



# 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 Times Mirror Square (ENV-2016-4676-EIR) (SCH No.: 2017061083)**

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 a 183,758-square-foot building and parking garage, construct two buildings totaling 1,135,803 square feet with 1,127 residential units, and renovate three existing buildings totaling 376,105 square feet on 3.6 acres (Proposed Project). The Proposed Project is located on the northwest corner of West 1st Street and South Spring Street in the community of Central City. Construction will begin in 2019 and is expected to be completed by 2023<sup>1</sup>. The Proposed Project will be designed to meet or exceed the 2016 Title 24 Building Energy Efficiency Standards and CALGreen Code, including design elements such as Energy Star compliant devices and designated parking for carpool and alternatively fueled vehicles<sup>2</sup>.

### 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 would result in significant regional and localized air quality impacts during construction and operation for NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions<sup>3</sup>. The Lead Agency is committed to implementing air quality Mitigation Measures (MMs) AQ-1 through AQ-5 for construction and operations, which include, but are not limited to, the use of Tier 4 construction equipment under specific conditions, alternatively fueled tower cranes and generators, limiting truck and vehicle idling to five minutes, and electric or battery-powered landscaping equipment<sup>4</sup>. After implementation of MM-AQ-1 through MM-AQ-5, the Proposed Project's regional construction air quality impacts for NO<sub>x</sub> would remain significant and unavoidable<sup>5</sup>; all other air quality impacts would be reduced to less than significant. Additionally, the Lead Agency discussed South Coast AQMD Rules specific to the Proposed Project, such as Rule 1138 – Control of Emissions from Restaurant Operations<sup>6</sup>, Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition

<sup>1</sup> Draft EIR. Project Description. Page 11-48.

<sup>2</sup> *Ibid.* Greenhouse Gas Emissions. Pages IV.E-40 through IV.E-48.

<sup>3</sup> *Ibid.* Air Quality. Pages IV.B-80 through IV.B-86.

<sup>4</sup> *Ibid.* Pages IV.B-77 through 79.

<sup>5</sup> *Ibid.* Pages IV.B-59 through 81.

<sup>6</sup> South Coast AQMD. Rule 1138 – Control of Emissions from Restaurant Operations. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1138.pdf>

Engines<sup>7</sup>, and Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters<sup>8</sup>. The Lead Agency quantified and included emissions from stationary sources at the Proposed Project regulated by these rules in the Proposed Project’s operational emissions.

#### South Coast AQMD’s 2016 Air Quality Management Plan

On March 3, 2017, the South Coast AQMD’s Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)<sup>9</sup>, which was later approved by the California Air Resources Board 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 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. With the implementation of MM-AQ-1, the Proposed Project would result in 512 pounds per day of mitigated regional NOx emissions during construction<sup>10</sup>. The Proposed Project plays an important role in contributing towards the Basin’s NOx emissions. To further reduce those emissions, South Coast AQMD staff recommends that the Lead Agency incorporate revisions to existing MM-AQ-1 and an additional mitigation measure in the Final EIR. Additionally South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering to determine permit requirements and any rules and regulations that should be discussed in the Final EIR in addition to those already discussed above in the Draft EIR. Please see the attachment for more information.

#### 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, if the Lead Agency makes the finding that the recommended changes to the existing MM-AQ-1 and the new mitigation measure 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](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

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<sup>7</sup> South Coast AQMD. Rule 1470 – Requirement for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

<sup>8</sup> South Coast AQMD. Rule 1146.2 – Emissions of Oxides of Nitrogen from Large Water Heaters and Small Boilers and Process Heaters. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-2.pdf>.

<sup>9</sup> 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>.

<sup>10</sup> Draft EIR. Air Quality. Page IV.B-81.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment  
LS:AM  
LAC190402-15  
Control Number

**ATTACHMENT****Recommended Revisions to Existing Mitigation Measures (MM) MM-AQ-1**

1. The Lead Agency committed to implementing MM-AQ-1 through MM-AQ-5 to reduce the Proposed Project's significant construction and operational air quality impacts from NOx, PM10, and PM2.5 emissions. With the implementation of these mitigation measures, NOx emissions during the construction period would remain significant and unavoidable.

As currently written in the Draft EIR, MM-AQ-1 proposes that all off-road equipment with engines greater than 50 horsepower meet the Environmental Protection Agency (EPA)/ the California Air Resources Board (CARB) Tier 4 Final off-road emission standards under two conditions. The first condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used for an aggregate of 40 or more hours during any portion of the construction. The second condition specifies that equipment shall be mitigated to Tier 4 standards if it will be used during the grading/excavation/export phase(s). South Coast AQMD staff recommends that the Lead Agency remove the conditions and require all off-road diesel-powered equipment equal to or greater than 50 horsepower meet or exceed Tier 4 emission standards in the Final EIR to further reduce the significant and unavoidable NOx emissions during construction. This will also facilitate the goals and ozone attainment schedule outlined in the 2016 AQMP. Specifically, South Coast AQMD staff recommends that the Lead Agency incorporate the following revisions to MM-AQ-1.

**MM-AQ-1:**

The Applicant shall implement construction equipment features for equipment operating at the Project Site. These features shall be included in applicable bid documents and successful contractor(s) must demonstrate the ability to supply such equipment prior to the commencement of any construction activities. Construction features will include the following:

- a) During plan check, the Project representative shall make available to the lead agency and South Coast AQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used during any of the construction phases. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each such unit's certified tier specification, BACT documentation, and CARB or South Coast AQMD operating permit shall be provided on-site 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 equal to or greater than 50 horsepower that will be used ~~an aggregate of 40 or more hours~~ during any portion of the construction activities ~~associated with grading/excavation/export phase~~ shall meet or exceed the Tier 4 standards. Construction contractors supplying heavy duty diesel equipment greater than 50 horsepower shall be encouraged to apply for South Coast AQMD SOON funds. Information including the South Coast AQMD website shall be provided to each contractor which uses heavy duty diesel for on-site construction activities.
- b) Equipment such as tower cranes and signal boards shall be electric or alternative fueled (i.e., non-diesel). Pole power shall be made available for use for electric tools, equipment, lighting, etc. Construction equipment such as tower cranes and signal boards shall utilize electricity from power poles or alternative fuels (i.e., non-diesel), rather than diesel power generators and/or gasoline power generators. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible.

- c) Alternative-fueled generators shall be used when commercial models that have the power supply requirements to meet the construction needs of the Project are commercially available from local suppliers/vendors. The determination of commercial availability of such equipment will be made by the City prior to issuance of grading or building permits based on applicant-provided evidence of the availability or unavailability of alternative-fueled generators and/or evidence obtained by the City from expert sources such as construction contractors in the region.

#### **Additional Recommended Mitigation Measure for Construction Air Quality Impacts**

2. 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. The Proposed Project will result in significant and unavoidable air quality impacts from NO<sub>x</sub> emissions during construction. Specifically, the Lead Agency states that “NO<sub>x</sub> exceedance results primarily from on-site construction equipment, and on-road hauling and concrete truck emissions [...]”<sup>11</sup>. Therefore, to further reduce significant and unavoidable NO<sub>x</sub> emissions, especially from on-road haul trucks, South Coast AQMD staff recommends that the Lead Agency review and incorporate the following construction mitigation measure in the Final EIR.

##### *Mitigation Measure for Significant and Unavoidable NO<sub>x</sub> Emissions during Construction*

- 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 NO<sub>x</sub> emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr). Additionally, the Proposed Project will include an estimated 51,088 haul trips during construction<sup>12</sup>, contributing to the Proposed Project’s significant and unavoidable construction NO<sub>x</sub> 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<sup>13</sup> engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO<sub>x</sub> emissions or newer, cleaner trucks. When requiring ZE or NZE on-road haul trucks, the Lead Agency should 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 include this requirement as a bid or contract specification with contractors. 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. Require periodic reporting and provision of records by contractors to prove and ensure compliance. 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.

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<sup>11</sup> Draft EIR. Air Quality. Page IV.B-58.

<sup>12</sup> *Ibid.* Appendix D, CalEEMod Output – LA Times Square - Towers. Page 374.

<sup>13</sup> CARB adopted the statewide On-Road 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 equivalent<sup>13</sup>. Since the construction schedule of the Proposed Project extends into 2024, it is reasonable to assume that 2010 model year trucks will become more widely available commercially. For more information on CARB’s Truck and Bus Regulation, please visit: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

**Responsible Agency, Permits, and Compliance with South Coast AQMD Rules**

3. Upon a review of the Draft EIR, South Coast AQMD staff found that implementation of the Proposed Project may require operation of stationary sources such as char broilers and cooling towers<sup>14</sup>. Therefore, South Coast AQMD staff recommends that the Lead Agency consult with South Coast AQMD Permitting and Engineering staff as early as feasible to determine permit requirements and any additional rules and regulations that is applicable to the Proposed Project and that should be discussed in the Final EIR. If a permit from South Coast AQMD is required, the Lead Agency should identify South Coast AQMD as a Responsible Agency for the Proposed Project in the Final EIR. Questions on permits and applicable South Coast AQMD rules can directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

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<sup>14</sup> Draft EIR. Air Quality. Page IV.B-42.