position letter was proposed to the PPCC board by the PPCC Land Use Committee (LUC) and, after public discussion, was approved [unanimously] by the board at its regularly scheduled public board meeting on February 8, 2024.

Thank you for your consideration.

Sincerely,

Maryam Zar, PPCC President  
Christina Spitz, PPCC LUC Chair  
Pacific Palisades Community Council

cc (*via email*):

Hon. Karen Bass, Mayor, City of Los Angeles  
Hon. Traci Park, Councilwoman, CD 11  
Vincent P. Bertoni, AICP, Director, DCP