



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:

February 6, 2019

Laura.frazinsteel@lacity.org

Laura Frazin-Steele, City Planner
City of Los Angeles, Planning Department
200 N. Spring Street, 7th Floor
Los Angeles, CA 90012

Mitigated Negative Declaration (MND) for the Proposed ENV-2017-628: Bermuda Apartments Project

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 52 residential units on 2.44 acres (Proposed Project). The Proposed Project is located on the southwest corner of Bermuda Street and Sepulveda Boulevard in the community of Mission Hills. Based on a review of the MND, SCAQMD staff found that the Proposed Project is located within 200 feet of State Route 118 (SR-118) and within 900 feet of Interstate 405 (I-405)¹.

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 significant². However, the Lead Agency did not analyze to 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, informative, or useful to decision makers and the public who are interested in the Proposed Project.

¹ MND. Chapter 3. Page 26.

² MND. Chapter 3. Pages 21-27.

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 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

LAC190116-01

Control Number

ATTACHMENT**Health Risk Assessment (HRA) 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 populations within a close proximity of SR-118 and I-405, 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, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include 52 new residential units. Based on a review of the MND, SCAQMD staff found that the Proposed Project is located in close proximity to SR-118, which had an annual average daily traffic (AADT) of 244,000 vehicles, including an AADT of 13,103 diesel-fueled trucks at Post Mile R9.805 in 2016³, and to I-405, which had an AADT of 152,000 vehicles and 5,958 diesel-fueled trucks at Post Mile 46.85 in 2016⁴.

Residents living at the Proposed Project may be exposed to diesel particulate matter (DPM), which the California Air Resources Board has identified as a toxic air contaminant based on its carcinogenic effects⁵. Therefore, SCAQMD staff recommends that the Lead Agency consider health impacts on future residents living at the Proposed Project by performing a mobile source HRA⁶ analysis to disclose the potential health risks in the Final MND⁷. This will facilitate the purpose and goal of CEQA on public disclosure and enable decision-makers with meaningful information to make an informed decision on project approval. This will also foster informed public participation by providing the public with information that is needed to understand the potential health risks from living in close proximity to high-volume freeways.

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 2005⁸. This Guidance document provides recommended 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. In addition, guidance on siting incompatible

³ California Department of Transportation. Caltrans Traffic Volume Data for 2016. Route 118, Post Mile R9.805 (Los Angeles, JCT. RTE. 405). Accessed at: <http://www.dot.ca.gov/trafficops/census/>.

⁴ California Department of Transportation. Caltrans Traffic Volume Data for 2016. Route 405, Post Mile 46.85 (Los Angeles, JCT. RTE. 118). Accessed at: <http://www.dot.ca.gov/trafficops/census/>

⁵ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

⁶ 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/airquality-analysis-handbook/mobile-source-toxics-analysis>.

⁷ 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.

⁸ 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>.

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 development⁹. 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) building design, location, and installation of landscaping screens. Additionally, Article 9 of Chapter IX of the City of Los Angeles Municipal Code (LAMC Section 99.04.504.6) 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.

In the Air Quality Analysis, the Lead Agency stated that the Proposed Project “[will] adhere to Citywide Design Guidelines, including those that address freeway proximity”¹⁰. Although the Lead Agency discussed the City's guidelines for freeway proximity, it was not clear to SCAQMD staff which strategies the Lead Agency is committing to implementing for the Proposed Project (i.e., installation of MERV filters, building design, and/or landscaping screens). It was also not clear how the Lead Agency would enforce these strategies (i.e., as Project Design Features or monitoring mechanisms). Therefore, SCAQMD staff recommends that the Lead Agency clarify how the Proposed Project will adhere to the City's guidelines for freeway proximity projects by incorporating a discussion of the strategies that will be implemented for the Proposed Project, and include these strategies as enforceable Project Design Features in the Final MND.

Limits to Enhanced Filtration Units

4. Many strategies are available to reduce exposure, including, but 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 freeways, it is essential that any proposed strategy must be carefully evaluated before implementation. Because the Proposed Project is located within 1,000 feet SR-118 and I-405, SCAQMD staff recommends that the Lead Agency go beyond the standards in the LAMC Section 99.04.504.6 by requiring the installation of MERV 15 filters or better at the Proposed Project in the Final MND.

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters¹¹, 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 energy costs to the residents. It is typically assumed that the filters operate 100 percent of

⁹ 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>.

¹⁰ MND. Air Quality. Page 26.

¹¹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, 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. 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 DPM emissions, and in addition to making the installation of enhanced filtration units a Project Design Feature as recommended in Comment No. 3, SCAQMD staff recommends that the Lead Agency provide additional details on the ongoing, regular maintenance, and monitoring of enhanced 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 to freeways and the reduced effectiveness of the 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 and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- Provide information to residents on where the MERV filters can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- 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 ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units to document and verify the implementation of LAMC Section 99.04.504.6 at the Proposed Project; and
- Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

Compliance with SCAQMD Rule 1166

6. Based on a review of the Hazards and Hazardous Materials Chapter, SCAQMD staff found that a Phase II ESA conducted at the site detected total petroleum hydrocarbons in soil samples¹². Since construction of the Proposed Project would include disturbance of soils that may contain volatile organic compounds (VOCs), such as petroleum hydrocarbons, the Lead Agency should include a

¹² MND. Chapter 8. Page 55.

discussion to demonstrate compliance with SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil¹³ in the Air Quality Section of the Final MND.

¹³ South Coast Air Quality Management District. Rule 1166. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.