



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (Draft EIR) for the Proposed Paseo Marina Project (ENV-2016-3343-EIR) (SCH No.: 2017061017)

South Coast Air Quality Management District (South Coast AQMD) 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 EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish 100,781 square feet of existing retail buildings and construct a 674,329-square-foot building with 658 residential units and 27,300 square feet of commercial uses with subterranean parking on 6.06 acres (Proposed Project). The Proposed Project is located on the southwest corner of Maxella Avenue and Glencoe Avenue in the community of Palms-Mar Vista-Del Rey within the City of Los Angeles. Construction of the Proposed Project is anticipated begin in 2020 and be completed by 2023¹. An estimated 36,529 haul trips will occur during the demolition and grading phases of construction².

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 regional construction air quality impacts would be significant and unavoidable³, and cumulatively considerable⁴, for NO_x emissions, after the incorporation of Project Design Feature (PDF) AIR-PDF-1. AIR-PDF-1 requires that off-road equipment greater than 50 horsepower (hp) meet Tier 3 emissions standards⁵. Although the Proposed Project would result in significant and unavoidable air quality impacts from NO_x emissions during construction, the Lead Agency found that the Proposed Project would be consistent with South Coast AQMD's 2016 Air Quality Management Plan (AQMP)⁶.

South Coast AQMD's 2016 Air Quality Management Plan

On March 3, 2017, South Coast AQMD's Governing Board adopted the 2016 AQMP⁷, which was later approved by the California Air Resources Board (CARB) on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the

¹ Draft EIR. Section II *Project Description*. Page II-21.

² *Ibid.* Appendix B, CalEEMod Output – Paseo Marina Construction. Page 5.

³ *Ibid.* Section IV.B *Air Quality*. Pages IV.B-50 to 52.

⁴ *Ibid.* Page IV.B-53.

⁵ *Ibid.* Page IV.B-40.

⁶ *Ibid.* Pages IV.B-40 to 49.

⁷ South Coast AQMD. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

South Coast AQMD Staff's General Comments

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. South Coast AQMD is committed to attaining the ozone NAAQS as expeditiously as practicable. The Proposed Project plays an important role in contributing to additional regional NOx emissions during the three-year construction period in the Basin⁸. Additionally, South Coast AQMD staff is concerned about the Lead Agency's finding that the Proposed Project is consistent with the 2016 AQMP when the Proposed Project would result in significant and unavoidable construction-related NOx emissions. Please see the attachment for more information. The attachment also includes recommended revisions to AIR-PDF-1 and a list of recommended construction mitigation measures that the Lead Agency should incorporate in the Final EIR to further reduce the Proposed Project's significant and unavoidable NOx emissions during construction.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail 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 will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

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 Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
LAC190307-06
Control Number

⁸ Draft EIR, Section II *Project Description*. Page II-21.

ATTACHMENT

Consistency with South Coast AQMD's 2016 Air Quality Management Plan

1. Section 15125(d) of the CEQA Guidelines requires that EIRs analyze and discuss any inconsistencies between a proposed project and applicable general plans, specific plans, and regional plans. For example, a discussion of consistency between a regionally applicable AQMP and a proposed project helps identify if a proposed project is inconsistent with the assumptions and objectives that were taken into consideration for the development of the AQMP, and thus would interfere with the region's ability to comply with federal and state air quality standards and achieve attainment deadlines. If an inconsistency is found, lead agencies should consider ways to mitigate or eliminate the inconsistency so that there is no interference with regional air quality objectives.

It is recommended that a lead agency examine two main indicators for consistency with South Coast AQMD's AQMP. The first indicator looks at whether a project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, potentially delaying the attainment of air quality standards specified in the AQMP. The second indicator looks at if a project will exceed assumptions in the AQMP based on the year of the project build-out phase, which can also potentially delay attainment of air quality standards.

South Coast AQMD staff is concerned that the Lead Agency found that the Proposed Project would be consistent with the 2016 AQMP when the Proposed Project would result in significant and unavoidable NOx emissions during construction. In the Draft EIR, the Lead Agency analyzed the Proposed Project's consistency with the 2016 AQMP and found that the Proposed Project would not increase the frequency or severity of an existing violation or cause or contribute to new violations for ozone, PM2.5, and PM10⁹. However, the Proposed Project would result in 162 pounds per day (lbs/day) of NOx emissions during construction¹⁰, which would exceed South Coast AQMD's regional air quality CEQA significance threshold for construction¹¹ and could not be mitigated to less than significant¹². NOx is a regional pollutant and an ozone precursor. Since construction of the Proposed Project would result in significant NOx emissions in the Basin, which is already in extreme nonattainment for ozone, implementation of the Proposed Project may have an effect on delaying the timely attainment of ozone standards as outlined in the 2016 AQMP. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the AQMP consistency analysis or provide additional information in the Final EIR to support that the Proposed Project is consistent with the 2016 AQMP despite the significant and unavoidable construction air quality impacts from NOx emissions.

Recommended Revisions to existing Project Design Feature

2. The Lead Agency has committed to implementing Project Design Feature (PDF) AIR-PDF-1, which requires that construction equipment that will be used on an aggregate of 40 or more hours during any portion of construction meet Tier 3 off-road emissions standards for equipment rated at 50 horsepower or greater during construction. With the implementation of AIR-PDF-1, NOx emissions remain significant and unavoidable for construction¹³. To further reduce significant and unavoidable NOx emissions from construction, South Coast AQMD staff recommends that the Lead Agency include the following revisions to AIR-PDF-1.

⁹ Draft EIR. Section IV.B *Air Quality*. Pages IV.B-40 to 49.

¹⁰ *Ibid.* Pages IV.B-50 to 52.

¹¹ South Coast AQMD. Air Quality Significance Thresholds. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

¹² Draft EIR. Section IV.B *Air Quality*. Pages IV.B-50 to 52.

¹³ *Ibid.* Pages IV.B-50 to 53.

AIR-PDF-1:

During plan check, the Project representative shall make available to the lead agency and the South Coast Air Quality Management District a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used ~~an aggregate of 40 or more hours~~ during any portion of construction for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel-powered equipment within the construction inventory list described above shall meet or exceed the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 ~~Tier 3~~ off-road emissions standards. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously, if applicable.

Additional Recommended Mitigation Measures

3. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's significant and unavoidable air quality impacts from NOx emissions, and in addition to AIR-PDF-1, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measures in the Final EIR.

Mitigation Measures for Construction Air Quality Impacts

- Maintain equipment maintenance records for the construction portion of the Proposed Project. All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

- Require the use of zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks (e.g., material delivery trucks and soil import/export) such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). CARB also adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent¹⁴. Since the construction schedule of the Proposed Project extends into 2023, it is reasonable to assume that 2010 model year trucks will become more widely available commercially. Additionally, the Proposed Project will include an estimated 36,529 haul trips during construction¹⁵, contributing to the Proposed Project's significant and unavoidable construction NOx emissions. Therefore, South Coast AQMD staff recommends that the Lead Agency, at a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer engines that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should include analyses to evaluate and identify sufficient power and supportive infrastructure available for ZE/NZE trucks in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Additionally, the Lead Agency should require that operators maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.
- Restrict non-essential diesel engine idle time to not more than five consecutive minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 - CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle delivery that is expected to take longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. Notify the vendors of these idling requirements at the time that the purchase order is issued and again when vehicles enter the gates of the facility. To further ensure that drivers and operators understand the idling requirement, include the idling requirement in the training materials for drivers, operators, and vendors, post signs at the entry of the construction site and throughout the Proposed Project site stating that idling longer than five minutes is not permitted.
- The current haul truck import and export routes are anticipated to be via State Route 90 to Lincoln Boulevard to Maxella Avenue, and Glenco Avenue to Mindanao Way to State Route 90, respectively¹⁶. Upon a review of aerial photographs, South Coast AQMD staff found that there are existing residential uses along Glenco and Maxella Avenues. The Lead Agency should consider alternative haul truck routes, if available and feasible, to avoid and/or minimize the use of hauling routes traversing past and through sensitive land uses during construction.

¹⁴ California Air Resources Board. December 20, 2018. <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

¹⁵ *Ibid.* Appendix B, CalEEMod Output – Paseo Marina Construction. Page 5.

¹⁶ Draft EIR. Section II *Project Description*. Page II-21.