



# South Coast Air Quality Management District

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SENT VIA E-MAIL AND USPS:

July 3, 2019

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**Draft Environmental Impact Report (Draft EIR) for the Proposed DSRT Surf Specific Plan,  
Precise Plan, Tentative Tract Map 37369 and Associated Disposition and Development  
Agreement Project (SP18-0002 & PP18-0009) (SCH No. 2019011044)**

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 is proposing the construction of a six-acre surf lagoon, 45,000 square feet of retail uses, 11,250 square feet of restaurant uses, 350 hotel rooms, and 88 residential units on 17.69 acres (Proposed Project). The Proposed Project is located on the northeast corner of Country Club Drive and Portola Avenue. Construction of the Proposed Project is expected to occur in two phases over two years, reaching full buildout in 2021<sup>1</sup>. Phase One of the construction includes the surf lagoon, retail uses, and restaurant facilities. Phase Two of the construction includes the hotel rooms and residential units.

South Coast AQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's construction activities would result in 99.73 pounds per day (lbs/day) of NOx emissions<sup>2</sup>, which is slightly below South Coast AQMD's air quality CEQA significance threshold of 100 lbs/day for NOx, after the implementation of Mitigation Measure (MM) AQ-9<sup>3</sup>. MM AQ-9 requires the preparation of a dust control management plan<sup>4</sup>. Additionally, the Lead Agency found that the Proposed Project's operational air quality impacts would be significant and unavoidable for NOx at 116 lbs/day<sup>5</sup> during regular operation and 152 lbs/day<sup>6</sup> during a special event, after the implementation of MM AQ-1 through MM AQ-8<sup>7</sup>. MM AQ-1 through MM AQ-8 require five percent of vehicle parking spaces to include electric vehicle (EV) charging stations, a five-minute idling restriction, energy efficient appliances, street sweepers, and landscaping, light colored roofing, and an employee commute reduction program<sup>8</sup>.

South Coast AQMD Staff's General Comments

South Coast AQMD staff has comments on the Air Quality Analysis and the proposed mitigation measures. South Coast AQMD staff found that the haul routes identified in the Draft EIR, which were

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<sup>1</sup> Draft EIR, Section 2.3, *Air Quality*, Page 2.3-13.

<sup>2</sup> *Ibid.* Appendix B, *DSRT Surf-AQ GHG Report, CalEEMod Summer Run*, PDF Page 109.

<sup>3</sup> *Ibid.* Page 2.3-20.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* Page 2.3-16.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.* Page 2.3-20.

<sup>8</sup> *Ibid.* Pages 2.3-20 and 2.3-21.

used to calculate emissions from haul truck trips during construction, appeared to be shorter than the distance found in aerial imagery. To further incentivize the use of EVs by patrons visiting the Proposed Project and to further reduce operational NOx emissions during regular operation and special events, South Coast AQMD staff recommends that the Lead Agency include six percent of vehicle parking spaces to include EV charging stations instead of five percent and designate eight percent of vehicle parking spaces for clean air vehicles in the Final EIR. 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, 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 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 Robert Dalbeck, Assistant Air Quality Specialist, at [RDalbeck@aqmd.gov](mailto:RDalbeck@aqmd.gov) or (909) 396-2139, should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

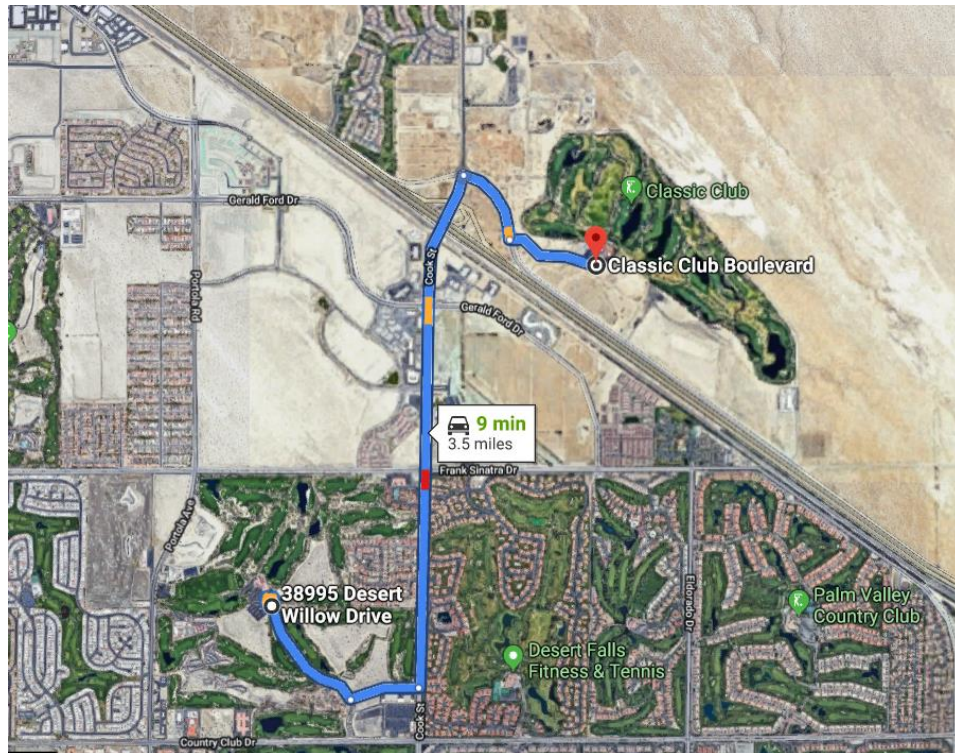
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## ATTACHMENT

### Air Quality Impact Analysis – Haul Truck Emissions

1. In the Air Quality Analysis, the Lead Agency quantified haul truck emissions by calculating the vehicle miles traveled (VMT) per day by haul trucks. The Lead Agency identified the number of haul truck trips expected per day and multiplied the trips per day by a distance of 2.5 miles<sup>9</sup> because the exported material would be taken to the Classic Club<sup>10</sup>. South Coast AQMD staff is concerned that the Lead Agency may have under-estimated the haul trip distance. As shown in Figure 1 below, the shortest haul route distance from the Proposed Project to the Classic Club is approximately 3.5 miles. Calculating the Proposed Project's haul truck emissions based on a 2.5-mile hauling distance instead of a 3.5-mile hauling distance might have under-estimated the Proposed Project's construction emissions. Therefore, to conservatively analyze a worst-case construction impact scenario, South Coast AQMD staff recommends that the Lead Agency recalculate haul truck emissions based on a 3.5-mile trip length, or provide additional information to justify the use of a 2.5-mile trip length in the Final EIR<sup>11</sup>. If the Lead Agency finds, after revising the Air Quality Analysis, that a new significant impact or a substantial increase in the severity of the air quality impact than that analyzed in the Draft EIR that cannot be reduced to less than significant levels with existing MM AQ-1 through MM AQ-9, the Lead Agency should commit to reevaluating the Proposed Project's Air Quality Impacts and recirculating the Air Quality Analysis section of the Draft EIR for public review and comments (CEQA Guidelines Section 15088.5).

**Figure 1: Proposed Haul Route**



Source: South Coast AQMD Staff. Generated July 2, 2019. Google Maps.

<sup>9</sup> Draft EIR. Section 2.3, Air Quality. Page 2.3-14.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

**Recommended Revisions to Existing Mitigation Measure AQ-1**

2. The Lead Agency has committed to installing electric vehicle (EV) charging stations in five percent of all vehicle parking spaces at the Proposed Project. To facilitate the implementation of the 2016 California Green Building Standards Code, Part 11 for nonresidential projects with 201 vehicle parking spaces or more to include EV charging stations in at least six percent of all vehicle parking spaces<sup>12</sup>, South Coast AQMD staff recommends that the Lead Agency incorporate the following changes to MM AQ-1 in the Final EIR. Additionally, South Coast AQMD staff recommends that the Lead Agency include designated parking for clean air vehicles in at least eight percent of all vehicle parking spaces for nonresidential projects with 201 vehicle parking spaces or more<sup>13</sup>.

**MM AQ-1:** At least 56% of all vehicle parking spaces shall include EV charging stations and 8% of all vehicle parking spaces shall include designated parking for clean air vehicles.

**Additional Recommended Mitigation Measures**

3. CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. South Coast AQMD staff recommends that the Lead Agency review the following recommended mitigation measures for incorporation in the Final EIR to further reduce construction and operational emissions.

*Construction-Related Air Quality Mitigation Measures*

- a. Require the use off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during Project construction. Such equipment will be outfitted with Best Available Control Technology (BACT) devices including a CARB certified Level 3 Diesel Particulate Filters (DPFs). Level 3 DPFs are capable of achieving at least 85 percent reduction in particulate matter emissions<sup>14</sup>. A list of CARB verified DPFs are available on the CARB website<sup>15</sup>.

To ensure that Tier 4 construction equipment or better will be used during the Proposed Project's construction, South Coast AQMD staff recommends that the Lead Agency include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification and CARB or South Coast AQMD operating permit (if applicable) shall be available upon request at the time of mobilization of each applicable unit of equipment. Additionally, the Lead Agency should require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance.

In the event that construction equipment cannot meet the Tier 4 engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 3 emissions standards, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck

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<sup>12</sup> 2016 California Green Building Standards Code, Part 11. Chapter 5, *Nonresidential Mandatory Measures*. Table 5.106.5.3.3. Page 35. Accessed at: <https://codes.iccsafe.org/content/chapter/10708/>.

<sup>13</sup> *Ibid.* Table 5.106.5.2. Page 34. Accessed at: <https://codes.iccsafe.org/content/chapter/10708/>.

<sup>14</sup> California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>15</sup> *Ibid.* Page 18.



trips to and from the Proposed Project, using cleaner vehicle fuel, and/or limiting the number of individual construction project phases occurring simultaneously.

- b. Require the use of zero-emission or near-zero emission heavy-duty haul trucks during construction, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that operators of heavy-duty haul trucks visiting the Proposed Project during construction commit to using 2010 model year<sup>16</sup> 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. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate. Require that contractor(s) maintain records of all trucks visiting the Proposed Project and make these records available to the Lead Agency upon request. The records will serve as evidence to prove that each truck called to the Proposed Project during construction meets the minimum 2010 model year engine emission standards. The Lead Agency should conduct regular inspections of the records to the maximum extent feasible and practicable to ensure compliance with this mitigation measure.
- c. Maintain vehicle and equipment maintenance records for the construction portion of the Proposed Project. All construction vehicles must be maintained in compliance with the manufacturer's recommended maintenance schedule. All maintenance records shall remain on-site for a period of at least two years from completion of construction.
- d. Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at South Coast AQMD's website: <http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines>.

#### *Operation-Related Air Quality Mitigation Measures*

- a. Provide incentives for vendors and material delivery trucks that would be visiting the commercial/retail uses of the Proposed Project to encourage the use of ZE or NZE trucks during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, incentivize the use of 2010 model year<sup>17</sup>. Include analyses to evaluate and identify sufficient power available for zero emission trucks and supportive infrastructures in the Energy and Utilities and Service Systems Sections of the Final EIR, where appropriate.
- b. Establish a shuttle bus system to accommodate special events, aimed at reducing vehicle miles traveled and idling times associated with traffic congestion of visitors of the Proposed Project.
- c. Maximize the use of solar energy including solar panels. Install the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility and/or EV charging stations.

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<sup>16</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulations is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.html>.

<sup>17</sup> *Ibid.*

- d. Maximize the planting of trees in landscaping areas and parking lots.

#### **Responsible Agency and South Coast AQMD Permits**

4. It is important to note that generally, operation of portable engines and portable equipment units of 50 horsepower (hp) or greater requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)<sup>18</sup>. In the event that using portable cement manufacturing, aggregate crushing, and screening equipment of 50 hp or greater is expected at the Proposed Project, the Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if a South Coast AQMD permit will be required and if compliance with any South Coast AQMD rules and/or regulations are required. If a permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final EIR. If the Proposed Project is required to adhere to any South Coast AQMD rules and regulations, South Coast AQMD rules and regulations should be discussed in the Air Quality section of the Final EIR to demonstrate compliance. Any assumptions used in the Air Quality Analysis in the Final EIR will be used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

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<sup>18</sup> South Coast Air Quality Management District. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>