

RESPONSES TO COMMENTS

Regarding Initial Study/Mitigated Negative Declaration For The Mission Lofts Project

Prepared for:

**City of Riverside -- Community Development Department
Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522**

May 2016

Introduction

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to analyze the environmental impacts of the Mission Lofts Project. The IS/MND was circulated for a 20-day public review period, from March 11, 2016 through March 30, 2016. The City of Riverside (City) received one comment letter during the public review period and one e-comment on the Planning Commission Agenda from the following parties:

SCAQMD South Coast Air Quality Management District (dated March 30, 2016)
Kevin Dawson (received April 7, 2016)

Additionally, testimony from two members of the public speaking in opposition to the Project was received during the public hearing before Planning Commission on April 7, 2016:

Cristina Duran
Kevin Dawson

The City has prepared this Response to Comments to address environmental comments received during the CEQA public review period and at Planning Commission. Each comment letter provided in this report is numbered with each comment lettered. The responses are provided following each letter. All written comments have been made a part of the public record and have been forwarded to the Riverside City Council for consideration.



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:
bnorton@riversideca.gov

March 30, 2016

Brian Norton, Senior Planner
City of Riverside – Planning Division
3900 Main St., 3rd Floor
Riverside, CA 92522

**Draft Mitigated Negative Declaration (Draft MND) for the
Mission Lofts, LLC – Planning Cases P14-0045, P14-0048, P15-0953, P15-0954**

The South Coast Air Quality Management District (SCAQMD) 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 CEQA document.

The proposed Project is the construction of a 212 unit mixed-use residential apartment building and 315 surface parking spaces. The Project is approximately 875 feet east of State-Route 91 and 150 feet east of an existing rail line. The lead agency quantified the project's construction and operation air quality impacts and has compared those impacts with the SCAQMD's recommended regional and localized daily significance thresholds. Based on its analyses, the lead agency has determined that construction and operational air quality impacts are less than significant.

Additionally, the lead agency conducted a Health Risk Assessment to determine the long-term air quality impacts from State-Route 91 and the rail line. The HRA found that maximum cancer risk from the freeway and rail line is 7.6 in one million, which is less than the SCAQMD significance threshold of 10 in one million. The SCAQMD staff has concerns about the assumptions used in the modeling, which underestimates risks. Additional details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the lead agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Jack Cheng, Air Quality Specialist, at (909) 396-2448, if you have any questions regarding the enclosed comments.

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Program Supervisor
Planning, Rule Development & Area Sources

Attachment
JW:JC
RVC160311-02
Control Number

Attachment

Health Risk Assessment (HRA)

- 1-A 1. In all the AERMOD models, Source SLINE1 (“Rail Road”) has an emission rate of 0 g/s. By not including an emission rate for the rail road source, cancer impacts are underestimated. SCAQMD staff recommends that the lead agency update the rail road emission rate and recalculate the cancer risk.
- 1-B 2. The HRA analysis involved the use of separate discrete receptors placed in residential areas. Receptor locations should be placed at the boundaries of the residential property and not the residential structure. Residents are still exposed to pollutants while outside of their homes, e.g. children playing outdoors, being around a pool area, residents relaxing or walking outside, working outside on a balcony, cleaning a vehicle, etc. SCAQMD staff recommends that the lead agency revise the model using appropriate locations.
- 1-C 3. The lead agency used the FASTALL option when performing their AERMOD model. Please note that when using AERMOD, the regulatory default option should be used (i.e. without the use of the “FASTALL” or “FLAT” options). If the lead agency wishes to use the FASTALL option or any other regulatory non-default options, SCAQMD staff should be consulted prior to the start of modeling.

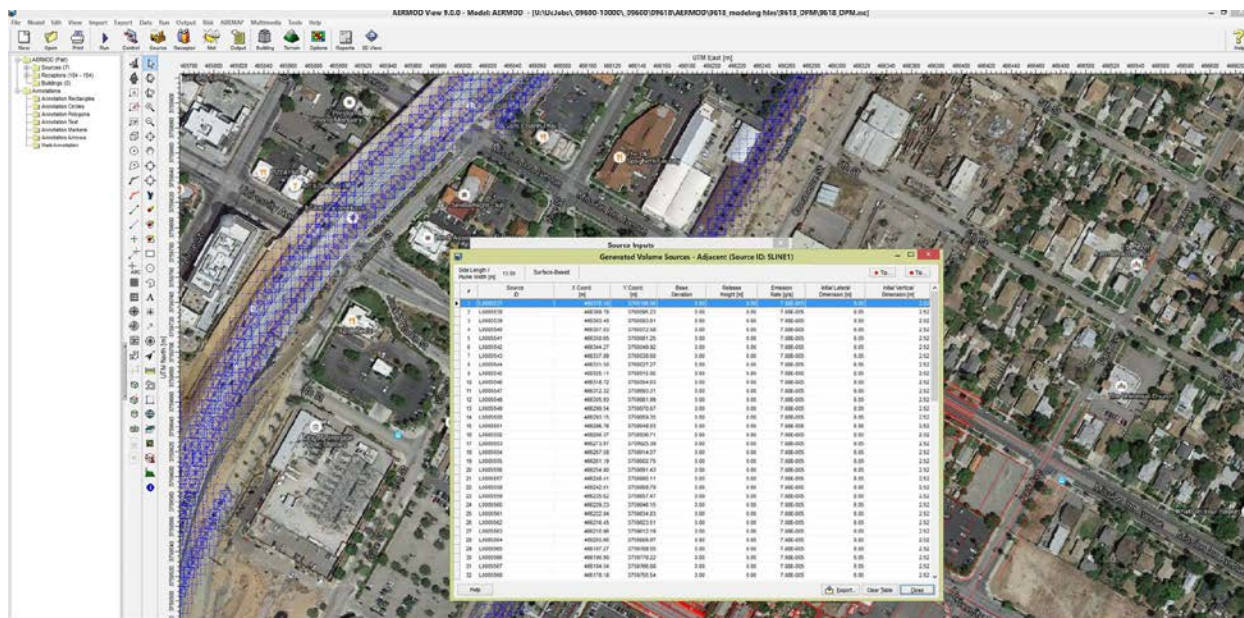
MERV Filters and HVAC Systems - Limits to Enhanced Filtration Units

- 1-D 4. The Lead Agency should consider the limitations of the proposed enhanced filtration for this project on the housing residents. For example, in a study that SCAQMD conducted to investigate filters¹ similar to those proposed for this project, costs were expected to range from \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless there is a HVAC system that draws enough air to support the filter system and that the HVAC system is fully operable throughout the life of the project. In addition, there may be increased energy costs to the resident. The proposed filters also assumes that the filters operate 100 percent of the time while residents are indoors. It should be noted that these filters have no ability to filter out any toxic gasses from vehicle exhaust and would not reduce exposure when residents are outside of their homes, e.g. children playing outdoors, being around a pool area, residents relaxing or walking outside, working outside on a balcony, cleaning a vehicle, etc.

¹ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0> . This study evaluated filters rated MERV 13+ while the proposed mitigation calls for less effective MERV 12 or better filters. See also CARB link for the “Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution” (August 23, 2012): http://www.arb.ca.gov/db/search/search_result.htm?q=Potential+Mitigation+Concepts+to+Reduce+Exposure+to+Nearby+Traffic+Pollution&which=arb_google&cx=006180681887686055858%3Abew1c4wl8hc&srch_words=&cof=FORID%3A11 .

SCAQMD RESPONSES TO COMMENT LETTER FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT DATED MARCH 30, 2016

- 1-A** Emission rates for the rail lines were included in the Health Risk Assessment (HRA). Modeling files were sent to SCAQMD on March 10, 2016 and resubmitted to April 4, 2016 for review. Page 11 of the input file labeled 09618_DPM.ADI (input file) identifies the emission rate input for the multiple sources that make up SLINE1. As shown, an emission rate of 0.0000787805 g/s was input for the 82 volume sources that make up SLINE1. Additionally, a screen shot is shown below that illustrates the emission factor and source input if the 9618_DPM.isc files are opened using the AERMOD View Program:



- 1-B** A consideration of time spent in or outdoors needs not be considered in the HRA. Regulatory guidance from SCAQMD, Office of Environmental Health Hazard Assessment (OEHH), and U. S. Environmental Protection Agency (USEPA) assumes that source-receptor locations are static, whereby exposures are assumed to be continuous based on the averaging time under consideration. It is important to note that the analysis assumes a “static” exposure scenario of constant exposure 24 hours per day, 7 days per week for a long-term duration (30 years). Therefore, the analysis in the HRA presents a conservative estimate of potential risk. Notwithstanding that, the time spent indoors at residences is over 90% of the 24 hour day. The latest version of the USEPA’s Exposure Factor Handbook: 2011 Edition includes empirical data that suggests on average over 21 hours per day are spent indoors at the residence for all age groups (See Table ES-1 Page xx of the document). A link to the full document is as follows: <http://www.epa.gov/ncea/efh/pdfs/efh-complete.pdf>.
- 1-C** Comment noted, notwithstanding, use of the FASTALL/FLAT option in AERMOD generally overpredicts (rather than underpredicts) concentrations. The modeling was screened using default options and options with FASTALL/FLAT enabled (results indicate that the value at the point of maximum impact remains unchanged). Therefore, use of the FASTALL/FLAT option for purposes of this analysis did not change the results of the analysis.
- 1-D** The HRA recommended the use of particulate filters to limit indoor pollutant concentrations by applying recognized control efficiencies with implementation of MERV 16 or equivalent filters that would reduce potential impacts to less than significant levels as discussed in the Initial

Study/Mitigated Negative Declaration (MND) and the HRA. The control efficiencies utilized to identify ventilation performance standards were based on the reported minimum efficiency reporting values (MERV) as identified in the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. Based on the reported effectiveness of these filters, a recommendation to limit the infiltration of particulates into residential occupancies was identified as the appropriate project design feature to ensure that carcinogenic risk estimates are maintained at less than the threshold of 10 in one million, as noted in the MND the maximum risk levels are projected to be 7.6 in one million which is less than the acceptable threshold of 10 in one million and thus a less than significant level. This was accomplished by requiring corresponding particulate filters that conform to ASHRAE Standards.

The efficacy of particulate filters to trap gaseous pollutants is documented by many sources, including the U.S. Environmental Protection Agency (USEPA).^[1] The project design features requiring air filtration were not designed or proposed to control gaseous pollutants because their contribution to the cancer risk estimate was determined by the HRA to be *de minimis*. The HRA calculates that diesel particulates from both trucks and vehicles contribute more than 85 percent of the reported cancer risk values.

Please refer to SCAQMD's Pilot Study of High Performance Air Filtration for Classrooms Applications^[2] which addresses SCAQMD's concern about filter efficiency associated with a scenario of open doors and windows. The SCAQMD Pilot Study was conducted to determine the effectiveness of air filtration systems in reducing the indoor exposure to air contaminants; the systems evaluated in the Pilot Study are similar to the recommended filtration system for the Project. The SCAQMD Pilot Study report clearly concludes that adequate particulate removal is achieved with "doors and windows that are frequently open to outside air" for a MERV 14 filtration system, which is consistent to the type of filtration system proposed by the Project (the Project actually implements a more stringent air filtration system of MERV 16). The Project will meet the filter efficiencies and thereby achieve reductions for indoor particulate concentrations that would be less than all of the established, applicable thresholds of significance discussed in the HRA and in the MND. Also, as the SCAQMD notes in their Pilot Study report, filter efficiencies are achieved regardless of outside air infiltration. Therefore, there is no need for a positive or negative pressure system.

^[1] U.S. Environmental Protection Agency, "Residential Air Cleaners (Second Edition): A Summary of Available Information, Revised August 2009," <http://www.epa.gov/iaq/pubs/residair.html#summary>.

^[2] <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf?sfvrsn=0>



City of Arts & Innovation

Public Comment for April 7, 2016

Planning Commission Meeting

Prepared by the Planning Division at 8:18 a.m. on April 7, 2016

Item	Name	Neighborhood	Position	Comments
2-A 2. PLANNING CASES P14-0045, P14-0048, P15-0953 & P15-0954: Proposal by Darrin Olson of Mission Lofts, LLC to consider approval of the following requests to permit a mixed-use development consisting of 212 residential units, 1,221 square feet of commercial space and 315 surface parking spaces: 1) amend the General Plan land use designation from MU-V - Mixed Use-Village, B/OP - Business/Office Park, I - Industrial to MU-U - Mixed Use-Urban; 2) amend the zoning designation from I-SP-CR - Industrial Specific Plan (Marketplace Specific Plan) - Cultural Resources (Seventh Street East Historic District) Overlay Zones, BMP-SP-CR - Business and Manufacturing Park - Specific Plan (Marketplace Specific Plan) - Cultural Resources (Seventh Street East Historic District) Overlay Zones, BMP-SP - Business and Manufacturing - Specific Plan (Marketplace Specific Plan) Overlay Zone, CR-SP - Commercial Retail - Specific Plan (Market Plan Specific Plan) Overlay Zone, I-SP - Industrial - Specific Plan (Marketplace Specific Plan) Overlay Zone to MU-U-SP - Mixed Use Urban - Specific Plan (Marketplace Specific Plan) Overlay Zone and MU-U-SP-CR - Mixed Use - Urban - Specific Plan (Marketplace Specific Plan) - Cultural Resources (Seventh Street East Historic District), 3) amend the Marketplace Specific Plan, to remove the subject site from the Neighborhood Marketplace Sub-Area and Marketplace Urban Industrial Sub-Area and establish the Mixed-Use Marketplace Sub-Area for the subject site; 4) Site Plan review; 5) Variances to permit fewer parking spaces than required by Code and allow tandem parking spaces, on 4.69 vacant acres, located at 3008-3052 Mission Inn Avenue, 3770 Commerce Street, 2981 University Avenue, 3025-3035 Ninth Street, situated north of 9th Street, south of Mission Inn Avenue, east of Commerce Street, west of Park Avenue, and bisected by University Avenue, in Ward 2. The Planning Division of the Community and Economic Development Department has determined that the proposed project will not have a significant effect on the environment and is recommending that a Mitigated Negative Declaration be adopted. Contact Planner: Brian Norton, Senior Planner, (951) 826-2308 bnorton@riversideca.gov	Kevin Dawson	University	Oppose	I am not finding a discussion of Air Quality impact analysis. This project is adjacent to one of the most active rail corridors in the country and 91 freeway is also close by. A 2012 study of possible mitigation measures by CARB, concluded the only effective mitigation is distance. http://www.arb.ca.gov/research/health/traff-eff/research%20status%20-reducing%20exposure%20to%20traffic%20pollution.pdf Recent study by USC confirms significant health impacts for those living along transportation corridors. Our city general plan, which was adopted before latest studies, acknowledges AQ concerns and says we shouldn't locate near freeways. Active rail lines should have been included. If nothing else, the required notice to future residents should not just tell them the number of trains, but include a Air Quality warning on the amount of PM exposure and the increased cancer risk.

E-COMMENT**RESPONSES TO E-COMMENT FROM KEVIN DAWSON DATED
APRIL 7, 2016**

- 2-A** The Air Quality/Greenhouse Gas Analysis and Health Risk Assessment (HRA) were included as Appendices A and B, respectively, of the Initial Study. The

The HRA evaluated the impacts of the 91 freeway and rail lines west of the Project site and determined that the potential cancer and non-cancer risk from these facilities was below the SCAQMD thresholds.

The 2012 report by California Air Resources Board (CARB) referenced by the comment is titled *“Status of Research on Potential Mitigation Concepts to Reduce Exposure to Nearby Traffic Pollution.”* Page 1 of this report states:

While it provides useful information for consideration of potential mitigation approaches, this paper is not intended as guidance for any specific project, and does not provide a methodology for determining appropriate mitigation measures for purposes of compliance with the California Environmental Quality Act.

As stated above, the report provides potential mitigation for reducing impacts from nearby traffic pollution and is not specific to any project. As stated in the Initial Study and HRA, the potential impacts from the nearby freeway and rail lines were evaluated and determined to be below thresholds established by SCAQMD with the implementation of Project design features (advanced filtration). Therefore, no mitigation measures were required and the information in the CARB report is not applicable. Additionally, the Project meets the CARB recommendations in their 2005 “Air Quality and Land Use Handbook” for siting housing or sensitive uses 500 feet from major roadways (the Project is 875 feet from the freeway). Based on the information provided above, notice to future residents of the Project regarding proximity to rail and freeway emissions are not required. Finally, the Project already includes notice to future residents regarding the frequency of trains on the rail lines.

COMMENT FROM CRISTINA DURAN DURING PLANNING COMMISSION PUBLIC HEARING

3-A Concern regarding:

- Public notification
- If air quality analysis considered increased traffic from Perris Valley Line and recent approved improvements to 91 freeway
- Reduced parking
- School capacity and which school district the site is in
- Job generation

- 3-A** Pursuant to State CEQA Guidelines Section 15072(b), the City provided the Notice of Hearing & Intent to Adopt a Mitigated Negative Declaration through a one-time publication in the Press Enterprise. Notices were also mailed to agencies and interested parties that requested notice in writing.

The Health Risk Assessment (HRA) evaluated impacts from the 91 freeway and rail lines west of the Project site. The analysis was based on current data available at the time the analysis was conducted, which was 2014 data. The HRA conservatively estimated cancer risk from these facilities using a static emission rate for the calendar year 2016 and estimating risk levels based on a 70-year exposure duration meaning the emission rates from traffic and rail was not adjusted to account for improvements in technology and compliance with existing regulations that will reduce diesel particulates. Increases in traffic and rail volumes over time are not anticipated to outweigh the reductions achieved through existing regulations. For example, the California Air Resources Board (CARB) has developed an integrated approach to reduce statewide locomotive and rail yard emissions through a combination of voluntary agreements, CARB and U.S. Environmental Protection Agency (USEPA) regulations, funding programs, and early replacement of California's line haul and yard locomotive fleets which reduce emissions from activities such as idling, engine standards, and diesel fuel contents.¹ The Perris Valley line which opened in late 2015 only added 15 trains to the rail line near the Project, a 13 percent increase in total rail traffic. Assuming a 13 percent increase in total cancer risk (which is conservative because the majority of emissions are from the freeway), the estimated cancer risk would increase from 7.6 in one million to approximately 8.6 in one million, which is still below the SCAQMD threshold of 10 in one million. Additionally, Urban Crossroads evaluated freeway conditions (which were the largest contribution of diesel particulates) in 2035 and identified a reduction in particulates of approximately 90 percent. Therefore, the conservative assumptions in the HRA overestimate cancer risk and a revised HRA is not required.

As discussed in the Initial Study, the Project site is within the Riverside Unified School District and the Project's payment of impact fees collected by the City will reduce impacts to schools to less than significant levels.

Regarding the concerns over a reduction in parking, as stated in the Initial Study, the provision of parking varies between transit oriented developments (TODs), in general, the average parking ratio per unit in TODs in both suburban and urban locations is substantially lower (1.0 to 1.3 spaces per dwelling unit compared with 1.7 spaces per dwelling unit) than what the Code would require for the Mission Lofts project. Based on the range of parking ratios detailed in research on TODs and the empirical parking demand found at the comparable development in Southern California, a reduction to the required parking ratios found in the Riverside Zoning Code would be appropriate given the nature of the Mission Lofts development.

Regarding the concern over job generation, the Project will generate temporary construction jobs and also included a full-time staff once construction is complete that includes leasing staff, maintenance personnel, and security. The Project's 1,221 feet of commercial space will also generate employment opportunities. This comment does not raise an environmental issue pursuant to State CEQA Guidelines Section 15088.5 and no further response is required.

¹ <http://www.arb.ca.gov/msprog/offroad/loco/loco.htm>

COMMENT FROM KEVIN DAWSON DURING PLANNING COMMISSION PUBLIC HEARING

4-A Comment regarding:

- 2012 ARB study
- Requested notice to future residents for exposure to air quality impacts from freeway and rail.

**PUBLIC HEARING COMMENT RESPONSES TO KEVIN DAWSON RECEIVED APRIL 7,
2016**

4-A The comments reiterate those received in the E-Comment. See response to Comment 2-A, above.