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To: City Clerk <cityclerk@hermosabeach.gov>, Marie Rice <mrice@hermosabeach.gov>, Peter Hoffman <phoffman@hermosabeach.gov>, Stephen Izant <sizant@hermosabeach.gov>, David Pedersen <dpedersen@hermosabeach.gov>, khirsch@hermosabeach.gov

Subject: Letter of Concern for Conditional USE Permit (CUP 23-13)

Dear Planning Commissioners,

Please find and read the attached letter of concern in response to:

REPORT 24-0200 CONDITIONAL USE PERMIT (CUP 23-13) TO ALLOW A 7,214-SQUARE-FOOT PRESCHOOL AND DAYCARE WITH AN OUTDOOR PLAY AREA AT 210 PACIFIC COAST HIGHWAY IN THE SPECIFIC PLAN AREA (SPA) - 7 ZONE, AND DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (Assistant Planner Johnathon Masi)

Thank you,

Josh Krasnegor

I am writing to express significant concerns regarding the environmental assessment for the property at 210 PCH, Hermosa Beach, CA 90254, as outlined in the report titled "SUPPLEMENTAL - Summary of Remedial Excavation and Confirmation Sampling." This report is Attachment 6 to the staff report recommending approval of the CUP for a proposed child care center at this address.

APPLICANT DID NOT PERFORM OWN ENVIRONMENTAL ASSESSMENT

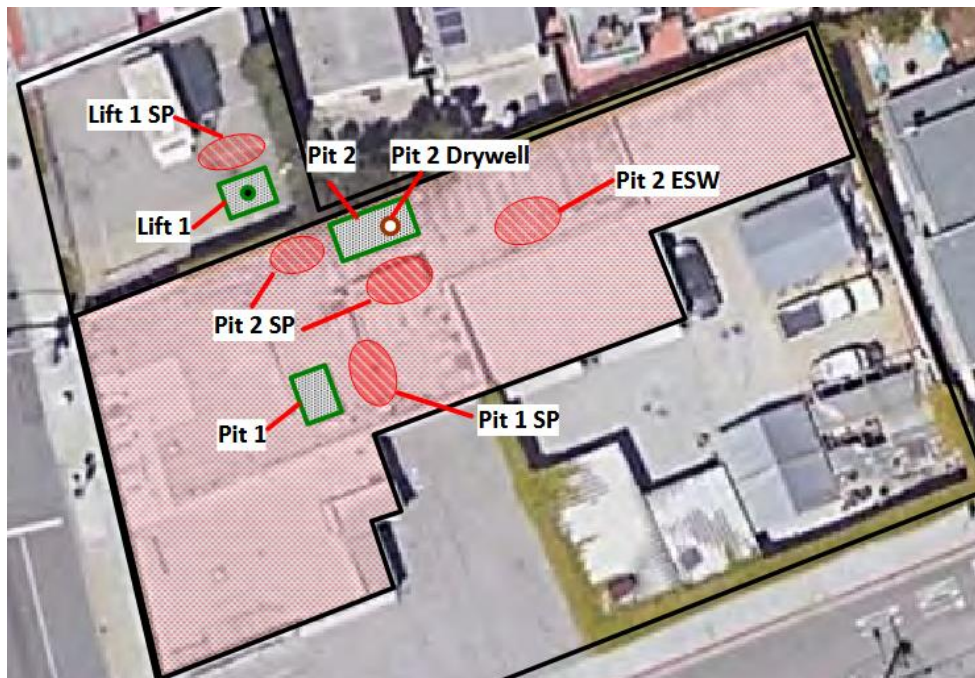
The environmental work/report was done for a prior owner, so there is no warranty now per the report, for the applicant to make representation to the planning commission or to parents and the city and applicant would be subject to liability from the parents:

This evaluation should not be relied upon by other parties without the express written consent of EAI or Clients; therefore, any use of reliance upon this environmental evaluation by a party other than the Client or the Reliance Parties, shall be solely at the risk of such third party and without legal recourse against EAI.

This is just some of what was found at the site, including high levels of lead and cadmium:

Title 22 Metals concentrations in both samples appeared reflective of naturally occurring or background concentrations, except for lead in samples #Pit 2 Drywell (10,200 mg/kg), #Pit 2 SP-A (541 mg/kg), and #SP-B (983 mg/kg). In addition, anomalously high concentrations of cadmium (138 mg/kg), chromium (308 mg/kg), and copper (648 mg/kg) were reported in sample #Pit2 Drywell. Laboratory analytical results are summarized in Table 1 (attached).

Additionally, no sampling was done where a lot of work was done on cars/painting in the back garages.



Some of the chemicals found and listed in the report are carcinogenic/harmful to humans, especially infants/children, and some of them were double the legal limit:

m,p-Xylene	4200	500	ug/Kg
Naphthalene	ND	5000	ug/Kg
n-Butylbenzene	ND	500	ug/Kg
N-Propylbenzene	ND	500	ug/Kg
o-Xylene	3300	500	ug/Kg
p-Isopropyltoluene	ND	500	ug/Kg
sec-Butylbenzene	ND	500	ug/Kg
Styrene	ND	500	ug/Kg
Tert-amyl-methyl ether (TAME)	ND	990	ug/Kg
tert-Butyl alcohol (TBA)	ND	5000	ug/Kg
tert-Butylbenzene	ND	500	ug/Kg
1,1,1,2-Tetrachloroethane	ND	500	ug/Kg
1,1,2,2-Tetrachloroethane	ND	500	ug/Kg
Tetrachloroethene	580	500	ug/Kg
Toluene	790	500	ug/Kg
trans-1,2-Dichloroethene	ND	500	ug/Kg
trans-1,3-Dichloropropene	ND	500	ua/Ka

You can't put 6 month old babies and toddlers in a space right on top of areas that has not been tested/remediated (in the two garage areas not tested).

VAGUE STATEMENTS BY ENVIRO APPLICATION INC OF SAN DIEGO (EAI) ABOUT SPECIFIC USE

The December 4, 2023 statement by Enviro Applications (EAI), Inc., signed by Senior Geologist Bernard Sentianin, claiming the property is suitable for "commercial use" is vague and generic and fails to specify the intended use of the property as a 6month-6 year old child care center.

Why did they not call out the specific use as a child care center for 6month-6 year old children?

WORRYING STATEMENT BY EAI ABOUT AIR QUALITY AND PRIOR USE

EAI states "This sampling indicated that indoor air at the property is essentially identical to ambient conditions in the site vicinity and does not appear to be impacted by prior site use."

Why do they use the word "appear" when describing the air quality? Why wouldn't they conclusively state that it is not impacted by prior use?

GENERAL COMMERCIAL USE VS. SPECIFIC USE: CHILD DAY CARE CENTER FOR 6 MONTH - 6 YEAR OLD CHILDREN

It is essential to distinguish between general commercial use and the specific requirements of a facility intended to house infants and very young children. A child care center has vastly different needs and safety considerations compared to a generic commercial property. Infants and young children are particularly sensitive to environmental hazards and react differently and more severely to harmful chemicals than adults. The property's previous use as an auto body shop likely introduced hazardous substances, such as solvents and paints, which contain dangerous chemicals and that can linger and pose significant health risks to young children.

NO PERMITS ISSUED BY THE CITY OR STATE FOR ENVIRONMENTAL EXCAVATION OF HYDRAULIC LIFT AND HAZARDOUS CHEMICALS

Through the report and open records requests with the City of Hermosa Beach, it appears that no permits were obtained for the hydraulic lift excavation and Phase I,

and Phase II environmental assessments performed by other parties. In fact GeoForward (one of the Contractors involved in aspects of this environmental work); details on their own website the permit process required for hydraulic lift removal: “activities typically require various permits for tasks such as grading, excavation, and environmental cleanup. These permits ensure regulatory oversight and confirm the removal of soil and groundwater contamination.” For instance, the removal of in-ground hydraulic lifts involves multiple permits and certifications, including those for heavy equipment operation and hazardous waste disposal (GeoForward, <https://www.geoforward.com/underground-hydraulic-lift-removal/>).

NOT CATEGORICALLY EXEMPT FROM CEQA

The California Environmental Quality Act (CEQA) applies to child care centers in commercially zoned areas bordering residential zones by requiring a thorough environmental review to assess potential impacts on the surrounding environment and community.

Here are key points on how CEQA applies in this context:

- **Environmental Impact Assessment:** CEQA mandates that any new development, including child care centers, undergo an environmental impact assessment to evaluate potential effects on air quality, traffic, noise, and public health.
- **Specific Considerations for child care centers:** Given the vulnerable population of infants and young children, the assessment must pay particular attention to factors such as indoor and outdoor air quality, proximity to hazardous materials, and potential exposure to pollutants.
- **Public Involvement and Disclosure:** CEQA requires public disclosure of the environmental impacts and involves the community in the review process. This includes providing opportunities for public comment and addressing community concerns, particularly from adjacent residential areas.
- **Mitigation Measure:** If significant impacts are identified, CEQA requires the implementation of mitigation measures to minimize or eliminate adverse effects. This might include measures to reduce traffic congestion, improve air quality, or mitigate noise levels.

- **Categorical Exemptions:** Some projects might be categorically exempt from CEQA if they are considered to have no significant environmental impact. However, given the sensitivity of child care centers, especially in areas bordering residential zones, a full environmental review is often necessary to ensure all potential impacts are adequately addressed.

In summary, CEQA ensures that the establishment of child care centers in commercial zones adjacent to residential areas is carefully evaluated for environmental and health impacts, with significant community involvement and mitigation measures to protect both the children attending the center and the surrounding residents.

CONCLUSION

Given the serious nature of these findings and the potential health risks involved, it is clear that this project cannot be categorically exempt from the California Environmental Quality Act (CEQA). A comprehensive and child-specific environmental assessment must be conducted to ensure the safety and suitability of the property for use as a child care center.