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Memo

To:	City of Tehachapi City Council
CC:	David James, City of Tehachapi
	Patrick Carrick, LeBeau-Thelen LLP
From:	Michael Brown
Date:	January 27, 2014
Regarding:	Responses to Comments in the Letter from Wilson Ihrig & Associates Regarding the Tehachapi Walmart Final Revised EIR

The following discussions represent our general responses to the comments submitted by Wilson Ihrig & Associates regarding the noise analysis in the Tehachapi Walmart Final Revised EIR (RFEIR).

Issue #1: Noise Impact on Tucker Road

The commenter claims that the analysis of roadway noise impacts should be based upon measurements and calculations at the property line of the affected uses, even in the case where the front yards of the properties face the affecting roadways. His argument is based upon the discussion on page 2:112 of the Tehachapi General Plan, which states:

> Noise levels that do not generate noise levels in excess of an annual average Ldn of 60 dBA beyond the right-of-way, in the case of highways, major local streets, and railroad rights-of-way, or the property line for stationary noise sources, are generally not included unless otherwise indicated.

His assertion is that a measurement location closer to Tucker Road would have identified a significant project-related roadway noise impact.

The analysis of roadway noise impacts in the Revised Draft EIR (RDEIR) and the RFEIR is based largely upon the methodologies and recommendations of the Technical Noise Supplement (TeNS) (November 2009) promulgated by the California Department of Transportation (Caltrans). The methodology is discussed on pages IV.I-4 and IV.I-5 of the RDEIR. With regard to noise receiver locations, the Caltrans TeNS document defines a receiver as:

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> Most basically defined as any natural or artificial sensor that can perceive, register, or be affected by sound (e.g., human ear, microphone). The definition is usually extended to a three-dimensional location where such a receiver is likely to be present. (page 9-13)

In the discussion of detailed analyses for traffic noise impacts, the TeNS document states that "receiver locations should focus on areas of frequent use." (page 5-3) When selecting noise measurement sites, the TeNS document states that "sites…should either be located at or represent locations of frequent human use." (page 5-5)

The locations for measurement of roadway noise levels associated with the proposed project were discussed with the Community Development Director prior the initiation of the noise level measurements. The Community Development Director agreed that noise levels measurements should occur within the as close to the outdoor activity areas as defined in the RFEIR. These outdoor activity areas are consistent with the Caltrans TeNS definition of receiver locations and receiver selection recommendations.

The reference in the Tehachapi General Plan to rights-of-way is not meant to imply that noise level standards are to be enforced at the property lines of affected land uses. The interpretation of the General Plan discussion by the Community Development Director is as follows:

> "It is my opinion that the purpose of this statement is to simply suggest that any noise sources that do not produce acoustical energy greater than the annual average of L_{dn} of 60 dBA are not included on the list that follows of potential noise sources. In other words this paragraph sets a threshold by which to determine what streets, roads and rights-of-ways should be of concern and monitored. I am also of the opinion that this statement in the General Plan does not require and/or suggest explicitly or implicitly that future noise contours be measured from the property line."

Therefore, the evaluation of roadway noise impacts in the RDEIR and the FREIR evaluate the potential impacts of the proposed project at locations where people would actually be affected by the resulting noise levels. People may walk to the curb to retrieve their mail or the news paper. They may also spend some occasional time in front of their homes. But, these areas do not areas of frequent use where a quiet noise environment is expected. The fact that some person may place a table in the front property of a home that faces along a busy roadway does not change the City's interpretation of the outdoor living environment since a quieter outdoor environment is likely afforded in the back yard of the affected home.

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Based on this information, the RDEIR and the FREIR have selected the proper locations by which to evaluate the roadway noise impacts of the proposed project.

Issue #2: Noise Level Impacts at Hotels

The commenter claims that the EIR should have evaluated noise levels at the hotels along Tehachapi Boulevard as sensitive receptors similar to residential uses, rather than as commercial uses.

The RDEIR and the FREIR did not evaluate noise levels at the hotels along the block of Tehachapi Boulevard between Mt. View Avenue and Mulberry Street simply because the Traffic Impact Analysis Report prepared for the proposed project did not evaluate roadway traffic volumes along this roadway segment. There was no malicious effort ignore impacts to these uses. The potential noise impacts at these uses would, however, be similar to those identified in the RDEIR and the FREIR for the segment of Tehachapi Boulevard west of Mt. View Avenue as stated in the comment. It is important to note that the hotels are technically commercial uses since they are identified as such in the Land Use Map of the Tehachapi General Plan and have a corresponding zoning designation. Hotels are identified in the Tehachapi General Plan as sensitive uses since people sleep there. That does not means, however, that exterior noise levels at hotels must be similar to residential uses. As shown in Table 2-20 (Acceptable Noise Levels) of the Tehachapi General Plan, exterior noise levels of up to 65 dBA CNEL are normally acceptable and 70 dBA CNEL are conditionally acceptable for transient lodging provided that noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air conditioning will normally suffice. The intent of these standards is to ensure that interior noise levels within transient lodging will permit restful sleep. The standards are not intended to ensure that exterior noise levels throughout a hotel property are below 65 dBA CNEL.

The areas between the three hotel buildings and Tehachapi Road are all parking lots. These areas are not sensitive to noise or outdoor activity areas where the City would expect a quiet environment for frequent human activity. Therefore, the 65 dBA standard does not apply to these parking lot areas. Exiting and future noise levels at the hotel buildings would be less than 70 dBA CNEL. Each of these buildings has heating, ventilation, and air conditioning systems that permit windows within the rooms to remain closed. Therefore, existing and future noise levels would not exceed City standards at the hotel buildings.

The swimming pool area at the Best Western Mountain Inn that is referenced in the comment was constructed adjacent to Tehachapi Boulevard approximately one year ago; after the Tehachapi Walmart project was proposed. Due to the location adjacent to the roadway and near the railroad tracks, existing noise levels at the pool area would be between 65 and 70 dBA CNEL. This pool area is for use by a transient population that would not be affected by a change in noise levels associated

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with the proposed project or cumulative development. In other words, these are not long-term populations that would notice a change in noise levels from the existing condition to the future under cumulative development including the proposed project and General Plan buildout.

Issue #3: Cumulative Considerable Contribution

The commenter claims that the EIR used the same thresholds to determine a project-specific noise impact as well as a project's considerable contribution to a significant cumulative noise impact. This is incorrect.

The commenter uses the location of Tucker Road north of Conway Avenue to provide his argument that the portion of the significant cumulative impact associated with the proposed project should be considered considerable. This is based on this argument that the proposed project contributes a large proportion of the cumulative noise increase (the commenter claims 44%). The significant cumulative impact would not occur without the proposed project. It should also be noted that the significant cumulative impact may not occur without one or more of the other related projects.

Using a percentage methodology to determine a considerable contribution to a significant cumulative impact such as the one discussed by the commenter is difficult because people could argue about what the threshold percentage should be. Instead, the RDEIR utilized thresholds recommended by the Federal Transit Administration (FTA). The commenter makes the argument that these thresholds are the same as those used to determine if a project-specific impact is significant and, as such would not identify a considerable contribution unless the project-specific impacts are also significant. This is incorrect.

In the case of the residence located along Tucker Road north of Conway Avenue, the existing baseline noise level is 63.6 dBA CNEL. Because this baseline is between 60 and 65 dBA CNEL, the applicable thresholds of significance to determine a project-specific impact is 2 dBA (page IV.I-17 of the RDEIR). The proposed project is projected to increase noise levels at this location by 0.9 dBA CNEL and, thus the impacts is considered to be less than significant. Future noise levels at this location with the proposed project and other cumulative development would increase by 1.9 dBA under the Listed Projects & Walmart scenario and exceed 65 dBA. The cumulative impact is considered to be significant for exceeding an applicable standard as well as causing a substantial increase. The cumulative baseline noise level without the Walmart project would be 64.7 dBA CNEL. Under Table 3-1 of the FTA manual, an increase of up to 61 dBA to a cumulative baseline of 64.7 dBA would cause no impact and, thus, not be a considerable contribution to a significant cumulative impact. The logarithmic addition of 61 dBA and 64.7 dBA is 66.2 dBA. This means that the threshold to determine a considerable contribution would be 1.5 dBA (66.2 dBA - 64.7 dBA = 1.5 dBA). This demonstrates that a different and lower threshold was used in the RDEIR to determine whether a contribution to a

significant cumulative noise impact is considerable. This methodology is supportable since it is promulgated by a federal agency that has jurisdictional considerations in the region (e.g., the proposed BNSF/UPRR mojave Subdivision Tehachapi Rail Improvement Project.

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Michael Brown

Profile

Mr. Michael Brown is the President of Cadence Environmental Consultants and serves in both managerial and technical roles at the firm. As an environmental consultant for more than 25 years, Michael has been involved in the preparation of environmental and planning documents throughout California. In addition to his management role, Michael maintains technical expertise in the assessment of air quality, greenhouse gas, and environmental noise impacts. He has used this expertise to develop detailed computer models for the assessment of air quality and noise impacts. He is also a guest lecturer on air quality and environmental noise impact analysis at the University of Southern California Sol Price School of Public Policy. Michael also provides environmental report peer review services for jurisdictions in Southern California, mitigation monitoring services, and code compliance services.

Representative Project Experience

The following list identifies a representation of projects that Michael has either managed or had a primary role in the evaluations of environmental impacts:

GENERAL PLANS

Corona General Plan Update
Lancaster MEA and General Plan EIR
Lancaster/Palmdale Enterprise Zone EIR
Orcutt Community Plan, Santa Barbara County
Santa Clarita Valleywide General Plan, City of Santa Clarita and Los Angeles County
Sierra Madre MEA and General Plan EIR
South Pasadena General Plan EIR

SPECIFIC PLANS, RESIDENTIAL, AND MIXED-USE PROJECTS

1155 S. Grand Avenue (Lot 114) MND, City of Los Angeles
3600 Wilshire Boulevard - Legacy Partners MND, City of Los Angeles
Country Club of the Desert Specific Plan EIR, City of La Quinta
Downey Landings Specific Plan EIR, City of Downey
East Village Phase II Annexation EIR, City of Oxnard
La Brea Gateway EIR, City of Los Angeles
LA Lofts - 1028-1044 Hope Street MND, City of Los Angeles
Newhall Ranch Specific Plan EIR, Los Angeles County
Pacific City EIR, City of Huntington Beach
Palo Comado Ranch EIR, City of Agoura Hills
Parker Ranch EIR, City of Simi Valley
Playa Vista Second Phase Project EIS/EIR, City of Los Angeles/Los Angeles County
Porta Bella EIR, City of Santa Clarita
Rancho La Sierra Specific Plan EIR, City of Riverside
Rancho Malibu EIR, Los Angeles County
Sakioka Farms Specific Plan EIR, City of Oxnard
Simi Village Interior and Exterior Noise Analysis, City of Simi Valley
The Strand at Huntington Beach (Blocks 104 and 105) EIR, City of Huntington Beach
Tentative Tract 5812 & Change of Zone 5248 EIR, City of Camarillo
University Community Plan EIR, Merced County
University Park Master Development Plan EIR, City of Stockton
Vallejo Station and Waterfront Project EIR, City of Vallejo
Village at the Park Specific Plan and EIR, City of Camarillo
Village Gateway MND, City of Camarillo
Westridge EIR, Los Angeles County

COMMERCIAL/OFFICE/INDUSTRIAL PROJECTS

Barstow Walmart Expansion and Retail Center EIR, City of Barstow
Camarillo Premium Outlets EIR, City of Camarillo
Camarillo Promenade SEIR, City of Camarillo

Camarillo Town Center (CPD-178/T-4690 Mod. NORCAN) EIR, City of Camarillo
Tentative Tract 5812, Springville LLC EIR, City of Camarillo
Camino Real Business Park Specific Plan EIR, City of Oxnard
The Centre at La Quinta, City of La Quinta
Flying J Travel Center Air Quality Impact Analysis, Shasta County
L.A. Media Center MND, City of Los Angeles
Oxnard Factory Outlet Center MND, City of Oxnard
Paseo Camino Real MND, City of Camarillo
Ridgecrest Walmart EIR, City of Ridgecrest
The Shops at Santa Anita FEIR, City of Arcadia
Wellpoint Health Networks EIR, City of Camarillo

EDUCATIONAL/INSTITUTIONAL PROJECTS

Academy of Sciences EIR, City and County of San Francisco
Agua Dulce High School MND, Soledad-Agua Dulce Union School District
Arnaz Elementary School/Oak View Elementary School Modernizations, Expansion and Consolidation MND, Ventura Unified School District
California Lutheran University Master Plan EIR, City of Thousand Oaks
Chatsworth Hills Academy EIR, City of Los Angeles
East End Elementary School MND, Ventura Unified School District
Environmental Noise Constraints and Opportunities Analysis for Lang Ranch Community Park, Conejo Recreation and Park District
Manhattan Beach Middle School EIR, Manhattan Beach Unified School District
New Camarillo Library EIR, City of Camarillo
Royal High School Stadium EIR, Simi Valley Unified School District
Southwest Campus Housing and Parking EIR, UCLA
Santa Monica Library EIR, City of Santa Monica
St. John's Pleasant Valley Hospital EA, FEMA
UCLA 2002 Long Range Development Plan and Northwest Housing Infill Project EIR, UCLA
UC Riverside Long Range Development EIR, UCR
UCSB Ellwood Devereux and Housing EIR, UCSB

PUBLIC IMPROVEMENT PROJECTS

Antelope Valley Sheriff's Station EIR, City of Lancaster
Carmen Drive/Ventura Freeway Interchange Improvements EIS/EIR, City of Camarillo/Caltrans
Cathedral Oaks Drive Noise Analysis, Santa Barbara County
Conejo Creek Sewer Line Replacement MND, City of Camarillo
Corona Civic Center EIR, City of Corona
Crestview Avenue Widening and Realignment, and Extension of Earl Joseph Drive MND, City of Camarillo
Golden Gate Park Concourse Authority Projects EIR, City and County of San Francisco
Las Posas Road Improvements MND, City of Camarillo
Pasadena City Hall Seismic Retrofit EIR, City of Pasadena
City of Roseville Capital Improvement Program EIR
Surfer's Point Beach Nourishment Project, City of San Buenaventura
Victoria Avenue/Ventura Freeway Interchange Improvements EIR, City of San Buenaventura/ Caltrans

TRANSIT PROJECTS

Northeast Corridor Service and Facilities Enhancement IS/EA, Sacramento Regional Transit District

STUDIO USE PROJECTS

NBC Studios Master Plan EIR, City of Burbank
Warner Bros. Studio Master Plan Expansion EIR, City of Burbank

REDEVELOPMENT PROJECTS

Grand Central Market/Million Dollar Theater EIR, City of Los Angeles
Heart of the City Specific Plan and Redevelopment Plan EIR, City of Redondo Beach

SURFACE MINING PROJECTS

Bettencourt Ranch Mine Project EIR, Merced County
Blue Mountain Minerals Expansion Project EIR, Tuolumne County

PETROLEUM EXTRACTION PROJECTS

Wilmington Townlot Unit MND, City of Los Angeles

AIRPORT PROJECTS

Skytrails Aviation Hangar Project, Los Angeles World Airports

MITIGATION MONITORING

El Paseo Simi Project, City of Simi Valley

PEER REVIEW

Harvest Landing Specific Plan EIR, City of Perris
Markham Business Center EIR, City of Perris
Mid County Parkway EIS/EIR, City of Perris
Oakmont Industrial Building Project EIR, City of Perris
Overton Moore Industrial Project, City of Perris
Pelican Industrial Project EIR, City of Perris
Perris Downtown Specific Plan EIR, City of Perris
Perris Ridge Commerce Center EIR, City of Perris
Perris Valley Commerce Center EIR, City of Perris
Rados Distribution Center EIR, City of Perris
Ramona Promenade EIR, City of Perris
South Perris Industrial Center EIR, City of Perris
Starcrest Distribution Facility EIR, City of Perris
Stratford Ranch Industrial EIR, City of Perris
Towne Center EIR, City of Perris
The Venue at Perris EIR, City of Perris
Wayne J Sand & Gravel EIR

CODE COMPLIANCE

Camarillo Airport Nighttime Noise Level Measurement Analysis
International Paper Camarillo Container Plant Nighttime Noise Level Measurement Analysis

Education

B.A., Geography, California State University, Northridge, 1990