



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:

January 24, 2019

njtaylor@anaheim.net

Nick Taylor, Associate Planner
City of Anaheim, Planning Department
200 South Anaheim Boulevard, Suite 162
Anaheim, CA 92805

Mitigated Negative Declaration (MND) for the Proposed Downtown Anaheim 39 Residential Project

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 MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish a 68,000-square-foot parking lot and build 39 residential units on 1.57 acres (Proposed Project). Based on the surrounding land uses described in the MND, SCAQMD staff found that the Proposed Project is located in close proximity to an industrial use and railroad tracks¹. Construction is expected to take approximately 18 months².

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 them to SCAQMD's regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's air quality impacts from construction and operational activities would be less than significant. Additionally, to address compatibility with the adjacent railroad land use, the Lead Agency would require the Proposed Project to include three Project Design Features, including the construction of a six-foot high solid walls, provision of a "windows closed" condition for each proposed residential unit, and installation of an air filtration system rated at Minimum Efficiency Reporting Value (MERV) 13 or higher with an additional fan unit³.

SCAQMD Staff's Comments

Limits to Enhanced Filtration Units

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.

As stated above, since enhanced filtration units are proposed for installation at the Proposed Project as a project design feature requirement, SCAQMD staff recommends that the Lead Agency consider the

¹ MND. Page 11.

² MND. Page 31.

³ MND. Page 12.

limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters⁴, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. Moreover, 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 (or when the windows are closed), 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 diesel particulate matter (DPM) emissions.

Guidance on Siting Sensitive Receptors near Sources of Air Pollution

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 2005⁵. 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 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.

Enforceability of Enhanced Filtration Units

Since enhanced filtration units will be required for installation at the Proposed Project, and to ensure that they are enforceable and effective throughout the lifetime of the Proposed Project, SCAQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular maintenance, and monitoring of the 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, the Final MND should, at a minimum, include the following information:

- Disclose the potential health impacts to prospective residents from living in a close proximity of sources of air pollution (e.g., railroad tracks and industrial facility) and the reduced effectiveness of air filtration system when windows are open, if applicable, and/or when residents are outdoor (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 13 filters can be purchased;

⁴ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see the 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

⁵ 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>.

- 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.

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 the 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 and to 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 me at lsun@aqmd.gov if you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

ORC190115-05
Control Number