



# South Coast Air Quality Management District

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## **Draft Environmental Impact Report (DEIR) for the Proposed TVC 2050 Project (Proposed Project) (SCH No.: 2021070014)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Los Angeles is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the project-level air quality mitigation measures, health risk impacts during operation, and information about South Coast AQMD permits that the Lead Agency should include in the Final EIR.

### South Coast AQMD Staff's Summary of Project Information in the DEIR

Based on the DEIR, the Lead Agency proposes the continuation of an existing studio use and the modernization and expansion of media production facilities within an approximately 25-acre Television City studio<sup>1</sup>. The Project is located at 7716-7860 West Beverly Boulevard in Los Angeles<sup>2</sup>. The Proposed Project consists of up to a maximum of 1,874,000 square feet of sound stage, production support, production office, general office, retail uses, associated circulation improvements, parking, landscaping, and open space<sup>3</sup>. More specifically, the Project includes up to 1,626,180 square feet of new development, the retention of up to 247,280 square feet of existing uses, and the demolition of up to 495,860 square feet of existing media production facilities<sup>4</sup>. Based on a review of aerial photographs, South Coast AQMD staff finds that the nearest sensitive receptor (e.g., residence) is within 25 feet east of the Proposed Project. The Project could take place in one phase over a 32-month period, which could begin in 2023 and end as soon as 2026, or could occur in phases over multiple years<sup>5</sup>. A Development Agreement is sought with a term of 20 years, extending the full buildout year to approximately 2043<sup>6</sup>.

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<sup>1</sup> DEIR. Page II-1.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* Page II-12

<sup>6</sup> *Ibid.*

South Coast AQMD Staff's Comments on the DEIR*Additional Recommended Project-Level Air Quality Mitigation Measures*

Based on the DEIR, the Project construction, even with the incorporation of feasible mitigation measures<sup>7</sup>, is expected to result in a significant impact on NO<sub>x</sub> emissions when compared to the South Coast AQMD Regional Air Quality Significant Thresholds. In addition, Table IV.A-12: Estimated Maximum Daily Regional Emissions from Project Concurrent Construction (Mitigated) and Operations shows that regional NO<sub>x</sub> and VOC would also exceed the South Coast AQMD regional operational significance thresholds<sup>8</sup>. To reduce the construction emissions, the Lead Agency proposes mitigation measures, including the mitigation measure AIR-MM-1, that off-road diesel-powered equipment shall meet the USEPA Tier 4 Final standards<sup>9</sup>. However, as mentioned in the DEIR, the Proposed Project is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043<sup>10</sup>. It is reasonably foreseeable that Tier 4 Final might not be the cleanest technology when construction occurs later during the 20-year Development Agreement. According to the California Air Resource Board (CARB) Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027/2028 and the Governor's Executive order in September 2020 requires CARB to develop and propose a full transition to Zero Emissions (ZE) by 2035, wherever feasible<sup>11</sup>. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the AIR-MM-1 to commit to using the cleanest technology for construction during the Development Agreement period, if available and feasible, and includes the revision in the Final EIR. If the revisions are not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

*Health Risk Impacts during Project Operation*

CEQA Guidelines §15126.2 and §15126.4 require an EIR to include a description of the significant environmental effects of a proposed project, significant environmental effects which cannot be avoided, significant irreversible environmental changes, growth-inducing impacts, and mitigation measures proposed to minimize the significant adverse impacts. An impact is considered significant under CEQA if it leads to a "substantial, or potentially substantial, adverse change in the environment." The Proposed Project is to build and expand the use of the facility to more than 1.8 million square feet area. In addition to the air quality impacts from the criteria pollutants and greenhouse gases, the adverse air quality health risk impacts associated with increased emissions of toxic air contaminants (TACs) from all sources (including but not limited to existing and future permitted stationary sources, mobile sources, and other emission sources) during the operation phases of the Proposed Project will need to be appropriately evaluated using

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<sup>7</sup> *Ibid.* Page IV.A-66

<sup>8</sup> *Ibid.* Page IV.A-75,76

<sup>9</sup> *Ibid.* Page IV.A-65.

<sup>10</sup> *Ibid.* Page II-12

<sup>11</sup> Presentation can be found at:

<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf?sfvrsn=8>.

qualitative and/or quantitative approaches in this EIR to justify whether the Proposed Project has potentially substantial adverse impacts or not.

In the Air Quality Section in the DEIR, the Lead Agency mentions, “*The primary sources of potential TACs associated with Project operations include diesel particulate matter from delivery and production trucks and, to a lesser extent, facility operations (e.g., natural gas-fired boilers). However, these activities and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions.*”<sup>12</sup> However, based on the South Coast AQMD Facility Information Detail (F.I.N.D) database<sup>13</sup>, it appears that the Proposed Project has more than ten permitted sources on-site (e.g., emergency diesel engines, boilers, and spray booths) and is also applying for additional nine permitted units (e.g., boilers and internal combustion engines). With the expansion of the use of the facility in the future, it is also expected that more new and modified equipment will be needed to use on site. The incremental uses from the new and modified stationary sources and their net increase of criteria pollutant emissions and TACs emissions are potentially substantial, but they are not evaluated and discussed in the DEIR. Therefore, it is also unclear if the primary sources of TACs associated with Project operations are the diesel particulate matters from the trucks.

Moreover, the Air Quality Section in the DEIR, the Lead Agency, also mentions, “*SCAQMD recommends that HRAs be conducted for substantial individual sources of diesel particular matter (e.g., trucks stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units)*”<sup>14</sup>, and the Lead Agency references it as from South Coast AQMD Health Risk Assessment Guidance<sup>15</sup>. However, this written language is likely to be taken from CARB Air Quality and Land Use Handbook: A Community Health Perspective, under Table 1-1: Recommendations on Sitting New Sensitive Land Uses, and specifically for Distribution Centers<sup>16</sup>. The above statement and Table 1-1 are meant for advisory recommendations on sitting new sensitive land uses (e.g., residences, schools) near distribution centers and other land use types. The Lead Agency may misunderstand the above advisory recommendations from CARB Air Quality and Land Use Handbook because the Proposed Project is not a distribution facility, nor are there any sitting new sensitive receptors near the Project site. Therefore, not including an HRA based on the above statement is misused and is not reasonably explained.

Based on Table 6 in Appendix M - Transportation Section, The Lead Agency mentions that the total net Project new trips are 787 and 855 in the morning and the afternoon peak hour trips, respectively. However, it is unclear if the net increased daily trips included how many daily truck trips are involved in the operations. If trucks are used in the Proposed Project’s operational activities (e.g., delivering equipment), the Lead Agency should identify the number of daily

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<sup>12</sup> DEIR. Page IV.A-72.

<sup>13</sup> South Coast AQMD Facility Information Detail (F.I.N.D) can be found at: <http://www.aqmd.gov/nav/FIND>.

<sup>14</sup> DEIR. Page IV.A-72

<sup>15</sup> South Coast AQMD’s guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>16</sup> CARB Air Quality and Land Use Handbook can be found at: <https://www.arb.ca.gov/ch/handbook.pdf>.

trucks traveled from and to the site (e.g., number of one-way trucks per day) and state that in the EIR. However, the Lead Agency did not mention the number of trucks used for daily operations in the DEIR. South Coast AQMD staff recommends that the Lead Agency revise and identify the number of trucks potentially involved in the operational activities and include them in the Final EIR. If it is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

The operation of the Proposed Project will attract heavy-duty, diesel-fueled vehicular trips (e.g., trucks for delivering equipment) that emit Diesel Particulate Matter (DPM), which is an air toxic and carcinogen. Furthermore, the Proposed Project is close to the local residences and exposes existing (e.g., the apartment is within 25 ft east of the Project site) and future sensitive receptors to potential adverse health impacts from carcinogenic emissions generated by diesel-mobile sources. However, based on the DEIR and technical appendices review, South Coast AQMD staff found that the Lead Agency did not perform a mobile source HRA during operation.

Therefore, it is recommended that, at minimum, the Lead Agency provide a qualitative analysis that inventories and evaluates all the stationary sources (including the permitted, proposed, and planned for future units) and mobile sources with the map showing the locations of the stationary sources, the truck routes to and from the site and truck loading/unloading docks, and their proximity to the sensitive receptors under the currently existing and foreseeable probable future conditions and show the justifications if the Proposed Project has potentially substantial health risk impacts or not from the existing condition. If a qualitative analysis is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

If the results from the qualitative analysis show the Proposed Project may have potentially significant health risk impacts, South Coast AQMD staff recommends that quantitative analysis, HRA should be conducted and compare the Proposed Project's cancer risks to South Coast AQMD CEQA significance threshold of 10 in one million<sup>17</sup> to determine the level of significance for the Proposed Project's health risk impact in the Final EIR<sup>18</sup>. The Lead Agency should also disclose the potential health risks for chronic and acute impacts of the Project's operation on residents living and/or workers working outside the Proposed Project's boundary in the Final EIR. If an HRA is not included in the Final EIR, the Lead Agency should provide reasons for not having it supported by substantial evidence in the record.

#### *South Coast AQMD Permits and Responsible Agency*

If the implementation of the Proposed Project, including more than 1.8 million square foot modernization and expansion of media production facilities, methane mitigation systems, or any other soil remedial activities that may be needed, would require modifying the existing or use of new stationary equipment, including but not limited to emergency generators, fire water pumps,

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<sup>17</sup> South Coast AQMD Air Quality Significance Thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.

<sup>18</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

boilers, spray booths, etc., permits from South Coast AQMD are required. The Final EIR should include a discussion on stationary equipment requiring South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used for the stationary sources in the Final EIR will also be used as the basis for the permit conditions and limits for the Proposed Project. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

### 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, when the Lead Agency's position is at variance with recommendations raised in the comments, the 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 and 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.

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 Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

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