



South Coast Air Quality Management District

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Draft Subsequent Environmental Impact Report (Draft SEIR) for the Proposed Metro East Mixed-Use Overlay Zone Expansion and Elan Development Project (SCH No.: 2006031041)

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 CEQA document.

SCAQMD Staff's Summary of Project Description

The lead agency proposes to expand the boundaries of the Metro East Mixed-Use (MEMU) Overlay Zone¹ and to construct the Elan Development (proposed project). The MEMU Overlay Zone expansion is located in the city of Santa Ana, extending west of First Street, primarily bound by Interstate -5 (I-5) Freeway on the east². The Elan Development is located at 1660 East First Street on the southwest corner of Mabury Street and East First Street³. The Elan Development will consist of two buildings with a total of 603 residential units, 8,500 square feet of commercial uses, and subterranean parking on a 6.4-acre portion of 200 acres⁴.

SCAQMD Staff's Summary of Air Quality Analysis

The air quality analysis for the proposed project was based on an updated buildout scenario of 2040 for the MEMU Overlay Zone project. Additionally, a project-specific analysis for the proposed Elan Development Project was included.

MEMU Overlay Zone Expansion

The lead agency did not quantify construction emissions for the MEMU Overlay Zone Expansion because it determined that "the development capacity of the original MEMU Overlay Zone would remain the same for the entire MEMU Overlay Zone area. Since the total amount of development would not change, the lead agency determined that the programmatic-level analysis of construction emissions conducted in the MEMU EIR would still apply to the MEMU Overlay Zone expansion area⁵. Therefore, the lead agency determined that the MEMU Overlay Zone project, including, mitigation measures **MM-OZ 4.2-2** through **MM-OZ 4.2-16** from the MEMU EIR, would also be significant and unavoidable⁶." The lead agency quantified the operational emissions for the MEMU Overlay Zone project due to the change of build-out year from 2030 to 2040, along with an updated traffic impact study. However, similar to the original finding in the MEMU EIR, regional operational emissions would be

¹ Draft SEIR. Executive Summary. ES.4, Page ES-2.

² *Ibid.* Executive Summary. ES.2, Page ES-1.

³ *Ibid.*

⁴ *Ibid.* Page ES-5.

⁵ Draft SEIR. Section 4.1: Air Quality. Impact 4.1-1. Page 4-9.

⁶ *Ibid.*

significant and unavoidable⁷. Therefore, SCAQMD staff recommends additional migration for the MEMU Overlay Zone. See attachment for SCAQMD staff recommended mitigation measures.

Elan Development The lead agency found that construction and operational emissions from the Elan Development portion of the project will be less than significant after incorporating additional mitigation measures **MM-AQ-1** through **MM-AQ-3**⁸. Additionally, due to the proposed project's close proximity to the I-5 freeway, the lead agency performed a mobile health risk assessment (HRA) and found that the maximum incremental cancer risk during operation would be 14.22 in one million⁹, which exceeds SCAQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁰. Therefore, SCAQMD staff recommends inclusion of additional mitigation to reduce the impacts from the proposed project. See attachment for SCAQMD staff recommended mitigation measures.

SCAQMD's 2016 Air Quality Management Plan

On March 3, 2017, the SCAQMD's Governing Board adopted the 2016 Air Quality Management Plan (2016 AQMP)¹¹, which was later approved by the California Air Resources Board on March 23, 2017. Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and the challenges facing the South Coast Air Basin. The most significant air quality challenge in the Basin is to achieve an additional 45 percent reduction in nitrogen oxide (NOx) emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment.

SCAQMD Staff's General Comments

As described in the 2016 AQMP, achieving NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard (NAAQS) for ozone before the 2023 and 2031 deadlines. SCAQMD is committed to attain the ozone NAAQS as expeditiously as practicable. The proposed project plays an important role in contributing to NOx emissions during operation. Therefore, SCAQMD staff has comments on the existing air quality mitigation measures and recommends strengthening and incorporating new mitigation measures to further reduce NOx emissions as well as emissions from ROG, CO, PM10, and PM2.5. Please see the attachment for more information.

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 CEQA document. 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 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 CEQA document (CEQA Guidelines Section 15091).

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov or (909) 396-2402, should you have any questions.

⁷ *Ibid.* Impact 4.1-2. Page 4-10.

⁸ *Ibid.* Impact 4.1-E1 - E4: Pages 4-16 – 26.

⁹ *Ibid.* Page 4-25.

¹⁰ *Ibid.* Impact 4.1-E4. Pages 4-21 – 4.25.

¹¹ South Coast Air Quality Management District. March 3, 2017. *2016 Air Quality Management Plan*. Accessed at: <http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan>.

Ali Pezeshkpour

July 27, 2018

Sincerely,

Daniel Garcia

Daniel Garcia

Program Supervisor

Planning, Rule Development & Area Sources

DG/AM

Attachment

ORC180619-03

Control Number

ATTACHMENT

Recommendations for Existing Mitigation Measures Applicable to the Proposed Project

SCAQMD staff recommends that the lead agency modify the proposed mitigation measure **MM-AQ-2** by adding the following:

If the lead agency determines that 2010 model year diesel trucks are not feasible, supported by substantial evidence in the record, then the lead agency shall require the use of trucks that meet EPA 2007 model year NO_x emissions requirements, at a minimum.

Recommended Mitigation Measures for future development in the MEMU Overlay Zone

The operation of the MEMU Overlay Zone will exceed the SCAQMD regional CEQA significance thresholds for NO_x, VOCs, CO, PM₁₀ and PM_{2.5}. In order to further mitigate significant impacts to regional air quality from future operation in the MEMU Overlay Zone, SCAQMD staff recommend that the following mitigation measures be required.

MM-OZ 4.2-17 – Overlapping Construction and Operational Impacts Analysis

Future, project-specific developments within the MEMU Overlay Zone that are subject to CEQA shall analyze project-specific construction activities that overlap with the baseline¹² operational activities in the MEMU Overlay Zone at the time of preparation of the project-specific CEQA document. The lead agency should identify the overlapping years, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to SCAQMD's air quality CEQA operational thresholds of significance to determine the project's air quality impacts. In the event that the lead agency finds that the proposed project's air quality impacts would be significant, mitigation measures will be required pursuant to CEQA Guidelines Section 15126.4.

MM-OZ 4.2-18 – Health Risk Assessment (HRA) Analysis/ Toxic Air Contaminants (TACs)

A project-specific Health Risk Assessment shall be conducted for future residential developments within the MEMU Overlay Zone that are subject to CEQA and that are proposed within 500 feet of the I-5, pursuant to the recommendations set forth in the CARB *Air Quality and Land Use Handbook: A Community Health Prospective*¹³. The Health Risk Assessment shall evaluate a project per the following SCAQMD TACs thresholds:

- Cancer Risk: Emit carcinogenic or toxic contaminants that exceed the maximum individual cancer risk of 10 in one million.
- Non-Cancer Risk: Emit toxic contaminants that exceed the maximum hazard quotient of one in one million.

If projects are found to exceed the SCAQMD's TACs Thresholds¹⁴, mitigation shall be incorporated to reduce impacts to below these thresholds.

¹² CEQA Guidelines, Section 15125. Environmental Setting.

¹³ CARB *Air Quality and Land Use Handbook: A Community Health Prospective*. Accessed at: <https://www.arb.ca.gov/ch/landuse.htm>

¹⁴ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

MM-OZ 4.2-19 – Mitigating the Health Risk of a Project on Sensitive Receptors

Project applications shall be required to use enhanced filtration systems with a maximum efficiency rating value (MERV) of 13 or better in residential units within 500 feet of I-5 to ensure the maximum reduction of health risks from exposures to diesel particulate matter (DPM) emissions from vehicles and trucks traveling on the freeway.

If an enhanced filtration system is installed, it is important to consider the limitations. In a study that SCAQMD conducted to investigate filters¹⁵, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. 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 resident 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 and disclosed to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Because of the limitations, SCAQMD staff recommends that the lead agency make the following disclosures to prospective residences and include them as requirements in the final CEQA document.

- Disclosure on potential health impacts to prospective residents from living in proximity to freeways and the reduced effectiveness of air filtration systems when the windows are open;
- Disclosure on increased energy costs for running the HVAC system to prospective residents;
- Recommended schedules (e.g., once a year or every six months) for replacing the enhanced filtration units;
- Ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Identification of the responsible implementing and enforcement agency, such as the lead agency, for ensuring that enhanced filters are installed at residential units before a permit of occupancy is issued;
- Identification of the responsible entity such as Homeowner Association or property management for ensuring filters are replaced on time, if appropriate and feasible;
- Criteria for assessing progress in installing and replacing the enhanced filtration units; and
- Process for evaluating the effectiveness of the enhanced filtration units at the proposed project.

Additional Mitigation Measures for the Elan Development Project

SCAQMD staff found that in Appendix B of the AQ-GHG-Elan HRA technical appendices, the project applicant has agreed to installing and maintaining a Minimum Efficiency Reporting Value (MERV) 13 or better filtration system at the Elan Development Project¹⁶. SCAQMD staff recommends that this commitment be included in the CEQA document as a project-specific mitigation measure in order to ensure enforceability.

Additionally, given that the Elan Development Project is located approximately 480 feet from the I-5 freeway¹⁷ and the lead agency has determined that the project will result in significant health risk impacts,

¹⁵ This study evaluated filter rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

¹⁶ DSEIR. Appendix B: AQ-GHG_ElanHRA. Page 9.

¹⁷ Google Maps, 1660 E. First Street, Santa Ana, CA 92701. Accessed at: <https://www.google.com/maps>

SCAQMD staff recommends that the lead agency include mitigation for the proposed development project in order to maximize the distance between residences and the I-5 freeway.

Other Considerations for to Mitigate Operational Impacts

- 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.
- Limit parking supply and unbundle parking costs.
- Require that 240-Volt electrical outlets or Level 2 chargers be installed in parking lots that would enable charging of NEV and/or battery powered vehicles.

It is important to make this electrical infrastructure available when the 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 build compared to retrofitting an existing building.

- Maximize the planting of low VOC and/or California Native trees in the landscaping and parking lots.
- Use light colored paving and roofing materials.
- Install light colored “cool” roofs and cool pavements.
- Utilize only Energy Star heating, cooling, and lighting devices and appliances.