



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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## **Mitigated Negative Declaration (MND) for the Proposed Washington Boulevard / Angeles Street Mixed-Use Project (ENV-2018-1095)**

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 141,796-square-foot residential building with 112 units and 7,300 square feet of commercial uses on 1.4 acres (Proposed Project). Upon a review of aerial photographs and the MND<sup>1</sup>, SCAQMD staff found that the Proposed Project is located approximately 700 feet southwest of Interstate 10 (I-10).

### SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant<sup>2</sup>. However, the Lead Agency did not analyze or disclose the potential health risks from living within 1,000 feet of a freeway in the MND. In April 2018, the City of Los Angeles provided strategies to reduce exposure of future residents to the harmful pollutant levels from freeways for freeway adjacent developments within 1,000 feet of a freeway. The Lead Agency can and should perform a health risk assessment (HRA) analysis to disclose the Proposed Project's potential health impacts and include strategies to reduce the impacts in the Final MND. Please see SCAQMD staff's detailed comments, provided in the attachment.

### Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

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<sup>1</sup> MND. Page 54.

<sup>2</sup> *Ibid.* Chapter 3. Pages 45-56.

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

LAC181120-05

Control Number

## ATTACHMENT

### Health Risk Assessment from Mobile Sources and Other Sources of Air Pollution

1. Notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of SCAQMD's concern about the potential public health impacts of siting sensitive land uses such as residential uses within a close proximity of freeways, SCAQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project with 112 residential units is located in close proximity to I-10. Residents living at the Proposed Project would be exposed to diesel particulate matter (DPM) emissions from vehicles traveling on I-10. DPM is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the Proposed Project by performing a HRA<sup>3</sup> analysis to disclose the potential health risks in the Final MND<sup>4</sup>.

### Guidance on Siting Sensitive Receptors Near a High-Volume Freeway and Other Sources of Air Pollution

2. SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005<sup>5</sup>. This Guidance document provides recommended policies that local governments can use in their General Plans or other local planning efforts to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

### City of Los Angeles's Efforts in Response to Air Quality Concerns for Freeway Adjacent Development

3. In a report to the City of Los Angeles Planning and Land Use Management Committee in response to Council Motion No. 17-0309, the City Planning Department recommended a number of strategies to reduce exposures of future residents to the harmful pollutant levels from freeways for freeway adjacent development<sup>6</sup>. The strategies are: (1) installation and regular maintenance of high efficiency filters; (2) limitations on the siting or sensitive uses immediately adjacent to the freeway; and (3) design, building location, and installation of landscaping screens. Additionally, Article 9 of

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<sup>3</sup> South Coast Air Quality Management District. Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>4</sup> SCAQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When SCAQMD acts as the Lead Agency, SCAQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

<sup>5</sup> South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

<sup>6</sup> City of Los Angeles Planning and Land Use Management Committee. April 12, 2018. Accessed at: <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=17-0309>

Chapter IX of the City of Los Angeles Municipal Code requires provision of regularly occupied areas of the building with air filtration media for outside and return air that provides a Minimum Efficiency Reporting Value (MERV) of 13 for buildings within 1,000 feet of a freeway. Since the Proposed Project is located approximately 700 feet south of I-10 that is within 1,000 feet of a freeway, SCAQMD staff recommends that the Lead Agency incorporate these recent efforts in the Final MND to reduce health impacts to future residents at the Proposed Project from harmful air toxics emissions due to living in close proximity to I-10.

#### Limits to Enhanced Filtration Units

4. As stated in Comment No. 3, many strategies are available to reduce exposure, including, but are not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near sources of air pollution, it is essential that any proposed strategy must be carefully evaluated before implementation.

In the event that enhanced filtration units are proposed for installation at the Proposed Project, either as a mitigation measure or project design feature requirement, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters<sup>7</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, and the environmental analysis does not generally account for the times when people have their windows open or are outdoors (e.g., in common space areas of the project). In addition, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

#### Enforceability of Enhanced Filtration Units

5. If enhanced filtration units are installed at the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details on the ongoing, regular maintenance of filters in the Final MND. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final MND should include the following information:
  - Disclose the potential health impacts to prospective residents from living in a close proximity of I-10 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
  - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
  - Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected regularly;
  - Provide information to residents on where the MERV filters can be purchased;

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<sup>7</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see a2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- Provide recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units to prospective residents;
- Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
- Set City-wide or Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Develop a City-wide or Project-specific process for evaluating the effectiveness of the enhanced filtration units at the Proposed Project.