



# South Coast Air Quality Management District

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## **Mitigated Negative Declaration (MND) for the Proposed Artis Senior Living Care Facility**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments include recommended revisions to the air quality analysis and health risk assessment that the Lead Agency should include in the Final MND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to a 44,192-square-foot senior living care facility with 80 rooms on 2.79 acres (Proposed Project). Based on a review of Figure A-2, *Project Location Map*, in the MND and aerial photographs, South Coast AQMD staff found that the Proposed Project is located immediately south of Interstate 210 (I-210) and within 100 feet from a gasoline service station. Construction is expected to take 19 months<sup>1</sup>.

### South Coast AQMD 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 South Coast AQMD'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 significant.

### South Coast AQMD Staff's Comments

Based on reviews of the Air Quality Analysis in the MND, South Coast AQMD staff recommends that the Lead Agency perform a mobile source health risk assessment (HRA) to disclose the potential health risks in the Final MND, incorporate strategies to reduce exposures by senior residents to toxic air contaminants from vehicles and trucks traveling on I-210, and protect public health of those living at the Proposed Project. Detailed comments are provided as follows.

#### *Health Risk Assessment (HRA) from Freeways and Other Sources of Air Pollution*

1. Notwithstanding the court rulings, South Coast AQMD 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 South Coast AQMD's concern about the potential public health impacts of siting sensitive populations within close proximity of I-210, South Coast AQMD 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

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<sup>1</sup> MND. Page 30

facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include the operation of a senior living care facility. Based on a review of Figure A-2 in the MND, South Coast AQMD staff found that the Proposed Project immediately south of I-210. Senior residents living at the Proposed Project will be exposed to diesel particulate matter (DPM) emitted from vehicles and trucks traveling on I-210. The California Air Resources Board has identified DPM as a toxic air contaminant (TAC) based on its carcinogenic effects<sup>2</sup>. Additionally, the Proposed Project is located within 100 feet of a gasoline service station to the west. Senior residents will also be exposed to other TACs such as benzene. Therefore, South Coast AQMD staff recommends that the Lead Agency consider health impacts on future senior residents living at the Proposed Project and perform a mobile source HRA<sup>3</sup> analysis to disclose the potential health risks in the Final MND<sup>4</sup>. This recommendation 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. It will also foster informed public participation by providing the public with useful information that is needed to understand the potential health risks from living in close proximity to a high-volume freeway.

*Guidance Regarding Residences Sited Near a High-Volume Freeway or Other Sources of Air Pollution*

2. To facilitate stronger collaboration between Lead Agencies and South Coast AQMD to reduce community exposure to source-specific and cumulative air pollution impacts, South Coast AQMD adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning in 2005<sup>5</sup>. 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. In addition, guidance on siting incompatible land uses (such as placing residential uses near freeways and gasoline service stations) can be found in the California Air Resources Board (CARB)'s *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook)<sup>6</sup>. In the Handbook, CARB recommends avoiding siting new sensitive land uses such as the Proposed Project within 500 feet of a freeway<sup>7</sup>, and 300 feet of a large gasoline dispensing facility (defined as a facility with a throughput of 3.6 million gallons per year or greater.) A 50-foot separation is recommended for typical gasoline dispensing facilities<sup>8</sup>. Therefore, South Coast AQMD staff recommends that the Lead Agency review the guidance documents when making local planning and land use decisions.

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<sup>2</sup> California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

<sup>3</sup> 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>.

<sup>4</sup> South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD 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.

<sup>5</sup> South Coast AQMD. 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>.

<sup>6</sup> California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>7</sup> *Ibid.* Page 10.

<sup>8</sup> *Ibid.* Page 32.

*Health Risk Reduction Strategies*

3. Many strategies are available to reduce exposures to DPM, 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. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
4. Enhanced filtration systems have limitations. South Coast AQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that South Coast AQMD conducted to investigate filters<sup>9</sup>, 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. 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 toxic emissions.
5. Because of the limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular inspection, maintenance, and monitoring of filters in the Final MND. To facilitate a good faith effort at full disclosure and provide useful information to future sensitive receptors who will live in close proximity to I-210 and a gasoline service station, the Lead Agency should include the following information in the Final MND, at a minimum:
  - Disclosure on potential health impacts to prospective senior residents from living in proximity to a freeway and other sources of air pollution, and the reduced effectiveness of air filtration system when windows are open and when senior residents are outdoor;
  - Identification of the responsible implementing and enforcement agency such as the Lead Agency for ensuring that enhanced filters are installed on-site at the Proposed Project before a permit of occupancy is issued;
  - Identification of the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to provide periodic, regular inspection on filters;
  - Provide information and guidance to the Project developer or proponent on the importance of filter installation and ongoing maintenance;
  - Provide information to the Project developer or proponent about where the MERV filters can be purchased;
  - Disclosure on increased costs for purchasing enhanced filtration systems;
  - Disclosure on increased energy costs for running the HVAC system with MERV filters;
  - Disclosure on recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units;

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<sup>9</sup>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 South Coast AQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

- Identification of the responsible entity such as residents or property management to ensure filters are inspected for replacement and maintenance on time, if appropriate and feasible;
- Develop ongoing cost sharing strategies, if available, for replacing the enhanced filtration units;
- Set up criteria for assessing progress in installing, replacing, and maintaining the enhanced filtration units; and
- Set up 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 South Coast AQMD 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.

South Coast AQMD 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](mailto:lsun@aqmd.gov), should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

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