



# South Coast Air Quality Management District

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## **Draft Environmental Impact Report (EIR) for the Specific Plan 3.0 Buildout Project (Proposed Project) (SCH#: 2025040377)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Cypress is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff have provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

### Summary of Proposed Project Information in the Draft EIR

Based on the Draft EIR, the Proposed Project consists of the development of approximately 134 acres within the Cypress Town Center and Commons Specific Plan 3.0 area, including 1,791 residential units, non-residential uses (440,000 square feet), and 18.2 acres of park and recreational improvements. The project also includes 112 attached townhomes on Lot 14, which totals 7.33 acres. Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., single-family residential uses) is located 10 feet east of the Lot 14 site. The Proposed Project is located at 4961 Siboney Street in Cypress.

### South Coast AQMD Comments

#### *Overlapping Construction and Operational Activities*

Even though the Proposed Project consists of approximately a total of 134 acres of land over the course of 12-year construction, the Draft EIR does not analyze the scenario of overlapping between the construction and operational activities. Therefore, South Coast AQMD staff recommends that the Lead Agency revise the air quality analysis section to consider the overlapping construction and operation. The estimated overlapped emissions should then be compared to South Coast AQMD's regional air quality CEQA operational thresholds to determine their level of significance, which should be included in the Final EIR. If the overlapped emissions analysis is not included in the Final EIR, the Lead Agency should provide reasons for not having them supported by substantial evidence in the record.

#### *Air Quality Mitigation Measures for NO<sub>x</sub> and PM Emissions from Construction*

Given the long-range plan of the Proposed Project from (project duration: 2026-2038), Tier 2 technology is not the cleanest technology when construction occurs later for individual projects. According to the CARB's Strategies for Reducing Emissions from Off-Road Construction Equipment, the implementation of off-road Tier 5 starting in 2027 or 2028 and the Governor's Executive Order in September 2020 requires CARB to develop and propose a full transition to Zero Emission (ZE) by 2035.<sup>14</sup> Considering the scope of the project, it is crucial to ensure that the levels of construction emissions, specifically NO<sub>x</sub> and PM<sub>10</sub>, remain below significant thresholds during the construction period for each proposed individual project. Moving towards achieving this goal, where feasible, involves opting for electric engines instead of diesel-fueled engines for the construction equipment. This proactive choice not only aligns with environmental concerns but also demonstrates a commitment to minimizing the project's environmental footprint. The abatement of NO<sub>x</sub> can also be pursued by enforcing greener constructions, such as limiting the usage of older engines in favor of adopting the latest available technologies or even incorporating exhaust retrofits such as cutting-edge exhaust aftertreatment techniques. Additionally, several other resources to assist the Lead Agency with identifying additional potential mitigation measures for the Proposed Project are included in the South Coast AQMD's CEQA Air Quality Handbook<sup>15</sup> for both operational and construction emissions.

### *Emission Reductions from Health Risk Strategies*

South Coast AQMD is concerned about the potential public health impacts of sitting existing and new sensitive populations within the proximity of existing air pollution sources (e.g., freeway, railroad). For this reason, prior to approving this Proposed Project as well as any future development projects, the Lead Agency is recommended to consider the impacts of air pollutants on people who will live in the new project area and provide effective mitigation. Additionally, South Coast AQMD suggests that the Lead Agency review and apply the guidance provided in: 1) the California Air Resources Board (CARB) Air Quality Land Use and Handbook: A Community Health Perspective<sup>1</sup> which provides criteria for evaluating and reducing air pollution impacts associated with new projects involving land use decisions; and 2) CARB's technical advisory which contains strategies to reduce air pollution exposure near high-volume roadways.<sup>2</sup>

Many strategies are available for residential receptors to reduce being exposed to particulate matter, including, but not limited to, HVAC systems equipped with filters rated at a minimum efficiency reporting value (MERV) 13 or higher air filtration capabilities. In some cases, MERV 15 or better is recommended, for building design, orientation, location, vegetation barriers, landscaping screening, etc. Enhanced filtration units are capable of reducing exposure. However, enhanced filtration systems have limitations. For example, filters rated MERV 13 or higher are able to screen out greater than or equal to 50% of DPM<sup>3</sup> but they have no ability to filter out volatile organic compound (VOC) emissions. Also, in a study that South Coast AQMD conducted to investigate filters rated at MERV 13 or better in classrooms,<sup>45</sup> a cost burden is

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<sup>1</sup> California Air Resources Board (CARB), Air Quality Land Use and Handbook: A Community Health Perspective, April 2005. Available at: [https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook\\_0.pdf](https://ww2.arb.ca.gov/sites/default/files/2023-05/Land%20Use%20Handbook_0.pdf)

<sup>2</sup> CARB's Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways. Available at: [https://ww2.arb.ca.gov/sites/default/files/2017-10/rd\\_technical\\_advisory\\_final.pdf](https://ww2.arb.ca.gov/sites/default/files/2017-10/rd_technical_advisory_final.pdf)

<sup>3</sup> U.S. EPA, "What is a MERV rating?" Available at: <https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating>.

<sup>4</sup> South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary, including costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, the filters would not have any effect unless the HVAC system is running. Therefore, when in use, the increased energy consumption from each HVAC system should be evaluated in the Draft EIR. While the filters operate 100 percent of the time when the HVAC is in use while the residents are indoors, the environmental analysis does not generally account for the times when the residents are not using their HVAC and instead have their windows or doors open or are moving throughout the common space outdoor areas of the Proposed Project. Furthermore, when used filters are replaced with new filters, emissions associated with trucks delivering the new filters and waste disposal trucks transporting the used filters to disposal sites should be evaluated in the Draft EIR. Therefore, any presumed effectiveness and feasibility of a particular HVAC filter should be carefully evaluated in more detail based on supporting evidence before assuming they will sufficiently alleviate exposure to DPM emissions.

### *South Coast AQMD Air Permits and Role as a Responsible Agency*

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., one or more air permits from South Coast AQMD will be required. The Final EIR should include a discussion about the potentially applicable South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,<sup>6</sup> Rule 203 – Permit to Operate,<sup>7</sup> Rule 401 – Visible Emissions,<sup>8</sup> Rule 402 – Nuisance,<sup>9</sup> Rule 403 – Fugitive Dust,<sup>10</sup> Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,<sup>11</sup> Rule 1113 – Architectural Coatings,<sup>12</sup> Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil,<sup>13</sup> Rule 1179 – Publicly Owned Treatment Works Operations,<sup>14</sup> Regulation XIII – New Source Review,<sup>15</sup> Rule 1401 – New Source Review of Toxic Air Contaminants,<sup>16</sup> Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,<sup>17</sup> Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,<sup>18</sup> etc. It is important to note if air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting

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<sup>5</sup> South Coast AQMD, Draft Pilot Study of High-Performance Air Filtration For Classroom Applications, October 2009. Available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>.

<sup>6</sup> South Coast AQMD, Rule 201 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

<sup>7</sup> South Coast AQMD, Rule 203 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

<sup>8</sup> South Coast AQMD, Rule 401 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-401.pdf>

<sup>9</sup> South Coast AQMD, Rule 402 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-402.pdf>

<sup>10</sup> South Coast AQMD, Rule 403 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-iv/rule-403>

<sup>11</sup> South Coast AQMD, Rule 1110.2 is available at: [https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110\\_2.pdf](https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf)

<sup>12</sup> South Coast AQMD, Rule 1113 is available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

<sup>13</sup> South Coast AQMD, Rule 1166 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

<sup>14</sup> South Coast AQMD, Rule 1179 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

<sup>15</sup> South Coast AQMD, Regulation XIII is available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

<sup>16</sup> South Coast AQMD, Rule 1401 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

<sup>17</sup> South Coast AQMD, Rule 1466 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

<sup>18</sup> South Coast AQMD, Rule 1470 is available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

### Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff are available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at [sghadimi@aqmd.gov](mailto:sghadimi@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

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