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Draft Environmental Impact Report (Draft EIR) for the Buena Vista Project (Proposed Project) (SCH No: 2021070577)

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Los Angeles 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 comments which are organized by topic of concern.

Summary of Proposed Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project is a mixed-use development on an approximately 8.08-acre site at 1251 N. Spring Street and 1030–1380 N. Broadway. The site will be subdivided into a South Parcel and a North Parcel, with all existing structures removed. Development would include 986 residential units (786 multi-family, 200 affordable, and 9 live-work units), 15,000 square feet of retail space, 23,800 square feet of restaurant uses, and 116,263 square feet of outdoor open space. Two subterranean parking structures with 1,417 vehicle spaces and 660 bicycle spaces are proposed. Pedestrian and circulation improvements include widened sidewalks, wayfinding signage, a new connection to the Metro L Line Chinatown Station, and traffic signal upgrades. Construction would occur in two phases from 2028 through 2034, with potential extension to 2043–2047 under a Development Agreement. All new buildings would be all-electric, consistent with City Ordinance No. 187,714, and no natural gas equipment such as boilers or gas-fired water heaters would be installed, other than limited restaurant uses.

South Coast AQMD Comments

Construction Import/Export Assumptions

The Proposed Project's construction phases include site preparation, grading, building construction, paving, and architectural coating. The Draft EIR mentions that the grading activities for Phase 1 would require approximately 72,000 cubic yards of material to be excavated and removed over a 69-workday period, and for Phase 2, approximately 152,168 cubic yards of export would be hauled to a landfill, while 16,847 cubic yards of material would be imported.[1] The total export for the project is approximately 237,364 cubic yards. The Draft EIR

[1] Draft EIR, page IV.B-60.

states that haul trucks would use approved routes to the Azusa Land Reclamation Site (24 miles from the Project site)[2] and, for contaminated soils, the Antelope Valley Landfill (66 miles away).[3] However, Appendix B-4.1 – CalEEMod of the Draft EIR used input of only 24 miles and 32 miles for hauling.[4]

This discrepancy likely underestimates construction emissions. It is essential to include all the project-related emissions in the air quality analysis to determine the significance level during construction and propose all the feasible mitigation measures to reduce or minimize the impacts. In addition, the information and assumptions should be consistent throughout the CEQA document and its appendices.

Use of South Coast AQMD's Mass Rate Localized Significance Threshold (LST) Look-Up Table to Analyze the Proposed Project's Localized Air Quality Impact is not Consistent with Guidance for the LST Methodology

The localized significance threshold (LST) analysis in the Draft EIR appears to incorrectly rely on the LST screening tables to determine the significance of localized air quality impacts. As indicated in Table 3-2 of the LST methodology,[5] these screening tables are not applicable for projects larger than five acres. Since the Proposed Project site size is 8.08 acres and is located in close proximity to sensitive receptors, including residential uses as noted earlier in this letter, reliance on the LST screening tables may underestimate localized air quality impacts. Therefore, it is recommended that the Lead Agency conduct project-specific dispersion modeling to accurately assess the localized air quality impacts from both construction and operational phases of the Proposed Project and include the results in the Final EIR.

Inconsistency between CalEEMod and Draft EIR for Emergency Standby Diesel Engines

According to Appendix B – CalEEMod, the Proposed Project involves the installation of three new diesel-fired emergency standby engines; each with a rating of 500 brake horsepower (bhp), which is expected to operate up to one hours per day and 200 hours per year for maintenance and testing.[6] However, the Air Quality Section in Draft EIR omits to mention installation of these three new diesel-fired emergency standby engines.

It is important to note that a South Coast AQMD permit is required for each emergency standby diesel engine. Such permit may include permit conditions based on a potential to emit (PTE) that allows for operation of up to 200 hours per year with a maximum of 50 hours per year for maintenance and testing. Therefore, the Lead Agency is recommended to clearly state in the Final EIR the number of proposed new diesel-fired emergency standby engines.

[2] Appendix K – transportation, Page 135.
[3] Appendix K – transportation, Page 547.
[4] Appendix B1 – Air Quality Impact Analysis. Page 45.
[5] South Coast AQMD Final Localized Significance Threshold Methodology available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf
[6] Appendix B-4.1, page 322.

Emission Reductions from Health Risk Strategies

South Coast AQMD is concerned about the potential public health impacts of siting existing and new sensitive populations within the proximity of existing air pollution sources (e.g., freeway, railroad). For this reason, prior to approving this Proposed Project as well as any future development projects, the Lead Agency is recommended to consider the impacts of air pollutants on people who will live in the new project area and provide effective mitigation. Additionally, South Coast AQMD suggests that the Lead Agency review and apply the guidance provided in: 1) the California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective[7] which provides criteria for evaluating and reducing air pollution impacts associated with new projects involving land use decisions; and 2) CARB's technical advisory which contains strategies to reduce air pollution exposure near high-volume roadways.[8]

Many strategies are available for residential receptors to reduce being exposed to particulate matter, including, but not limited to, HVAC systems equipped with filters rated at a minimum efficiency reporting value (MERV) 13 or higher air filtration capabilities. In some cases, MERV 15 or better is recommended, for building design, orientation, location, vegetation barriers, landscaping screening, etc. Enhanced filtration units are capable of reducing exposure. However, enhanced filtration systems have limitations. For example, filters rated MERV 13 or higher are able to screen out greater than or equal to 50% of DPM[9] but they have no ability to filter out volatile organic compound (VOC) emissions. Also, in a study that South Coast AQMD conducted to investigate filters rated at MERV 13 or better in classrooms,[10][11] a cost burden is expected to be within the range of $120 to $240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary, including costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, the filters would not have any effect unless the HVAC system is running. Therefore, when in use, the increased energy consumption from each HVAC system should be evaluated in the Final EIR. While the filters operate 100 percent of the time when the HVAC is in use while the residents are indoors, the environmental analysis does not generally account for the times when the residents are not using their HVAC and instead have their windows or doors open or are moving throughout the common space outdoor areas of the Proposed Project. Furthermore, when used filters are replaced with new filters, emissions associated with trucks delivering the new filters and waste disposal trucks transporting the used filters to disposal sites should be evaluated in the Final EIR. Therefore, any presumed effectiveness and feasibility of a particular HVAC filter should be carefully evaluated in more detail based on supporting evidence before assuming they will sufficiently alleviate exposure to DPM emissions.

[7] California Air Resources Board (CARB), Air Quality Land Use and Handbook: A Community Health Perspective, April 2005. Available at: https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf

[8] CARB's Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways. Available at: https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf

[9] U.S. EPA, "What is a MERV rating?" Available at: https://www.https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating.

[10] South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf.

[11] South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf.

South Coast AQMD Air Permits and Role as a Responsible Agency

If 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. The final CEQA document, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,[12] Rule 203 – Permit to Operate,[13] Rule 401 – Visible Emissions,[14] Rule 402 – Nuisance,[15] Rule 403 – Fugitive Dust,[16] Rule 1113 – Architectural Coating,[17] Regulation XIII – New Source Review,[18] Rule 1401 – New Source Review of Toxic Air Contaminants,[19] Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,[20] etc. 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.

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 https://www.aqmd.gov/home/permits.

Information on the CERP for the Close Proximity to Designated AB 617 ELABHWC Community

The Proposed Project area is located in close proximity to the AB 617-designated East Los Angeles, Boyle Heights, West Commerce (ELABHWC) community, which is heavily impacted by air pollution generated from sources such as heavy-duty diesel trucks, warehouses, and railroad activities. As required under AB 617, South Coast AQMD works with a Community Steering Committee (CSC) to develop a Community Emissions Reduction Plan (CERP) that identifies air quality priorities and actions to reduce air pollution in the community. The South Coast AQMD's Governing Board adopted the AB 617 ELABHWC Community CERP on

[12] South Coast AQMD. Rule 201 available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf
[13] South Coast AQMD. Rule 203 available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf
[14] South Coast AQMD. Rule 401 available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf
[15] South Coast AQMD. Rule 402 available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf
[16] South Coast AQMD. Rule 403 available at: https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403
[17] South Coast AQMD. Rule 1113 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf
[18] South Coast AQMD. Regulation XIII available at: https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii
[19] South Coast AQMD. Rule 1401 available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf
[20] South Coast AQMD. Rule 1470 available at: https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf

September 6, 2019.[21] Given the long construction period (2028–2034, with a possible extension to 2043–2047 under a Development Agreement) and the potential to introduce or expand sensitive populations and increase exposure in close proximity to existing and future air pollution sources, including, but not limited to, the emissions from construction-related diesel trucks and equipment, South Coast AQMD staff is concerned about the potential public health impacts. Accordingly, staff recommends that the Lead Agency review the actions included in Chapter 5 of the adopted CERP and continue working with South Coast AQMD's AB 617 staff to explore whether additional mitigation measures can be identified and implemented in connection with future development activities at the Proposed Project.

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.

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 Jivar Afshar, Air Quality Specialist, at jafshar@aqmd.gov should you have any questions.

Sincerely,

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SW:JA

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[21] South Coast AQMD. September 2019. Assembly Bill 617 East Los Angeles, Boyle Heights, West Commerce Community Emissions Reduction Plan. Accessed at: https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/east-la/cerp/carb-submittal/final-cerp.pdf