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## Green Valley Convenience Center Comments - Noise Concerns, March 22 Agenda Item

1 message

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Thu, Mar 17, 2016 at 11:14 AM

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Dear Supervisors, Ms. Franich, and Ms. Schmid,

I live near the proposed Green Valley Convenience Center (ARCO) site and have a couple of concerns after I reviewed some of the documents pertaining to the ARCO Project. I submitted comments on the project numerous times and my most recent was on November 17, 2015. I will not be able to attend next week's March 22<sup>nd</sup> meeting (we'll be out of town) and would like to submit these comments.

**1) The 2016 Draft EIR states that the conclusions that they arrived at are based on the assumption that both front and rear doors are CLOSED during the operations of the car wash.**

On page 3.0-2.7 the Final EIR of the Green Valley Convenience Center states (paragraph 2) ".. the County will condition the project to ensure the car wash doors are installed and operated as assumed in the 2015 Environmental Noise Analysis."

This did not occur. In the Conditions for Approval dated March 22, 2016 it only says the "The carwash shall include the dryer type and doors as described above and within the Environmental Noise Analysis dated April 27, 2015. Planning shall verify installation of dryer doors prior to building permit final for the carwash." The language only says the developer has to install the doors - **NOT OPERATE THEM AS SPECIFIED DURING EACH AND EVERY CAR WASH cycle.** The language must be modified to state clearly that the applicant shall not only install, but **operate** the doors as was assumed in the EIR analysis. Without this, the noise ordinance would be violated. This means that every time a car goes in, the front and rear doors must close during the operations of the carwash as required to comply with noise analysis and County standards.

Page 3.0-2.6 of the January 2016 Final Environmental Impact Report states, in Response 3-5, "The proposed project includes doors on the car wash (see Draft EIR page 2.0-8). The car wash dryer is the primary source of noise, and the impacts of the car wash with doors closed were evaluated on page 3.0-21 in the Draft EIR." In order to comply with Noise Ordinances, the doors must be closed during operations of the carwash. If doors are not closed, the project would NOT pass Noise Ordinances and should not be approved.

**The County must ensure that the proper mitigation measure is written in the EIR, Mitigation Monitoring and Reporting Program, and the Conditions of Approval to specify clearly that both front and rear carwash doors MUST close during operations of each and every carwash to ensure the mitigation of noise as specified in the EIR.**

The Project as brought forward is in violation of the EL Dorado County General Plan Policy 6.5.1.7 that requires "Noise created by new proposed non- transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses."

**2) The January 2016 Draft EIR study assumes it's okay to average noise impact by saying that the dryers only operate for 1 out of the 5 minutes per car wash cycle, so you can reduce the upper limit of noise created by averaging the one minute of excess noise, with the other 5 minutes of relative quiet. (page 3.0-2.1 of the Draft EIR Report for Green Valley Convenience Center)**

This averaging reduces the noise impacts by roughly 10% (6 dBA). I disagree with the approach as it doesn't protect the residents from the actual constant on and off of the excessive noise generated from the dryers.

Same applied for the vacuums which would be droning on constantly.

If the averaging approach is not used, the project would exceed County Noise standards. The noise standards should also err on the conservative side and assume that the noise generated is the worst case scenario and not the best case or average in order to protect residents. Also, those average ranges are pretty broad and I question how they are developed. Copy of the detail analysis was not provided.

Also, the 4 foot wall is expected to shield the side properties, and reduce noise by another 5dBA. However, the EIR did not consider the impact to residents living above the grade of the property. Most homeowners are located up the hill, for which a 4 foot wall will do little to block any noise. What do the residents uphill do if they experience noise in excess of County Standards? The study also did not consider the acoustic impacts on a hilly terrain (the amphitheater effect – as the carwash is at the bottom of several hills). The consultant should address this as we all know noise is amplified and travels uphill.

I ask - if it was your property effected and you had to listen to a loud car wash dryer noise every 5 minutes or constant vacuum noise, would averaging away the problem make you feel better? Does the knowledge that you get 5 quiet minutes and only one loud minute throughout the course of the day be acceptable to you? These interruptions would occur 24 hours a day, 7 days a week because there are no limits to hours of operation. The noise will undoubtedly be worse on weekends when you want to enjoy peace and quiet at home as people are likely to be getting car washes on their days off. This is unfair to subject residents who simply want the right to enjoy the peace and quiet of their homes in this natural setting that we all loved when we purchased homes here. Is Mr. Strauch's right to make a greater profit outweighing the quality of life of the many families that will be adversely affected?

**3) A copy of the complete detailed noise study/analysis was NOT posted or available for public review. I didn't see it in the Draft or Final EIR. I requested from staff, but have not yet received it.**

**4) I don't see any limitations on operating hours of the Car Wash and dryers in the Conditions For Approval dated March 22, 2016.** In earlier meetings there was an agreement that the car wash would only be limited to certain operating hours. The Conditions of Approval do not make any mention of these limitations that I noticed. If the noise "discounts" included in the Draft EIR Report were not allowed, the noise levels would dictate that the car wash not operate after 7pm at the minimum.

**5 Enforcement Procedures are needed to monitor compliance with the terms of the Noise Study (car wash doors closed during operation) and to ensure noise levels do not exceed General Plan Standards.**

What type of enforcement measures will there be if the carwash operator does not use the doors as required by the EIR? The Planning Department will check initially to make sure physical components are in order, but what happens if the doors are not opened and closed each time a car goes in during the normal functioning of the car wash? What if noise is in excess of limits? What are the teeth in Code Enforcement's authority? Will the carwash owner be forced to shut the operations of the carwash if there are a certain number of complaints and violations?

As residents impacted by this project, we trust that the County did its due diligence in commissioning studies to ensure our safety and our quality of life is maintained. Please ensure that 1) the studies were interpreted correctly (I request that the deductions for averaging out noise be reconsidered. 2) ensure that the property owner truly does intend and has the programming and equipment in place to deliver on their obligation to open and close the doors for each car wash. Has the County reviewed what type of mechanical systems – programs are in place to do this? Is it automated to ensure compliance? 3) ensure that there are clear measures in place that can correct the situation if the noise limits exceed what was represented.

**The Project as proposed DOES NOT COMPLY with the General Plan Policy 6.5.1.10B "Develop and employ procedures to monitor compliance with the standards of the Noise Element after completion of projects where noise mitigation measures are required."**

It is the obligation of the County to ensure the compliance with all ordinances and standards to ensure projects will operate as promised and protecting the health, safety and quality of life of its residence who put their trust in them.

We appreciate the Board of Supervisor's and County staffs help to ensure that the residents are their top priority and that these issues are addressed. (please also see attached summary table)

Sincerely,

Annette S. Chinn

[REDACTED]  
El Dorado Hills, CA 95762

[REDACTED]



**ARCO Noise Table.xlsx**

14K

TABLE 3.0-4  
PERFORMANCE STANDARDS FOR NON-TRANSPORTATION NOISE SOURCES  
EL DORADO COUNTY NOISE ELEMENT - COMMUNITY AREAS

	Daytime (7 am - 7 pm)	Evening (7 pm - 10 pm)	Night (10 pm = 7 am)
HOURLY dB	55	50	45
Max dB	70	60	55

Draft EIR Impact Report, dated Sept 2015 analysis:

**Carwash Dryer = 78 dBA at a distance of 50 feet with car wash entrance and exit doors open**

Because the owner is installing doors to shield the noise - a 12 dBA credit is allowed:

**Carwash Dryer = 66 dBA at a distance of 50 feet with car wash entrance and exit doors CLOSED DURING OPERATION**

"Because the drying cycle represents a small portion of the overall wash, the dryers are anticipated to operate no more than 15 minutes during any given hour" therefore they propose to lower dBA max to 60 (-6 dBA credit to developer)

The averaging proposed defeats the purpose of examining the MAXIMUM NOISE PRODUCTED as intended, which is 66 without the credit.

Then the study gives another discount of -5 dBA because of the 4 foot retaining wall construction. This may shield some properties, but not all. Those properties that were further away were not considered - even though sound travels uphill (terrain not considered in study) and the 4 foot wall does little to shield property owners on the hill behind the property that are uphill, above the proposed carwash.

So, if no "discounts" were given to the development - the MAX would require the carwash to stop operating after 7pm

Predicted MAX noise levels at nearest noise sensitive locations according to study	
<b>78</b>	ACTUAL NOISE OF CARWASH DRYER (50 feet from entrance)
<b>66</b>	less the "Door Closed" discount (6 dBA)
<b>62</b>	less the 4 foot wall discount (4 dBA)
<b>57</b>	less the discount for locations with side exposures (5 dBA)
<b>51 **</b>	less the "averaging" discount (6 dBA) (averaging defeats the purpose of looking at MAX standard and should not be allowed)

\*\*\*\* Residents contend that there should be no noise "discounts" allowed to the developer, but adhered to what it really is and reflecting actual MAX conditions.

- Requests:
- 1) Modify the EIR, Mitigation Monitoring and Reporting Program, and Conditions of Approval to specify that front & rear door be in the closed position during each carwash. as required by EIR and ensure that the Project comply with General Plan Policies
  - 2) That the County not allow "discounting" for averaging residents true discomfort level and no discounts for wall since not all properties are shielded by the wall.
  - 3) That the County err on the conservative side in favor of protecting residents quality of life and use top of range indicated
  - 4) That the County require the Carwash to cease operations by 7pm at night as required by noise ordinance
  - 5) Establish Mitigation Monitoring and Reporting Measures to ensure compliance. If not in compliance, require compliance or stop operation of carwash.
  - 6) Modify hours of Operation to protect the quality of life of residents to establish reasonable limits to operation hrs -such as M-F 8 am - 7pm, Sat & Sunday, 10 am - 5 pm. (we like to sleep in on weekends and enjoy quiet conversation and dinner on the patio with friends and family too )