



South Coast  
Air Quality Management District

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E-Mailed: September 30, 2011  
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Ms. Diana Kitching  
Environmental Analysis Section  
Los Angeles Department of City Planning  
200 North Spring Street, Room 750  
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**Review of the Draft Environmental Impact Report (Draft EIR) for the  
Beverly Fairfax Theater Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the final environmental impact report (EIR) as appropriate.

AQMD staff is concerned about the significant regional air quality impacts disclosed in the draft EIR and the inconsistencies in the air quality analysis. Specifically, the draft EIR provides inconsistent information (e.g., unidentified regional emissions values and differing equipment lists) related to the project's regional and localized impacts. Further, given the limited scope of technical information (i.e., emissions calculations, emissions factors, assumed equipment pieces, etc) available in Appendix IV.C of the draft EIR the AQMD staff was unable to reconcile the emissions data provided to confirm the lead agency's air quality determination. As a result, the AQMD staff is concerned that the air quality impacts may be understated in the draft EIR and potentially significant impacts may not have been disclosed to the public or sufficiently mitigated.

AQMD staff recommends that the lead agency revise the air quality analysis to clearly demonstrate (with a clear emissions methodology) the project's air quality impacts. In the event that the lead agency determines that the project will have additional significant air quality impacts the lead agency should provide feasible mitigation measures to reduce these impacts to a less than significant level. Details regarding these comments are enclosed.

Pursuant to Public Resources Code Section 21092.5, AQMD staff requests that the lead agency provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, AQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive style with a large initial "I".

Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources

IM:DG

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### Regional and Localized Air Quality Analysis

1. As stated in the draft EIR the calculation sheets for the estimated maximum peak daily emissions values provided on page IV.C-20 are provided in Appendix IV.C. However, Appendix IV.C demonstrates regional air quality impacts that are significantly higher than disclosed in the draft EIR and does not provide the explicit methodology that was used to calculate the project's air quality impacts. For example, Table IV.C-9 states that the estimated peak daily construction emissions value for NO<sub>x</sub> is 115 lbs/day whereas the URBEMIS2007 output sheets provided in the appendix state that the maximum peak daily regional emissions value for NO<sub>x</sub> is 230 lbs/day. Further, the onsite equipment lists for the regional and localized emissions analysis are inconsistent and the lead agency does not explain this discrepancy. As a result, AQMD staff does not have the ability to determine the technical adequacy of the information contained in the draft EIR. Therefore, we recommend that the lead agency review and clarify this information in the final EIR. If upon review of the methodology the lead agency determines that the proposed project will yield additional significant air quality impacts the AQMD staff recommends that the lead agency require mitigation pursuant to CEQA Guidelines §15126.4 to reduce these impacts to a insignificant level. Additional measures to reduce construction related emissions can be found at the following website: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).

### Regional Air Quality Mitigation Measures

2. The lead agency determined that the proposed project will exceed the CEQA regional construction significance thresholds for NO<sub>x</sub> emissions; therefore, AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.
  - During project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:
    - ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
    - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>