



South Coast Air Quality Management District

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SENT VIA USPS AND E-MAIL:

June 27, 2017

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City of Menifee Community Development Department

Attn: Ryan Fowler, Senior Planner

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Mitigated Negative Declaration (MND) for the Proposed Krikorian Theater Retail Commercial Center (Specific Plan No. 2016-131)

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 MND.

Project Description and Air Quality Analysis

The Lead Agency proposes to construct and operate a commercial center on 13.27 acres (“proposed project”). The proposed project is located within the Town Center Specific Plan (TCSP) with a certified Environmental Impact Report¹ (EIR). The Lead Agency quantified the proposed project’s construction emissions and compared these emissions to SCAQMD’s regional and localized air quality CEQA significance thresholds. The Lead Agency found that the proposed project would exceed SCAQMD’s regional CEQA significance thresholds for ROG and NO_x during construction. After incorporating Mitigation Measure AQ-1², the Lead Agency found that the proposed project’s construction impacts from ROG emissions would be less than significant. The Lead Agency used the TCSP EIR to address the proposed project’s operational air quality impacts³ (CEQA Guidelines Section 15063). The Lead Agency quantified the proposed project’s operational emissions and found that these emissions would exceed SCAQMD’s operational CEQA significance thresholds for NO_x. Because this exceedance was already disclosed in the earlier TCSP EIR, the Lead Agency found that the proposed project’s operational activities would not result in any additional significant impacts and no further mitigation is required⁴.

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), which was later approved by the California Air Resources Board of Directors on March 23rd. The 2016 AQMP⁵ is a regional blueprint for achieving air quality standards and healthful air in the South Coast Air Basin (Basin). Built upon the progress in implementing the 2007 and 2012 AQMPs, the 2016 AQMP provides a regional perspective on air quality and lays out the challenges facing the Basin. The most significant air quality challenge in the Basin is to reduce an additional 45 percent reduction in nitrogen oxide (NO_x) emissions in 2023 and an additional 55 percent reduction in NO_x emissions beyond 2031 levels for ozone attainment.

¹ State Clearinghouse Number: 2009091022.

² On page 15 of the MND, the Lead Agency proposed Mitigation Measure AQ-1: “Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule [1113](#) shall be used. In addition to the above-cited SCAQMD regulatory requirements and BACMs, the Project shall implement the following construction activity mitigation measures.”

³ MND page 14.

⁴ *Ibid.*

⁵ 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>.

Achieving NOx emission 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. Therefore, SCAQMD staff recommends additional mitigation measures to further reduce construction and operational emissions, particularly from NOx. Please see the attachment for more information.

Pursuant to the CEQA Guidelines Section 15074, prior to approving the project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide SCAQMD staff with written responses to all comments contained herein prior to the adoption of the Final MND.

SCAQMD staff is available to work with the Lead Agency to address the issues raised in the letter and any other air quality questions that may arise. Please contact Jack Cheng, Air Quality Specialist – CEQA IGR Section, at (909) 396-2448, if you have any questions regarding these comments.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:JC

RVC170607-02

Control Number

ATTACHMENT

Additional Construction Mitigation Measures

1. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant impacts. In addition to Mitigation Measure AQ-1, SCAQMD staff recommends the following construction mitigation measures that the Lead Agency should include in the Final MND to reduce NOx emissions:
 - a. Include in all construction contracts the requirement to use 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). In the event that that 2010 model year or newer diesel trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements⁶, at a minimum. Additionally, consider other measures such as incentives, phase-in schedules for clean trucks, etc.
 - b. Include in all construction contracts the requirement that all off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 4 off-road emission standards at a minimum. In addition, if not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve 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. In addition, construction equipment shall incorporate, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards. In the event that any equipment required under this mitigation measure is not available, provide documentation as information becomes available. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit at the time of mobilization of each applicable unit of equipment shall be provided.
 - c. Require the use of electricity from power poles rather than temporary diesel or gasoline power generators.
 - d. Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow.
 - e. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
 - f. Avoid siting staging areas near sensitive receptor areas.
 - g. Reroute construction trucks away from congested streets or sensitive receptor areas.
 - h. Improve traffic flow by signal synchronization.

⁶ Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board. March 2016. Available at: <http://www.truckload.org/tca/files/ccLibraryFiles/Filename/00000003422/California-Clean-Truck-and-Trailer-Update.pdf> (See slide #23).

Additional Operational Mitigation Measures

2. In addition to the construction mitigation measures identified above, SCAQMD staff recommends that the Lead Agency incorporate the following mitigation measures to further reduce the proposed project's NOx emissions during operation. Additional information on mitigation measures as guidance to the Lead Agency is available on the SCAQMD CEQA Air Quality Handbook website⁷.
 - a. Improve walkability design and pedestrian network.
 - b. Increase transit accessibility and frequency by incorporating Bus Rapid Transit lines with permanent operational funding stream.
 - c. Limit parking supply and unbundle parking costs. Lower parking supply below ITE rates and separate parking costs from property costs.
 - d. Require the use of electric lawn mowers and leaf blowers.
 - e. Require at least 5% of all commercial vehicle parking spaces include EV charging stations. At a minimum, electrical panels should appropriately sized to allow for future expanded use.
 - f. Vehicles that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts. 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, SCAQMD staff recommends that the Lead Agency require the proposed project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for vehicles to plug-in.

⁷ South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.