# INTER DEPARTMENTAL MEMO
## Community Development Department

**DATE:** March 3, 2025

**TO:** Chair Caldwell and Planning Commissioners

**FROM:** Raffi Boloyan, Community Development Director

**RE:** **The Campus Project - Addendum #2 to Staff Report - Additional Public Correspondence Received after Production of Staff Report and Supplemental Noise Analysis**

---

The Staff Report for The Campus Project, scheduled for your review on March 5, 2025, was reproduced. distributed and published for the public on February 24, 2025. On February 24th, staff also provide d the Commission with Addendum #1 to the Staff Report, which included one letter received on the day the staff report was being reproduced. This was a letter from Buchalter, representing Campbells, providing their comments on the Final EIR. This letter was previously distributed to the Commission as part of Addendum #1.

This is now Addendum # 2, which includes a additional letter received since February 24th and supplemental noise study from the City's EIR Consultant

1) **Applicant response letter to Comments in Final EIR from Napa-Solano Residents for Responsible Development**

   This letter, dated February 26, 2025, from Casey Shorrock of Somach, of Simmons and Dunn a legal firm representing the applicant, provides the applicant's responses to the July 9, 2024, Comments from Napa-Solano Residents for Responsible Development on The Campus Project and Draft Environmental. Impact Report.

   That July 9th letter from Napa Solano Residents for Responsible Development was previously included and responded to as part of the Final EIR. This new letter from the applicant provides further response to that July 9th letter.

   The applicant's response provides information for the record on the following: 1) the comment letter does not demonstrate CEQA violations, 2) the project helps alleviate State and Regional housing crises and ensure city complies with State Law, 3) the State Housing Accountability Act disallows project denial and density reduction, and 4) Housing Crisis Act (SB 330) disallows density reduction.. See Attachment 1

2) **City Response to February 24, 2025 letter from Buchalter (representative of Campbells)**
   In addition, the February 24, 2025 letter from Michael Shonafelt of Buchalter, representing

Campbells, that was distributed in Addendum #1, reiterated their concern to assure accurate baseline documentation and provides their additional analysis on noise, air quality and land use planning. It concludes that Campbells is encouraged by the recent changes to the site plan and encourages further consideration of mitigation measures and disclosure requirements. Staff reiterates that the City has already included a condition of approval, requiring a disclosure process for all the residential uses, to be built into the CC&R's and lease agreement.

Following the submittal of this Feb 24th letter, the City's CEQA consultant, DeNovo, reviewed the letter and provided the attached (Attachment 2) additional analysis from Saxelby, the City's Noise consultant on the EIR on some of the items raised in the February 24th Buchalter letter and is summarized below.

Saxelby Acoustics prepared a supplemental noise report for the Campus project, dated February 28, 2025 that further considered noise produced by the Campbell Soup Supply Company facility and its potential noise effects on the Campus project. The supplemental noise report is attached for your reference. The report provides additional information about noise levels that exist at the Campbell's Soup Company facility, and the combined noise levels for transportation and non-transportation sources.

The supplemental report concludes the Campbell's Soup Company facility is predicted to generate noise levels of up to 69 dBA Ldn at the closest proposed residential uses. This would comply with the City of Dixon noise level standard of 70 dBA Ldn. It should be noted that because the plant operates continuously, the average hourly noise level (Leq) from the facility is predicted to be approximately 63 dBA Leq at the closest residential uses. Assuming a 25 dBA reduction provided from standard building construction, the project would also meet the City's 45 dBA Ldn interior noise standard. Noise levels from the Campbell's Soup Company are predicted to meet the requirements of the City of Dixon at exterior and interior spaces of the proposed residential uses and no additional noise control measures would be required.

Buchalter submitted its own Air Quality and Noise Buffer Assessment prepared by Ascent Environmental (February 2025) and the following are the observations provided by Saxelby:

- Ascent used Type 2 meters which are not as accurate as Type 1 meters, which are typically preferred for environmental work. Type 2 is acceptable but generally considered less accurate.

- Ascent recommends a limit of 65 dBA Leq based on the noise ordinance. Our understanding of the City's noise ordinance is that it limits noise emissions by land use, not the level allowed on a specific land use by another type of land use. Considering that Campbell's is in the County and not under the City's regulation we think the ordinance, in essence, is less relevant. That being said, we predict that the maximum day/night average (Ldn) level is 69 dBA on the closest residential uses. This Ldn value of 69 dBA is equal to an hourly noise level of approximately 62.6 dBA Leq. This is due to the fact that the plant noise is basically the same during a 24-hour period and with the nighttime +10 dBA penalty included in the Ldn value, the difference between Leq and Ldn is +6.4

dBA. So in essence, the Ascent report asks for a limit of 65 dBA Leq and the Campus project provides a level of 63 dBA Leq.

- The biggest difference between the Ascent report and our work is that Ascent took noise measurements in close proximity to the plant whereas we took measurements on the Campus project site. Collecting data in close proximity to large/tall pieces of mechanical equipment and in close proximity to a lot of trucks, etc. could very easily cause noise levels at a further distance to be overstated. So, assuming that their noise contours perfectly match their measurement data, it is likely that the model is just overpredicting for the Campus project site due to Ascent's noise collection being so close to the source of the noise. The Ascent report also does not show or state how close the model is to their measured data and models rarely calibrate exactly across this many sites. Also, the Ascent measurement sites do not match the written descriptions and one site (LT-4) is not even shown on their map; therefore, our ability to make useful conclusions about their data or accuracy of the noise contours is hampered.

## ADDITIONAL CORRESPONDENCE

Any additional written comments received on this project after 4pm on March 3rd will be assembled and distributed by follow up memo on Tuesday 3/4 at 5pm. Any written comments received after Tuesday 3/4 at 5pm, will be emailed to the Commission and a copy placed on your dias.

## ATTACHMENTS

1. Letter from Casey Shorrock of Somach, of Simmons and Dunn, legal firm representing the applicant, February 26, 2025

2. Supplement Noise Assessment - The Campus Development, prepared by Saxelby Acoustics for DeNovo Planning, the City’s EIR consultant, February 28, 2025

February 26, 2025

***Via Electronic Mail Only***

Raffi Boloyan, Director
City of Dixon
Community Development Department
600 East A Street
Dixon, CA 95620
rboloyan@cityofdixon.us

Re: Responses to July 9, 2024, Comments from Napa-Solano Residents for Responsible Development on The Campus Project and Draft Environmental Impact Report (SCH# 2023080739)

Dear Mr. Boloyan:

On behalf of Dixon Venture, LLC—the Applicant and Proponent for the proposed The Campus mixed-use development project (Project)—we submit the following information and analysis in response to issues raised by Napa-Solano Residents for Responsible Development (Residents) in its July 9, 2024, comment letter submitted by legal counsel Adams Broadwell Joseph & Cardozo to the City of Dixon (City) on the Project and its Draft Environmental Impact Report (DEIR).

Dixon Venture submits this letter to provide additional information to the City that it is free to use when considering the Project and preparing staff report(s), California Environmental Quality Act (CEQA)[1] findings, etc. We have crafted this information to be objective and straightforward so that the City may feel confident relying on it when exercising its independent judgment. (See Pub. Resources Code, § 21082.1, subd. (c)(1); CEQA Guidelines, § 15084, subd. (e).)

In this letter, Dixon Venture first addresses the EIR's compliance with CEQA. Next, the letter addresses the housing crisis and the Project's importance to the region in light of the crisis. Lastly, the letter addresses state housing laws that apply to the Project and limit the City's discretion to reject or modify the Project.

[1] See Pub. Resources Code, § 21000 et seq.; see also Cal. Code Regs., tit. 14, § 15000 et seq. (CEQA Guidelines).

## I. COMMENT LETTER DOES NOT DEMONSTRATE CEQA VIOLATIONS

Comments in the Residents' letter did not demonstrate or otherwise seriously indicate any CEQA violations. In responses to Residents' comments, the Final EIR (FEIR) does a good job explaining why Residents did not sufficiently identify problems with the DEIR that result in any CEQA violations, nor did its comments establish that the DEIR is not supported by substantial evidence. (See FEIR, pp. 3-179 – 3-187.) As explained in the FEIR, CEQA Guidelines provide that:

> An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.

(CEQA Guidelines, § 15121, subd. (a).) The Campus EIR based its determinations on substantial evidence with sufficient facts and expert opinion supported by facts. (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15384, subd. (a).) The Campus EIR also disclosed the potential environmental effects of the proposed Project and identified mitigation measures for impacts that were determined to be potentially significant. Thus, enough relevant information and reasonable inferences exist that a fair argument can be made to support the DEIR's conclusion, even if other conclusions might also be reached. (CEQA Guidelines, § 15384, subd. (a); see also FEIR, p. 3-179.)

Furthermore, the Project has been voluntarily redesigned by Dixon Venture, and the EIR revised, in response to commenter concerns, including from Residents, and at the urging of City staff and decisionmakers. In addition to relocating single family and multi-family residential units further from Pedrick Road and the Campbell Soup Company Processing Facility,[2] as explained in the FEIR, mitigation measures to address impacts to certain special-status species were revised in accordance with recommendations from the California Department of Fish and Wildlife. (FEIR, pp. 3-183, 3-186 – 3-187 [responses to Residents' comments I3-17, I3-26].) Also, mitigation was revised to include measures that further reduce greenhouse gas (GHG) emissions (and vehicle miles traveled), despite the Project resulting in no significant GHG-related impacts, below the low GHG levels that will already be achieved through Project design features and statutory and regulatory requirements. (*Id.*, pp. 3-182 – 3-183 [responses to Residents' comments I3-12 – I3-14, I3-24 – I3-25].)

The Project was sufficiently described and analyzed in the DEIR in accordance with CEQA Guidelines, and any subsequent modifications voluntarily proposed by the applicant, or additional or revised mitigation included in the FEIR, did not create new impacts or

[2] For more details on these revisions, please refer to Chapter 2 of the FEIR and the February 5, 2025, letter from Dixon Venture to the City responding to comments from Campbell.

substantially increase the severity of impacts. (CEQA Guidelines, §§ 15124, 15088.5.) The environmental analysis and conclusions in the EIR, inclusive of both the DEIR and FEIR, are supported by substantial evidence, including several technical reports, technical modeling, field research, and other opinions by subject matter experts. (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15384, subd. (a).)

## II. THE PROJECT HELPS ALLEVIATE STATE AND REGIONAL HOUSING CRISIS AND ENSURES THE CITY COMPLIES WITH STATE LAW

As explained in a prior letter to the City, California is in the midst of a housing crisis. According to the City of Dixon 2023-2031 Housing Element (p. 3): "The California Legislature has declared that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order." This crisis was identified in 2017 by the Legislature when it determined that "California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025." (Gov. Code, § 65589.5, subd. (a)(2)(D).) "California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households can afford the cost of housing in their local regions." (*Id.*, subd. (a)(2)(E).) This housing crisis "threatens the economic, environmental, and social quality of life in California." (*Id.*, subd. (a)(1)(A).) "The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (*Id.*, subd. (a)(2)(A).)

By 2031, the Bay Area will need to provide an additional 441,176 new housing units, 10,992 of which must be constructed within Solano County, pursuant to the Regional Housing Needs Allocation (RHNA) Methodology for allocating the Regional Determination and Solano County's methodology and unit allocations, as approved by the California Department of Housing and Community Development (HCD). The City is required by the state's Housing Element Law to develop a housing plan that sufficiently meets the housing needs of its community. These needs and the City's RHNA obligation are reflected in the City's adopted and certified General Plan Housing Element. If the City fails to approve housing development projects, like this one, HCD may revoke Dixon's compliance with the Housing Element Law. Without a compliant General Plan Housing Element, the City would be subject to Builder's Remedy (Gov. Code, § 65589.5), unable to deny *any* housing development projects and no longer eligible to receive state housing funds. Further, if HCD finds that the City's Housing Element does not substantially comply with the state's Housing Element Law, or if the City fails to act in accordance with its adopted Housing Element, HCD can and may refer the City to the Office of the Attorney General. These consequences are entirely avoidable by approving the Project.

## III. THE HOUSING ACCOUNTABILITY ACT DISALLOWS PROJECT DENIAL AND DENSITY REDUCTION

The Housing Accountability Act (HAA) applies to the Project and constrains the City's ability to reject the Project, effectively requiring the City to approve the Project. The HAA, originally enacted in 1982, is intended to force local governments to address "regional housing needs" by making it difficult for local agencies to deny or downsize "housing development projects." (*Cal. Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 835 (*Cal. Renters)*; Gov. Code, § 65589.5.) "[C]olloquially known as the 'Anti-NIMBY' (Not-In-My-Back-Yard) law," the HAA has been "amended … repeatedly in an increasing effort to compel local governments to approve more housing." (*Cal. Renters* at p. 835; see also *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683, 708-711; *Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* (1985) 175 Cal.App.3d 289, 306-307.)

A local agency cannot deny a housing development project that "complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete" and cannot condition a project to reduce its housing density unless the local agency finds, based on a preponderance of the evidence, that "[t]he housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density" and "[t]here is no feasible method to satisfactorily mitigate or avoid the adverse impact ... other than the disapproval of the housing development project or the approval of the project upon the condition that it will be developed at a lower density." (Gov. Code, § 65589.5, subd. (j)(1).) In this context, the phrase, "a 'specific, adverse impact' means a significant, quantifiable, direct, and unavoidable impact, based on objective,[3] identified by written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." (*Id.*, subd. (j)(1)(A).) Importantly, "[i]t is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety ... arise infrequently." (*Id.*, subd. (a)(3).)

[3] "Objective" here means "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." (Gov. Code, § 65589.5, subd. (h)(8).) The Legislature insisted that housing development projects be judged only against "objective criteria" in order "to ensure 'reasonable certainty ... to all stakeholders' about the constraints a municipality will impose." (*Cal. Renters*, *supra*, 68 Cal.App.5th at p. 842, quoting Assem., 3d reading analysis of Assem. Bill No. 1515, as amended May 1, 2017, p. 2.) "An agency may deny approval of a housing development project on the basis that it is inconsistent with development standards *only* if those standards are "objective." (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 777, citing *Cal. Renters* at pp. 839-840.)

The HAA requires that:

> A housing development project … shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development … is consistent, compliant, or in conformity.

(Gov. Code, § 65589.5, subd. (f)(4).) Thus,

> [I]nstead of asking, as is common in administrative mandamus actions, 'whether the City's findings are supported by substantial evidence'…, [a reviewing court] inquire[s] whether there is 'substantial evidence that would allow a reasonable person to conclude that the housing development project' complies with pertinent standards. (§ 655589.5, subd. (f)(4).) … the City bears the burden of proof that [any decisions to disapprove a housing project subject to the HAA] conformed to the HAA. (§ 65589.6.).

(*Cal. Renters, supra*, 68 Cal.App.5th at p. 837.) However, "this 'stringent, independent review' may be unnecessary where … the agency *approves* a project." *Save Livermore Downtown v. City of Livermore* (2022) 87 Cal.App.5th 1116, 1125 (emphasis in original), citing *Cal. Renters* at p. 777). If an agency finds a project consistent with its general plan, the finding "can be reversed only if it is based on evidence from which no reasonable person could have reached the same conclusion." (*Id.*, citing *The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883, 896)

**A. The Project Falls Within HAA Definition of "Housing Development Project"**

The HAA broadly defines the term "housing development project" to include, relevant here, "[m]ixed-use developments consisting of residential and nonresidential uses" with "[a]t least two-thirds of the new or converted square footage [] designated for residential use" or "[a]t least 50 percent of the new or converted square footage [] designated for residential use and … [t]he project includes at least 500 net new residential units [and] [n]o portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code." (Gov. Code, § 65589.5, subd. (h)(2)(B).) The entire Project falls within this definition, as its housing square footage exceeds two-thirds of the newly developed square footage,[4] includes up to 1,041 residential

[4] The residential portion of the Project are approximately 2,153,000 square feet. The non-residential portions are approximately 647,000 square feet, for a total of 2,800,000 square feet. Accordingly, the residential uses encompass 76.9 percent of the total developed square footage.

units (DEIR, p. 2-4), and does not include any land designated for use as transient lodging (*id*., pp. 2-2 – 2-6).

## B. The Project Will Comply with Objective General Plan, Zoning, and Design Standards and Criteria in Effect at the Time the Project's Application Was Deemed Complete

The Project's proposed residential uses are consistent with the General Plan land use designation that was in place at the time the Project application was deemed complete. A project is deemed consistent with a general plan if the project is "compatible with" the objectives, policies, and general land uses specified in the general plan. (*Bankers Hill 150*, *supra*, 74 Cal.App.5th at p. 776, citing *Napa Citizens for Honest Gov't v. Napa Cty. Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.) Here, the Project site is designated Campus Mixed Use (DEIR, pp. 2-1 – 2-1, Figure 2-4), which "promote[s] clusters of related light industrial, manufacturing, office, research & development, retail, service, and residential uses" (Dixon General Plan 2040, Land Use and Community Character,[5] pp. 3-11, 3-15). The Project, as a mixed-use development including residential, light industrial, manufacturing, office, research and development, and commercial uses (DEIR, p. 2-4), fits within the scope of the Campus Mixed Use designation. The City consciously, and with an abundance of consideration, had previously redesignated the Project site as part of the larger Dixon General Plan 2040 effort to allow for residential uses onsite because, as the City has acknowledged, without a residential component, development of the site is financially infeasible. It has been the City's longstanding intent that the Project site be developed, and it has thoughtfully acted in accordance with that intention. The Project also is consistent with existing zoning.[6] The site is currently zoned Campus Mixed Use-Northeast Quadrant Specific Plan, which allows a variety of land uses, including residential. (See Dixon Zoning Code,[7] p. 42.)

Further, the Project will adhere to objective design standards in place at the time the application was deemed complete. (Gov. Code, § 65589.5, subd. (j)(1).) Established design standards and criteria are discussed throughout the EIR (see, e.g., DEIR, pp. 2-8, 3.1-5 – 3.1-17, 3.6-14, 3.7-10 – 3.7-15, Mitigation Measure 3.1-3) and, as the DEIR emphasizes repeatedly (see, e.g., *id*., p. 3.1-12 [discussing Project's adherence to Specific Plan design guidelines and Municipal Code guidelines]), the Project must comply with these

[5] Available online at www.cityofdixonca.gov/departments/CommunityDevelopment/GeneralPlan.

[6] Rezoning included as a part of the Project is essentially a housekeeping measure to ensure site zoning fully comports with its underlying land use designation pursuant to state laws. (See, e.g., DEIR, p. ES-5.) Notwithstanding, where a housing project is inconsistent with a zoning standard or criterion that itself is inconsistent with applicable general plan provisions, such a zoning inconsistency does not matter under the HAA. "[A] proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan." (Gov. Code, § 65589.5, subd. (j)(4).)

[7] Available online at https://www.cityofdixonca.gov/ZoningOrdinance.

standards. There is no evidence or other indication that the Project will be unable to comply, and ample evidence exists "that would allow a reasonable person to conclude" that the Project will comply with all objective design standards. (Gov. Code, § 65589.5, subd. (f)(4); *Save Livermore Downtown, supra*, 87 Cal.App.5th at p. 1130.) In the unlikely scenario that the Project is discovered to somehow conflict with objective design standards and criteria, the City Council could and should impose whatever changes are necessary to eliminate the conflict. Such action would save the time it would take for Dixon Venture to make modifications itself and resubmit the Project for another review by the City Council, and result in the timelier development of much-needed housing.

### C. The Project Will Not Result in Infrequent and Unmitigable Health Risks

Additionally, the Project will not result in any infrequent and unmitigable health and safety risks to the public within the meaning of the statute. (Gov. Code, § 65589.5, subd. (j)(1).) Like all other aspects of the HAA, this requirement must "be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." (*Id.*, subd. (a)(2)(L).) While courts have not yet provided meaningful guidance on the exact types of environmental impacts that can qualify as "specific adverse impacts on public health or safety," it is generally understood that the Legislature had in mind health effects associated with bodily harm resulting from the infrequent and unmitigated exposure to toxic or hazardous chemicals, exposure to substantial concentrations of localized air pollutants, or ingestion of, or exposure to, toxic or hazardous water pollutants. Potentially also, noise at extremely high levels for substantial periods could also lead to adverse health effects within the meaning of the statute. For impacts in any of these categories to matter under the HAA, they must be adverse in light of "objective, identified written public health or safety standards, policies, or conditions[.]" (*Id.*, subd. (d)(2).)

For the Project, all impacts relating to the use of hazardous materials, water quality, and noise are either less-than-significant without mitigation or less-than-significant with mitigation. (See DEIR, §§ 3.9, 3.10, 3.12.) Moreover, because the Project is not located within an area where wildland fires are known to occur, or within a high or moderate Fire Hazard Severity Zone (FHSZ) as indicated by CalFire FHSZ Maps, the Project has a less than significant potential to expose people or structures to a risk of loss, injury or death from wildland fires. (*Id.*, § 6.7.) Regarding air, although the Project results in some significant and unavoidable impacts associated with mobile air emissions[8] (see DEIR, § 3.5), these effects do

[8] The Project air emission exceedances of applicable state thresholds derive primarily from mobile source emissions (*id.*, p. 3.3-22), i.e., personal vehicles driven by future Project residents. Project operation, however, would not exceed thresholds for all criteria pollutants—notably the carbon monoxide (CO) ("hotspot") threshold that measures more localized impacts, i.e., those more likely to cause health risks, is not exceeded—and the nitrogen oxide threshold is barely exceeded. (DEIR, Table 3.3-8.) Project construction, after mitigation, would only exceed the particulate matter 10 threshold, and that exceedance would be temporary. (*Id.*, Table 3.3-12.) Importantly, the modeling performed for the air emissions analysis did not account for emissions reductions that will occur as a result of using trucks and equipment with more energy efficient engines. (DEIR, p. 3.3-24 ["it is

not, by their nature, "arise infrequently" (Gov. Code, § 65589.5, subd. (a)(3), neither practically nor temporally), in that: (1) mobile air emissions in general are not infrequent—they do not seldomly occur and are instead an ordinary result of new and existing housing within the state; and (2) mobile emissions associated with the Project's residential uses will not arise infrequently—emissions will occur regularly via personal vehicle usage by future Project residents. Future Project residents will drive cars to and from their homes, as is done by the vast majority of homeowners and renters throughout the state. The vastness of California and the fundamental inadequacy of public transportation means that the state's residents are dependent on cars.[9] Essentially, there cannot be homes built or used in this state without accompanying personal vehicle use creating air emissions.[10] Virtually every single housing project being proposed now in the state, and for at least the past decade, that offers critically important housing densities is accompanied by significant and unavoidable impacts associated with air emissions from personal vehicle use. This is an inevitability of the confluence of housing development and emissions thresholds that have become lower over the years and that do not consider the state's need for housing and ongoing dependency on personal vehicles. (See fn. 8.)

Importantly, the Project's mobile emissions that exceed significance thresholds are regional criteria pollutants, such as oxides of nitrogen (NOx), reactive organic gases (ROG), and particulates (PM10), which reflect air quality issues within the larger Sacramento Valley Air Basin that have kept the Basin in a state of unattainment under the federal Clean Air Act and the California Clean Air Act but which not do not reflect localized pollutant concentrations, such as CO emissions creating "hot spots" that could have a negative impact on area populations. (DEIR, pp. 3.3-2 – 3.3-5, 3.3-9, 3.3-24.) For these more immediate and local impacts, the EIR found a less-than-significant impact. (*Id*., pp. 3.3-28 – 3.3-29; see also fn. 6.) Moreover, the EIR ensures that impacts associated with mobile emissions are

anticipated that mobile emissions would be reduced further than as shown in Table 3.3-9, based on implementation of Mitigation Measure 3.3-1(b)"].)

[9] See National Library of Medicine, National Center for Biotechnology Information (May 12, 2023), *Assessing justice in California's transition to electric vehicles*, p. 1, available at https://pmc.ncbi.nlm.nih.gov/articles/PMC10391565/ ["[p]ublic transit and other mobility services are … not realistic mobility alternatives for much of the population. The convenience, opportunity, and agency associated with access to a personal vehicle are unmatched by other means of transportation ... ."]; Pacific Research Institute (Mar. 15, 2023), *War on cars is a war on lower-income Californians*, available at https://www.pacificresearch.org/war-on-cars-is-a-war-on-lower-income-californians/ [discussing the car dependency of Californians].

[10] As the use of electric vehicles increases in the state, either voluntarily—if and when electric vehicles become more affordable—or by mandate, the mobile emissions associated with residential land uses, including the Project, will decrease. Unfortunately, as it stands now, inequitable access to electric vehicles, in conjunction with other factors like political and regulatory anti-electric-car agendas and actions, means that most Californians still and will drive vehicles that utilize internal combustion engines that produce emissions. (See fn. 7 for a National Library of Medicine publication discussing electric-vehicle inequity; see also the following recent article on the regulatory rollback of electric vehicle usage: Car and Driver (Jan. 21, 2025), *President Trump Signs Executive Order Revoking Biden-Era EV Targets*, available at https://www.caranddriver.com/news/a63495060/president-trump-revokes-biden-ev-mandates/.)

mitigated to the maximum extent feasible. (DEIR, pp. 3.3-23 – 3.3-24, 3.3-26; FEIR, pp. 2-30, 2-67, 3-182 – 3-183.) Notably, the EIR's assessment of mobile emissions associated with residential vehicle use does not account for the current reality that a certain percentage of future Project residents will work partially or fully from home, which is the relative norm now in California. As explained in a previous submission to the City, these work-from-home residents will drive significantly less than those from a prior era where working from home was irregular, thereby resulting in fewer vehicle trips and lower air emissions than what was modeled for the EIR, thus making the EIR's analysis and conclusions, in this regard, overly conservative.

When interpreting and implementing the HAA "in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing" (Gov. Code, § 65589.5, subd. (a)(2)(L)), the City must presume that the Legislature did not intend to categorically exclude all projects providing critically important housing ("at least 500 net new residential" [Gov. Code, § 65589.5, subd. (h)(2)(B)]) because the future residents in those houses will drive cars that would incrementally contribute to regional air pollution. The Project's contribution to ongoing regional violations of state standards is hardly the kind of impact that arises only "infrequently." Such an interpretation would lead to the absurd outcome of no or nominal housing developments falling within the scope of the HAA and would contravene the Legislature's "increasing effort to compel local governments to approve more housing." (*Cal. Renters, supra*, 68 Cal.App.5th at p. 835.) Accordingly, the City has no evidentiary basis for finding—and certainly cannot find based on a preponderance of the evidence—that the Project "would have a specific, adverse impact upon the public health … unless the project is disapproved or approved upon the condition that the project be developed at a lower density" and that "[t]here is no feasible method to satisfactorily mitigate or avoid the adverse impact ... other than the disapproval of the housing development project or the approval of the project upon the condition that it will be developed at a lower density." (Gov. Code, § 65589.5, subd. (j)(1).)

**D. The Project Will Not Result in any Infrequent and Unmitigable Safety Risks**

Regarding safety, the Project would not result in adverse public safety impacts. The Project's potential for resulting in an adverse public safety impact is negligible given the unquantifiable and indirect nature of safety-related impacts. Nevertheless, some areas of potential indirect impact are discussed in the DEIR, including hazards associated with geology and soils, airport-related hazards, emergency response and access, wildfire risks, hydrological hazards such as risks associated with floods, a reduction in fire or police public services, and/or transportation-related design features or incompatible uses that might increase hazards. For all of these potential safety concerns, the EIR found less-than-significant impacts either with or without mitigations. (DEIR, pp. 3.7-9 – 3.7-12, 3.9-23 – 3.9-24, 3.10-22 – 3.10-23, 3.14-19 – 3.14-21, 3.15-23 – 3.15-27.) Accordingly, the Project would not result in any direct or indirect adverse public safety impacts.

## E. Courts Upholds HAA Requirement to Approve Housing Projects

The Court of Appeal opinion in *California Renters* made clear just how strong the HAA has become in essentially forcing local agencies to approve housing development projects, even over vocal opposition and notwithstanding the possible contrary policy preferences of city decisionmakers. There, the court repeatedly invoked statutory language stating that, "[i]t is the policy of the state that [the HAA] should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." (68 Cal.App.5th at pp. 836, 845, quoting Gov. Code, § 65589.5, subd. (a)(2)(L).) Based on this language, the court refused to defer to the respondent city's interpretation of its own Multi-Family Design Guidelines. (*Id*. at pp. 843-846.) The court reasoned that, "[t]o the extent the question of whether the City denied the project for failure to conform to an objective standard is close," "the City has the burden to show its decision conformed to the HAA." (*Id*. at p. 845.)

## F. The City Must Approve the Project

In summary, the HAA applies here, and it compels the City to approve the Project. Essentially, "the HAA cabins the discretion of a [the City] to reject" the Project. (*Cal. Renters, supra*, 68 Cal.App.5th at p. 844.) It is our understanding that City staff and legal counsel agree with this assessment.

It is important for Project opponents to understand that the City's proverbial hands are tied here. There are no plausible grounds for denial or density reductions, and any such efforts could invite litigation from a public-spirited organization such as California Renters Legal Advocacy and Education Fund, which filed the litigation resulting in the seminal case interpreting the HAA. (*Cal. Renters, supra*, 68 Cal.App.5th at p. 820.) The HAA arms a large universe of potential petitioners, to go to court to enforce its terms, including, by the statute's own terms, "housing organizations"[11] and people "who would be eligible to apply for residency in the housing development project" if it went forward. (Gov. Code, § 65589.5, subd. (k)(1)(A)(i).) The California Attorney General also has broad authority to enforce state housing laws and has assembled a Housing Justice Team[12] dedicated specifically to this purpose. Additionally, if an HAA lawsuit were filed and the petitioner prevailed, the City would be forced to "approve the housing development project" and pay "reasonable attorney's fees and costs of suit to the plaintiff or petitioner." (*Id.*, subd. (k)(1)(A)(ii).)

[11] Organizations like Housing California provide "legal services [to] hold local governments accountable if they do not comply with the law we fought hard to pass." (Housing California, *Policy Advocacy* (2022), available at: https://www.housingca.org/our-work/policy-advocacy/.)

[12] See State Department of Justice, Office of the Attorney General, *Housing* (2022), available at: https://oag.ca.gov/housing.

## IV. HOUSING CRISIS ACT (SB 330) DISALLOWS DENSITY REDUCTION

The Housing Crisis Act of 2019, commonly referred to as Senate Bill 330 or SB 330, severely limits the planning discretion of "affected"[13] cities "with respect to land where housing is an allowed use." (Gov. Code § 66300, subd. (b)(1)(A).) Effective October 1, 2020, SB 330 was clarified in 2021 via SB 8 and extended through January 1, 2030. With SB 330, the Legislature declared a statewide housing emergency and suspended certain restrictions on development of new housing during the emergency period. SB 330 prevents a city from either changing the residential general plan, specific plan, and zoning designation on "land where housing is an allowable use" to "a less intensive use" or reducing the intensity of the designation below what was allowed on January 1, 2018—absent offsetting increases in housing units or intensities elsewhere within a jurisdiction, with the result that there is "net loss in residential capacity." (See *id.*, § 66300, subds. (b)(1)(A), (h)(2)(i)(1); see also Legis. Counsel's Dig., Sen. Bill No. 330, Stats. 2019 (2019-2020 Reg. Sess.); Stats. 2019, ch. 654, § 13, eff. Jan. 1, 2020.[14]) In this context,

> "[R]educing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity.

(Gov. Code, § 66300, subd. (b)(1)(A).)

Like the HAA, SB 330 is a legislative reaction to the State's ongoing housing crisis. "[H]ousing underproduction is rampant throughout the United States, but California's underproduction is greater than the other 49 states combined." (Assem. Floor Analysis, 3d reading of Sen. Bill No. 330 (2019-20 Reg. Sess.), as amended Aug. 12, 2019, p. 3.) As of 2019, when SB 330 was passed, California was deficient "over 2 million units" and "would require production of 500,000 units a year (3.5 million units total) over a seven-year period to normalize the state's housing prices." (*Ibid.*) Approximately 180,000 housing units must be built per year to maintain housing costs, but "housing production averaged less than 80,000 new homes annually over the last 10 years." (*Ibid.*)

[13] Dixon is considered an SB 330 Affected City. (See California Department of Housing and Community Development, *SB 330 Affected Cities and Counties Map*, available at: https://gis.hcd.ca.gov/portal/apps/webappviewer/index.html?id=c9a033c33669429a86b8c47d82e0f2e4.

[14] For brevity's sake, we have not attached all of the bill and legislative information cited herein. California legislative digests, assembly floor and senate analyses, and other bill information dating back to 1999 can be located in full at the California Legislative Information, Bill Information search page, available online at: https://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml.

With these housing shortages in mind, the Legislature passed SB 330 to further constrain local agencies—the gatekeepers to new housing—from making planning changes that would in any way reduce the number of housing units planned under the existing paradigm. As explained by the Senate Rules Committee:

> California is in the midst of a housing crisis. Rents across the state significantly exceed the rest of the United States, and homeownership has fallen to abysmal levels. Demand is clearly high, but builders find themselves unable to meet that demand because of local rules that limit the number of units or simply prohibit building altogether. At a time when housing is so desperately needed, there are some local policies that should just be off limits. SB 330 is a targeted approach that prohibits the most egregious practices in the areas where housing is most needed. It prevents local governments from downzoning unless they upzone elsewhere, and it stops them from changing the rules on builders who are in the midst of going through the approval process. SB 330 also limits the application of design standards that drive up the cost of building … . The first rule of holes says that when you're in one, stop digging: SB 330 applies this principle to one of the state's greatest challenges.

(Sen. Rules Com., Off. of Sen. Floor Analyses, Sen. Bill No. 330 (2019-20 Reg. Sess.), as amended Aug. 12, 2019, pp. 7-8.)

In adopting SB 330 in 2019, the Legislature found that "[t]he housing crisis harms families across California and has resulted in all of the following:

> (A) Increased poverty and homelessness, especially first-time homelessness.
>
> (B) Forced lower income residents into crowded and unsafe housing in urban areas.
>
> (C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.
>
> (D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.
>
> (E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day."

(2019 Cal. Legis. Serv. ch. 654 (SB 330), § 2(a)(6).)

In summary, cities such as Dixon, do not have the option of disapproving a housing development project or of downzoning "land where housing is an allowable use" unless they simultaneously upzone other land in a manner that avoids any "*net loss* in residential capacity." (Gov. Code, § 65301, subd. (b).)

As explained above, the proposed housing density is allowable under existing General Plan land use designation and zoning. Any reduction in Project housing units would require that those lost units be replaced elsewhere within the City. This outcome would have to be accomplished through a density-increasing General Plan amendment for another area within City. This new effort would require CEQA review and would need to be included as part of this Project to avoid impermissible piecemealing. In this untenable and unnecessary theoretical scenario, the DEIR's Project Description and analysis would need to be revised and the entire document would have to be recirculated for public review. This would add months if not years on to what is already a lengthy environmental review, further waylaying the development of critical housing. In any event, this type of action assumes that the City could find another area within its jurisdiction that is suitable for this type of housing, which it cannot. Per the EIR:

> It was found that there are numerous approved projects and proposed Projects that are currently under review in Dixon. These approved and proposed Projects are not available for acquisition by the Project applicant and are not considered feasible alternative sites. The City has found that there are no feasible alternative locations that exist within the City's Sphere of Influence with the appropriate size and characteristics that would meet the basic Project objectives and avoid or substantially lessen a significant effect.

(DEIR, p. 5-3.) This hypothetical scenario, fortunately, is moot. The existing Project provides much-needed housing, mitigates most of its environmental impacts to less-than-significant levels, and must be approved. Any voter initiatives, such as referenda to attempt to overturn the City's approval of the Project, or local barriers, such as growth caps, that deny or limit development of housing on the Project site contradict SB 330 and the HAA and are therefore impermissible. (Gov. Code § 66300, subd. (b)(1)(D).)

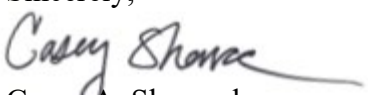
## V. ADDITIONAL CONSIDERATIONS

Although less stringent than either the HAA or SB 330, CEQA itself similarly disfavors a reduction in housing density as a means of mitigating environmental impacts. Even if such a reduction were allowed under the HAA or SB 330, it would be a last resort under CEQA. Public Resources Code section 21159.26 provides that, when considering how to mitigate the significant environmental effects of a "project that includes a housing development," a reduction of housing units is not permitted if "there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." Here, the Project includes all feasible mitigation measures—carefully crafted and vetted—to ameliorate potentially significant impacts. Impacts that remain significant and

unavoidable are very unlikely to be eliminated even with a reduction in density. For example, even a sizable reduction in density would not lower certain air emissions below their respective thresholds of significance given the level of exceedance. Notwithstanding, such a reduction would violate both the HAA and SB 330 and make the Project financially infeasible and wholly deny the City of this housing.

Thank you for your consideration of the information provided in this letter. We are happy to answer any questions. Please feel free to contact me at (916) 446-7979 or cshorrock@somachlaw.com, or George Phillips at (916) 804-8880 or gphillips@phillipslandlaw.com.

Sincerely,



Casey A. Shorrock

Attachment

cc: Jim Lindley, City Manager
Doug White, White Brenner LLP, City Attorney
Brian Millar, Project Manager for City
George Phillips, Phillips Land Law, Inc., Counsel to Dixon Venture

Volume 4

# STATUTES OF CALIFORNIA

## AND DIGESTS OF MEASURES

## 1982

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 8, 1982
and General Election, November 2, 1982

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature

**1981–82 Regular Session**
**1981–82 First Extraordinary Session**

*Compiled by*
BION M. GREGORY
*Legislative Counsel*

years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor. The terms of the two persons last appointed as qualified persons, by the Governor with the advice and consent of the Senate, under the provisions of this section as it read prior to January 1, 1977, shall expire on that date.

(c) The board shall select a vice chairman from among its members. Six members of the board shall constitute a quorum.

(d) When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

(e) If any appointed member is not in attendance for three consecutive meetings the board shall recommend to the Governor that the member be removed and the Governor shall make a new appointment, with the advice and consent of the Senate, for the remainder of the term.

SEC. 5. Section 6028.2 of the Penal Code is amended to read:

6028.2. The Secretary of the Youth and Adult Correctional Agency may furnish for the use of any such commission such facilities, supplies, and personnel as may be available therefor.

SEC. 6. It is the intent of the Legislature that the Board of Corrections, in order to comply with Sections 6035 and 6036 of the Penal Code, shall, for the period beginning January 1, 1983, and ending June 30, 1983, in accordance with Section 6042 of the Penal Code, allocate funds remaining in the Corrections Training Fund as of January 1, 1983, for local assistance in an amount not to exceed three million two hundred thousand dollars ($3,200,000).

---

## CHAPTER 1438

An act to amend Section 65587 of, and to add Section 65589.5 to, the Government Code, and to add Section 21004 to the Public Resources Code, relating to land use.

[Approved by Governor September 27, 1982. Filed with Secretary of State September 27, 1982.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 65587 of the Government Code is amended to read:

65587. (a) Each city, county, or city and county shall bring its housing element, as required by subdivision (c) of Section 65302, into conformity with the requirements of this article on or before October 1, 1981. No extension of time for such purpose may be granted pursuant to Section 65302.6, notwithstanding its provisions to the contrary.

(b) Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court's review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto reasonably complies with the requirements of this article.

(c) If a court finds that an action of a city, county, or city and county, which is required to be consistent with its general plan, does not comply with its housing element, the city, county, or city and county shall bring its action into compliance within 60 days. However, the court shall retain jurisdiction throughout the period for compliance to enforce its decision. Upon the court's determination that the 60-day period for compliance would place an undue hardship on the city, county, or city and county, the court may extend the time period for compliance by an additional 60 days.

SEC. 2. Section 65589.5 is added to the Government Code, to read:

65589.5. When a proposed housing development project complies with the applicable general plan, zoning, and development policies in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(a) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.

(b) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to subdivision (a), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

SEC 3. Section 21004 is added to the Public Resources Code, to read:

21004. In mitigating or avoiding a significant effect of a project on the environment, a public agency may exercise only those express or implied powers provided by law other than this division. However, a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.

SEC. 4. The Legislature finds and declares as follows:

(a) The enactment of Section 21004 of the Public Resources Code by this act is intended to clarify the scope and meaning of various provisions of Division 13 (commencing with Section 21000) of the

Public Resources Code.

Such clarification is necessary because of contentions that the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code, by themselves, confer on public agencies independent authority to levy fees, impose exactions, and take other actions in order to comply with the general requirement of that division that significant effects on the environment be mitigated or avoided whenever it is feasible to do so.

The provisions of Division 13 (commencing with Section 21000) of the Public Resources Code confer no such independent authority. Rather, the provisions of that division are intended to be used in conjunction with discretionary powers granted to a public agency by other law in order to achieve the objective of mitigating or avoiding significant effects on the environment when it is feasible to do so. Compliance with the requirements of that division identifies the manner in which significant effects of a project can be mitigated or avoided, and imposes an additional requirement that these mitigating or avoiding actions be taken whenever it is feasible to do so. In order to fulfill that latter requirement, a public agency is required to select from the various powers which have been conferred upon it by other law, those which it determines may be appropriately and legally exercised to avoid or mitigate the significant effects of the project as required by that division.

Thus, for example, if the California Constitution, a charter, a statute, or some other law generally confers upon a public agency the authority to levy a fee or to impose another type of exaction for public welfare purposes, that public agency may, to the extent expressly or impliedly permitted by such other law, choose to impose that fee or exaction for the pupose of mitigating or avoiding a significant effect on the environment which has been identified pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Or, if a public agency is generally authorized to exercise the power of condemnation, it may, to the extent expressly or impliedly permitted by such other law, choose to do so in order to mitigate or avoid a significant effect on the environment which has been identified pursuant to that division.

The provisions of Section 21004 of the Public Resources Code do not modify the holdings expressed in Golden Gate Bridge etc. Dist. v. Muzzi (1978) 83 Cal. App. 3d 707; and San Diego Trust & Savings Bank v. Friends of Gill (1981) 121 Cal. App. 3d 203.

(b) There is currently in litigation the question of whether or not Division 13 (commencing with Section 21000) of the Public Resources Code, prior to its amendment by this act, does, or does not, confer on public agencies an authorization to impose fees and other exactions, which is wholly separate and independent from any authorization conferred on such agencies by other law. The Legislature, therefore, declares that, by adding Section 21004 to Division 13 (commencing with Section 21000) of the Public Resources Code, it makes no statement, either directly or by

indirection, as to whether that division, prior to its amendment by this act, did or did not confer on public agencies independent authority to impose fees or other exactions.

SEC. 5. Notwithstanding Section 6 of Article XIII B of the California Constitution and Section 2231 or 2234 of the Revenue and Taxation Code, no appropriation is made by this act for the purpose of making reimbursement pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 6. Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

---

## CHAPTER 1439

An act to add Chapter 2.5 (commencing with Section 53311) to Part 1 of Division 2 of Title 5 of the Government Code, relating to community facilities districts.

[Approved by Governor September 27, 1982. Filed with Secretary of State September 27, 1982.]

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 2.5 (commencing with Section 53311) is added to Part 1 of Division 2 of Title 5 of the Government Code, to read:

### CHAPTER 2.5. THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

#### Article 1. General Provisions

53311. This chapter shall be known and may be cited as the "Mello-Roos Community Facilities Act of 1982."

53311.5. This chapter provides an alternative method of financing certain public capital facilities and services, especially in developing areas and areas undergoing rehabilitation. The provisions of this chapter shall not affect or limit any other provisions of law authorizing or providing for the furnishing of governmental facilities or services or the raising of revenue for these purposes. A local government may use the provision of this chapter instead of any other method of financing part or all of the cost of providing the authorized kinds of capital facilities and services.

53312. When any proceedings are commenced under this

# Supplemental Noise Assessment

# The Campus Development

**City of Dixon, California**

**February 28, 2025**

**Project #230514**

**Prepared for:**

**De Novo Planning Group**
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762

**Prepared by:**


**Saxelby Acoustics LLC**


**Luke Saxelby, INCE Bd. Cert.**
**Principal Consultant**
**Board Certified, Institute of Noise Control Engineering (INCE)**



(916) 760-8821
www.SaxNoise.com | Luke@SaxNoise.com
915 Highland Pointe Drive, Suite 250
Roseville, CA 95678

## INTRODUCTION

This supplemental noise report addresses noise from the Campbell's Soup Company facility located at 830 Pedrick Road on the proposed Campus Development project. This report addresses compliance with the City's exterior noise standards for General Plan compliance.

## ENVIRONMENTAL SETTING

### BACKGROUND INFORMATION ON NOISE

#### *Fundamentals of Acoustics*

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10-dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10-dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level ($L_{eq}$), which corresponds to a steady-state A-weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The $L_{eq}$ is the foundation of the composite noise descriptor, $L_{dn}$, and shows very good correlation with community response to noise.

The day/night average level ($L_{dn}$) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because $L_{dn}$ represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

**Table 1** lists several examples of the noise levels associated with common situations. **Appendix A** provides a summary of acoustical terms used in this report.

**TABLE 1: TYPICAL NOISE LEVELS**

| Common Outdoor Activities | Noise Level (dBA) | Common Indoor Activities |
|---|---|---|
| | --110-- | Rock Band |
| Jet Fly-over at 300 m (1,000 ft.) | --100-- | |
| Gas Lawn Mower at 1 m (3 ft.) | --90-- | |
| Diesel Truck at 15 m (50 ft.), at 80 km/hr. (50 mph) | --80-- | Food Blender at 1 m (3 ft.)<br>Garbage Disposal at 1 m (3 ft.) |
| Noisy Urban Area, Daytime<br>Gas Lawn Mower, 30 m (100 ft.) | --70-- | Vacuum Cleaner at 3 m (10 ft.) |
| Commercial Area<br>Heavy Traffic at 90 m (300 ft.) | --60-- | Normal Speech at 1 m (3 ft.) |
| Quiet Urban Daytime | --50-- | Large Business Office<br>Dishwasher in Next Room |
| Quiet Urban Nighttime | --40-- | Theater, Large Conference Room (Background) |
| Quiet Suburban Nighttime | --30-- | Library |
| Quiet Rural Nighttime | --20-- | Bedroom at Night, Concert Hall (Background) |
| | --10-- | Broadcast/Recording Studio |
| Lowest Threshold of Human Hearing | --0-- | Lowest Threshold of Human Hearing |

*Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September, 2013.*

***Effects of Noise on People***

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1-dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6-dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

## EXISTING AMBIENT NOISE LEVELS

A continuous noise measurement was located at the same location as the previous monitoring site (LT-2) conducted for the project EIR. Saxelby Acoustics staff conducted observations and an additional short-term noise monitoring site at ST-1. Noise measurement locations are shown on **Figure 1**. A summary of the noise level measurement survey results is provided in **Table 2**. **Appendix B** contains the complete results of the noise monitoring.

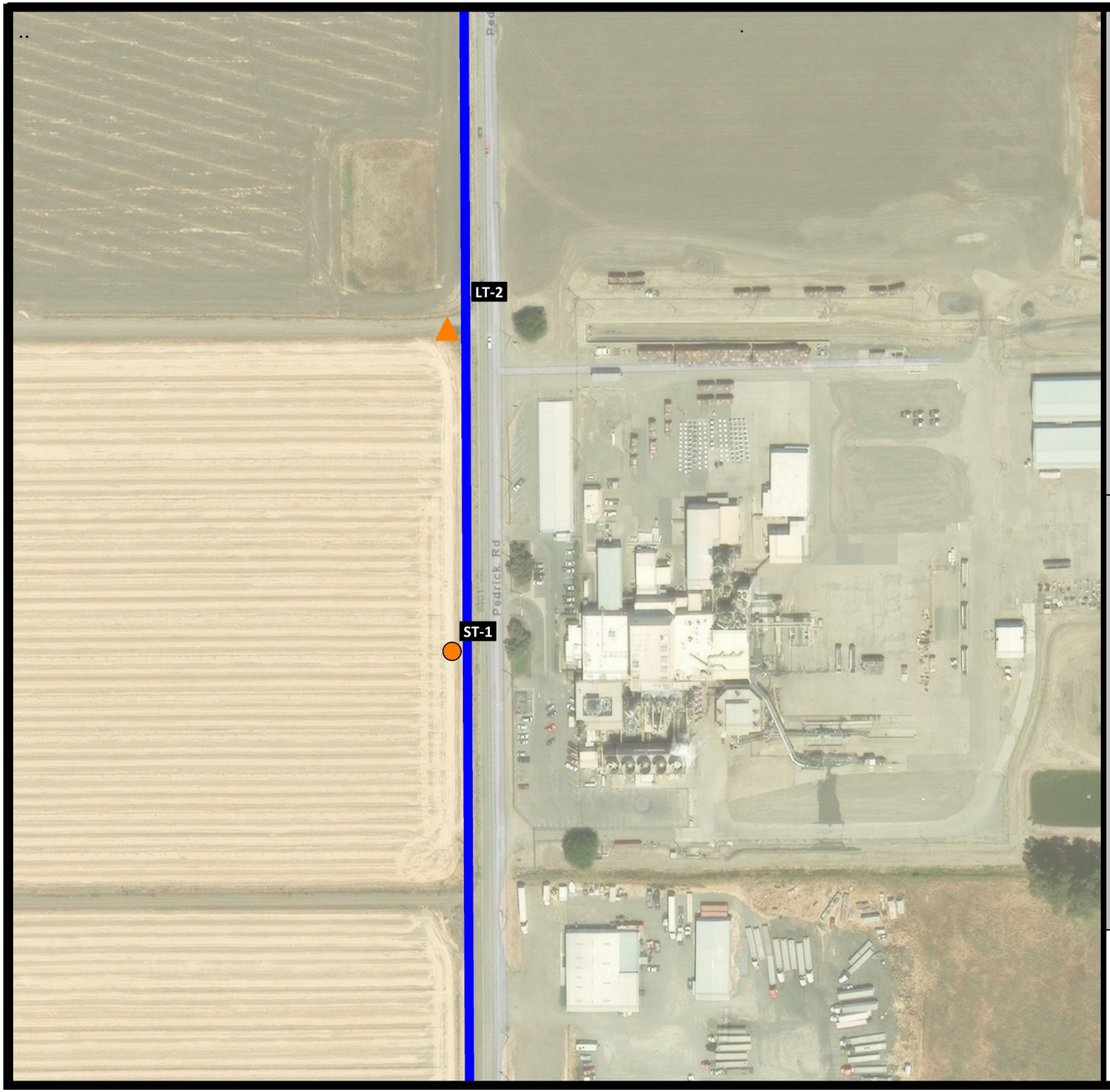
The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted $L_{max}$, represents the highest noise level measured. The average value, denoted $L_{eq}$, represents the energy average of all the noise received by the sound level meter microphone during the monitoring period. The median value, denoted $L_{50}$, represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) model 820 and 831 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

**TABLE 2: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA**

| Location | Date | $L_{dn}$ | Daytime $L_{eq}$ | Daytime $L_{50}$ | Daytime $L_{max}$ | Nighttime $L_{eq}$ | Nighttime $L_{50}$ | Nighttime $L_{max}$ |
|---|---|---|---|---|---|---|---|---|
| LT-2* | 9/11/2024 | 77 | 73 | 68 | 89 | 70 | 68 | 85 |
| ST-1 | 9/10/2024 | N/A | 73 | 70 | 89 | -- | -- | -- |

- * LT-2 (same location as LT-2 for the Campus Development EIR).
- *All values shown in dBA*
- *Daytime hours: 7:00 a.m. to 10:00 p.m.*
- *Nighttime Hours: 10:00 p.m. to 7:00 a.m.*
- *Source: Saxelby Acoustics, 2024.*




# The Campus Development

**City of Dixon, California**

**Figure 1**

**Supplemental Noise Measurement Sites**

**Legend**

- Project Site
- Noise Measurement - Short Term
- Noise Measurement Site - Long Term

***Note that LT-2 was same location as LT-2 in DEIR.**

50 ft 150 ft 250 ft 350 ft

Projection: UTM Zone 10 / WGS84 / meters
Rev. Date: 02/28/2025

SAXELBY ACOUSTICS
Acoustics • Noise • Vibration

## REGULATORY CONTEXT

### FEDERAL

There are no federal regulations related to noise that apply to the Proposed Project.

### STATE

#### *State Building Code, Title 24, Part 2 of the State of California Code of Regulations*

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations, establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses, and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB $L_{dn}$ or CNEL in any habitable room. Title 24 also mandates that for structures containing noise-sensitive uses to be located where the $L_{dn}$ or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

### LOCAL

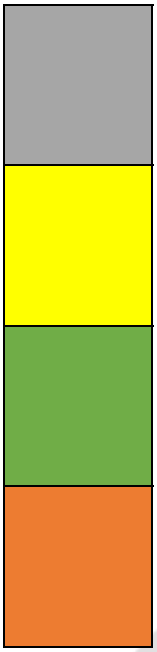
#### *City of Dixon General Plan*

### LOCAL

#### City of Dixon Noise Policies

**NE-5.19** Apply the General Plan noise and land use compatibility standards to all new residential, commercial, and mixed-use development and redevelopment, as shown in **Figure 2**.


**FIGURE 2: COMMUNITY NOISE COMPATIBILITY MATRIX**



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 requirement. Outdoor areas are suitable for normal outdoor activities for this land use.

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 **Figure 2** 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 Community 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 at no greater than 45 dB CNEL of $L_{dn}$. 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

*Notes:*

1. *The Community Noise Equivalent Level (CNEL) and Day-Night Noise Level ($L_{dn}$) are measures of the 24-hour noise environment. They represent the constant A-weighted noise level that would be measured if all the sound energy received over the day was averaged. In order to account for the greater sensitivity of people to noise at night, the CNEL weighting includes a 5- decibel penalty on noise between 7:00 pm and 10:00 pm and a 10-decibel penalty on noise between 10:00 pm and 7:00 am of the next day. The Ldn includes only the 10-decibel weighting for late-night noise events. For practical purposes, the two measures are equivalent for typical urban noise environments.*

**City of Dixon Municipal Code**

**18.17.110 - Noise**

A. Noise Limits. Unless excepted pursuant to subsection C of this section, Noise Limit Exceptions, no land use shall generate sound exceeding the maximum levels identified in Table 18.17.110.A: Noise Limits or as amended pursuant to the correction factors in Table 18.17.110.B: Noise Limit Correction Factors.

**TABLE 3: NOISE PERFORMANCE STANDARDS**

| Zoning District | Maximum Sound Pressure Level in Decibels |
|---|---|
| RL | 55 dB |
| RM | 60 dB |
| Commercial and Mixed-Use Districts | 70 dB |
| Industrial Districts | 75 dB |

B. Noise Limit Correction Factors. The following correction factors shall be applied to the maximum sound pressure levels in Table 18.17.110.A: Noise Limits:

**TABLE 4: NOISE PERFORMANCE STANDARDS – CORRECTION FACTORS**

| Time and Operation of Type of Noise | Correction in Maximum Permitted Decibels |
|---|---|
| Emission only between 7 a.m. and 10 p.m. | Plus 5 |
| Noise of unusual impulsive character such as hammering or drill pressing | Minus 5 |
| Noise of unusual periodic character such as hammering or screeching | Minus 5 |

C. Noise Limit Exceptions. The following sounds may exceed the maximum sound pressure levels established in Table 18.17.110.A: Noise Limits:

1. Time signals produced by places of employment or worship and school recess signals providing no one sound exceeds five (5) seconds in duration and no one series of sounds exceeds twenty-four (24) seconds in duration;

2. Sounds from transportation equipment used exclusively in the movement of goods and people to and from a given premises, temporary construction or demolition work; and

3. Sounds made in the interests of public safety.

D. Noise Level Measurement. The following provisions shall determine means for measuring noise levels. Where these provisions conflict with other provisions of the Dixon Municipal Code, the following shall remain applicable for purposes of this code:

1. Setting of Meter. Any sound or noise level measurement made pursuant to the provisions of this chapter shall be measured with a sound level meter using an A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two (2) seconds or less the "fast" response shall be used and the average level during the occurrence of the sound reported.

2. Calibration of Meter. The sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler type to ensure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.

3. Location of Microphone. All measurements shall be taken at any lot line of a lot within the applicable zoning district. The measuring microphone shall not be less than four (4) feet above the ground, at least four (4) feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone must be located within ten (10) feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within five (5) feet of the noise source.

4. Measured Sound Levels. The measurement of sound level limits shall be the average sound level for a period of one (1) hour. [Ord. 24-002 § 5 (Exh. A).]

***Summary of Applicable Noise Level Standards***

**Figure 2** shows the City of Dixon Land Use Compatibility Chart. The table indicates that development of residential uses is "Normally Acceptable" where the ambient noise level is 60 dBA $L_{dn}$ or less. Construction where the ambient noise level exceeds 75 dBA $L_{dn}$ is considered "Unacceptable." Construction may occur where noise levels range from 60 dBA $L_{dn}$ to 75 dBA $L_{dn}$ if noise reduction measures are implemented to ensure interior and exterior spaces are protected from excessive noise. **Policy NE-5.19c** establishes an acceptable interior noise level of 45 dBA $L_{dn}$. The noise ordinance limit is 55 dBA for noise *generated by* residential land uses and is therefore not applicable to being generated outside of the City by an industrial use.

## EVALUATION OF STATIONARY NOISE ON PROPOSED SENSITIVE RECEPTORS

The Campbell's Soup Company facility does not operate year-round and was not in full operation during the original noise baseline data collection for the Campus EIR project. Therefore, a supplemental data collection was undertaken in September of 2024 to document the noise generated by operation of the facility during its peak season.

Based upon observations and noise measurements conducted at sites LT-2 and ST-1, the facility was found to generate noise levels of approximately 68 dBA $L_{50}$ and 74 dBA $L_{dn}$ at LT-2. At ST-1 the measured facility noise level was 70 dBA $L_{50}$ (76 dBA $L_{dn}$). It should be noted that the $L_{50}$ values are presented here as a means of separating the plant noise levels from transportation noise due to vehicles traveling on Peddrick Road. For a continuous noise source, the $L_{50}$ and $L_{eq}$ are considered equivalent.

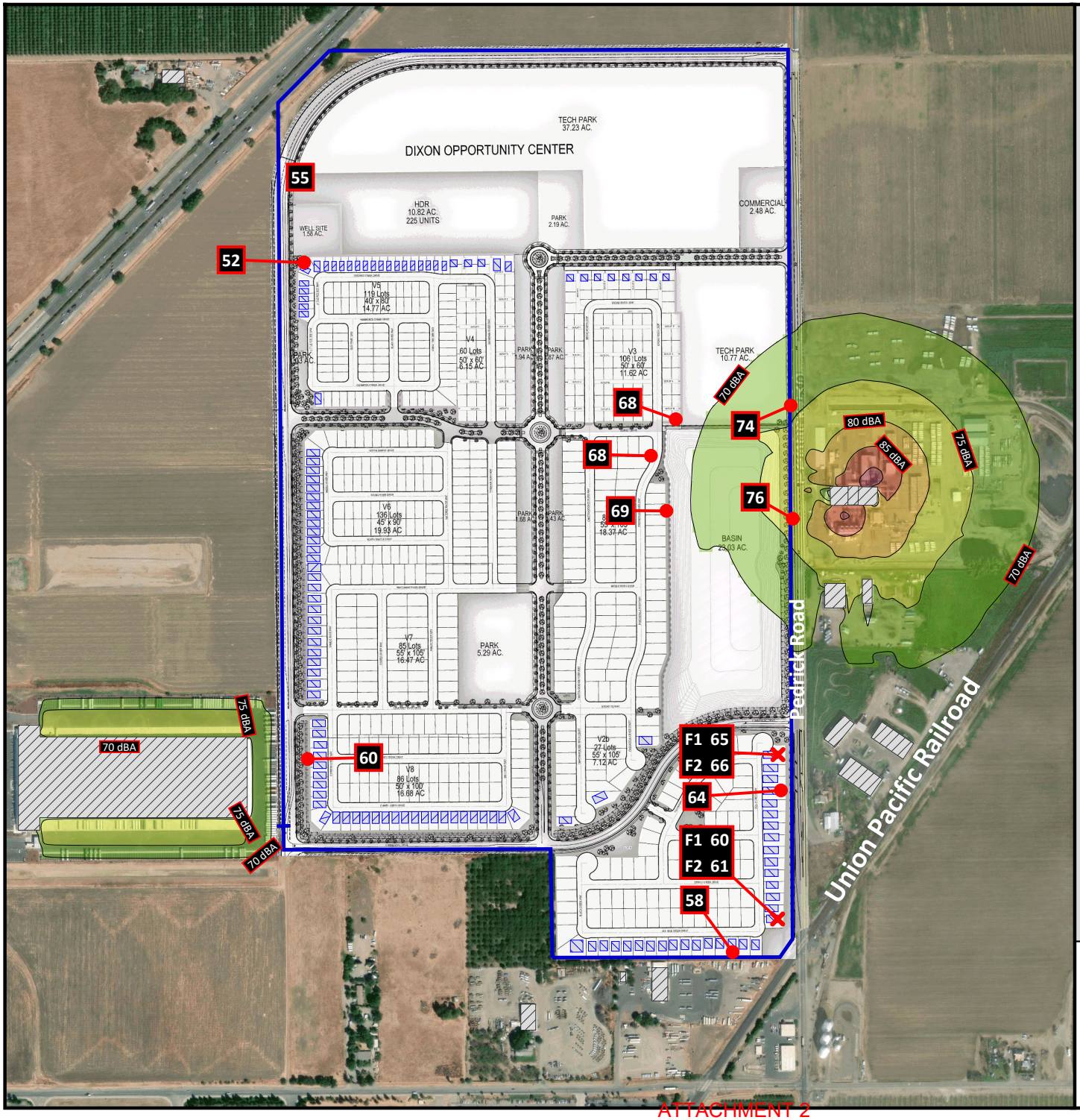
### MODELING METHODOLOGY

Saxelby Acoustics used the SoundPLAN noise prediction model calibrated to the measured facility noise levels. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation. **Figure 3** shows the $L_{dn}$ noise levels on the project site for the facility-only noise. **Figure 4** shows the facility noise with the inclusion of transportation noise from Pedrick Road.

### RESULTS

As shown in **Figures 3**, the Campbell's Soup Company facility is predicted to generate noise levels of up to 69 dBA $L_{dn}$ at the closest proposed residential uses. This would comply with the City of Dixon noise level standard of 70 dBA $L_{dn}$. It should be noted that because the plant operates continuously, the average hourly noise level ($L_{eq}$) from the facility is predicted to be approximately 63 dBA $L_{eq}$ at the closest residential uses.

Assuming a 25 dBA reduction provided from standard building construction, the project would also meet the City's 45 dBA $L_{dn}$ interior noise standard.




# The Campus Development

**City of Dixon, California**

**Figure 3**

**Non-Transportation Noise on Project Site**
**Ldn, dB(A)**

Noise Level, dB(A)

| | | | |
|---|---|---|---|
| 70 < | <= | 75 | |
| 75 < | <= | 80 | |
| 80 < | <= | 85 | |
| 85 < | <= | 90 | |
| 90 < | | | |

**Legend**

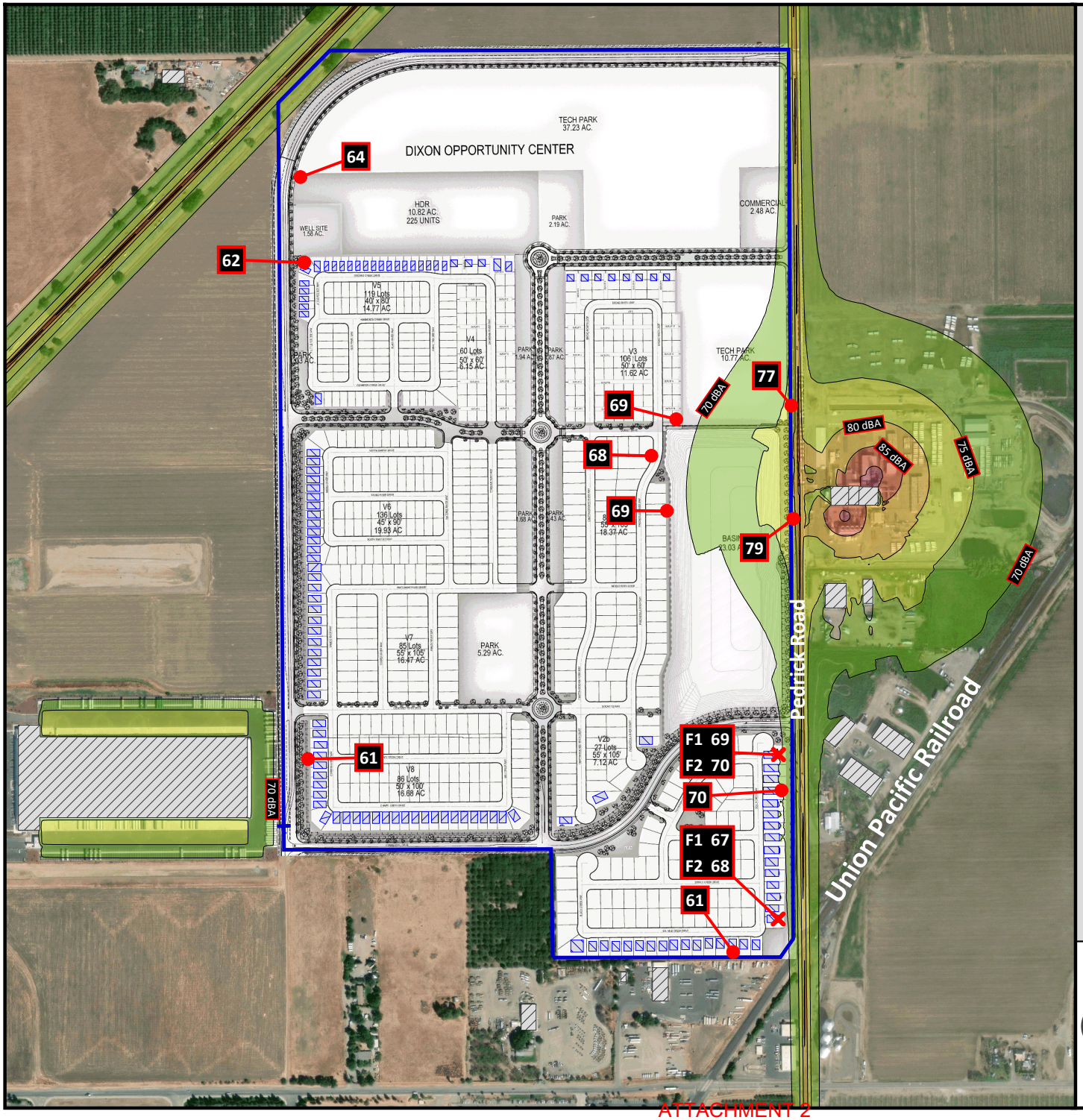
- Project Building
- Existing Building
- Project Site
- Facade Noise Level
- Facade Noise Level

Scale 1:735

0 100 200 400 600 800 feet

N

SAXELBY ACOUSTICS
Acoustics · Noise · Vibration




## The Campus Development

City of Dixon, California

Figure 4

Combined Non-Transportation and Transportation Noise on Project Site
Ldn, dB(A)

Noise Level, dB(A)

| | | | |
|---|---|---|---|
| 70 < | <= | 75 | |
| 75 < | <= | 80 | |
| 80 < | <= | 85 | |
| 85 < | <= | 90 | |
| 90 < | | | |

**Legend**

- Project Building
- Existing Building
- Project Site
- Facade Noise Level
- Facade Noise Level

Scale 1:735

0 100 200 400 600 800 feet

N

SAXELBY ACOUSTICS
Acoustics · Noise · Vibration

**CONCLUSIONS**

Noise levels from the Campbell's Soup Company are predicted to meet the requirements of the City of Dixon at exterior and interior spaces of the proposed residential uses and no additional noise control measures are required.

**REFERENCES**


American National Standards Institute. (1998). *[Standard] ANSI S1.43-1997 (R2007): Specifications for integrating-averaging sound level meters*. New York: Acoustical Society of America.

American Standard Testing Methods, *Standard Guide for Measurement of Outdoor A-Weighted Sound Levels, American Standard Testing Methods (ASTM) E1014-08*, 2008.

ASTM E1014-12. *Standard Guide for Measurement of Outdoor A-Weighted Sound Levels*. ASTM International. West Conshohocken, PA. 2012.

ASTM E1780-12. *Standard Guide for Measuring Outdoor Sound Received from a Nearby Fixed Source.* ASTM International. West Conshohocken, PA. 2012.

Barry, T M. (1978). *FHWA highway traffic noise prediction model* (FHWA-RD-77-108). Washington, DC: U.S. Department of transportation, Federal highway administration, Office of research, Office of environmental policy.

California Department of Transportation (Caltrans), *Technical Noise Supplement, Traffic Noise Analysis Protocol*, September 2013.

California Department of Transportation (Caltrans), *Traffic Noise Analysis Protocol*, May 2011.

Egan, M. D. (1988). Architectural acoustics. United States of America: McGraw-Hill Book Company.

Federal Highway Administration. *FHWA Roadway Construction Noise Model User's Guide.* FHWA-HEP-05-054 DOT-VNTSC-FHWA-05-01. January 2006.

Hanson, Carl E. (Carl Elmer). (2006). *Transit noise and vibration impact assessment*. Washington, DC: U.S. Department of Transportation, Federal Transit Administration, Office of Planning and Environment.

International Electrotechnical Commission. Technical committee 29: Electroacoustics. International Organization of Legal Metrology. (2013). *Electroacoustics: Sound level meters*.

International Organization for Standardization. (1996). *Acoustic - ISO 9613-2: Attenuation of sound during propagation outdoors. Part 2: General methods of calculation*. Ginevra: I.S.O.

Miller, L. N., Bolt, Beranek, & and Newman, Inc. (1981). *Noise control for buildings and manufacturing plants*. Cambridge, MA: Bolt, Beranek and Newman, Inc.

SoundPLAN. SoundPLAN GmbH. Backnang, Germany. http://www.soundplan.eu/english/

## Appendix A: Acoustical Terminology

| | |
|---|---|
| **Acoustics** | The science of sound. |
| **Ambient Noise** | The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study. |
| **ASTC** | Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. |
| **Attenuation** | The reduction of an acoustic signal. |
| **A-Weighting** | A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response. |
| **Decibel or dB** | Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. |
| **CNEL** | Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA. |
| **DNL** | See definition of Ldn. |
| **IIC** | Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. |
| **Frequency** | The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz). |
| **Ldn** | Day/Night Average Sound Level. Similar to CNEL but with no evening weighting. |
| **Leq** | Equivalent or energy-averaged sound level. |
| **Lmax** | The highest root-mean-square (RMS) sound level measured over a given period of time. |
| **L(n)** | The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period. |
| **Loudness** | A subjective term for the sensation of the magnitude of sound. |
| **NIC** | Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation. |
| **NNIC** | Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation. |
| **Noise** | Unwanted sound. |
| **NRC** | Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption. |
| **RT60** | The time it takes reverberant sound to decay by 60 dB once the source has been removed. |
| **Sabin** | The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin. |
| **SEL** | Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event. |
| **SPC** | Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room. |
| **STC** | Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic. |
| **Threshold of Hearing** | The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing. |
| **Threshold of Pain** | Approximately 120 dB above the threshold of hearing. |
| **Impulsive** | Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. |
| **Simple Tone** | Any sound which can be judged as audible as a single pitch or set of single pitches. |

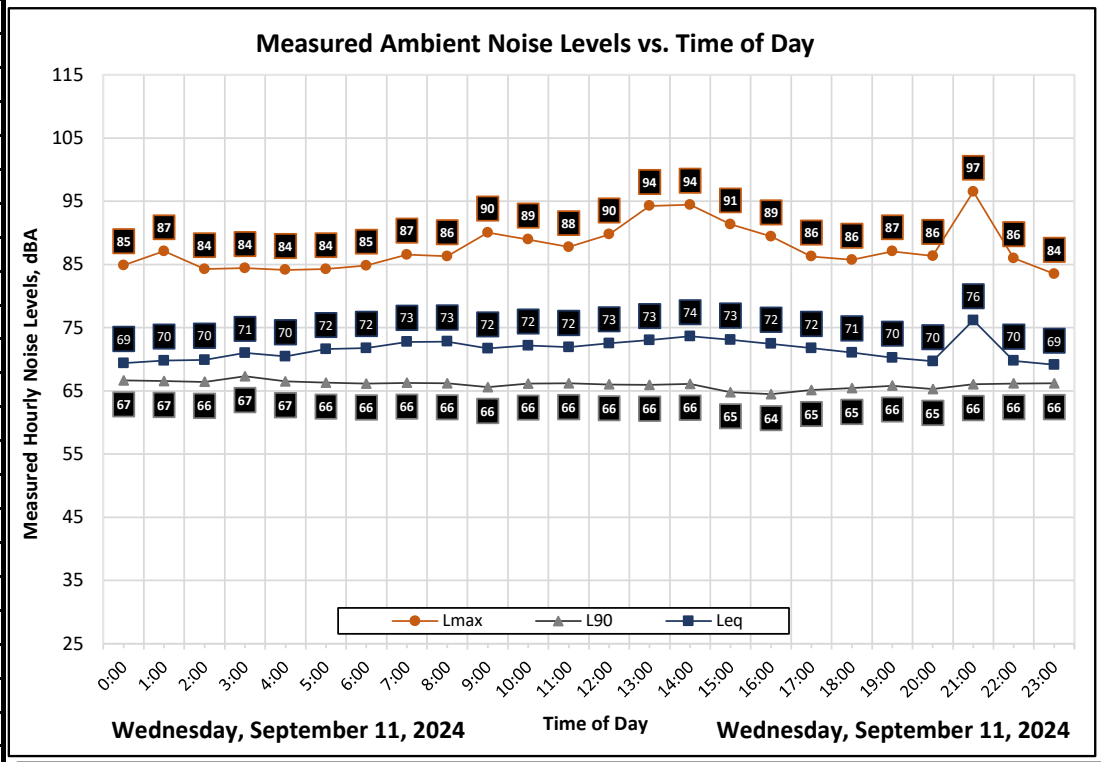
# Appendix B: Continuous and Short-Term Ambient Noise Measurement Results

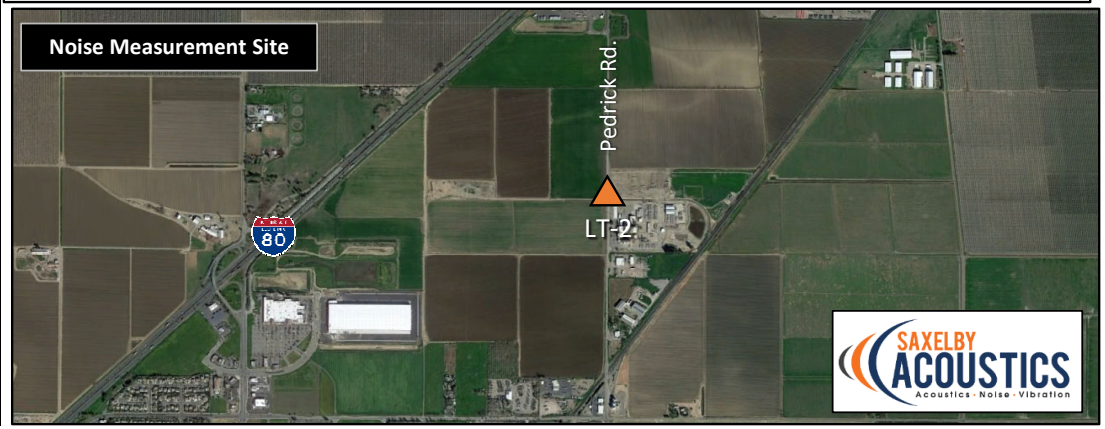

## Appendix B1: Continuous Noise Monitoring Results

**Site:** LT-2
**Project:** The Campus Development
**Location:** Eastern Project Boundary
**Coordinates:** 38.4767935, -121.8041006
**Meter:** LDL 820-1
**Calibrator:** CAL200

| Date | Time | Measured Level, dBA | | | |
|---|---|---|---|---|---|
| | | $L_{eq}$ | $L_{max}$ | $L_{50}$ | $L_{90}$ |
| Wednesday, September 11, 2024 | 0:00 | 69 | 85 | 68 | 67 |
| Wednesday, September 11, 2024 | 1:00 | 70 | 87 | 68 | 67 |
| Wednesday, September 11, 2024 | 2:00 | 70 | 84 | 68 | 66 |
| Wednesday, September 11, 2024 | 3:00 | 71 | 84 | 69 | 67 |
| Wednesday, September 11, 2024 | 4:00 | 70 | 84 | 68 | 67 |
| Wednesday, September 11, 2024 | 5:00 | 72 | 84 | 68 | 66 |
| Wednesday, September 11, 2024 | 6:00 | 72 | 85 | 68 | 66 |
| Wednesday, September 11, 2024 | 7:00 | 73 | 87 | 68 | 66 |
| Wednesday, September 11, 2024 | 8:00 | 73 | 86 | 69 | 66 |
| Wednesday, September 11, 2024 | 9:00 | 72 | 90 | 68 | 66 |
| Wednesday, September 11, 2024 | 10:00 | 72 | 89 | 68 | 66 |
| Wednesday, September 11, 2024 | 11:00 | 72 | 88 | 69 | 66 |
| Wednesday, September 11, 2024 | 12:00 | 73 | 90 | 69 | 66 |
| Wednesday, September 11, 2024 | 13:00 | 73 | 94 | 69 | 66 |
| Wednesday, September 11, 2024 | 14:00 | 74 | 94 | 70 | 66 |
| Wednesday, September 11, 2024 | 15:00 | 73 | 91 | 69 | 65 |
| Wednesday, September 11, 2024 | 16:00 | 72 | 89 | 69 | 64 |
| Wednesday, September 11, 2024 | 17:00 | 72 | 86 | 68 | 65 |
| Wednesday, September 11, 2024 | 18:00 | 71 | 86 | 68 | 65 |
| Wednesday, September 11, 2024 | 19:00 | 70 | 87 | 67 | 66 |
| Wednesday, September 11, 2024 | 20:00 | 70 | 86 | 67 | 65 |
| Wednesday, September 11, 2024 | 21:00 | 76 | 97 | 67 | 66 |
| Wednesday, September 11, 2024 | 22:00 | 70 | 86 | 68 | 66 |
| Wednesday, September 11, 2024 | 23:00 | 69 | 84 | 68 | 66 |

| Statistics | Leq | Lmax | L50 | L90 |
|---|---|---|---|---|
| Day Average | 73 | 89 | 68 | 66 |
| Night Average | 70 | 85 | 68 | 66 |
| Day Low | 70 | 86 | 67 | 64 |
| Day High | 76 | 97 | 70 | 66 |
| Night Low | 69 | 84 | 68 | 66 |
| Night High | 72 | 87 | 69 | 67 |
| Ldn | 77 | Day % | | 73 |
| CNEL | 78 | Night % | | 27 |



## Appendix B2 : Short Term Noise Monitoring Results

**Site:** ST-1
**Project:** The Campus Development
**Meter:** LDL 831-5
**Location:** Southeast Boundary of Project Site
**Calibrator:** CAL200
**Coordinates:** 38.475156,-121.804020

**Start:** 2024-09-10 17:09:19
**Stop:** 2024-09-10 17:19:19
**SLM:** Model 831
**Serial:** 2658

### Measurement Results, dBA

| | |
|---|---|
| **Duration:** | 0:10 |
| **$L_{eq}$:** | 73 |
| **$L_{max}$:** | 89 |
| **$L_{min}$:** | 68 |
| **$L_{50}$:** | 70 |
| **$L_{90}$:** | 69 |

### Notes

Primary noise source is Campbell's Soup and traffic on Pedrick Road