



South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

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Draft Environmental Impact Report (DEIR) for the Proposed 777 North Front Street Project (SCH No.: 2018041012)

South Coast Air Quality Management District (South Coast AQMD) 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 EIR.

South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes construction of 572 residential units, 1,067 square feet of retail uses, a hotel with 317 rooms, and subterranean parking on 8.09 acres (Proposed Project). The Proposed Project is located on the northeast corner of North Front Street and West Magnolia Boulevard. Based on a review of the DEIR and aerial photographs, South Coast AQMD staff found that the Proposed Project is located within 500 feet of Interstate 5 (I-5). Construction of the Proposed Project is expected to take place in three phases over approximately 61 months with operation beginning in 2025¹.

South Coast AQMD Staff's Summary of Air Quality and Health Risk Assessment Analyses

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant, after the implementation of mitigation measure (MM) AQ-2. MM AQ-2 requires haul trucks used during construction to have engine model years between 2010 and 2018. The Lead Agency also performed a mobile source Health Risk Assessment (HRA) for future residents living at the Proposed Project and found that cancer risk would be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk², after the implementation of project design feature (PDF) AQ-3. PDF AQ-3 requires an additional air quality engineering study to guide the Minimum Efficiency Reporting Value (MERV) rating of 13 or better for the enhanced filters that would be installed at the Proposed Project. If the developer elects to not conduct the study, PDF AQ-3 requires installation of filters with a MERV rating of 15. Based on a review of the California Emissions Estimator Model (CalEEMod) modeling output files, South Coast AQMD staff found that the Lead Agency assumed the use of construction equipment that meets United States Environmental Protection Agency's (U.S. EPA) Tier 3 emissions standard to quantify the Proposed Project's construction emissions³.

¹ DEIR. Section 2.7.5 *Construction and Grading*, Page 2-16.

² South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

³ *Ibid.* Appendix D, *Air Quality and Greenhouse Study*, Page 47.

South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis. South Coast AQMD staff found that an overlapping construction and operation scenario (e.g., phase one could overlap with phases two and three) is reasonably foreseeable but was not analyzed in the DEIR. Tier 3 off-road construction equipment was modeled to calculate the Proposed Project's construction emissions. To further reduce the Proposed Project's construction emissions, particularly from NOx and particulate matter, it is recommended that the Lead Agency require the use Tier 4 construction equipment, and make it a requirement as either a project design feature or mitigation measure in the Final EIR. Additionally, MM AQ-2 requires construction contractors to utilize on-road haul trucks with model year engines between 2010 and 2018. To ensure the use of on-road haul trucks with clean engines, including zero-emission or near-zero emission trucks during the entire 61-month construction period, South Coast AQMD staff recommends changes to MM AQ-2 that should be incorporated in the Final EIR. Please see the attachment for more information. The attachment also includes a list of additional mitigation measures as resources to the Lead Agency that should be considered for incorporation into the Final EIR.

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail 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 will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, when the Lead Agency makes the finding that the recommended mitigation measures are not feasible, the Lead Agency should describe the specific reasons for rejecting them in the Final EIR (CEQA Guidelines Section 15091).

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 Robert Dalbeck, Assistant Air Quality Specialist, at RDalbeck@aqmd.gov or (909) 396-2139, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:RD

LAC190402-03

Control Number

ATTACHMENT

Air Quality Analysis – Overlapping Construction and Operation Scenario

1. The Lead Agency stated that the Proposed Project would be completed in three phases. Phase one would include construction of Residential 1 building and earthwork and is expected to occur from September 2019 until July 2022⁴. Phase two would include construction of Residential 2 building and is expected to occur from April 2020 until September 2025⁵. Phase three would include construction of a hotel and is expected to occur from April 2020 until September 2025⁶. Additionally, the Lead Agency stated that “All future development projects were assumed to be built and operational by the Project’s buildout year of 2022⁷.” While the Lead Agency modeled emissions by combining all phases into one continuous phase of construction in CalEEMod, South Coast AQMD staff found that the Lead Agency did not analyze a scenario in which the Proposed Project’s construction and operational activities overlap. Since the Proposed Project’s construction activities will occur in phases, an overlapping construction and operation scenario is reasonably foreseeable (e.g., Residential 1 building may be operational when Residential 2 building and the hotel are under construction). Unless the Lead Agency includes a requirement, as a project design feature, mitigation measure, or condition of approval, to restrict the overlapping of construction and operational activities in the Final EIR, South Coast AQMD staff recommends that the Lead Agency analyze a worst-case impact scenario and revise the Air Quality Analysis to identify potentially overlapping years, combine construction emissions with operational emissions, and compare the combined emissions to South Coast AQMD’s air quality CEQA *operational* thresholds of significance to determine the level of significance in the Final EIR (*emphasis added*). In the event that the Lead Agency, after analyzing an overlapping construction and operation scenario, finds that the Proposed Project’s air quality impacts would be significant, feasible mitigation measures will be required (CEQA Guidelines Sections 15126.2 and 15126.4).

Considerations for Project Design Feature (PDF) 3

2. Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of 573 residential units and is located within 500 feet of I-5⁸. Therefore, residents living at the Proposed Project would likely be exposed to toxic air contaminants (TACs) such as diesel particulate matter (DPM) from the transportation and idling of heavy-duty, diesel-fueled trucks associated with these land uses. PDF AQ-3 requires installation of enhanced air filtration system and a study to determine the MERV rating, 13 or better, for the filters. If the developer elects to not conduct an air quality engineering study, the Proposed Project would be required to install MERV 15 filters in each residential unit⁹. South Coast AQMD staff recommends that the Lead Agency review the following considerations for PDF AQ-3 and incorporate additional information to provide useful information to future residents in the Final EIR.

Limitation of Enhanced Filtration Units and Enforceability

3. Many strategies are available to reduce exposures, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV

⁴ DEIR. Section 2.7.5 *Project Description-Construction and Grading*, Page 2-16.

⁵ *Ibid*, Page 2-17.

⁶ *Ibid*.

⁷ DEIR. Section 4.12, *Transportation and Traffic*, Page 4.12-26.

⁸ *Ibid*. Figure 2-2, *Project Site Location*, Page 2-3.

⁹ DEIR. Section 4.2, *Air Quality*, Page 4.2-10.

15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting residential uses near a major freeway, it is essential that any proposed strategy is carefully evaluated before implementation. While enhanced air filtration units would reduce exposure of future residents to TACs, they have limitations. For example, in a study that South Coast AQMD conducted to investigate filters¹⁰, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate TAC exposures.

4. To ensure that they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to TACs, South Coast AQMD staff recommends that the Lead Agency provide additional information regarding the ongoing, regular maintenance, and monitoring of filters in the Final EIR. To facilitate a good-faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final EIR should include the following information:
 - a) Identify the responsible implementing and enforcement agency such as the Lead Agency's building and safety inspection unit to ensure that enhanced filtration units are inspected and maintained regularly;
 - b) Provide information and guidance to the Project developer or proponent on the importance of ongoing, regular filter inspection and maintenance
 - c) Disclose the potential increase in energy costs for running the HVAC system with MERV filters to prospective residents;
 - d) Provide information to residents on where the MERV filters can be purchased;
 - e) Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
 - f) Identify the responsible entity such as residents themselves, Homeowner's Association (HOA), or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
 - g) Identify, provide, and disclose ongoing cost-sharing strategies between the HOA and residents/tenants, if available, for replacing the enhanced filtration units;

¹⁰ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://www.iqair.cn/sites/default/files/documents/Polidori-et-al-2012.pdf>.

- h) Set City-wide or Proposed Project-specific criteria for assessing progress in installing and replacing the enhanced filtration units; and
- i) Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

Mitigation Measures

- 5. To further reduce the Proposed Project's construction emissions from NO_x and particulate matter, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 construction equipment and include this requirement as a project design feature or mitigation measure in the Air Quality Section of the Final EIR, not a mere modeling assumption in the CalEEMod modeling output files.

Tier 4 Construction Equipment and Enforceability

- 6. The Lead Agency should require construction contractor(s) to use off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions. A list of CARB verified DPFs are available on the CARB website. Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities. A copy of each unit's certified tier specification and CARB or South Coast AQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance with this mitigation measure. If the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously, if applicable. To ensure that off-road construction equipment used will meet or exceed Tier 4 off-road engine emission standards during 61 months of construction, South Coast AQMD staff recommends that the Lead Agency incorporate these requirements as a project design feature, mitigation measure, or a condition of approval for the Proposed Project in the Air Quality Section of the Final EIR.

Zero-Emission or Near-Zero Emission On-Road Haul Trucks during Construction

- 7. In the DEIR, the Lead Agency requires on-road haul trucks used during construction to have model year engines 2010-2018 (MM AQ-2). To encourage the use of clean haul trucks, including zero-emission or near-zero emission on-road haul trucks during the 61-month construction period, South Coast AQMD staff recommends that the Lead Agency incorporate the following changes to MM AQ-2:

MM AQ-2 ~~All haul trucks used during construction shall have engine model years between 2010 and 2018 to ensure that all truck engines have higher average total fuel efficiency. Require zero-emissions or near-zero emissions on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the California Air Resources Board (CARB)'s adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that construction vendors, contractors, and/or haul truck operators commit to using 2010 model year or newer trucks (e.g., material delivery trucks and soil and aggregate import/export) that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Additionally, the Lead Agency should include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require the developer to maintain records of all trucks visiting the Proposed Project during construction and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.~~

Additional Recommended Mitigation Measures for Construction Activities

8. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. In addition to MM 4.1-2, South Coast AQMD staff has compiled a list of recommended mitigation measures as suggested resources and guidance to the Lead Agency to further reduce the Proposed Project's construction and operational air quality impacts that the Lead Agency should review and incorporate in the Final EIR. For more information on potential mitigation measures as guidance to the Lead Agency, please visit South Coast AQMD's CEQA Air Quality Handbook website¹¹.
 - a) Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
 - b) Enter into a contract that notifies all construction vendors and contractors that vehicle idling time will be limited to no longer than five minutes or another time-frame as allowed by the California Code of Regulations, Title 13 section 2485 – CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. For any vehicle that is expected to idle longer than five minutes, each project applicant, project sponsor, or public agency will require the vehicle's operator to shut off the engine. To further ensure that drivers understand the vehicle idling requirement, post signs at the entrance and throughout the site stating that idling longer than five minutes is not permitted.
 - c) Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

¹¹ South Coast AQMD. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

Additional Recommended Mitigation Measures for Operational Activities

9. Require at least 5% of all vehicle parking spaces include EV charging stations, or at a minimum, require the Proposed Project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. It is important to make this electrical infrastructure available when the Proposed Project is built so that it is ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, South Coast AQMD staff recommends that the Lead Agency require the Proposed Project to provide the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in. Additionally, the Lead Agency should include analyses to evaluate and identify sufficient power available for zero emission vehicles and supportive infrastructures (e.g., EV charging stations) in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.
10. For the hotel component of the Proposed Project, implement an anti-idling program. Vendors should be instructed to advise drivers that trucks and other equipment shall not be left idling for more than five minutes. Signs informing truck drivers of the anti-idling policy should be posted in the loading docks of the Project.
11. For the hotel component of the Proposed Project, establish a policy to select and use vendors that use clean vehicles and trucks to service and deliver materials. Include this policy in the vendor contracts and business agreement.
12. Maximize the planting of trees in landscaping and parking lots.
13. Require use of electric or alternatively fueled street-sweepers with HEPA filters.
14. Require use of electric lawn mowers and leaf blowers.