

**From:** [Richard Drury](#)  
**To:** [BOS Legislation \(BOS\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [DorseyStaff \(BOS\)](#); [EngardioStaff \(BOS\)](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Board of Supervisors \(BOS\)](#)  
**Subject:** Re: 2395 Sacramento Street, BOS File No. 231285, Case No. 2022-004172CUA (Feb. 6, 2024)  
**Date:** Thursday, February 1, 2024 4:28:07 PM  
**Attachments:** [2024.02.01.2395 Sacramento Noise-Vibration Comment-with exhibit.pdf](#)

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:  
Attached please find the supplemental brief and exhibits of Jonathan Clark regarding the CEQA appeal of the proposed project at 2395 Sacramento Street, related to the redevelopment of a City landmark building (No. 115), Lane Medical Library. BOS File No. 231285. This letter supplements our prior letters, and responds to issues raised in the briefs filed by the developer and the planning department. This matter is scheduled for hearing on February 6, 2024. This letter shows that the Project will have significant offsite noise and vibration impacts. Since CEQA Guidelines section 15183 requires analysis of offsite impacts, a CEQA document is required to analyze and mitigate these impacts. Thank you for considering our comments and do not hesitate to call or email with any questions or concerns.

Richard Drury

--

Richard Drury  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612  
(510) 836-4200  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
Marjan@lozeaudrury.com

*Via Email*

February 1, 2024

President Aaron Peskin and  
San Francisco Board of Supervisors  
*Attn:* Angela Calvillo, Clerk of the Board  
San Francisco City Hall, Rm. 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Email: bos.legislation@sfgov.org

**RE: Appeal of San Francisco Planning Commission's CEQA Action for 2395  
Sacramento Street Project – February 6, 2024 Board of Supervisors Hearing  
BOS File No. 231285, Case No. 2022-004172ENV (Block/Lot: 0637/015 & 016)**

Dear President Peskin, Honorable Members of the Board of Supervisors, and Clerk Calvillo:

I am writing on behalf of San Francisco resident Jonathan Clark regarding the Planning Department's CEQA exemption for the project located at 2395 Sacramento Street ("Project"), including all actions related to the redevelopment of a City landmark building (No. 115), the Health Sciences Library, historically known as the Lane Medical Library of Stanford University. This letter supplements our prior letters, which are incorporated herein by reference, and responds to issues raised in the briefs filed by the developer and the planning department.

Attached hereto are the comments of expert engineering consultant, Luke Watry of the firm, Wilson Ihrig, one of the leading acoustical engineering firms in the state. Mr. Watry concludes that the proposed Project will have significant noise and vibration impacts, which must be analyzed in a CEQA document.

As discussed in our prior letters, CEQA Guidelines Section 15183 requires analysis of impacts that:

- (1) Are *peculiar to the project* or the parcel on which the project would be located;
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
- (3) Are potentially significant *off-site impacts and cumulative impacts* which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, *or*

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(14 Cal. Admin. Code § 15183(b) [emphasis added].)

The noise and vibration impacts identified by Mr. Watry are “peculiar to the project” and are “off-site impacts.” As such, under Section 15183, these impacts must be analyzed and mitigated in a CEQA document and the City may not simply rely on the EIR for the Housing Element prepared for the entire City of San Francisco.

Wilson Ihrig conducted a Federal Transit Administration (FTA) construction vibration assessment for the Project, indicating that the estimated VdB<sup>1</sup> level for a single caisson drill, identified in the General Plan Evaluation, is 108 VdB at adjacent residential buildings and 85 VdB at Temple Sherith Israel. The Federal Transit Administration sets human annoyance impact criteria at 72-80 VdB for residential buildings and 75-83 VdB for institutional buildings, such as Temple Sherith Israel and its associated preschool, depending on the frequency of vibration. Thus, the vibration at offsite receptors will far exceed significance thresholds. Mr. Watry suggests that a vibration mitigation plan must be developed and incorporated in a CEQA document for public review and comment.

Furthermore, Wilson Ihrig conducted an FTA construction noise assessment for the Project, mirroring the methodology from the Housing Element DEIR. The estimated construction noise level is 93 dBA at both 2018 Webster Street and 2329 Sacramento Street, surpassing the FTA's 90 dBA daytime impact criteria for residential land uses and exceeding the ambient noise level in the area by more than 10 dBA. Both aforementioned impact criteria are identified in the Housing Element DEIR. Since the Project will have noise impacts exceeding significance thresholds set forth in the Housing Element EIR, a CEQA document is required to analyze and mitigate this impact. Mr. Watry suggests mitigation measures including prohibiting construction at night.

Finally, the City's own analysis admits that the Project will have significant vibration impacts, and that mitigation measures will be required. However, the City states that a vibration plan will be developed at a later time. This raises two issues. First, a CEQA exemption is not allowed if, as here, the Project requires mitigation measures. If mitigation measures are required, at the very least, a mitigated negative declaration is required so the public can review and comment on the proposed mitigation measures.<sup>2</sup> Second, CEQA prohibits deferred mitigation<sup>3</sup>. A CEQA document is required to describe the mitigation measure to the public.

---

<sup>1</sup> Vibration is expressed in vibration decibels (VdB). The level of vibration represents how much the ground is moving. The threshold of human perception to vibration is approximately 65 VdB and annoyance begins to occur for frequent events at vibration levels over 70 VdB.

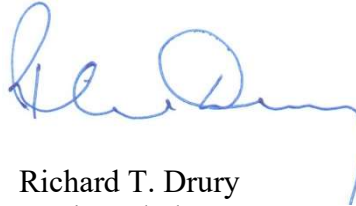
<sup>2</sup> *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1102.

<sup>3</sup> “[M]itigation measure[s] [that do] no more than require a report be prepared and followed” do not provide adequate information for informed decisionmaking under CEQA. *Endangered*

February 1, 2024  
Appeal Letter on 2395 Sacramento Street Project  
BOS File No. 231285  
Page 3 of 3

Since the Project will have significant offsite impacts related to noise and vibration, a CEQA document is required to analyze the Project and its impacts, and to propose feasible measure to mitigate those impacts.

Sincerely,



Richard T. Drury  
Marjan Abubo  
LOZEAU DRURY LLP



31 January 2024

Richard Dury  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612

Subject: *2395 Sacramento General Plan Evaluation*  
Review of Noise and Vibration Impact Analysis

Dear Mr. Dury:

This letter presents our comments on the acoustic aspects of the 2395 Sacramento General Plan Evaluation, and the San Francisco Housing Element 2022 Update DEIR, upon which the General Plan Evaluation relies.

The proposed Project involves the adaptive reuse of the former Cooper Medical College Health and Sciences Library building, a 68-foot-tall structure with a gross square footage of 24,850, designated as San Francisco Landmark No. 115, located at 2395 Sacramento Street. Additionally, the plan includes the construction of two horizontal additions to the existing building: a six-story, approximately 68-foot-tall addition along Webster Street and an approximately 78-foot-tall addition along Sacramento Street. The building, currently serving as an events venue, would be repurposed to accommodate 24 dwelling units.

Situated adjacent to the Project site are a historic residential building to the south at 2018 Webster Street and an apartment building to the east at 2329 Sacramento Street. The building at 2018 Webster Street was determined to be eligible for the California Register of Historical Resources, making it historically significant under CEQA. Both structures are five feet from the Project boundary. The historic Temple Sherith Israel, No. 2010000114 in the National Register of Historic Places, is located 30 feet south of the Project site, accompanied by an associated preschool building.

While the 2395 Sacramento General Plan Evaluation recognizes the potential for significant construction vibration damage impacts and proposes mitigation measures, it fails to address human-centric vibration impact criteria for the neighboring occupied buildings. Furthermore, the Evaluation asserts that construction noise impacts, even without mitigation, would be less than significant. We contend that the General Plan Evaluation fails to consider additional information from the San Francisco Housing Element 2022 Update

DEIR concerning construction noise impacts. Given the proximity to residential structures, the proposed construction equipment, and the anticipated duration of construction activities, we believe significant construction noise impacts are likely.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also regularly utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

## Construction Vibration

### Human Response to Vibration

The 2395 Sacramento General Plan Evaluation solely focuses on construction vibration impacts related to structural damage and overlooks the potential human response to vibration. Human annoyance resulting from vibration can occur at lower intensity levels compared to those causing structural damage. The Federal Transit Administration (FTA) sets human annoyance impact criteria at 72-80 VdB for residential buildings and 75-83 VdB for institutional buildings, such as Temple Sherith Israel and its associated preschool, depending on the frequency of vibration events<sup>1</sup>.

Wilson Ihrig conducted an FTA construction vibration assessment for the Project, indicating that the estimated VdB level for a single caisson drill, identified in the General Plan Evaluation, is 108 VdB at adjacent residential buildings and 85 VdB at Temple Sherith Israel. Given that these estimates surpass the upper limit of the FTA's impact range, the likelihood of adverse community reaction is high. Additionally, the predicted vibration levels are incompatible with the daytime operations at Temple Sherith Israel and its associated preschool.

To address these concerns, it is recommended that human-centric criteria be incorporated into the Vibration Management and Monitoring Plan outlined in Project Mitigation Measure 5. Moreover, Temple Sherith Israel, along with the attached preschool, should be added to the list of Affected Buildings covered by the Vibration Management and Monitoring Plan. This approach will contribute to a more thorough evaluation and mitigation of potential adverse effects related to construction vibration impacts.

### Disclosure of Vibration Mitigation Measures

Although the proposed Vibration Management and Monitoring Plan theoretically could be expected to address construction vibration damage impacts, the precise controls remain undetermined and undisclosed. To enhance transparency and guarantee adequacy, we

---

<sup>1</sup> Table 6-3, *Transit Noise and Vibration Impact Assessment Manual*, FTA, September 2018

propose that the Vibration Management and Monitoring Plan be incorporated into a CEQA document for public review. This step ensures a thorough examination and assessment of the plan, promoting transparency and accountability in its implementation.

## Construction Noise

### Daytime Construction Noise

The 2395 Sacramento General Plan Evaluation asserts that the proposed Project would have less than significant construction noise impacts, citing compliance with screening criteria from the San Francisco Housing Element 2022 Update DEIR. However, we contend that this conclusion overlooks crucial information provided in the DEIR, necessitating the acknowledgment of additional context and the implementation of construction noise mitigation measures to prevent significant construction noise impacts.

According to the San Francisco Housing Element 2022 Update DEIR, significant construction noise impacts are predicted for buildings within 50 feet of construction and in areas where the ambient noise level is 69 dBA or quieter<sup>2</sup>. The Housing Element DEIR conducted long-term noise measurements at various locations across the city, and the nearest measurement point from Seymour Street/Turk Street recorded a daytime ambient level of 66.2 dBA Leq, typical for urban environments. Meeting both conditions, the Project is predicted by the DEIR to have significant construction noise impacts, mandating the identification of mitigation measures.

Furthermore, Wilson Ihrig conducted an FTA construction noise assessment for the Project, mirroring the methodology from the Housing Element DEIR. The estimated construction noise level is 93 dBA at both 2018 Webster Street and 2329 Sacramento Street, surpassing the FTA's 90 dBA daytime impact criteria for residential land uses and exceeding the ambient noise level in the area by more than 10 dBA. Both aforementioned impact criteria are identified in the Housing Element DEIR.

To address the potential for undisclosed significant construction noise impacts, the Project's Mitigation Monitoring and Reporting Program should include the identification of construction noise mitigation measures. These measures may involve the creation of a Noise Management and Monitoring Plan by a qualified acoustic consultant, imposition of time limits, establishment of equipment buffer distances, and installation of construction noise barriers.

---

<sup>2</sup> Page 4.5-33 & 4.5-34, *San Francisco Housing Element 2022 Update Draft Environmental Impact Report Volume II*, San Francisco Planning Department, April 2022

## Nighttime Construction Noise

The 2395 Sacramento General Plan Evaluation states that no nighttime construction is proposed<sup>3</sup>. The San Francisco Housing Element 2022 Update DEIR also concludes that nighttime construction noise would result in significant impacts<sup>4</sup>.

In accordance with Section 2908 of the San Francisco Police Code, nighttime construction is prohibited between 8 p.m. and 7 a.m. if the resulting noise level exceeds the ambient noise level by 5 dB or more. This restriction can only be waived or modified through a special permit issued by the director of public works. The nighttime ambient level at the closest measurement point from the Housing Element DEIR, at Seymour Street/Turk Street, was 56.3 dBA Leq, typical for urban environments. Consequently, any nighttime construction activity surpassing approximately 62 dBA would be unlawful without obtaining a special permit.

Given that adjacent residences are within five feet of the property line, mitigating proposed construction equipment to an acceptable noise level for nighttime residential land uses is impractical. Using the quietest piece of construction equipment from the Project Construction Information document as an example, a single backhoe generates a noise level of 84 dBA at 25 feet<sup>5</sup>. It is likely unfeasible to mitigate construction noise by more than 22 dBA, as noise barriers typically reduce noise levels by a maximum of 15 dBA under ideal conditions<sup>6</sup>. Considering the concurrent operation of multiple pieces of construction equipment, and louder construction equipment, the illustrated example represents the quietest possible condition.

To eliminate the potential for significant and unavoidable nighttime construction noise impacts, we recommend expressly prohibiting nighttime construction as a Project mitigation measure. This approach aligns with regulatory constraints, ensuring compliance while safeguarding against adverse noise effects during the construction phase.

\* \* \* \* \*

---

<sup>3</sup> Page 2, *2395 Sacramento General Plan Evaluation*, San Francisco Planning Department

<sup>4</sup> Page 4.5-36, *San Francisco Housing Element 2022 Update Draft Environmental Impact Report Volume II*, San Francisco Planning Department, April 2022

<sup>5</sup> Table 4.5-11, *San Francisco Housing Element 2022 Update Draft Environmental Impact Report Volume II*, San Francisco Planning Department, April 2022

<sup>6</sup> Section 3.3, *Transit Noise and Vibration Impact Assessment Manual*, FTA, September 2018



Very truly yours,

WILSON IHRIG



Luke Watry  
Senior Consultant



## LUKE WATRY

*Senior Consultant*

---

Luke joined Wilson Ihrig in 2016 and is involved in a wide array of projects including building acoustic design, environmental assessments, construction monitoring, modal analysis, as well as transit noise and vibration mitigation. He works out of our Seattle office, has been an important team member on several multi-year transit expansion projects, and has experience on the full breadth of project design work from conception to certification. He is well versed in the use of SoundPLAN, ME'scope, ArcGIS, MATLAB, AutoCAD, Envy, Excel, and experimental design concepts.

### Education

- B.S. Mechanical Engineering, University of Colorado, Boulder, CO
- 

### Project Experience

#### ***CAHSR EIR/EIS: San Francisco to San Jose & San Jose to Merced Segments, CA***

Provided noise modeling and mitigation design services for over 120 miles of high-speed rail alignment through densely populated areas of the San Francisco Peninsula, San Jose, Gilroy, and the Central Valley. Noise impact to sensitive wildlife was also analyzed alongside the standard human-centric criteria.

#### ***Fred Hutchinson Cancer Center, Seattle, WA***

Documented the existing acoustic conditions prior to a renovation of animal research laboratories. Developed acoustic criteria and control recommendations for the new laboratories and support facilities.

#### ***Houston METRO University BRT, Houston, TX***

Conducted an environmental noise and vibration assessment for a new 25-mile BRT project. Provided the client with a technical report outlining the assessment and recommended noise and vibration control measures.

#### ***North Mercer Island/Enatai Sewer Upgrade, WA***

Provided construction vibration monitoring in accordance with county permit requirements. Remote vibration monitors were installed at residential properties adjacent to construction sites.

#### ***Microsoft Building 87 Redmond Link Extension Noise and Vibration, Redmond, WA***

Analyzed the potential for ground borne noise and vibration disruption due to Sound Transit's Redmond Link Extension. The building contains multiple anechoic chambers, including the "quietest room on earth," as well as sensitive prototype manufacturing facilities.

#### ***MicroSurgical Technology, Redmond, WA***

Conducted a noise survey in a surgical instrument production facility. Developed a report assessing the workers daily noise exposure and provided noise control recommendations.

***Mount Bay Apartments, Tacoma, WA***

Provided noise and vibration mitigation services for the design of a mid-rise apartment building located adjacent to a busy rail corridor. Specific recommendations for wall construction and windows were provided to the client.

***Safeway #2870 Claremont / College Avenue Construction, Oakland, CA***

Drafted reports and addressed noise exceedances during demolition and reconstruction of a Safeway and shopping complex.

***San Francisco Department of Public Works On-Call Tasks, San Francisco, CA***

Implemented construction noise and vibration monitoring for various pipe improvement projects. Long-term monitors were positioned based on predicted work scheduling; short-term attended monitoring was conducted during high-risk activities such as pile driving.

***SLAC National Accelerator Laboratory, San Mateo, CA***

Generated a site-specific vibration propagation model and analyzed the potential for vibration impacts to ongoing scientific experiments during the construction of a new building on the SLAC campus. Testing included measuring transfer mobilities, determining the vibration response of particle beamline equipment, and vibration generated by construction equipment.

***Sound Transit Auburn Station Parking and Access Improvements, Auburn, WA***

Provided an environmental noise and vibration assessment and recommended mitigation measures for a future Sound Transit parking garage. Measured long-term vibration levels within an adjacent medical facility housing sensitive equipment, such as a Varian linear accelerator.

***Sound Transit Kent Station Parking and Access Improvements, Kent, WA***

Conducted an environmental noise and vibration assessment and proposed mitigation measures for an upcoming Sound Transit parking garage and station redevelopment project.

***Sound Transit Sumner Station Parking and Access Improvements, Sumner, WA***

Conducted an environmental noise and vibration assessment and proposed mitigation measures for an upcoming Sound Transit station redevelopment project.

***Sound Transit Redmond Link Extension, Redmond, WA***

Produced vibration prediction models and mitigation design for future light rail track extending through the Microsoft campus and into Downtown Redmond.

***Sound Transit Northgate Link Extension Performance Certification, Seattle, WA***

Certified the performance of a 5 Hz floating slab constructed in the tunnels underneath the University of Washington (UW) as a part of Sound Transit's Northgate Link Extension. Tests were conducted before, during, and after the floating slab construction. One test included measuring vibration levels simultaneously at 16 locations spread across UW and the transit tunnels below.

***Sound Transit Tacoma Link Expansion, Tacoma, WA***

Provided vibration modeling and mitigation design services for a 2.4-mile expansion of streetcar service. Building vibration response testing was conducted at various residences, medical centers, and community buildings to improve modeling accuracy.