



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Mitigated Negative Declaration (MND) for the Proposed ENV-2017-258 3800 W. 6th Street Mixed-Use Development

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish 6,300 square feet of commercial spaces, a 107-student daycare center, and parking lot (Proposed Project). The Proposed Project would also include construction of a 325,794-square-foot building with 122 residential units and 192 hotel rooms on 1.03 acres. Construction is expected to take approximately 24 months.

SCAQMD Staff's Comments on Air Quality Analysis

In the air quality analysis of the MND, the Lead Agency quantified the Proposed Project's peak daily construction emissions. According to Table B-2 on Page 76 in the MND, the Proposed Project's VOC emissions during construction would be 176.36 pounds per day, which exceeds SCAQMD air quality CEQA significance threshold of 75 pounds per day for construction. This calculation assumed appropriate dust control measures required by SCAQMD Rule 403 that would be implemented as part of the Proposed Project¹. Subsequently, the Lead Agency stated that compliance with Rule 403 would reduce regional particulate matter emissions associated with construction activities and the impacts would be less than significant².

SCAQMD staff is concerned that the Lead Agency has not provided substantial evidence in the MND to support a fair argument that the Proposed Project's construction air quality impacts from VOC would be less than significant after incorporating the requirements of SCAQMD Rule 403. First, SCAQMD Rule 403 is to reduce particulate matter in the atmosphere and fugitive dust emissions, not to reduce VOC emissions. SCAQMD Rule 1113 is to limit VOC content of architectural coatings³. Second, as shown in Table B-2 in the MND, the peak daily construction emissions from VOC remain significant even after incorporating dust control measures required under SCAQMD Rule 403.

A mitigated negative declaration is appropriate when the Lead Agency finds that the project will not have a significant effect on the environment after incorporating mitigation measures (CEQA Guidelines Sections 15070 to 15075). Reasons to support this finding shall be documented in the initial study. Without providing feasible mitigation measure(s) to reduce VOC emissions to less than significant, the

¹ MND. Page 77.

² *Ibid.*

³ South Coast Air Quality Management District. Rule 1113. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>.

MND has not made that documentation which serves as substantial evidence to support a fair argument that the Proposed Project would not have any adverse effects on air quality. Therefore, SCAQMD staff recommends that the Lead Agency include mitigation measure(s) to reduce VOC emissions during construction, quantify the level of VOC emissions after incorporating the mitigation measure(s), and if VOC emissions are reduced to less than significant with the mitigation measure(s), make these mitigation measures a condition of approval for the Proposed Project (CEQA Guidelines Section 15074 (d)).

Recommended Mitigation Measure to Reduce VOC Emissions during Construction

SCAQMD staff recommends that the Lead Agency incorporate the following recommended mitigation measure or other comparable measures in the Final MND to reduce VOC emissions during construction. Mitigation measure(s) that the Lead Agency proposes to reduce construction-related VOC emissions to less than significant must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)). As such, it is recommended that the Lead Agency include the following recommended mitigation measure or other comparable measures in applicable construction bid document, contract, and/or development agreement prior to issuance of a building and grading permit for the Proposed Project.

Mitigation Measure Air Quality-1: Use of water-based or low VOC products.

SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

Since the Proposed Project would include demolition of 6,300 square feet of commercial spaces, asbestos may be encountered during demolition. As such, SCAQMD staff recommends that the Lead Agency include a discussion to demonstrate compliance with SCAQMD Rule 1403 in the Final MND.

Closing

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful or useful to decision makers and the public who are interested in the Proposed Project.

SCAQMD staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact me at lsun@aqmd.gov if you have any questions regarding the enclosed comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources