

FINAL

**Birch Specific Plan
Initial Study/Mitigated Negative Declaration**

Prepared for:

City of Carson
701 East Carson Street
Carson, California 90745
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JUNE 2018

**Birch Specific Plan
Initial Study/Mitigated Negative Declaration**

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
ACM	asbestos-containing material
CAA	Clean Air Act
CC&R	Covenants, Conditions, and Restrictions
CEQA	California Environmental Quality Act
City	City of Carson
DPM	diesel particulate matter
I-	interstate
IS	initial study
MERV	Minimum Efficiency Reporting Value
MND	mitigated negative declaration
NAHC	Native American Heritage Commission
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
TAC	toxic air contaminant

**Birch Specific Plan
Initial Study/Mitigated Negative Declaration**

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1 INTRODUCTION

An Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared for the proposed Birch Specific Plan (project) and made available for public comment for a 20-day public review period from May 2, 2018, through May 21, 2018. In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15074(b) (14 CCR 15074(b)), before approving the proposed project, the City of Carson (City), as the lead agency under CEQA, will consider the MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074(b)) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

The agencies and individuals that provided substantive written comments on the environmental issues addressed within the IS/MND are listed in Table 1. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily. Individual comments within each communication are numbered so comments can be cross-referenced with responses. Comment letters received during the public review period are included in Appendix A.

**Table 1
Comment Letter Summary**

Letter Number	Commenter	Date
1	Andrew Salas, Chairman, Gabrieleno Band of Mission Indians – Kizh Nation	May 11, 2018
2	Lijin Sun, JD, Program Supervisor, CEQA IGR, Planning, Rule Development, and Area Sources, South Coast Air Quality Management District	May 15, 2018
3	Adriana Raza, Customer Service Specialist, Facilities Planning Department, Los Angeles County Sanitation Districts	May 18, 2018

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Responses to comments are made in the following text to further supplement, clarify, or expand upon information already presented in the IS/MND. These responses do not change the significance determinations made or the severity of potential environmental impacts evaluated in the IS/MND. Section 15073.5(c)(4) of the CEQA Guidelines (14 CCR 15073.5(c)(4)) permits the inclusion of new information within an MND if the additional information “merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”



GABRIELEÑO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

City of Carson
701 E. Carson St.
P.O. Box 6234
Carson, CA 90749

May 11, 2018

Re: AB52 Consultation request for Birch Specific Plan Project

Dear Leila Carver,

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a "no records found" for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

1-1

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.

** Prior to the first consultation with our Tribe, we ask all those individuals participating in the consultation to view a video produced and provided by CalEPA and the NAHC for sensitivity and understanding of AB52. You can view their videos at: <http://calepa.ca.gov/Tribal/Training/> or <http://nahc.ca.gov/2015/12/ab-52-tribal-training/>

With Respect,

Andrew Salas, Chairman

Andrew Salas, Chairman

Nadine Salas, Vice-Chairman

Christina Swindall Martinez, secretary

Albert Perez, treasurer |

Martha Gonzalez Lemos, treasurer ||

Richard Gradias, Chairman of the Council of Elders

PO Box 393, Covina, CA 91723

www.gabrielenoindians.org

gabrielenoindians@yahoo.com

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2 RESPONSE TO COMMENTS

Comment Letter 1: Andrew Salas, Chairman, Gabrieleño Band of Mission Indians – Kizh Nation

Comment 1-1

Comment

The comment states the following:

Please find this letter as a written request for consultation regarding the above-mentioned project pursuant to Public Resources Code § 21080.3.1, subd. (d). Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a “no records found” for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. This is the reason the NAHC will always refer the lead agency to the respective Native American Tribe of the area because the NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and are able to provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area. Therefore, to avoid adverse effects to our tribal cultural resources, we would like to consult with you and your staff to provide you with a more complete understanding of the prehistoric use(s) of the project area and the potential risks for causing a substantial adverse change to the significance of our tribal cultural resources.

Consultation appointments are available on Wednesdays and Thursdays at our offices at 910 N. Citrus Ave. Covina, CA 91722 or over the phone. Please call toll free 1-844-390-0787 or email gabrielenoindians@yahoo.com to schedule an appointment.

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Response

These comments appear in a letter identical to one dated November 20, 2017, received by the City in regards to the City's Assembly Bill 52 notification letters sent out in November 2017.

As previously noted in Section 3.17, Tribal Cultural Resources, of the IS/MND, on November 15, 2017, the City sent notification letters to the five NAHC-provided contacts, including representatives with the Gabrieleño Band of Mission Indians, Gabrieleño-Tongva Tribe, Gabrieleño/Tongva San Gabriel Band of Mission Indians, Gabrieleño/Tongva Nation, and Gabrieleño Tongva Indians of California Tribal Council.

On January 10, 2018, the City participated in a conference call with Andrew Salas to commence the Assembly Bill 52 consultation process. Mr. Salas and his representatives stated that significant tribal cultural resources have been previously unearthed in the broader project area and that the adjacent Interstate (I-) 110 corridor was historically utilized as significant Native American trade route in the region. Mr. Salas recommended tribal monitoring during site preparation, grading, excavation, and other ground-disturbing, subsurface construction activities.

As such, in response to the requests for construction monitoring, Mitigation Measures TCR-1 and TCR-2 would be required so tribal monitors have access to the project site during subsurface construction activities and resources unearthed by project construction activities are evaluated appropriately.

No new information, including specifics related to the cultural sensitivity of the project site, is provided in this current letter that was not already presented to the City in Mr. Salas' previous letter dated November 20, 2017. Thus, no additional response is required, as responses to the letter have already been provide verbally during the January 10, 2018, conference call, as summarized in the IS/MND.



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:

May 15, 2018

lcarver@carson.ca.us

Leila Carver, PTP, Planner
City of Carson
Community Development Department, Planning Division
701 East Carson Street
Carson, California 90745

Mitigated Negative Declaration (MND) for the Proposed Birch Specific Plan

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 approximately 6,200 square feet of existing residential buildings and construct a 40,532-square-foot building with 32 residential units on 0.78 acres (Proposed Project). Based on a review of aerial photographs, SCAQMD staff found that the Proposed Project is located less than 500 feet east of Interstate 110 (I-110). Construction is expected to take approximately 11 months from June 2018 through May 2019¹.

SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation 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. However, the Lead Agency did not conduct a health risk assessment in the MND to disclose the potential health risks from living in close proximity to I-110. Please see the attachment for detailed comments.

2-1

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.

2-2

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.

¹ MND. Page 25.

Leila Carver

May 15, 2018

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

LAC180503-06

Control Number

ATTACHMENT

Health Risk Assessment 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 land uses such as residential uses within a 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.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, SCAQMD staff found that the Proposed Project is located east of I-110 in less than 500 feet. Residents living at the Proposed Project would be exposed to diesel particulate matter (DPM) emissions from vehicles and diesel-fueled heavy-duty trucks traveling on I-110. DPM is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead Agency consider the health impacts on people at the Proposed Project by performing a HRA² analysis to disclose the potential health risks in the Final MND³.

2-3

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 2005⁴. 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.

2-4

Limits to Enhanced Filtration Units

- 3. 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.

2-5

² 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/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

³ 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.

⁴ 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>.

In the event that enhanced filtration units are proposed for installation at the Proposed Project either as a mitigation measure or project design feature requirement, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters⁵, 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 operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, 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 DPM emissions.

2-6

Enforceability of Enhanced Filtration Units

4. If enhanced filtration units are installed at the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details on ongoing, regular maintenance of 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 of I-110 and the reduced effectiveness of air filtration system when windows are open 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 filters can be purchased;
- 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.

2-7

⁵ This study evaluated filters rated MERV 13 or better. 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>.

Compliance with SCAQMD Rule 1403

5. Since the Proposed Project will involve demolition of the existing residential buildings, asbestos may be encountered during demolition. SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities⁶ *in the Air Quality Section* of the Final MND.

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2-8
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⁶ South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

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Comment Letter 2: Lijin Sun, JD, Program Supervisor, CEQA IGR, Planning, Rule Development, and Area Sources, South Coast Air Quality Management District

Comment 2-1

Comment

The comment states the following:

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's [South Coast Air Quality Management District] 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. However, the Lead Agency did not conduct a health risk assessment in the MND to disclose the potential health risks from living in close proximity to I-110. Please see the attachment for detailed comments.

Response

When determining whether or not a health risk assessment was required for the proposed project, the City relied, in part, on the guidance in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). This document recommends that lead agencies avoid siting new sensitive receptors within 500 feet of a freeway. However, case law (*California Building Industry Association v. Bay Area Air Quality Management District* 2015) found that agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future residents or users (i.e., "CEQA-in-reverse") but need to focus on the impacts of the project's effects on the environment. Since the nearby I-110 is already part of the existing environment, the City is not required to evaluate their potential impacts on the proposed project.

It should be noted that there are exceptions to the court's decision. For instance, when a project has potentially significant exacerbating effects on existing environmental hazards, those impacts are properly within the scope of CEQA, because they can be viewed as impacts of the project on existing conditions rather than impacts of the environment on the project. The court concluded that it is proper under CEQA to undertake an analysis of the dispersal of existing contaminants, because such an analysis would be focused on how the project "would worsen existing conditions" (*California Building Industry Association v. Bay Area Air Quality Management District* 2015). In addition, there are also limited statutory exceptions to the rule. The court found that the limited

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number of express CEQA provisions that require analysis of the impacts of the existing environment on a project, such as impacts associated with school siting and airports, should be viewed as specific statutory exceptions to the general rule that such impacts are not properly within CEQA's scope (*California Building Industry Association v. Bay Area Air Quality Management District* 2015). However, none of these provisions apply to the proposed project, because it would not exacerbate emissions produced by traffic traveling along the nearby I-110. It should also be noted the California Air Resources Board's guidance is advisory and not regulatory; however, the City strives to comply with this guidance, as discussed in the following paragraph.

As discussed in Section 3.3, Air Quality, the proposed project's impacts may include emissions of pollutants identified by the state and federal government as toxic air contaminants (TACs) or hazardous air pollutants. The greatest potential for TAC emissions during construction of the proposed project would be diesel particulate matter (DPM) from heavy equipment operations and heavy-duty trucks and the associated health impacts to sensitive receptors. The closest sensitive receptors are adjacent to the project site's northern and southern boundary. As provided in Table 3 of the Draft IS/MND, maximum daily particulate matter (coarse, PM₁₀, or fine, PM_{2.5}) emissions generated by construction equipment operation (exhaust particulate matter, or DPM), combined with fugitive dust generated by equipment operation and vehicle travel, would be well below the SCAQMD significance thresholds (SCAQMD 2009). Moreover, construction of the proposed project would last approximately 1 year, after which project-related TAC emissions would cease.

There are no existing TAC-producing facilities within the recommended screening distance as defined in California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). As such, no residual TAC emissions and corresponding cancer risk are anticipated after construction, and no long-term sources of TAC emissions are anticipated during operation of the proposed project. The proposed project would not result in a long-term (i.e., 9-year, 30-year, or 70-year) source of TAC emissions.

Notwithstanding, in an abundance of caution, the City has already coordinated with the project applicant to ensure that proposed project would incorporate Minimum Efficiency Reporting Value (MERV) 13 filters or better as part of project design. This design feature would be required as a Condition of Approval for the proposed project.

The Air Resources Board prepared documentation to provide information on scientific research that has been conducted on site mitigation concepts, including the installation of MERV filters, suggested as potential approaches for reducing traffic-related exposures of those living near high traffic roadways (CARB 2012). Higher-efficiency filters such as MERV 13 or better are rated to remove a portion of the ultrafine and submicron particles emitted from vehicles. A few recent studies of homes and schools have shown that high-efficiency filtration in mechanical ventilation

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systems can be effective in reducing levels of incoming outdoor particles (CARB 2012). Installation of these high-efficiency filters can be effective for exposure reduction and reduce the overall pollution burden in homes (CARB 2012).

Further, evidence from previously conducted studies, such as the *Pilot Study of High Performance Air Filtration for Classrooms Applications* (SCAQMD 2009), indicates that high-efficiency filters are the most effective solution for reducing indoor concentrations of ultrafine and submicron particles. In consideration of the available literature, the City determined the most effective way to reduce the interior health risks to residents associated with I-110 was the installation of high-efficiency filters (i.e., MERV 13 filters or better). As such, the City would require the installation of high-efficiency filters (i.e., MERV 13 filters or better) as a Condition of Approval for the proposed project.

It is also important to note that the proposed project will be providing 32 new residential units in close proximity to both Carson Street Mixed-Use District Master Plan and two transit lines: the Metro Silver Line (which links San Pedro in the south with the Harbor Gateway Transit Center, south Los Angeles, and downtown Los Angeles to the north); and the Torrance Transit Rapid 3 (which runs along Carson Street then heads south on Avalon Boulevard). Proximity of the project site to the Carson Street Mixed-Use District Master Plan and these alternative transit options will promote residents to access the commercial uses, professional services, and job via either local sidewalks or transit options. Given that the proposed project's location will promote connectivity to numerous uses, activities, and jobs, the proposed project will indirectly result in residents using transportation options other than passenger vehicle travel, which will have a direct positive impact, albeit incrementally, on air emissions in the air basin, which is an overarching purpose of the SCAQMD's regulations.

Comment 2-2

Comment

The comment states the following:

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

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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.

Response

The City's responses to agency and public comments received during the IS/MND's public review period are provided in this Final IS/MND. All written comments received have been adequately responded to in accordance with CEQA Guidelines, Section 15074. The City will make this document publicly available prior to the proposed project being considered by the City's decision makers for adoption.

Comment 2-3

Comment

The comment states the following:

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 land uses such as residential uses within a 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.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks, playgrounds, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, SCAQMD staff found that the Proposed Project is located east of I-110 in less than 500 feet. Residents living at the Proposed Project would be exposed to diesel particulate matter (DPM) emissions from vehicles and diesel-fueled heavy-duty trucks traveling on I-110. DPM is a toxic air contaminant and a carcinogen. To facilitate the purpose and goal of CEQA on public disclosure, SCAQMD staff recommends that the Lead

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Agency consider the health impacts on people at the Proposed Project by performing a HRA [health risk assessment] analysis to disclose the potential health risks in the Final MND.

Response

Refer to the previously provided response to Comment 2-1.

Comment 2-4

Comment

The comment states the following:

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 2005. 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 [California Air Resources Board'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.

Response

Refer to the previously provided response to Comment 2-1.

Comment 2-5

Comment

The comment states the following:

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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.

Response

Refer to the previously provided response to Comment 2-1.

Comment 2-6

Comment

The comment states the following:

In the event that enhanced filtration units are proposed for installation at the Proposed Project either as a mitigation measure or project design feature requirement, SCAQMD staff recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters, 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 operational costs in energy. It is typically assumed that the filters operate 100 percent of the time while people are indoors, 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 DPM emissions.

Response

Refer to the previously provided response to Comment 2-1 regarding implementation of MERV filtration systems.

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As previously discussed, the Air Resources Board prepared documentation to provide information on scientific research that has been conducted on-site mitigation concepts, including the installation of MERV filters, suggested as potential approaches for reducing traffic-related exposures of those living near high-traffic roadways (CARB 2012). Higher-efficiency filters such as MERV 13 or better are rated to remove a portion of the ultrafine and submicron particles emitted from vehicles. A few recent studies of homes and schools have shown that high-efficiency filtration in mechanical ventilation systems can be effective in reducing levels of incoming outdoor particles (CARB 2012). Installation of these high-efficiency filters can be effective for exposure reduction and reduce the overall pollution burden in homes (CARB 2012).

Further, evidence from previously conducted studies, such as the *Pilot Study of High Performance Air Filtration for Classrooms Applications* (SCAQMD 2009), indicates that high-efficiency filters are the most effective solution for reducing indoor concentrations of ultrafine and submicron particles.

The project's Covenants, Conditions, and Restrictions (CC&Rs) will include a clause that requires residents to operate and maintain their heating, ventilation, and air conditioning (HVAC) systems, including MERV filters, to manufacturer's specifications. Future residents will be made aware of this requirement prior to purchasing their condominium during the escrow/disclosures process. Thus, the requirements to maintain the MERV filter system, as well as costs associated with such maintenance requirements, will be disclosed early on and should not be surprising to residents.

Comment 2-7

Comment

The comment states the following:

If enhanced filtration units are installed at the Proposed Project, and to ensure that they are enforceable throughout the lifetime of the Proposed Project as well as effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency provide additional details on ongoing, regular maintenance of 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 of I-110 and the reduced effectiveness of air filtration

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system when windows are open 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 filters can be purchased;
- 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 6 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.

Response

Refer to the previously provided response to Comments 2-1 and 2-7.

The project's CC&Rs will include a clause that requires residents to operate and maintain their HVAC systems, including MERV filters, to manufacturer's specifications. Future residents will be made aware of this requirement prior to purchasing their condominium during the escrow/disclosures process. Thus, the requirements to maintain the MERV filter system, as well as costs associated with such maintenance requirements, will be disclosed early on and should not be surprising to residents.

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The City will take SCAQMD's recommendations pertaining to what should be included in disclosures, and will require via project Conditions of Approval that the project's CC&Rs/disclosures include all pertinent/feasible recommendations.

Comment 2-8

Comment

The comment states the following:

Since the Proposed Project will involve demolition of the existing residential buildings, asbestos may be encountered during demolition. SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities *in the Air Quality Section* of the Final MND.

Response

Refer to Section 3, Errata, of this Final IS/MND, which includes a discussion on SCAQMD Rule 1403 as it relates the demolition of existing residential buildings as part of the proposed project.

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COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

May 18, 2018

Ref. Doc. No.: 4568182

Ms. Leila Carver, PTP
Community Development Department
City of Carson
701 East Carson Street
P.O. Box 6234
Carson, CA 90749

Dear Ms. Carver:

NOI Response for the Birch Specific Plan Project

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the subject project on May 3, 2018. The proposed project is located within the jurisdictional boundaries of District No. 8. We offer the following comments regarding sewerage service:

- 1. The Districts maintain sewerage facilities within the project area that may be affected by the proposed project. Approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. For a copy of the Districts' buildover procedures and requirements go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the Buildover Procedures and Requirements link. For more specific information regarding the buildover procedure, please contact Mr. Ed Stewart at (562) 908-4288, extension 2766.
2. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' 216th Street Trunk Sewer, located in Carson Street at Figueroa Street. The Districts' 36-inch diameter trunk sewer has a capacity of 10.5 million gallons per day (mgd) and conveyed a peak flow of 6.4 mgd when last measured in 2015.
3. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently produces an average recycled water flow of 256 mgd.
4. The expected increase in average wastewater flow from the project, described in the document as 32 residential condominiums, is 5,668 gallons per day, after all structures on the project site are demolished. For a copy of the District's average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.

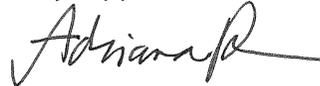
3-1

5. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and search for the appropriate link. In determining the impact to the Sewerage System and applicable connection fees, the Districts' Chief Engineer and General Manager will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel or facilities on the parcel. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at (562) 908-4288, extension 2727.

6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:dc

cc: E. Stewart

3-1
Cont.

Birch Specific Plan Initial Study/Mitigated Negative Declaration

Comment Letter 3: Adriana Raza, Customer Service Specialist, Facilities Planning Department, Los Angeles County Sanitation Districts

Comment 3-1

Comment

The comment states the following:

The Districts maintain sewerage facilities within the project area that may be affected by the proposed project. Approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. For a copy of the Districts' buildover procedures and requirements go to www.lacsd.org, Wastewater & Sewer Systems, Will Serve Program, and click on the Buildover Procedures and Requirements link. For more specific information regarding the buildover procedure, please contact Mr. Ed Stewart at (562) 908-4288, extension 2766.

The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' 216th Street Trunk Sewer, located in Carson Street at Figueroa Street. The Districts' 36-inch diameter trunk sewer has a capacity of 10.5 million gallons per day (mgd) and conveyed a peak flow of 6.4 mgd when last measured in 2015.

The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently produces an average recycled water flow of 256 mgd.

The expected increase in average wastewater flow from the project, described in the document as 32 residential condominiums, is 5,668 gallons per day, after all structures on the project site are demolished. For a copy of the District's average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.

The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the

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Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and search for the appropriate link. In determining the impact to the Sewerage System and applicable connection fees, the Districts' Chief Engineer and General Manager will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel or facilities on the parcel. For more specific information regarding the connection fee application procedure and fees, please contact the Connection fee Counter at (562) 908-4288, extension 2727.

In order for the Districts to conform to the requirements of the federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Response

The comment is acknowledged and will be forwarded to the project applicant to acknowledge and taken into account prior to the start of construction activities.

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3 ERRATA

The following provides minor revisions, corrections, and additions to the IS/MND. The corrections and additions are organized by section and page number of the IS/MND. New text additions are shown in underline format, and deletions are shown in ~~strikeout~~ format.

Section 3.3 – Air Quality

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Implementation of the proposed project would generate air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM₁₀ and PM_{2.5} emissions. The project would be required to comply with SCAQMD Rule 403 to control dust emissions generated during grading activities. Standard construction practices that would be employed to reduce fugitive dust emissions include watering the active site three times per day, depending on weather conditions. Internal combustion engines used by construction equipment, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOCs, oxides of nitrogen (NO_x), carbon monoxide (CO), PM₁₀, and PM_{2.5}. The application of architectural coatings, such as exterior and interior paint and other finishes, and asphalt pavement would also produce VOC emissions; however, the contractor is required by SCAQMD to procure architectural coatings from a supplier in compliance with the requirements of SCAQMD's Rule 1113 (SCAQMD 2016).

Because the proposed project would involve demolition of existing on-site buildings, there is a possibility that potentially hazardous buildings materials such as asbestos-containing materials (ACM) and lead-based paint could be encountered during demolition activities. As a result, the proposed project would be required to comply with SCAQMD Rule 1403, Asbestos Emissions from Demolition/Renovation Activities, which addresses asbestos emissions from demolition and renovation activities and requires the safe handling of known or suspected ACM (SCAQMD 1989). The purpose of SCAQMD Rule 1403 is to specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying; notification; ACM removal procedures and time schedules; ACM-handling and clean-up procedures; and storage, disposal, and landfilling requirements for asbestos-containing waste materials. All operators are required to maintain records, including waste shipment records, and to use appropriate warning labels, signs, and markings (SCAQMD 1989).

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Section 4.1 – References Cited

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SCAQMD. 1989. *Rule 1403: Asbestos Emissions from Demolition/Renovation Activities*. Accessed May 2107. <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

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4 REFERENCES CITED

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

CARB (California Air Resources Board). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. Accessed November 2017. <http://www.arb.ca.gov/ch/landuse.htm>.

CARB. 2012. “Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution.” August 23, 2012. <https://www.arb.ca.gov/research/health/traff-eff/research%20status%20reducing%20exposure%20to%20traffic%20pollution.pdf>.

SCAQMD (South Coast Air Quality Management District). 1989. *Rule 1403: Asbestos Emissions from Demolition/Renovation Activities*. Accessed June 2018. <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

SCAQMD. 2009. Pilot Study of High Performance Air Filtration for Classrooms Applications. October 2009. <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

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