



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

July 25, 2017

SDJones@planning.lacounty.gov

Steven Jones, Principal Regional Planning Assistant
County of Los Angeles Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

**Mitigated Negative Declaration (MND) for the Proposed
“The View” Project (Environmental Assessment No.: RENV 201500089)
(SCH No.: 2017041016)**

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

Project Background

Based on a research of State Clearinghouse, SCAQMD staff learned that the MND was circulated for a 30-day public review and comment period from April 5 to May 4, 2017¹. However, SCAQMD staff received the MND on July 25, 2017 and confirmed with the Lead Agency that the MND had not been sent to the SCAQMD for review². Please note that copies of the CEQA documents that are submitted to the State Clearinghouse are not forwarded to SCAQMD. Therefore, SCAQMD staff requests that the Lead Agency send copies of future CEQA documents directly to SCAQMD at the address shown in the letterhead.

Project Description

The Lead Agency proposes to construct an approximately 139,281-square-foot building with 88 condominium units and subterranean parking on 1.84 acres (Proposed Project). The Proposed Project site is currently vacant and unimproved. The Proposed Project is surrounded by commercial uses to the north, an elementary school to the east, single-family residences to the south, and the existing oil fields to the north and west that are commonly known as the Baldwin Hills Oil Fields³.

Air Quality Analysis – SCAQMD’s 2016 Air Quality Management Plan (AQMP)

The Lead Agency found that the Proposed Project would be consistent with the 2012 AQMP⁴. On March 3, 2017, the SCAQMD’s Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP), which was later approved by the California Air Resources Board of Directors on March 23rd. The 2016 AQMP⁵ is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin (Basin). Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and lays out the challenges facing the Basin. The most significant air quality challenge in the Basin is to reduce an additional 45 percent reduction in NOx emissions in 2023 and an additional 55 percent reduction in NOx emissions beyond 2031 levels for ozone attainment. SCAQMD staff recommends that the Lead Agency review the 2016 AQMP and include a consistency analysis with the 2016 AQMP in the Final MND.

¹ Governor’s Office of Planning and Research. July 25, 2017. Accessed at: <http://www.ceqanet.ca.gov/QueryForm.asp>.

² Phone correspondence from SCAQMD staff (Mr. Gordon Mize) to the Lead Agency (Mr. Steven Jones) on July 25, 2017.

³ MND. *Surrounding Land Uses and Setting*. Page 1 of 52.

⁴ *Ibid*. Section 3, *Air Quality*. Page 10 of 52.

⁵ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Available at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

Air Quality Analysis – Construction and Operational Impacts

Based on a review of the air quality analysis in the MND, SCAQMD staff found that the Lead Agency did not quantify the Proposed Project's regional and localized emissions from construction or operation activities. The Lead Agency, however, found that the Proposed Project would result in less than significant air quality impacts during both construction and operation, and mitigation measures were proposed for construction and operation impacts⁶.

One of the basic purposes of CEQA is to inform government decision makers and the public about the potential, significant environmental effects of proposed activities (CEQA Guidelines Section 15002(a)(1)). A mitigated negative declaration is appropriate when the Lead Agency finds that the project will not have a significant effect on the environment after incorporating mitigation measures (CEQA Guidelines Sections 15070 to 15075). Reasons to support this finding shall be documented in the initial study. Without quantifying the Proposed Project's air emissions, the MND for this project has not made that documentation which serves as substantial evidence to support a fair argument that the Proposed Project would not have any adverse effects on air quality.

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. SCAQMD staff recommends that the Lead Agency use this Handbook as guidance to prepare the air quality analysis in the Final MND. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. More recent guidance developed since this Handbook was published is also available on SCAQMD's website here: www.aqmd.gov/ceqa/hdbk.html. SCAQMD staff also recommends that the Lead Agency use the CalEEMod land use emissions software. This software has recently been updated to incorporate up-to-date state and locally approved emission factors and methodologies for estimating pollutant emissions from typical land use development. CalEEMod is the only software model maintained by the California Air Pollution Control Officers Association (CAPCOA) and is available free of charge at: www.caleemod.com. Therefore, SCAQMD staff recommends that the Lead Agency calculate construction and operational emissions and compare those emissions to SCAQMD's air quality CEQA significance thresholds⁷ to determine the level of significance in the Final MND.

Deferring Air Quality Analysis to a Future Date in the Existing Mitigation Measure (MM)-3.2

SCAQMD staff has concerns about MM-3.2. MM-3.2 requires that the project applicant "prepare and submit to the Director of Public Health an air quality assessment verifying that the future occupant of the project will not be exposed to significant air toxics, fumes and other hazards associated with fires and the proximity to the Baldwin Hills Oil Fields"⁸. MM-3.2, together with MM-3 and MM-3.1 for air quality⁹, will likely be used by the Lead Agency as substantial evidence to support the finding that the Proposed Project will have no significant effect on air quality after mitigation (CEQA Guidelines Section 15074). Therefore, the Lead Agency should include the air quality assessment as required by MM-3.2 in the Final MND in order to disclose the potential health risks to the people who will live and work at the proposed project and provide the public an opportunity to review and/or comment on the assessment (CEQA Guideline Sections 15070 to 15075).

Limits to Enhanced Filtration Units

Many strategies are available to reduce exposure, including, but are not limited to, building filtration systems, sound walls, and vegetation barriers¹⁰. Because of the potential adverse health risks involved

⁶ *Ibid.* Section 3, *Air Quality*. Pages 10 to 12 of 52.

⁷ South Coast Air Quality Management District. *SCAQMD Air Quality Significance Thresholds*. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.

⁸ MND. Section 3, *Air Quality*. Page 12 of 52.

⁹ *Ibid.* Page 12 of 52.

¹⁰ California Air Resources Board. April 2017. "Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways". Accessed at: <https://www.arb.ca.gov/ch/landuse.htm>. 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.

with siting housing 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 on housing residents are proposed, the Lead Agency should consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹¹, 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.

Compliance with SCAQMD Rules 1166 and 403

Based on a review of the project description, SCAQMD staff found that the Proposed Project is surrounded by oil fields to the west. In the event that petroleum hydrocarbons are expected to be encountered during construction, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with the requirements of SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil in the Final MND. Since the Proposed Project would require movement of earth materials to include excavation, filing, grading, loading, and hauling from the project site, the Final MND should also include a discussion on compliance with SCAQMD Rule 403 – Fugitive Dust.

Pursuant to the 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. 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 Gordon Mize, Air Quality Specialist at gmize@aqmd.gov, or by phone at (909) 396-3302, if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:GM

LAC170721-03

Control Number

¹¹ 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>.