

From: [tony.higgins](#)
To: [City Clerk](#)
Cc: [City Council](#); [DG_PlanningCommission](#); [DG_PubWorksCommission](#); [Carrie Tai](#); [Paul LeBaron](#); [Joseph SanClemente](#); [Douglas Krauss](#)
Subject: Re: Supplemental to Item VIII b) of the 4/25/23 agenda - Outdoor Dinins
Date: Tuesday, April 25, 2023 3:09:17 PM
Attachments: [image5.png](#)

Obviously to everyone but me the X axis is time and the y axis is dbA not the other way around in the attached.

4/25/2023

Dear City Council

Based on the Outdoor Dining Program Ordinance staff report (Agenda Item VIII b.) it's clear the city will lock-in the Pier Ave truck-route lane reductions and the new Downtown Bicycle Lanes without requiring an EIR.

It's equally clear the City Council is being fed cherry-picked statistics manipulated by the best consultants money can buy to confuse, deceive and mislead you into approving a Categorical Exemption of the CEQA process inappropriately.

Let me give you a few of the more glaring examples.

First a simple observation. Much of the justification for a blanket CEQA Categorical Exemption claims that pre-pandemic & post-pandemic vehicle counts are the same and there there can be no impact. This conclusion ignores the fact that as much as vehicle counts matter if you ignore the possibility that the ratio of commercial trucks to vehicles change significantly on 27th due to the Pier Ave Truck Route Lane Closures a significant impact is still possible.

The city has closed lanes on the major east/west truck route in the city and set up bicycle lanes and outdoor dining right next to what remains of the narrow remaining trucks route lane. It's entirely reasonable that commercial trucks destined for Hermosa Ave and Plaza businesses that previously used Pier Ave before the Lane reduction would now use 27th street; the next best alternative. But the city didn't provide any data on changes to truck route selection patterns.

You are being told that traffic noise has actually decreased on 27th street compared to pre-pandemic levels when a fair argument can be made that's not the case at all.

This past Saturday I did all day traffic noise level measurements from 3 feet inside my property line in 1 hour increments between 10:30-11:30pm this past Saturday night; the time many are trying to go to sleep.

This is not a cherry picked timeframe.

I chose the 10:30-11:30PM BECAUSE this is a common timeframe for people to try and go to sleep, so traffic noise levels have additional significance.

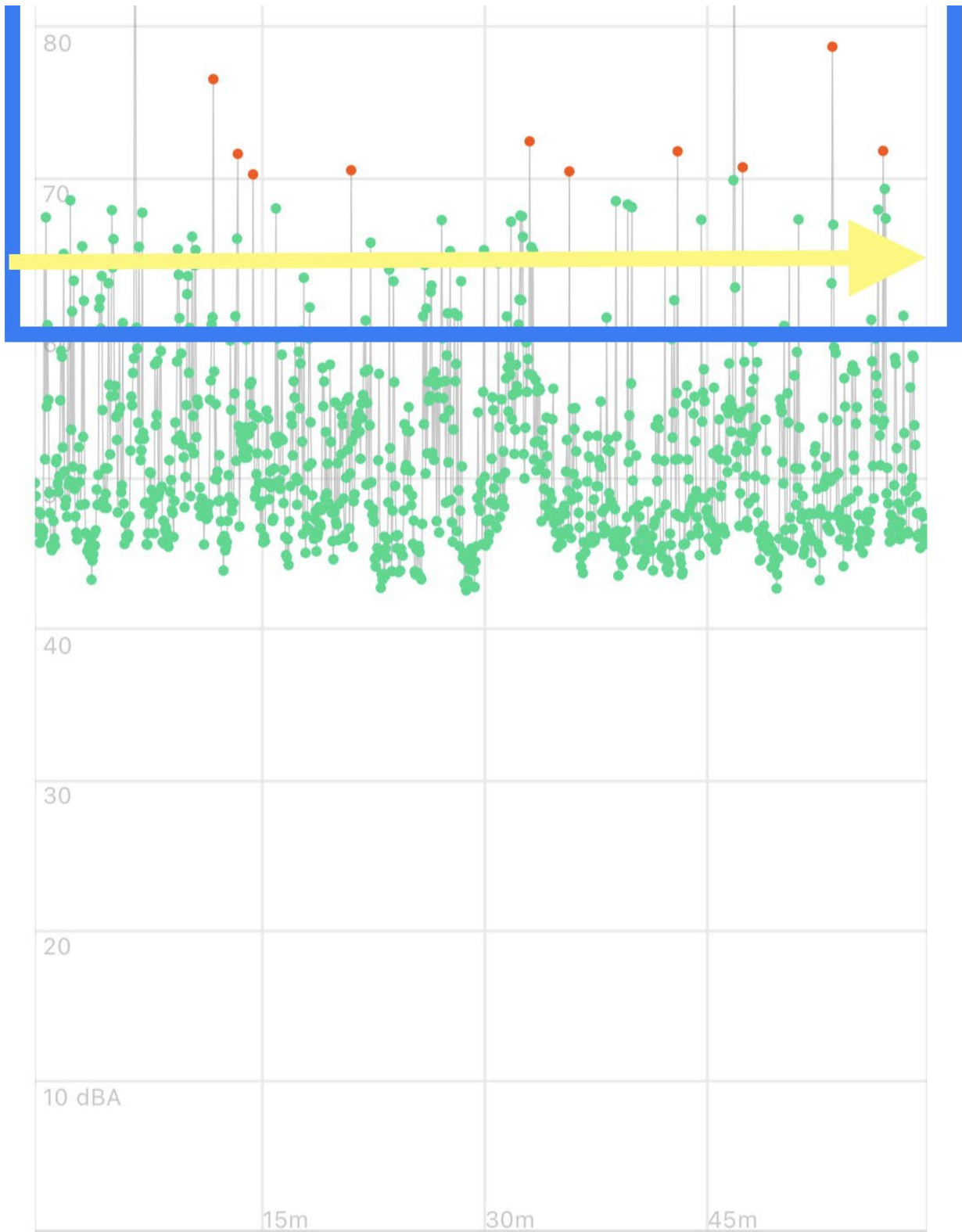
Below you will find a graph that clearly displays traffic noise levels along with understandable & meaningful impacts of that noise that staff and their consultants did not provide to lead the City Council by the nose to approve a blanket CEQA Categorical Exemption that denies residents in vulnerable neighborhoods the benefit of an Environmental Impact Report (EIR).

11:49



[Tap to close]





Here are the facts you need to keep in mind as you evaluate the graph and data.

The X axis of the graph below represents **one hour** of time.

The Y axis is a dbA scale ranging from 0-120 dbA with grid lines every 10dbA. This represents a range from the lowest perceptible sound to the the sound of a small jet engine.

The **base** of the blue box is set to 60dbA.

The green-dots inside the blue box each represent peak impulse noise traffic events capable of waking-up a significant percent of people based on metrics established by the World Health Organization (WHO).

The same green-dots represent events that might keep a significant population from falling asleep **through a half opened street facing bedroom window as well.**

Looking at the green dots above the yellow line set at 65dbA you can see there were about 20 impulse noise events capable of waking-up a significant population through a **closed** window.

20 events per hour equates to one potential wake-up event every 5 minutes on this past Saturday night.

Inside the blue box, the green dots represent total wake-up events through a 1/2 opened window.

But the city council is being told there is **NO POSSIBILITY** of a significant traffic noise problem on 27th that might be exacerbated by Pier Ave. lane closures based on vehicle counts and therefore a CEQA Categorical Exemption is justified.

That's simply a lie.

The California Attorney General had this to say about the need for an Environmental Impact Report (EIR):

In the context of CEQA, the fair-argument standard means that if a "fair argument" can be made that a project MAY have a significant direct or indirect effect on the environment (including health, safety or quality of life), then an EIR SHALL be prepared even though there may be other substantial evidence that the project will not have a significant effect (CEQA Guidelines § 15064(f)(1)).

The above graph is more than enough to establish a fair-argument for an EIR but there is much much more.

The city knows full well 27th is already overwhelmed by traffic noise.

The City knows full well that 27th now has huge **intersection queuing problems** that rarely existed before the pandemic.

Queues of 15-20 vehicles at stop signs are now common weekdays and weekends.

This past Saturday all day long and we'll into the night, 50% of the time, queues at the eastbound 27th intersection at Valley Drive ranged from 10-15 cars and often more. So don't blame the school for this. It was Saturday.

At the westbound intersection of 27th at Morningside there were nearly constant queues of 4-5 cars; meaning my front yard had the strong smell of gasoline and diesel exhaust all day long.

But the City provided no analysis of these intersection queuing problems it just made a blanket denial that ANY problems exist and therefore a CEQA Categorical Exemption is applicable.

The city knows that palpable heavy truck vibration slam through our homes at the intersection of 27th and Morningside.

But the city made no effort to measure these truck vibration impacts nor did it provide any assessment of how more trucks on our steep narrow street might make things worse.

Nor did the city even discuss potential mitigations to the noise and vibration that heavy trucks produce at the intersection of 27th and Morningside as they slam over a poorly designed drainage ditch.

The city knows that carcinogenic near roadway pollution in the form of diesel particulate matter, gasoline soot, and carcinogenic tire dust thickly layer 27th street yards and bushes and spot our interior walls if windows are open. What's important is it's 27th street yards and homes but not the yards or homes on immediately adjacent streets.

The potential cumulative impact of these factors is more than enough to make a fair-argument for an EIR

For the city to hide behind a CEQA Categorical Exemption to deny residents of vulnerable neighborhoods their due process under CEQA is simply malevolent.

But there is still more.

The City knows full well the General Plan requires the implementation of a CEQA Mitigation and Monitoring Reporting Program (MMRP) that calls traffic calming and increased enforcement as traffic noise, near roadway pollution, truck vibration and intersection queuing approach critical thresholds.

Here again the city has not lived up to its obligations.

The City cannot produce a single document showing tangible MMRP actions on 27th street.

But there is more;

The Outdoor Dining Project is huge; and trying to use a CEQA Categorical Exemption on a program of this magnitude defeats the very purpose of CEQA.

Consider the individual projects folded into Outdoor Dining Program

(1) Removing two truck-route lanes on the city's main east-west truck route on without doing any measurements of how this will shift commercial truck traffic onto vulnerable residential streets like 27th.

(2) Removes two commuter lanes on Hermosa Ave., the City's major north-south commuter route west of Pacific Coast Highway.

(3) Implements new bicycle-route lanes throughout the downtown area that are 100% dependent on these vehicle & truck-route lane closures; while ignoring that a fair argument can be made that as covid comes to an end, as businesses rebound and summer season approaches these lane closures may significantly impact commuter traffic service levels causing commercial heavy truck and vehicular traffic overflows into residential neighborhoods and onto residential collector roads.

(4) Allows for likely 30+ Outdoor-Dining public-land encroachments over the next 3-5 years

With all the complexities of the Outdoor Dining Program and it's various underlying projects that are listed above; it is the antithesis of common sense that the city would claim a CEQA Class 1 Categorical Exemption for this program or any of its underlying projects.

Using a CEQA Categorical Exemption that ignores all the potential impacts above is simply indefensible.

Anthony Higgins

TECHNICAL DETAIL:

12:02 5G

Done Record 12

Duration 1h:0m:0s

Time Apr 22, 2023 At 10:33 Pm

Location Hermosa Beach >

Device iPhone 12 mini, iOS 15.2

Notes >



0:00 -1:00:00

Sound Level Meter

Frequency weighting A

Response time Fast (0.2s)

Calibration +0.0 dB

Done Record 12

Sound Level Meter

Frequency weighting A

Response time Fast (0.2s)

Calibration +0.0 dB

Avg/Leq 66.4 dB

Min 41.8 dB

Max 98.8 dB

Peak 101.8 dB

Dosimeter

Standard Custom

Threshold 80 dB

Exchange rate 3 dB

TWA 56.5 dB

Dose 0.4 %