South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

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Debbie.Lawrence@lacity.org

Ms. Debbie Lawrence
San Pedro Community Planner
Los Angeles Department of City Planning
200 North Spring Street, Room 667
Los Angeles, CA 90012

Review of the Draft Environmental Impact Report (Draft EIR) for the San Pedro Community Plan Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

The AQMD staff recognizes the potential long term regional air quality benefits from the proposed transit oriented development portion of the project that may reduce vehicle miles traveled (VMT) in the region. However, the AQMD staff is concerned that the project places new sensitive land uses[1] (i.e., residential land uses) adjacent to the Port of Los Angeles (POLA). The POLA is a significant source of toxic air pollutants as shown by AQMD's MATES III study. Therefore, absent substantial evidence (i.e., quantification of health risk impacts and mitigation) demonstrating that public health impacts due to the project's proximity to POLA are insignificant the lead agency should include mitigation in the Final EIR that is consistent with the CARB Land Use Handbook[2].

Specifically, the lead agency should avoid the placement of new sensitive land uses or the intensification of existing sensitive land uses that are significantly impacted by the port. In the event that the final EIR demonstrates significant adverse air quality impacts the lead agency should require mitigation pursuant to Section 15092 of the California

[1] Sensitive land uses are land uses where sensitive individuals are most likely to spend time, including schools, schoolyards, parks, playgrounds, day care centers, nursing homes, hospitals, and residential communities.
[2] California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: http://www.arb.ca.gov/ch/landuse.htm

Environmental Quality Act (CEQA) Guidelines. Further, AQMD staff recommends that pursuant to Section 15126.4 of the CEQA Guidelines additional mitigation measures are considered to minimize the project's significant construction and operational air quality impacts. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, 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 the enclosed comments.

Sincerely,

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

Attachment

IM:DG

LAC120814-01
Control Number

Potential Health Risk Impacts to Sensitive Land Uses

1. Based on the lead agency's project description in Chapter 3 of the Draft EIR (see Figure 3-2) the proposed project includes the intensification of residential land uses along Harbor Boulevard that is adjacent to the Port of Los Angeles. Specifically, the project will increase the capacity for residential units in sub-area 135 and 175 (see figure 3-4) of the community plan. As a result, the AQMD staff is concerned about potentially significant health risk impacts from toxic air pollutants emitted by the high volume of port related activity adjacent to the proposed residences. AQMD's MATES III study determined that the cancer health risks near the port are substantially elevated compared to the rest of the air basin. While the ports have taken many steps to control emissions their significant impact on local air quality remain.[3] Therefore, AQMD staff recommends that the lead agency provide additional mitigation that requires the maximum possible buffer between new residential land uses and the port area. Further, the lead agency could consider other alternatives that would strategically concentrate new housing stock in areas further inland in the proposed community commercial area. In addition to considering the above mentioned mitigation measure/alternative the lead agency should revise Mitigation Measure 4.2-3 in the Final EIR to identify specific project design features that could effectively reduce potential significant health risk impacts from the project.

Operational Emissions Mitigation

2. Given that the lead agency determined that the proposed project will exceed the CEQA regional operational significance thresholds for VOCs, PM2.5, and PM10 and exceed the GHG emissions thresholds the AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.

Transportation

- Require electric car charging stations for non-residential land uses. Also, provide designated areas for parking of zero emission vehicles (ZEVs) for car-sharing programs.
- Provide electric car charging infrastructure for commercial and residential land uses beyond local requirements.
- Provide incentives to encourage public transportation and carpooling, such as park and ride lots, or dedicated shuttle service from the development to nearby transit for commuters.
- Provide incentives for employees and the public to use public transportation such as discounted transit passes, reduced ticket prices, and/or other incentives.
- Implement a rideshare program for employees.
- Require the use of 2010 diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail and vendor supply delivery trucks) upon project build-out, whenever feasible.

[3] http://www.aqmd.gov/prdas/matesIII/matesIII.html

- Provide an alternative fueling station for delivery trucks (e.g., natural gas or electric) and passenger cars.
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.
- Require the use of electric or alternative fueled maintenance vehicles at commercial and residential sites.

Other

- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- Provide outlets for electric and propane barbecues in residential and park areas.
- Require use of electric lawn mowers and leaf blowers.
- Require use of electric or alternatively fueled sweepers with HEPA filters at commercial sites.
- Require use of water-based or low VOC cleaning products at commercial facilities.

Construction Equipment Mitigation Measures

3. The lead agency determined that the proposed project will exceed the CEQA regional construction significance thresholds for NOx, VOC, CO, PM10, and PM2.5; therefore, AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.

   - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,

   - Consistent with measures that other lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)[4] have enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following:

     ✓ Project start, 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.

[4] For example see the Metro Green Construction Policy at: http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

- ✓ 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

Additional measures to reduce off-road construction equipment can be found at the following website: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.