



South Coast Air Quality Management District

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SENT VIA E-MAIL:

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Draft Environmental Impact Report (Draft EIR) for the Proposed Sunset Gower Studios Enhancement Project (SCH No.: 2018021071)

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 to demolish 160,000 square feet of existing studio floor areas and construct three new office buildings totaling 693,432 square feet with subterranean parking on 15.9 acres (Proposed Project). The Proposed Project is located on the southwest corner of Sunset Boulevard and Gower Street in the community of Hollywood within the City of Los Angeles. Construction of the Proposed Project will depend on business needs but is anticipated to begin in or before 2024 and be completed in 2028¹. Based on Figure II: *Aerial Photograph of the Project Vicinity*, and a review of aerial photographs, South Coast AQMD staff found that the Proposed Project is surrounded by residential uses and is approximately 0.4 miles from Bernstein High School².

South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Draft EIR, the Lead Agency quantified the Proposed Project's regional construction and operational emissions and compared those emissions to the South Coast AQMD's recommended air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's unmitigated regional construction air quality impacts would be significant for nitrogen oxides (NOx) at 261 pounds per day (lbs/day)³. The Lead Agency is committed to implementing Mitigation Measure AIR-MM-1, which requires that project representatives maintain a list of all off-road construction equipment and that off-road construction equipment shall meet Tier 4 Final where commercially available⁴. With implementation of AIR-MM-1, the Proposed Project's construction air quality impacts from NOx emissions would remain significant and unavoidable at 204 lbs/day⁵. The Lead Agency also quantified concurrent construction and operational emissions, compared the combined emissions to South Coast AQMD's air quality CEQA significance thresholds for operation, and found that the Proposed Project's overlapping construction and operational activities would result in significant and unavoidable air quality impacts for NOx emissions at 83 lbs/day⁶. The Proposed Project's localized construction and operational air quality impacts were found to be less than significant⁷.

¹ Draft EIR. Chapter II: Project Description. Page II-17.

² *Ibid.* Page II-4.

³ Draft EIR. Chapter IV.B, Air Quality, Page IV.B-51.

⁴ *Ibid.* Page IV. B-60 to 61.

⁵ *Ibid.*

⁶ *Ibid.* Page IV.B-64.

⁷ *Ibid.* Page IV.B-53 and IV.B-56.

Summary of South Coast AQMD Staff's Comments

Based on a review of the Draft EIR and supporting technical documents, South Coast AQMD staff has concerns about the Proposed Project's air quality analysis for construction, which have likely led to an under-estimation of the Proposed Project's construction emissions. First, the Lead Agency used a haul truck trip length of 25 miles (one-way) to quantify the Proposed Project's hauling emissions from soil export but did not discuss how this truck trip length was developed in the Draft EIR. South Coast AQMD recommends that the Lead Agency provide additional information in the Final EIR as substantial evidence to support that the use of 25 miles is appropriate and will not result in an under-estimation of construction emissions from haul truck trips. Second, according to AIR-MM-1, the Lead Agency will use Tier 4 Final construction equipment when it is commercially available. However, the Lead Agency quantified the Proposed Project's mitigated construction emissions based on an assumption that Tier 4 Final construction equipment will be used, not when it is commercially available⁸. Therefore, the assumption used to calculate the mitigated construction emissions in the Draft EIR was not consistent with the air quality mitigation requirement in AIR-MM-1. Third, the Proposed Project's regional construction NOx emissions would be contributed by on-road and off-road construction equipment. While the Lead Agency included an air quality mitigation measure to reduce emissions from the use of off-road construction equipment, it did not include a mitigation measure to reduce on-road construction trucks emissions. Since the Proposed Project's construction air quality impacts, particularly from NOx emissions, would be significant and unavoidable, South Coast AQMD staff recommends that the Lead Agency require the use of zero-emissions, near-zero emissions, or at a minimum, 2010 model year heavy-duty haul trucks during construction. Please see the attachment for more information.

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, if the Lead Agency makes the findings that the recommended new mitigation measure is not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting it 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 Margaret Isied, Assistant Air Quality Specialist, at misied@aqmd.gov if you have questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:MI

LAC200521-02

Control Number

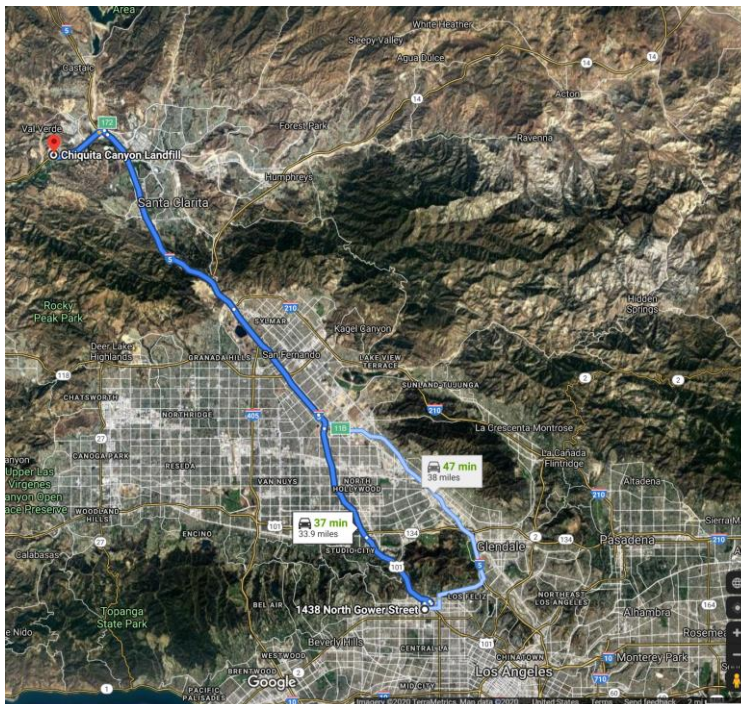
⁸ Draft EIR, Appendix B, Technical Appendix for Air Quality and Greenhouse Gas Emissions. CalEEMod Winter Run, User Entered Comments and non-default data, PDF Pages 35-38.

ATTACHMENT

1. Construction Air Quality Impact Analysis

Based on a review of the Draft EIR and the Air Quality and Greenhouse Gas Analysis Technical Appendix, South Coast AQMD staff found that the Lead Agency used a haul truck trip length of 25 miles (one way)⁹ to quantify the Proposed Project's hauling emissions from soil export. In the Transportation Appendix to the Draft EIR, the Lead Agency stated that haul trucks will travel from the Proposed Project to the Chiquita Landfill via U.S. State Route 101 and Interstate 5 (I-5)¹⁰. However, the Draft EIR and supporting technical appendices, the Lead Agency did not discuss how the haul truck trip length of 25 miles (one way) was developed. As shown in Figure 1, South Coast AQMD staff estimated the haul truck trip length of 33.9 miles (one-way) between the Proposed Project and the Chiquita Landfill via U.S. Route 101 and I-5. The Lead Agency estimated that the peak truck activity at the Proposed Project would occur during the excavation and grading phases and would require up to 314 truck trips a day¹¹. Using a one-way haul truck trip length of 25 miles likely underestimated the Proposed Project's construction emissions, particularly NO_x emissions, from haul truck trips for soil export. Therefore, South Coast AQMD staff recommends that the Lead Agency provide additional information in the Final EIR as substantial evidence to support the use of 25 miles (one-way). Alternatively, to conservatively analyze a worst-case construction impact scenario, the Lead Agency should re-calculate the Proposed Project's construction emissions from haul truck trips based on a 33.9-mile, one-way trip length. If the Lead Agency finds, after the revisions, that the Proposed Project's construction emissions would be significant, mitigation measures to reduce hauling emissions will be required (CEQA Guidelines Section 15126.4). (Also see Comment No. 3).

Figure 1: South Coast AQMD Staff's Estimated Haul Truck Trip Distance based on the Haul Route in the Draft EIR



Source: South Coast AQMD Staff. Generated June 24, 2020. Google Maps.

⁹ *Ibid.* CalEEMod Vehicle Miles Traveled. PDF Page 121.

¹⁰ *Ibid.* Appendix J: Transportation Appendix. Page 139.

¹¹ *Ibid.* Page 138.

2. **Air Quality Mitigation Measure (AIR-MM-1)**

In the Draft EIR, the Lead Agency is committed to using Tier 4 Final construction equipment only when it is commercially available (AIR-MM-1)¹². In the Air Quality and Greenhouse Gas Technical Appendix, the Lead Agency discussed low availability of Tier 4 Final construction equipment and number of construction projects ongoing and expected to be ongoing¹³ as reasons to support that Tier 4 construction equipment will likely not be available for use at the Proposed Project. However, based on a review of the CalEEMod output files for the Proposed Project, South Coast AQMD staff found that the Lead Agency calculated the Proposed Project's mitigated construction emissions assuming that Tier 4 Final construction equipment will be used, not based on the commercial availability. It is not appropriate to rely on emissions reductions from using Tier 4 Final construction equipment to calculate the Proposed Project's mitigated construction emissions when the commitment is to use such equipment when it is commercially available. Therefore, to be consistent with the mitigation measure requirement in AIR-MM-1 in the Draft EIR, the Lead Agency should re-calculate the Proposed Project's mitigated construction emissions based on the use of Tier 4 Interim or Tier 3 construction equipment.

3. **Additional Recommended Construction Air Quality Mitigation Measure for Mobile Sources**

In the Draft EIR, the Lead Agency considered the use of diesel trucks meeting 2007 or 2010 model year engine standards, but concluded that those trucks are low in availability because according to the statewide emissions inventories of on-road mobile sources (EMFAC2017) 2010 model year trucks are accounted for approximately 50 percent of the truck population¹⁴. Additionally, the Lead Agency indicated that "concrete delivery activities at the Proposed Project typically rely on a mix of small independent contractors and a few companies with large fleets¹⁵." Therefore, the Lead Agency would not require the use of 2007 or 2010 model truck as an air quality mitigation measure.

South Coast AQMD staff is concerned with the Lead Agency's reasoning for not requiring the use of 2010 model year trucks. CEQA defines feasible to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (California Public Resources Code Section 21061.1 and CEQA Guidelines Section 15364). Although the Lead Agency discussed reasons for not requiring the use of 2007 or 2010 model year trucks in the Draft EIR, those reasons were conclusory and not specific to the Proposed Project (e.g., based on a model assumption from statewide emissions inventories of on-road mobile sources). Therefore, the Lead Agency's assessment in the Draft EIR lacked enough substantial evidence to support that using clean trucks will not be feasible for the Proposed Project to implement after considering the economic, environmental, legal, social, and technological factors.

The California Air Resources Board (CARB) adopted the statewide Truck and Bus Regulation (Regulation) in 2010. The Regulation requires, among others, that diesel trucks and buses that operate in California to have 2010 model year engines or equivalent by January 1, 2023¹⁶. Not only this Regulation establishes economic, environmental, legal, social, and technological feasibility, it also provides an opportunity for projects such as the Proposed Project to use 2010 model year trucks. As stated above, construction of the Proposed Project could begin in or before 2024, with full buildout anticipated by 2028. The Proposed Project will need to comply with the Regulation by using 2010 model year trucks, which should become more widely available commercially. The Lead Agency should use this Proposed Project as an opportunity to take early actions to incentivize the use of 2010 model year trucks or newer. This can and should facilitate the Proposed Project's transition to using 2010 model year trucks, provides

¹² *Ibid.*

¹³ Draft EIR. Appendix B: Technical Appendix for Air Quality and Greenhouse Gas Emissions. Page 16.

¹⁴ *Ibid.*

¹⁵ *Ibid.* Page 17.

¹⁶ More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprogl/onrdiesel/onrdiesel.html>.

time and opportunities to resolve any implementation challenges before the commencement of construction activities, and yields earlier emissions reductions from fleets.

Lead Agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant environment effects of a project (California Public Resources Code Section 21002 and CEQA Guidelines Section 15126.4). The mitigation measure must be roughly proportional to the impacts of the project (CEQA Guidelines Section 15126.4(a)(4)(B)). The Proposed Project's regional construction NOx emissions would be contributed by both on-road and off-road construction equipment. While the Lead Agency included an air quality mitigation measure (MM-AIR-1) to reduce emissions from the use of off-road construction equipment, it did not include a mitigation measure to reduce on-road construction trucks emissions. In fact, the regional construction NOx emissions would remain significant and unavoidable at 204 lbs/day¹⁷. During the mat foundation (Building A, Parking Structure) phase, 1,148 truck trips per day would be required, and those truck trips would contribute approximately 66 percent of the total construction NOx emissions (134.61 lbs/day out of 204 lbs/day)¹⁸. Therefore, to reduce the Proposed Project's significant construction emissions from on-road construction trucks, the Lead Agency should include an air quality mitigation measure as follows in the Final EIR to require the use of clean trucks; otherwise, the Lead Agency has not met the CEQA requirement for mitigation measures.

- a) Require the use of zero-emissions (ZE) or near-zero emissions (NZE) for vendor trucks during construction, such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that truck operator(s)/construction contractor(s) commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the Lead Agency should require that truck operator(s)/construction contractor(s) maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. Alternatively, the Lead Agency should require periodic reporting and provision of written records by truck operator(s)/construction contractor(s) and conduct regular inspections of the records to the maximum extent feasible and practicable.

Technology is transforming the transportation sector at a rapid pace. Cleaner trucks such as ZE or NZE trucks are increasingly more feasible and commercially available as technology advances. If using ZE or NZE trucks as a mitigation measure to reduce the Proposed Project's construction air quality impacts is not feasible today, cleaner trucks could become feasible in a reasonable period of time (CEQA Guidelines Section 15364). Therefore, it is recommended that the Lead Agency develop a process with performance standards to deploy the lowest emission technologies and incentivize the use of ZE or NZE heavy-duty trucks during construction (CEQA Guidelines Section 15126.4(a)). To facilitate the deployment and as part of the incentive programs, the Lead Agency can and should develop the performance standards as follows or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE heavy-duty trucks that the Proposed Project must use during each year of construction to ensure adequate progress. Include this requirement in the Proposed Project's construction bid documents.
- Establish a construction contractor(s)/truck operator(s) selection policy that prefers construction contractor(s)/truck operator(s) who can supply ZE or NZE heavy-duty trucks.

¹⁷ Draft EIR, Chapter IV.B: Air Quality, Page IV.B-61)

¹⁸ *Ibid.* Appendix B: Technical Appendix for Air Quality and Greenhouse Gas Emissions, Page 43.

- Include this policy in the Request for Proposal for selecting construction contractor(s)/truck operator(s).
- Develop a target-focused and performance-based process and timeline to review the feasibility to implement the use of ZE or NZE heavy-duty trucks during the four-year construction period.
 - Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE or NZE heavy-duty trucks during the four-year construction period.