



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

LStokes@sanjuancapistrano.org

Laura Stokes, Housing Supervisor/Assistant Planner
City of San Juan Capistrano, Development Services Department
32400 Paseo Adelanto
San Juan Capistrano, CA 92675

Mitigated Negative Declaration (MND) for the Proposed Protea Memory Care Facility 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 demolish two existing single-family residences and construct a 35,349-square-foot assisted living facility for senior citizens with 59 units or 72 beds, on 2.06 acres (Proposed Project). The Proposed Project is located at 31501 Avenida Los Cerritos near the northeast corner of the Interstate 5 (I-5) and State Route 74 (SR-74) interchange. Based on a review of Figure 1, *Project Location*, in the MND and Figure 1, *Project Location*, in the Technical Air Quality Appendix, and aerial photographs, SCAQMD staff found that the Proposed Project is located within 100 feet of I-5 and 500 feet of SR-74. Construction of the Proposed Project is expected to occur over 12 months, becoming operational in 2020¹.

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. Additionally, for the purpose of disclosing the potential health risks to future residents living within 100 feet of I-5 and 500 feet of SR-74, the Lead Agency prepared a Health Risk Assessment (HRA) for the Proposed Project and found that the maximum lifetime cancer risk would be 21.7 in a million for age 0-2, 10.99 in a million for age 2-16, 1.07 in a million for age 16-30, and a cumulative risk of 35.02 in a million for a 30.25-year exposure³. Since the Proposed Project's intended use as a living facility/memory care center is for adults, the Lead Agency found that the cancer risk for the intended future residents would be 1.07 in a million, which would be below SCAQMD CEQA significance threshold of 10 in one million for cancer risk, and that the Proposed Project's cancer risk would be less than significant.

Enhanced Filtration Units and Limitations

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

¹ MND. Page 9.

² *Ibid.* Page 17.

³ *Ibid.* Page 43-45. 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.

reducing the environmental impacts of a project. The portion of I-5 near the Proposed Project is a potential source of air pollution to the residents living at the Proposed Project because of the 278,600 average daily vehicle trips (2016)⁴, 11,088 of which were heavy-duty trucks that emit diesel particulate matter (DPM), as discussed in the MND by the Lead Agency⁵. The California Air Resources Board (CARB) has identified DPM as a toxic air contaminant (TAC) based on its carcinogenic effects⁶. The Lead Agency stated “people most likely to be affected by air pollution include children, the elderly, and people with cardiovascular and chronic respiratory diseases⁷.” Additionally, the Lead Agency stated “given the nature of the proposed use as a memory care facility, the proposed project would be occupied by adults (i.e., senior citizens)⁸.” Therefore, future residents living at the Proposed Project, who may likely be affected by cardiovascular and chronic respiratory diseases, would be exposed to DPM within 100 feet of the emitting source, increasing their already high level of susceptibility to the health effects of DPM. Because of SCAQMD’s concern about the potential public health impacts of siting sensitive populations within 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.

Many strategies are available to reduce exposure of residents to TACs, 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. Here, the Proposed Project is located within 100 feet of I-5 and 500 feet of SR-74. Therefore, SCAQMD staff recommends that the Lead Agency require the installation of MERV 13 filters or better and incorporate other strategies aimed at reducing exposure of future residents to DPM at the Proposed Project in the Final MND.

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration systems. For example, in a study that SCAQMD conducted to investigate filters⁹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. 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 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

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, SCAQMD staff recommends that the Lead Agency include the installation of enhanced filtration units as a project design feature in the conditions of approval and provide additional details regarding ongoing, regular maintenance, and

⁴ California Department of Transportation. Caltrans Traffic Volume Data for 2016. Route 5, Post mile 9.604. Accessed at: <http://www.dot.ca.gov/trafficops/census/>.

⁵ MND. Page 42.

⁶ California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

⁷ MND. Page 37.

⁸ *Ibid.* Page 45.

⁹ 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: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.

monitoring of filters in the Final MND. To 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, including the cancer risk disclosed in the MND, 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;
- Disclose the potential increase in energy costs for running the HVAC system to prospective residents, if applicable to the Proposed Project;
- Provide information to residents on where the MERV filters can be purchased, if applicable to the Proposed Project;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units, if applicable to the Proposed Project;
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;
- Identify the responsible entity such as residents themselves 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 MERV 13 filters or better at the Proposed Project; and
- Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

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 certification 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 or the public who are interested in the Proposed Project.

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 Robert Dalbeck, Assistant Air Quality Specialist, at rdalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:RD

ORC190205-03

Control Number