South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

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Tamar.gharibian@lacity.org
Tamar Gharibian, Staff Planner
Environmental Case No.: ENV-2021-4071-EIR
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350
Los Angeles, CA 90012

**Draft Environmental Impact Report (EIR) for Fourth & Central Project (ENV-2021-4071-EIR )(Proposed Project) (SCH No. 2022030295)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to review the above-mentioned document. The City of Los Angeles (City) is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comment.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project consists of construction and operation of a high-density mixed-use development totaling 2,318,534 square feet (sq ft) on 7.6 acres spread across 10 buildings.[1] Buildings will range in size from two to 44 stories.[2] The construction phase of the Proposed Project will also entail demolishing an existing cold storage warehouse currently operating at the Proposed Project site.[3] Specifically for the operation phase, at full buildout, the Proposed Project will be comprised of 1,521 dwelling units, 411,113 sq ft of office uses, 101,088 sq ft of restaurant/retail uses, a 68-room hotel, and subterranean parking.[4] In terms of air emission sources, the Draft EIR states that the Proposed Project's operation phase may include, among others, the following stationary sources of emissions: six emergency generators ranging from approximately 2,000 to 3,350 horsepower, restaurant charbroilers, and on-site cooling towers.[5] The operation phase of the Proposed Project is also expected to generate mobile sources from a net increase of 13,724 daily vehicle trips.[6] The Proposed Project is generally located on three distinct sites (referred to in the Draft EIR as North, South and West sites[7]) near the southeast corner of East 4th Street and South Central Avenue in the downtown area of the City of Los Angeles, Los Angeles County.[8] The nearest sensitive receptor (multi-family residential uses) is approximately 120 feet west from the West site of the Proposed Project.[9] Construction is projected to commence in 2025, occur over several phases, and last approximately five years.[10]

South Coast AQMD Staff's Comments

*Health Risk Assessment (HRA) during Project Operation*

[1] Draft EIR. Executive Summary. Pages ES-1 through ES-2.
[2] *Ibid*. Executive Summary. Page ES-2.
[3] *Ibid*. Executive Summary. Page ES-1.
[4] *Ibid*. Executive Summary. Page ES-1 through ES-2.
[5] *Ibid*. IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-40 through IV.A-41.
[6] *Ibid*. Appendix J – Transportation. PDF Page 11.
[7] *Ibid*. II. Project Description. Page II-4.
[8] *Ibid*. Executive Summary. Page ES-1.
[9] *Ibid*. IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-29.
[10] *Ibid.* II. Project Description. Page II-52.

CEQA Guidelines Sections 15126.2 and 15126.4 require a Draft 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." In addition to the air quality impacts from the criteria air 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 expected future permitted stationary sources, mobile sources, and other emission sources) during the operation phases need to be appropriately evaluated using quantitative approaches to justify whether there will be potentially substantial adverse impacts.

Currently the Draft EIR contains a qualitative HRA and concludes that the operation of the Proposed Project would not expose sensitive receptors to substantial Toxic Air Contaminant (TAC) concentrations, thereby deeming the operational TAC impacts less than significant.[11] However, the Proposed Project is expected to operate various equipment, including six emergency generators ranging from approximately 2,000 to 3,350 horsepower, restaurant charbroilers, and on-site cooling towers. Additionally, the Proposed Project will generate 13,724 daily vehicle trips.[12] Notably, the Draft EIR lacks a comprehensive quantitative assessment of the health risks associated with mobile, stationary, and other sources during the operational phase. This omission is concerning because, as previously mentioned, the operation of Fourth and Central is expected to involve various diesel-powered stationary and portable sources and vehicles emitting Diesel Particulate Matter (DPM), a known air toxic and carcinogen. In other words, the potential cancer risk associated with the operation of the Proposed Project is currently unknown and undisclosed. Without substantial evidence or a quantitative HRA to support it, the determination that operational TAC impacts are less than significant appears arbitrary.

Also, as mentioned, the nearest sensitive receptor, a multi-family residential complex, is located within 120 feet west of the Proposed Project's West site.[13] There are also an additional eight multi-family residential complexes located within 175 feet to 750 feet from various locations of the Proposed Project site.[14] As such, South Coast AQMD staff recommends the Lead Agency conduct an operational phase HRA, which should include evaluating impacts of diesel-powered stationary and portable sources and truck emissions under the foreseeable probable operational conditions. Please refer to the South Coast AQMD's guidance for performing a mobile source health risk assessment.[15] An HRA assessment is essential for determining the potential cancer risk impacts associated with the operation of the Proposed Project to the offsite sensitive receptors and workers so that they can be compared to the South Coast AQMD Air Quality Significance Thresholds for TACs[16] to determine whether there will be a potentially significant air quality impact. The analysis should also disclose the potential health risks for chronic and acute impacts of the Proposed Project's operation on residents living and/or workers working outside the Proposed Project's boundary in the Final EIR.

*Health Risk Assessment (HRA) during Project Construction*

[11] Draft EIR. IV - Environmental Impact Analysis: A. Air Quality. Pages IV.A-98 through IV.A-101.
[12] Draft EIR. IV. Environmental Impact Analysis: J. Transportation. Page IV.J-35.
[13] *Ibid*. IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-29.
[14] *Ibid*. IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-29.
[15] South Coast AQMD's guidance for performing a mobile source health risk assessment is available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/mobile-source-toxics-analysis.doc
[16] South Coast AQMD. Air Quality Significance Thresholds. https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf

Similar to the operational phase of the Proposed Project, the adverse air quality health risk impacts associated with increased emissions of TACs from all sources during the construction phases also needs to be appropriately evaluated using quantitative approaches to justify whether there will be potentially substantial adverse impacts. The Proposed Project's Draft EIR does not contain a comprehensive *quantitative* assessment of the health risk associated with mobile, stationary and other sources during the construction phase. Rather, the Proposed Project contains a *qualitative* TAC analysis.[17] As a result, the potential cancer risk linked to the Proposed Project's five-year construction phase is unknown and undisclosed.

During construction, the Proposed Project is expected to generate more than 55,000 haul truck and concrete truck trips. With nine multi-family residential complexes located within 120 feet to 750 feet from various locations of the Proposed Project site, South Coast AQMD staff is concerned about the potential cancer risk linked to the Proposed Project's construction activity. Given this, South Coast AQMD Staff recommends the Lead Agency to conduct a construction phase HRA, which should include evaluating impacts of truck emissions (including the truck routes to and from the site and their proximity to the sensitive receptors) and the impact of diesel-powered stationary and portable sources under the foreseeable probable construction conditions. The analysis should also disclose the potential health risks for chronic and acute impacts of the Proposed Project's construction on residents living and/or workers working outside the Proposed Project's boundary in the Final EIR.

*Air Quality Mitigation Measures (MM) to Reduce NOx and CO Emissions from Construction*

Even with the MMs proposed by the Lead Agency for the construction phase, the Proposed Project still exceeds NOx and CO South Coast AQMD regional significant thresholds.[18] Specifically, Air Quality (AQ) MM-1 states that the Proposed Project '…shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent…'[19] Given the approximately five-year construction phase of the Proposed Project that is expected to start as early as 2025 and end in 2029 under the most intensive schedule,[20,21] Tier 4 technology may not be the cleanest technology when construction occurs in the later years of the Proposed Project.

One of CARB's strategies for reducing emissions from off-road construction equipment aims to start implementing off-road Tier 5 in 2027/2028.[22] Furthermore, California Governor Newsom's Executive Order in September 2020 (N-79-20) requires CARB to develop and propose a full transition to Zero Emissions (ZE) off-road equipment by 2035, where feasible.[23] Considering the duration of the Proposed Project's construction phase and its proximity to sensitive receptors, it is crucial to ensure that the levels of construction emissions, specifically NOx and CO, remain as low as possible during the construction period. Moving towards achieving this goal, where feasible, involves opting for electric emission-free engines instead of diesel-fueled engines for the construction equipment. This proactive choice not only aligns with environmental concerns but also demonstrates a commitment to minimizing the project's

[17] Draft EIR. IV - Environmental Impact Analysis: A. Air Quality. Pages IV.A-98 through IV.A-101.
[18] *Ibid.* IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-83 through IV.A-83.
[19] *Ibid.* IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-66.
[20] *Ibid.* II. Project Description. Page II-52.
[21] *Ibid.* IV - Environmental Impact Analysis: A. Air Quality. Page IV.A-39.
[22] Presentation accessed at: https://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
[23] Presentation accessed at: https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf

environmental footprints. The abatement of NOx can also be pursued by enforcing greener constructions, such as limiting the usage of older engines in favor of adopting the latest available technologies, or even incorporating exhaust retrofits such as cutting-edge exhaust aftertreatment techniques. Additionally, several other resources to assist the Lead Agency with identifying additional potential MMs for the Proposed Project are included in the South Coast AQMD's CEQA Air Quality Handbook[24] for both operational and construction emissions.

*South Coast AQMD Air Permits and Role as a Responsible Agency*

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as a CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project analysis in its current form in the Draft EIR is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at http://www.aqmd.gov/home/permits.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

[24] https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook

Thank you for the opportunity to provide comments. 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 Evelyn Aguilar, Air Quality Specialist, at eaguilar@aqmd.gov should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

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