



August 10, 2012

Los Angeles Department of City Planning:

Attn: Darlene Navarrete
200 North Spring Street
Los Angeles, CA 90012

Los Angeles City Council

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Los Angeles, CA 90012

Subject: ENV-2007-0365-MND/DIR-2009-2065-DB for
5241 - 5247 Santa Monica Blvd. and 5238 - 5246 Virginia Avenue

Michael Logrande, Director of Planning and Blake Lamb, City Planner

Honorable Council President, Herb Wesson, and Honorable Members:

On behalf of concerned neighbors near the proposed project, we have been asked to review the adequacy of the air quality impact analysis in the Draft IS/MND prepared in 2008. The localized health risk from the operation of diesel-powered heavy equipment within a very small distance from homes and classrooms is dismissed in one brief paragraph on the bottom of page 5-14 of the document. The rationale for the lack of any meaningful analysis is that excess cancer risk is typically calculated for a 70-year lifetime exposure duration while the construction activity will be completed in 25 months. We would note that since the preparation of the supporting air quality technical report in 2008, the California Office of Environmental Health Hazard Assessment (OEHHA) has issued new guidance on the evaluation of risk assessment to age-sensitive populations. The *Technical Support Document for Cancer Potency Factor: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures, May 2009* establishes new procedures that invalidate the basis used in the Draft IS/MND to dismiss the need for any health impact assessment. The new OEHHA guidelines require the use of an age-sensitivity factor (ASF) that assigns a ten-fold adverse health response for infants and a three-fold ASF for school children. The two year construction emissions exposure elicits a health response in infants that is equivalent to 20 years of adult exposure. The lack of any meaningful analysis that ignores current impact assessment protocols is a fatal flaw in the air quality impact assessment. The lack of significant impact substantiation that relies on a report completed in 2008 that was unaware of the subsequent changes in analysis protocols is indefensible.

SCAQMD policy in analyzing local air quality impacts from construction activities in close proximity to sensitive receptors for criteria air pollution emissions (non-toxic air contaminants (TACSs)) is through a local significance threshold (LST) analysis. Such an analysis is not included in the impact substantiation. The SCAQMD Report entitled *Final Local Significance Threshold Methodology, June 2003, Revised July, 2008* should have been utilized to demonstrate that sensitive receptors would not be exposed to substantial pollutant concentrations as required by the CEQA guidelines. Such a demonstration was not provided. As with the lack of a TAC impact analysis, the omission of an LST analysis at the exceedingly small source-receptor separation is a clear indication that there is a complete lack of public disclosure of the air quality impacts.

The failure to perform the types of analyses recommended/required by responsible agencies in the fields of air quality protection and exposure risk assessment renders the conclusions that impacts have been mitigated to a less-than-significant level completely unsupported. Our recommendation is that this analysis be performed and included in an EIR that would allow for independent evaluation of very critical impact pathways.

Please feel free to contact us with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Hans D. Giroux".

Hans D. Giroux
Senior Analyst
Giroux & Associates