



South Coast Air Quality Management District

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Draft Environmental Impact Report (Draft EIR) for the Proposed The Fig Project (ENV-2016-1892-EIR)

The 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 EIR.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish eight existing multi-family residential buildings and construct a mixed-use development with seven levels that will include a hotel, student housing, residential uses, commercial uses, and retail on 4.4 acres (Proposed Project). Based on a review of aerial photographs and Figure II-2 in the Draft EIR, SCAQMD staff found that the Proposed Project is located immediately west of State Route 110. Construction is expected to last 18 months and be completed in 2020.

SCAQMD Staff's Summary of Health Risk Assessment (HRA) Analysis

In the Air Quality Section, the Lead Agency conducted a HRA analysis and found that the Maximum Exposed Individual Resident cancer risk would be 8.9 in one million which is below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk¹. The Lead Agency also acknowledged the City of Los Angeles' recently adopted Ordinance No. 184,245, which, among other things, requires the use of MERV 13 for regularly occupied areas of buildings located within 1,000 feet of a freeway.² However, the Lead Agency proposed MERV 13 or better for people living and working on the second and third levels only, MERV 9 or better for the fourth level, MERV 8 or better for the fifth level, MERV 7 or better for the sixth level, and MERV 6 or better for the seventh level³.

SCAQMD staff has concerns about the HRA analysis in the Draft EIR. The HRA analysis used a methodology which may have likely led to an under-estimation of the Proposed Project's health risk impacts. Details are included in the attachment. Additionally, the attachment includes SCAQMD staff's recommendation that the Lead Agency should use MERV 13 or better for all seven levels throughout the Proposed Project.

Pursuant to the California Public Resources Code Section 21092.5 and CEQA Guidelines Section 15088, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final EIR. SCAQMD staff is available to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Ryan Bañuelos, Air Quality Specialist, CEQA Section, at rbanuelos@aqmd.gov.

¹ Draft EIR. Section IV. B, *Air Quality*. Page IV.B-38.

² *Ibid.*

³ Appendix B.2, *Health Risk Assessment*. Page 15.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RB

LAC171012-03

Control Number

ATTACHMENT**Health Risk Assessment (HRA) Analysis**

1. In the HRA, the Lead Agency averaged the DPM emissions for the 30-year of exposure and used that emission rate to estimate health risks. The most recent 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) Guidance acknowledges that children are more susceptible to the exposure to air toxics and have revised the way cancer risks are estimated to take this into account. Since the emissions from trucks get cleaner with time due to existing regulations and technologies, it would not be appropriate to average out the emissions over the 30-year exposure duration since this would underestimate the health risks to children who would be exposed to higher DPM concentrations during the early years of project operation. Therefore, SCAQMD staff recommends that the DPM emissions for each year of operation be applied to each of the corresponding age bins (i.e. emissions from Year 1 of project operation should be used to estimate cancer risks to the third trimester to 0 year age bin; Year 1 and 2 of project operation should be used to estimate the cancer risks to the 0 to 2 years age bins; and so on).

Guidance Regarding Residences Sited Near a High-Volume Freeway or 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 the SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, the SCAQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005. This Guidance Document provides suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. SCAQMD staff recommends that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions⁴. Additional guidance on siting incompatible land uses (such as placing homes near freeways or other polluting sources) can be found in the California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*.⁵ Guidance on strategies to reduce air pollution exposure near high-volume roadways is also available on CARB's website.⁶

Recommended Project Design Feature - MERV 13 or Better

3. Notwithstanding the court rulings, the 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 uses within close proximity of freeways, SCAQMD staff recommends that, prior to approving the project, Lead Agencies consider the impacts of air pollutants on people who will live in a new project and provide mitigation where necessary. Since the Proposed Project is located within 1,000 feet of State Route 110, and to be consistent with the recently adopted City Ordinance No. 184,245, SCAQMD staff recommends that the Lead Agency require the provision of air filtration media that achieves MERV 13 or better for all of the regularly occupied areas throughout the seven levels of the Proposed Project.

⁴ South Coast Air Quality Management District. <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>.

⁵ California Air Resources Board. 2005. <http://www.arb.ca.gov/ch/handbook.pdf>.

⁶ In April 2017, CARB published a technical advisory, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways: Technical Advisory*, to supplement CARB's Air Quality and Land Use Handbook: A Community Health Perspective. This technical advisory is intended to provide information on strategies to reduce exposures to traffic emissions near high-volume roadways to assist land use planning and decision-making in order to protect public health and promote equity and environmental justice. The technical advisory is available at: <https://www.arb.ca.gov/ch/landuse.htm>.

Limits to Enhanced Filtration Units

4. Notwithstanding the recommendation on MERV 13 or better, the Lead Agency should consider and evaluate the limitations of the enhanced air filtration units before implementation. For example, in a study that SCAQMD conducted to investigate filters,⁷ costs were expected to range from \$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 energy costs to the resident. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and it does not account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters also have no ability to filter out any toxic gases from vehicle exhaust. The presumed effectiveness and feasibility of any filtration units should therefore be evaluated in more detail prior to assuming that they will sufficiently alleviate near roadway exposures.

Enforceability of Enhanced Filtration Units

5. To ensure that the enhanced filtration units are enforceable throughout the lifetime of the Proposed Project and that they are effective in reducing exposures to DMP emissions, SCAQMD staff recommends that the Lead Agency provide additional details on implementation and monitoring in the Final EIR. At a minimum, the Final EIR should discuss the responsible implementing and enforcement agency (or entity); recommended schedules for replacing the enhanced filtration units; ongoing monitoring schedules; criteria for assessing progress in installing and replacing the enhanced filtration units; and process for evaluating the effectiveness of the enhanced filtration units.

⁷ This study evaluated filters rated MERV 13+ while the proposed mitigation calls for less effective MERV 12 or better filters. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see also 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.