



# South Coast Air Quality Management District

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## **Draft Supplemental Environmental Impact Report (SEIR) for the Proposed Promenade 2035 (ENV-2016-3909-EIR) (SCH No.: 2016111027)**

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 SEIR.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish 641,164 square feet of existing buildings, and build 1,432 residential units, 244,000 square feet of retail and restaurant uses, 629,000 square feet of office uses, hotels with 572 rooms, and a 320,050-square-foot entertainment and sports center with 15,000 seats, resulting in a net new 2,629,866 square feet on 34 acres (Proposed Project). Construction is expected to take place in multiple phases over a period of 15 years<sup>1</sup>.

### SCAQMD Staff's Comments

#### *Tier 4 Construction Equipment*

In the Air Quality Analysis, the Lead Agency found that the Proposed Project's construction activities would result in significant and unavoidable air quality impacts after incorporating mitigation measures. The Lead Agency requires, among others, that "post-January 2015, all off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. [...] Any emissions control device used by the contractor shall achieved emission 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<sup>2</sup>."

Based on a review of the CalEEMod output files in Appendix D to the Draft SEIR, SCAQMD staff found that "Tier 4 Final" was used in the air quality modeling for the Proposed Project. While it does not materially change the Lead Agency's conclusion about the Proposed Project's construction impacts from NOx emissions, to be consistent with the modeling assumption, it is recommended that the Lead Agency is committed to requiring Tier 4 emission standards only, not based on availability. Otherwise, a more conservative modeling methodology will be to use Tier 3 in CalEEMod to quantify the Proposed Project's construction emissions after mitigation.

Additionally, SCAQMD staff recommends that the Lead Agency provide additional information on how the "availability" will be defined and determined in the Final SEIR. The recommended information establishes a clear set of standards and criteria for assessing the feasibility of Tier 4 construction

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<sup>1</sup> Draft SEIR. Page I-18.

<sup>2</sup> Draft SEIR. Page I-50.

equipment, provides public transparency in the Lead Agency's decision-making regarding Tier 4 construction equipment, demonstrates a commitment by the Lead Agency to using Tier 4 construction equipment, ensures implementation of Tier 4 construction equipment during project implementation, strengthens the Proposed Project's mitigation monitoring and reporting program, and facilitates the purpose and goal of CEQA on public disclosure.

Technology is transforming the environmental sector and land use planning at a rapid pace. Since the Proposed Project will be implemented over a period of 15 years, and to ensure that the lowest emission technologies will be used throughout the Project implementation, SCAQMD staff recommends that the Lead Agency revise the mitigation measure as follows to allow engines that are better rated than Tier 4 can be used.

“Post-January 2015, all off-road diesel-powered construction equipment greater than 50 hp shall meet or exceed the Tier 4 emission standards or better, where available. [...] Any emissions control device used by the contractor shall achieved emission 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<sup>3</sup>.”

#### *Overlapping Construction and Operational Activities*

In the Air Quality Section, the Lead Agency analyzed air quality impacts from overlapping construction and operational activities by combining construction and operational emissions from the Proposed Project. Based on a review of Table IV.B-9 in the Draft SEIR<sup>4</sup>, SCAQMD staff found that the Lead Agency compared the combined emissions to SCAQMD's regional CEQA air quality significance thresholds for construction. However, according to the SCAQMD's recommended methodology for determining the significance level for air quality impacts from overlapping construction and operational activities, the combined emissions should be compared to SCAQMD's air quality CEQA *operational* thresholds of significance. While revisions to Table IV.B-9 based on this comment are not expected to materially change the significance determination for the combined construction and operational air quality impacts, SCAQMD staff recommends that the Lead Agency use “SCAQMD Operation Thresholds” instead of “SCAQMD Construction Thresholds” in Table IV.B-9 in the Final SEIR.

#### *SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities*

Since the Proposed Project would include demolition of 641,164 square feet of existing buildings, 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<sup>5</sup> in the Air Quality Section of the Final SEIR.

#### Closing

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final SEIR. 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

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<sup>3</sup> Draft SEIR. Page I-50.

<sup>4</sup> Draft SEIR. Page IV.B-49.

<sup>5</sup> South Coast Air Quality Management District. Rule 1403. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

statements 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](mailto:lsun@aqmd.gov) if you have any questions regarding the enclosed comments.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

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Planning, Rule Development & Area Sources

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