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SHERMAN OAKS HOMEOWNERS ASSOCIATION

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September 26, 2016

City of Los Angeles  
Department of City Planning  
Environmental Analysis Section  
City Hall  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

Draft Environmental Impact Report (DEIR)  
Van Nuys North Sherman Oaks Community Plan Area  
ICON Sherman Oaks Project  
Case Number ENV-2014-1326-EIR  
Project Location 14130 Riverside Drive, Sherman Oaks, CA 91423

Sherman Oaks Homeowners Association (SOHA) Comments on the DEIR:  
We enclose comments on selected sections of the DEIR organized by section.

**Air Quality**

The proposed project is located close to the 101 Freeway in the area euphemistically referred to as the "black lung zone". The impact of the air quality condition is assessed by comparing the density of the harmful gasses or particulates in the air to standards set by the state and federal government. According to the DEIR the amount of particulate matter generated by traffic along the freeway exceeds the state standards. The suggested mitigation measures include inoperable windows on the south side of property and the installation of MERV 13 filters on the return air ducts of the HVAC system.

These filters are rated according to the size of contaminant they block. The filters are only effective for particles and not for poisonous gasses, whose molecules are about 1000 times smaller. According to the DEIR the level of CO, CO<sub>2</sub>, and NO<sub>x</sub> gasses do not exceed the standards so filtering can be effective. However there are several problems with this approach. First, air pollution can enter a unit via open windows and doors on any side of the building, so units on all sides of the building should be protected. Second, mechanical ventilation systems must have a certain percentage of "fresh" outside air introduced into the return air ducts downstream of the return air registers where the filters are located. Therefore this

outside air is unfiltered and its introduction allows dirty air to be fed into the air handling unit and blown into the homes via the supply registers.

The MERV 13 filters are available in thicknesses that vary from 1 to 5 inches. The thicker filters are more effective since they have more surface area to collect and store the harmful particulate matter. The thin filters can clog up more quickly and reintroduce particles back into the homes. Filters must be inspected at least once a month and be replaced when they are dusty, damaged, or bypassed, which could be as often as every 30 days. Thus the developers are relying on the occupants to do this inspection and maintenance. Since the filters can cost \$30 to \$60 dollars apiece this introduces a financial burden on the tenants, who are unlikely to remember to inspect their systems. The developer must instruct tenants and owners of these obligations.

## **Traffic**

Traffic in the area is heavy, with a combination of residential and commercial uses particularly at rush hours and during the holidays, due to the proximity of the site to the large Fashion Square shopping center. The DEIR has analyzed the traffic impacts by looking at the level of service (LOS) ratios at various intersections in the neighborhood. The level of service is a ratio of the actual volume of traffic divided by the street capacity for a street segment or intersection according to the traffic flow direction and the time of day. According to this ratio a letter grade, A (good) to F (very bad), is assigned to the location.

Environmental impacts are assessed both by the absolute grade associated with a location as well as the change in the LOS both within a grade range as well as at a change in grade. The comparisons are made for a) the existing condition, b) the existing condition plus the change in traffic due to the project, and 3) the existing condition plus traffic due to all other projected projects, and 4) existing condition plus the projected traffic plus the project generated traffic. Impacts are judged by comparing 3) to 4). The threshold for determining an impact is either a change in the LOS or a threshold of LOS value within a range, which can be as low as 1% to 4%. Most of the project driven impacts were at the intersections, for example Hazeltine and Riverside (AM LOS of D, and a PM LOS of C) and at Woodman and Riverside (AM LOS of F, and PM LOS of E). Also affected are the 101 on and off ramps at Woodman, NB (AM D and PM D) and SB (AM D and PM D). Another affected intersection is Fulton and Riverside, (AM D, and PM E).

One major difficulty with this analysis is that the Chase Knolls expansion project north of Riverside between Sunnyslope and Fulton, a few short blocks east of the project, has been ignored. There the property owner has proposed to build 6 three-story buildings and an additional 141 units. These will increase traffic on the streets just blocks east of the Sunkist project and will undoubtedly change the LOS ratings.

## **Noise**

High noise levels now impact the site and will continue and even increase. There are two methods of assessing impact, and absolute level and a change in level. Absolute levels to judge impact can be determined by comparing them to standards published in the State of California General Plan Guidelines, which are required of every city and county in the state. These are reproduced as Table IV G-2 in the DEIR. They list four categories of acceptability according to the land use and noise level. A copy of these standards is attached.



The table is also included in the DEIR in an altered form that is misleading. Rather than showing a range of noise levels, it shows one number for each category that can be interpreted as a maximum or a minimum. These noise levels are measured using the Community Noise Equivalent Level (CNEL), a 24 hour energy average level with levels occurring between 7 pm and 10 pm increased by 4.8 dBA and between 10 pm and 7 am the next day by 10 dBA before averaging. The evening and nighttime penalties are due to the increased sensitivity of people to noise during these hours.

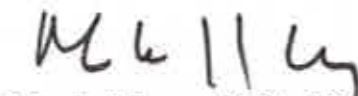
Based on 24 hour measurements taken on top of the existing Sunkist building adjacent to the 101 freeway the existing ambient at that location is 81.6 dBA CNEL. This CNEL level is louder than the published aircraft generated levels at the west end of the runways at the Los Angeles Airport. It places the existing and future buildings in the Clearly Unacceptable category, which prohibits new construction of new single and multifamily residential. It also falls into the Normally Unacceptable category for office building construction.

Based on the normal 3 dB per distance doubling falloff rate, the Clearly Unacceptable residential zone extends out 1,150 feet from the centerline of the 101 freeway, without consideration of shielding from the existing structure. The DEIR's response to this prohibition is to claim that it will all be worked out by implementation of noise insulation features in the final building design. This ignores the fact that the ordinance flatly prohibits the construction of residential units in this noise zone. In addition the LA Department of Building and Safety has never enforced the state requirements on the control of interior noise in multifamily residential dwelling units since the passage of these requirements in 1974. If by some miracle they started enforcing it now they would have no one in the department with the technical knowledge necessary to review the required reports.

The second type of standard used to evaluate the project's noise impact is the change in level due to traffic generated by this project and others in the area. The standard used in the DEIR is a change of 3 dBA in the traffic generated noise level. It takes a doubling of the traffic volume, or a 100% increase, to generate this change in noise level. This is in stark contrast to the 1% to 4% standard used in the traffic study to produce a finding of a significant impact. Thus the standards used in the noise and traffic impact assessment differ by a factor of as much as 100. With this lax a standard it is no surprise that there was no finding of a noise impact.

In spite of the weak standards, the DEIR did not analyze the noise due to refrigerated delivery trucks idling near the loading docks, nor did it analyze the large roof mounted refrigeration units necessary to cool the storage units in the market. Also ignored were the grease hood exhaust fans required in every restaurant. These are generally roof mounted and could affect the residential tenants as well as the neighbors in the area. Also ignored was the fixed HVAC equipment required to heat and cool the proposed buildings.

Respectfully submitted,



Marshall Long, Ph.D., P.E., FASA  
SOHA Land Use Chair



## LAND USE COMPATIBILITY FOR COMMUNITY NOISE ENVIRONMENTS

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE $L_{dn}$ OR CNEL, dB					
	55	60	65	70	75	80
RESIDENTIAL - LOW DENSITY SINGLE FAMILY, DUPLEX, MOBILE HOMES	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
RESIDENTIAL - MULTI-FAMILY	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
TRANSIENT LODGING - MOTELS, HOTELS	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
SCHOOLS, LIBRARIES, CHURCHES, HOSPITALS, NURSING HOMES	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
AUDITORIUMS, CONCERT HALLS, AMPHITHEATRES	Normally Unacceptable		Clearly Unacceptable		Clearly Unacceptable	
SPORTS ARENA, OUTDOOR SPECTATOR SPORTS	Normally Unacceptable		Clearly Unacceptable		Clearly Unacceptable	
PLAYGROUNDS, NEIGHBORHOOD PARKS	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
GOLF COURSES, RIDING STABLES, WATER RECREATION, CEMETERIES	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
OFFICE BUILDINGS, BUSINESS COMMERCIAL AND PROFESSIONAL	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	
INDUSTRIAL, MANUFACTURING UTILITIES, AGRICULTURE	Normally Acceptable		Conditionally Acceptable		Normally Unacceptable	

### INTERPRETATION



#### NORMALLY ACCEPTABLE

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



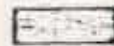
#### CONDITIONALLY ACCEPTABLE

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.



#### NORMALLY UNACCEPTABLE

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



#### CLEARLY UNACCEPTABLE

New construction or development should generally not be undertaken.

### CONSIDERATIONS IN DETERMINATION OF NOISE-COMPATIBLE LAND USE

#### A. NORMALIZED NOISE EXPOSURE INFORMATION DESIRED

Where sufficient data exists, evaluate land use suitability with respect to a "normalized" value of CNEL or  $L_{dn}$ . Normalized values are obtained by adding or subtracting the constants described in Table 1 to the measured or calculated value of CNEL or  $L_{dn}$ .

#### B. NOISE SOURCE CHARACTERISTICS

The land use-noise compatibility recommendations should be viewed in relation to the specific source of the noise. For example, aircraft and railroad noise is normally made up of higher single noise events than auto traffic but occurs less frequently. Therefore, different sources yielding the same composite noise exposure do not necessarily create the same noise environment. The State Aeronautics Act uses 65 dB CNEL as the criterion which airports must eventually meet to protect existing residential communities from unacceptable exposure to aircraft noise. In order to facilitate the purposes of the Act, one of which is to encourage land uses compatible with the 65 dB CNEL criterion wherever possible, and in order to facilitate the ability of airports to comply with the Act, residential uses located in Com-

munity Noise Exposure Areas greater than 65 dB should be discouraged and considered located within normally unacceptable areas.

#### C. SUITABLE INTERIOR ENVIRONMENTS

One objective of locating residential units relative to a known noise source is to maintain a suitable interior noise environment as no greater than 45 dB CNEL or  $L_{dn}$ . This requirement, coupled with the measured or calculated noise reduction performance of the type of structure under consideration, should govern the minimum acceptable distance to a noise source.

#### D. ACCEPTABLE OUTDOOR ENVIRONMENTS

Another consideration, which in some communities is an overriding factor, is the desire for an acceptable outdoor noise environment. When this is the case, more restrictive standards for land use compatibility, typically below the maximum considered "normally acceptable" for that land use category, may be appropriate.