

**COMMENTS AND RESPONSES TO COMMENTS  
FOR THE  
MITIGATED NEGATIVE DECLARATION  
AND INITIAL STUDY**

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**MORENO VALLEY FESTIVAL SPECIFIC PLAN  
AMENDMENT  
MORENO VALLEY, CALIFORNIA**



**LEAD AGENCY:**

**CITY OF MORENO VALLEY  
COMMUNITY DEVELOPMENT DEPARTMENT  
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**APRIL 10, 2018**

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## **1. COMMENTS AND RESPONSES TO COMMENTS**

The proposed project involves the adoption and subsequent implementation of the Moreno Valley Festival Specific Plan Amendment (also referred to hereinafter as the “Plan Amendment”). The adopted Specific Plan that is subject to the Amendment, the Moreno Valley Festival Specific Plan/EIR (SP-205), was approved and certified by the City Council of Moreno Valley on October 27 1987. The purpose of this amendment is to modify the existing permitted uses to allow for retail, retail/mix of uses, and mix of uses that shall include commercial, retail, Business Park, office, medical, and related uses). The plan will also facilitate the extension of Davis Street in a northerly direction. This street will ultimately reconnect with the segment of Davis Street that extends north of Ironwood Avenue. .

The City circulated the Mitigated Negative Declaration and Initial Study for a 30-day review period. Comment letters to date, were received from the following agencies at the conclusion of the review period:

Email Dated March 22, 2018  
Kathy Dale, Local Resident

Letter Dated March 20, 2018  
Lijin Sun, J.D, Program Supervisor, CEQA IGR  
Planning, Rule Development and Area Sources  
South Coast Air Quality Management District

**Email Comment Dated March 22, 2018**

**Kathy Dale, Local Resident**

**Comment 1.**

*Chris - please see that the following comments are included in the project record and provided to each of the Commissioners. A quick reply to acknowledge receipt and distribution would be appreciated. I am not able to attend the meeting on March 22nd and submit the following comments for your consideration in the public hearing for the proposed amendment to the Festival Specific Plan.*

**Response 1.**

This comment has been noted for the record.

**Comment 2.**

*The agenda description and notice for this project are inadequate to allow members of the public to understand the proposal. The agenda description only discloses a proposal for "a wider range of land uses and development opportunities". While the public notice includes an additional sentence explaining that proposed land uses include "commercial, retail, business park, office and medical" there is nothing that alerts the neighbors and general public that the proposed changes would allow industrial uses, including warehouses. Planning Commission consideration must be delayed to allow for proper noticing.*

**Response 2.**

The comment has been noted for the record. The City noticed the project properly, giving sufficient time for the public to review the document. The City posted a newspaper notice the day the 30-day public review period began and all of the documents were uploaded and ready to view on the first day of circulation.

**Comment 3.**

*Business Park and industrial designations and zoning are simply inappropriate at this location. At a minimum, consideration of such a shift in planned land use should be deferred until there is an accompanying development proposal.*

**Response 3.**

The project is an application to amend the existing specific plan to allow for a mix of uses, which includes Business Park and other related uses. The purpose of the specific plan amendment is to permit development proposals that deviate from the original specific plan. No development proposal is required for the completion of a specific plan or specific plan amendment. Furthermore, Business Park uses would be compatible at this location since they would be constructed with adherence to the development and design guidelines established in the Specific Plan Amendment. It is important to consider that the existing commercial located within the specific plan amendment area is underperforming and has been for many years. By permitting a wider range of uses inclusive of Business Park and other related uses, the Applicant is ensuring maximum flexibility to adjust to market demand for a successful project.

**Comment 4.**

*Before any action is taken; the City must take a step back and prepare the Environmental Impact Report (EIR) that is clearly warranted under the California Environmental Quality Act (CEQA).*

**Response 4.**

The Lead Agency determined that the potential impacts that may occur with the development of the specific plan area could be fully mitigated and that no EIR or Statement of Overriding Conditions would be necessary. In addition, the following was taken from the California State CEQA Guidelines (Section 15063(b)(2): The Lead Agency shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment. As indicated in Section 15070, a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- (b) The initial study identifies potentially significant effects, but:
  - (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

In addition, the proposed project is not considered to be a regionally significant project as defined in §15206(b). Projects of Statewide, Regional, or Area wide Significance of the 2016 CEQA Guidelines. According to §15206(b):

- (b) The lead agency shall determine that a proposed project is of statewide, regional, or area wide significance if the project meets any of the following criteria:
  - (1) A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a negative declaration was prepared for the plan, element, or amendment, the document need not be submitted for review.
  - (2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subsection include:
    - (A) A proposed residential development of more than 500 dwelling units.

- (B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.
  - (C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.
  - (D) A proposed hotel/motel development of more than 500 rooms.
  - (E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.
- (3) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.
- (4) A project for which an EIR and not a negative declaration was prepared which would be located in and would substantially impact the following areas of critical environmental sensitivity:
- (A) The Lake Tahoe Basin.
  - (B) The Santa Monica Mountains Zone as defined by Section 33105 of the Public Resources Code.
  - (C) The California Coastal Zone as defined in, and mapped pursuant to, Section 30103 of the Public Resources Code. (D) An area within 1/4 mile of a wild and scenic river as defined by Section 5093.5 of the Public Resources Code.
  - (E) The Sacramento-San Joaquin Delta, as defined in Water Code Section 12220.
  - (F) The Suisun Marsh as defined in Public Resources Code Section 29101.
  - (G) The jurisdiction of the San Francisco Bay Conservation and Development Commission as defined in Government Code Section 66610.
- (5) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by Section 15380 of this Chapter.
- (6) A project which would interfere with attainment of regional water quality standards as stated in the approved area wide waste treatment management plan.
- (7) A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

The proposed project does not meet any of the aforementioned criteria. The development figures that were used to quantify the project's traffic, air quality, greenhouse gas, and utilities impacts (348,000 square feet of Business Park and 325,000 square feet of commercial) are within the square footage thresholds of

significance established by the State. In addition, the specific plan area contains approximately 200,000 square feet of existing retail. When discounting the existing uses, the project's increase in floor area will be less. Since the proposed project does not meet the criteria listed above, a mitigated negative declaration was prepared.

**Comment 5.**

*The following questions and comments address specific provisions of the specific plan amendment and the CEQA initial study:*

- 1. Business Park means warehouses. The proposed General Plan Amendment places the entire site within the Business Park land use designation on the General Plan. The staff report (page 4) characterizes proposed warehouse uses as incidental to retail uses (such as flooring or furniture sales); however, this is misleading if one actually reviews the specific plan (see tables 1 and 2-2, and land use descriptions for Business Park and Light Industrial).*
- 2. Business Park means warehouse, part 2. Based upon the history of City zone changes and land use approvals for other areas with a General Plan Business Park designation, the specific plan before you opens the entire project area to future warehouse uses. Every area designated for Business Park uses within this City that has developed has been turned into a warehouse hub. There is nothing in the specific plan to keep that from happening here, too. If Business Park and Light Industrial land uses are retained, the plan should be amended to provide definitive caps on building size and permitted square footage of truck-intensive uses.*

**Response 5.**

The site's size, access, and orientation preclude the construction of large warehouses similar to those built in the southern portion of the City. The greatest amount of industrial floor area that could be supported based on the configuration of the seven planning areas is approximately 175,000 square feet. The industrial and business park uses permitted under the Specific Plan Amendment will not reach the size and mass of other recent industrial development located throughout the City. In addition, these larger warehousing facilities contain a great number of dock high doors. None of the development permitted under the Specific Plan Amendment will have the number of dock high doors many of these larger facilities possess. These industrial and Business Park uses will serve the local market.

**Comment 6.**

*The City's track record on respecting standards is poor. If industrial uses are retained within the permitted use mix, stronger provisions are required to provide for compatibility with the established surrounding residential neighborhoods. General Plan and Specific Plan policies have been sidestepped numerous times, including (1) the rezonings to allow Skechers and Aldi when the General Plan called for buildings of 50,000 square feet or less, (2) approval of the building under construction at Brodiaea and Heacock where zoning provisions limited building area to 50,000 square feet, and (3) in the south industrial area where building sizes and setbacks have been relaxed for the P&G warehouse and are recommended to be relaxed for the proposed Prologis warehouse. If Business Park and Light Industrial*

*land uses are retained, the plan should be amended to provide definitive standards to respect existing and proposed residential uses in the surrounding area and along nearby streets that will be affected by truck traffic.*

**Response 6.**

The land uses contemplated under the specific plan amendment will be subject to the development standards identified for the corresponding zone. In addition, the Specific Plan Amendment identifies design guidelines such as the orientation of loading areas outside of the line of sight with the adjacent residential as well as the inclusion of eight foot high walls along the east side of the planning area.

**Comment 7.**

*What are the Specific Plan provisions for residential uses? The staff report indicates residential uses were considered, but then abandoned. However, the footnotes to Table 1 in the specific plan document refer to residential as a permitted uses.*

**Response 7.**

The Specific Plan Amendment will not permit residential uses. The footnote present in Table 1 of the Specific Plan Amendment is an error.

**Comment 8.**

*Clarify provisions in Specific Plan Section 10.4.2. This section refers to a public hearing notice for proposed plot plans and associated environmental determinations; however, approval authority is unclear. Also, the "\*\*\*" footnote to Table 1 refers to circumstances under which discretionary review is required for industrial uses (inferring there may be circumstances where review is other than discretionary). Does the specific plan allow administrative approvals for industrial uses, or will all implementing plot plans come before the Planning Commission? If Business Park and Light Industrial land uses are retained, the plan should be amended to require public notice and Planning Commission review for any uses allowing large trucks within 1,000 feet of existing homes or property with zoning that allows residential uses.*

**Response 8.**

According to the Specific Plan Amendment, all subsequent development proposed within the specific plan area will be required to undergo a development review process (assuming the use does not require a CUP per Table 2-1 "Land Use Matrix" in the IS/MND). Individual projects will also be required to apply for a plot plan application. Only Notes 1 and 2 on Table 1 are applicable for the project (the remaining footnotes shall be deleted in the final Specific Plan Amendment).

**Comment 9.**

*The proposed Mitigated Negative Declaration is inadequate; an Environmental Impact Report is required. The initial study fails to acknowledge the relationship of the proposed specific plan amendment to the underlying specific plan approvals and associated EIR. The initial study must disclose and adopt any applicable mitigation measures from that prior analysis. The adopted General Plan designates this site for Commercial uses. The proposed change to accommodate truck-intensive industrial uses in proximity to established residential neighborhoods clearly presents the potential for new or more server impacts.*

**Response 9.**

The uses contemplated under the specific plan amendment will result in less vehicle trips than those permitted under the existing General Plan Land Use designation. Retail and commercial uses tend to generate a significant amount of vehicle trips over business park and industrial uses. Traffic from development constitutes the largest source of environmental impacts. Uses that generate substantial vehicle trips may result in greater impacts to air quality, greenhouse gasses, and noise. As indicated previously, the number of trips that will result with the implementation of the specific plan amendment will be less than the number of trips that would result if the entire specific plan area was developed with retail uses. Impacts to sensitive populations from idling trucks are well known. However, many new trucks on the road are certified clean idle vehicles, which emit less criteria pollutants than the previous models. The Specific Plan Amendment's implementation will not result in the construction and operation of large scale warehouses. The size and configuration of the seven planning areas preclude the construction and operation of an industrial building larger than 175,000 square feet.

**Comment 10.**

*The initial study includes repeated statements that the specific plan amendment "will not lead to any impacts not already identified in the certified EIR for the Moreno Valley General Plan." However, the initial study is silent to characterization of the prior analysis and fails to disclose any mitigation measures adopted as part of the General Plan EIR, and whether any applicable measures from the prior EIR will be applied as part of the current CEQA analysis.*

**Response 10.**

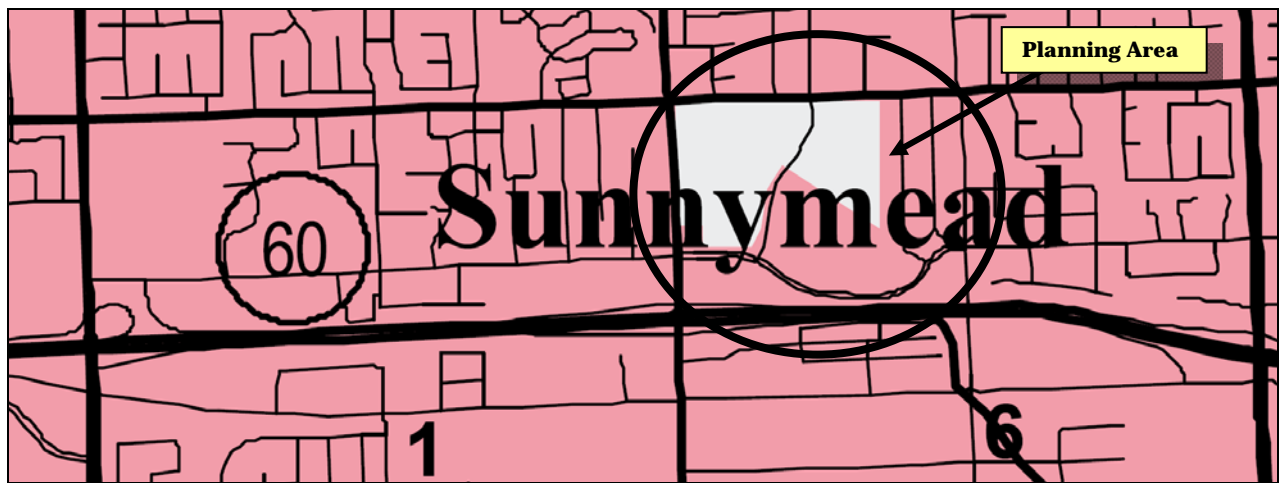
The IS/MND identified mitigation measures that were more specific to the proposed development that would occur as part of the Specific Plan Amendment's implementation. These mitigation measures are identified throughout Section 3 of the IS/MND and are outlined in detail in the Mitigation Monitoring and Reporting Program (MMRP). It should also be pointed out that many of these mitigation measures correspond to those identified in the General Plan. As is pointed out in the IS/MND, the *"specific plan amendment project will not lead to any impacts not already identified in the certified EIR for the Moreno Valley General Plan."*

**Comment 11.**

*Portions of the project site appear to be designated as “Farmlands of Local Importance” (Riverside county Important Farmlands Map, 2016, available at [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv6w.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv6w.pdf)). The initial study is silent to potential impacts to such designated agricultural resources.*

**Response 11.**

According to the Riverside County Important Farmland Map prepared for the California Department of Conservation, the specific plan area consists of Urban and Built-Up Land as well as “Other Land” (refer to the exhibit and legend provided on the following page). As a result, no impacts to prime farmland, unique farmland, or farmland of statewide importance will occur.



**URBAN AND BUILT-UP LAND**

URBAN AND BUILT-UP LAND IS OCCUPIED BY STRUCTURES WITH A BUILDING DENSITY OF AT LEAST 1 UNIT TO 1.5 ACRES, OR APPROXIMATELY 6 STRUCTURES TO A 10-ACRE PARCEL. COMMON EXAMPLES INCLUDE RESIDENTIAL, INDUSTRIAL, COMMERCIAL, INSTITUTIONAL FACILITIES, CEMETERIES, AIRPORTS, GOLF COURSES, SANITARY LANDFILLS, SEWAGE TREATMENT, AND WATER CONTROL STRUCTURES.



**OTHER LAND**

OTHER LAND IS LAND NOT INCLUDED IN ANY OTHER MAPPING CATEGORY. COMMON EXAMPLES INCLUDE LOW DENSITY RURAL DEVELOPMENTS, BRUSH, TIMBER, WETLAND, AND RIPARIAN AREAS NOT SUITABLE FOR LIVESTOCK GRAZING, CONFINED LIVESTOCK, POULTRY, OR AQUACULTURE FACILITIES, STRIP MINES, BORROW PITS, AND WATER BODIES SMALLER THAN 40 ACRES. VACANT AND NONAGRICULTURAL LAND SURROUNDED ON ALL SIDES BY URBAN DEVELOPMENT AND GREATER THAN 40 ACRES IS MAPPED AS OTHER LAND.

**Comment 12.**

*The initial study evaluates the project based upon assumptions of 348,000 square feet of business park uses and 325,000 square feet of retail uses. The trip generation assumptions in the traffic study (page 18) do not reflect consideration of permissible warehouse uses, or disclose assumptions for projected number of truck trips. The apparent lack of any assumed large truck traffic is not representative of reasonably foreseeable conditions, considering the inclusion of warehouses in the permitted uses and the warehouses*

*that are the built condition of every other area designated for Business Park uses within the City. The ITE standard trip rates for industrial uses (General Light Industrial and High Cube Warehouse/Logistics) reflect substantial percentages of truck traffic, and should be utilized for at least some, and more likely for most of the proposed development square footage. While it is understood that the daily trip rates for these industrial ITE land use categories are lower, the truck percentages are important to certain aspects of the traffic analysis and to analysis of noise, air quality (including health risks), and greenhouse gas emissions. Until more reasonable and representative trip generation rates clearly disclosing assumptions regarding projected number of truck trips and distribution of truck trips is provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, noise and greenhouse gas emissions impacts.*

**Response 12.**

The development contemplated under the specific plan amendment will be business park type uses, which are smaller and less intense than the larger warehouses present in the southern and eastern portions of the City. In addition, the specific plan area's size and configuration limits the amount of industrial floor area that could be provided. Any trucks travelling to the specific plan area will be required to use Davis Street, Hemlock Avenue, and Heacock Avenue to minimize the amount of time spent travelling along streets with significant concentrations of residential development. Lastly, many trucks on the road are certified clean idle trucks. Trucks that are certified clean idle automatically shut the engine off when the truck has been idling longer than five minutes.

**Comment 13.**

*The traffic analysis assumes substantial pass-by and internal capture reductions in the trip generation assumptions. These assumed reductions are appropriate for retail uses, but not for the proposed business park uses. The inflated pass-by and internal capture rates utilized in the analysis result in an underestimation of traffic-related impacts (including traffic, air, noise, and greenhouse gas emissions). Until more reasonable trip assumptions are provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, and noise and greenhouse gas emissions impacts.*

**Response 13.**

The internal capture reductions were used since future business park employees will likely dine or run errands at the adjacent commercial uses. These would not be considered full trips since people will be travelling from one point of the specific plan area to the other. In addition, providing a diverse mix of uses is a key component of reducing criteria pollutant and greenhouse gas emissions. By placing retail, commercial, and restaurant type uses in close proximity to business park development, the Applicant is reducing the need for employees to travel to various points within the City to obtain those services.

**Comment 14.**

*The air quality impact appendix (which consists of only the Cal-EE Mod output sheets) discloses an assumed trip length of only five miles for all operation phase trips (agenda packet page 558). There is no readily discernible explanation of this assumption in the initial study or the air quality appendix. This is simply unreasonable for worker and business park trips. By comparison, the Moreno Valley Logistics*

*Center project assumed a worker trip length of 16.6 miles and truck trip lengths of between 10 and 80 miles, with a weighted average truck trip of 61 miles based upon clearly disclosed assumptions of trip destinations and origins. The assumed 5-mile trip length substantially reduced the project VMT (vehicle mile travelled), which results in an underestimation of air quality and greenhouse gas impacts. Initial study Table 3-2 discloses estimated NOx emissions based upon the flawed estimates are very close to the applicable significance threshold (53.73 pounds per day where the threshold is 55 pounds per day). Without more reasonable assumptions and recalculation of estimated emissions, the record before you is inadequate to conclude that air quality impacts are less than significant.*

**Response 14.**

As indicated previously, the development contemplated under the Specific Plan Amendment will consist of smaller business park type of uses. These business park type uses will serve the local market, hence the selection of the five mile radius. The Moreno Valley Logistics Center will involve numerous truck trips to the ports and rail yards in the Southern California region. As a result, the average trip length will exceed 40 miles or more. This type of regional logistics facility is not anticipated as part of the Specific Plan Amendment's implementation.

The 63-acre specific plan area does not have the capacity to support 1,736,180 square feet of warehousing and logistics uses. The development contemplated under the Moreno Valley Logistics Center proposal is regional in scope and will serve the broader market (e-commerce, logistics, distribution, and warehousing).

**Comment 15.**

*The numerous mitigation measures requiring future surveys and permitting processes for impacts to biological resources are not valid mitigation measures under CEQA. The City's analysis must identify enforceable measures that will reduce potential impacts below a level of significance. Based upon the record before you, there is fair argument of significant impacts to sensitive biological resources (including burrowing owl and streams/riparian habitat) that require preparation of an EIR.*

**Response 15.**

The mitigation that is provided in the Biological sections of the IS/MND is not deferred mitigation. Biological surveys were undertaken for the specific plan area. At the time of the investigation, there were no signs of sensitive biological species. However, that does not preclude the possibility of their presence within the specific plan area, hence the reason for including the mitigation measures identified in the IS/MND. Lastly, an EIR is typically prepared when significant unavoidable impacts are created by a project. None of the impacts to biological resources are significant enough to warrant the approval of a Statement of Overriding Considerations. Any potential impacts to biological resources can be mitigated to the fullest extent possible.

**Comment 16.**

*Proposed mitigation measures for greenhouse gas emission impacts ignore the project's potential to transition approximately 50 acres of land to trucking-intensive uses. The measures that are included to reduce on-site energy consumption and encourage reduced emissions from passenger cars are so vague as to be meaningless (for instance, requirements for electric charging stations and preferential parking could be met by providing one such station/space).*

**Response 16.**

The mitigation measures that are provided in the IS/MND will be sufficient in reducing greenhouse gas emissions. These mitigation measures target emissions generated by the consumption of excess electricity and water. The development contemplated under the Specific Plan Amendment will not be trucking-intensive uses. In addition, many of these trucks are certified clean idle and improvements to engines and emissions control systems will further reduce GHG emissions.

**Comment 17.**

*The Mandatory Findings of Significance section of the initial study (Section 3.19) is simply a restatement of the required findings. There is no supporting documentation for the "No Impact" determinations for each of the four required findings. Based upon the record before you and these comments, there is a fair argument that the project may degrade environmental quality (including biological resources, air and noise impacts), may adversely affect human beings (including air, greenhouse gas, noise, and traffic impacts), and may have significant cumulative impacts (including air, greenhouse gas and traffic). Accordingly, an EIR must be prepared.*

**Response 17.**

An EIR is not required because the project's potential impacts can be mitigated to levels that are less than significant with respect to air quality, GHG, biological resources, and noise. Future contractors will be required to adhere to all pertinent SCAQMD standard conditions, including Rule 403, Rule 1166-Volatile Organic Compound Emissions from Decontamination of Soil, and Rule 402-Public Nuisance. The project's implementation will not result in significant impacts to sensitive biological communities with the adherence to the mitigation measures provided in Section 3.4 of the IS/MND. Once operational, the development contemplated under the Specific Plan amendment is projected to fall below the 10,000 MTCO<sub>2</sub>E per year threshold established for GHG emissions by the SCAQMD. The project's true emissions may be lower if future development that is proposed is smaller than the maximum case build-out. The project's noise impacts are considered to be less than significant. The Specific Plan Amendment contains design guidelines that minimize the exposure of noise sensitive populations to operational noise. Furthermore, the development envisioned under the Specific Plan Amendment will result in less vehicle trips than what was contemplated for the site in the original Specific Plan and the most recent General Plan.

**Chris Ormsby**

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**From:** Kathleen Dale [REDACTED]  
**Sent:** Thursday, March 22, 2018 8:54 AM  
**To:** Chris Ormsby  
**Subject:** March 22, 2018 Planning Commission - Comments on Festival Specific Plan Amendment

Chris - please see that the following comments are included in the project record and provided to each of the Commissioners.

A quick reply to acknowledge receipt and distribution would be appreciated.

Thank you,

Kathy Dale

Chair Barnes and members of the Planning Commission:

I am not able to attend the meeting on March 22nd and submit the following comments for your consideration in the public hearing for the proposed amendment to the Festival Specific Plan.

- The agenda description and notice for this project are inadequate to allow members of the public to understand the proposal. The agenda description only discloses a proposal for "a wider range of land uses and development opportunities". While the public notice includes an additional sentence explaining that proposed land uses include "commercial, retail, business park, office and medical" **there is nothing that alerts the neighbors and general public that the proposed changes would allow industrial uses, including warehouses. Planning Commission consideration must be delayed to allow for proper noticing.**
- Business park and industrial designations and zoning are simply inappropriate at this location. At a minimum, consideration of such a shift in planned land use should be deferred until there is an accompanying development proposal.
- Before any action is taken, the City must take a step back and prepare the Environmental Impact Report (EIR) that is clearly warranted under the California Environmental Quality Act (CEQA).

The following questions and comments address specific provisions of the specific plan amendment and the CEQA initial study:

**1. Business Park means warehouses.** The proposed General Plan Amendment places the entire site within the Business Park land use designation on the General Plan. The staff report (page 4) characterizes proposed warehouse uses as incidental to retail uses (such as flooring or furniture sales); however, this is misleading if one actually reviews the specific plan (see tables 1 and 2-2, and land use descriptions for Business Park and Light Industrial).

**2. Business Park means warehouse, part 2.** Based upon the history of City zone changes and land use approvals for other areas with a General Plan Business Park designation, the specific plan before you opens the entire project area to future warehouse uses. Every area designated for Business Park uses within this City that has developed has been turned into a warehouse hub. There is nothing in the specific plan to keep that

from happening here, too. **If Business Park and Light Industrial land uses are retained, the plan should be amended to provide definitive caps on building size and permitted square footage of truck-intensive uses.**

**3. The City's track record on respecting standards is poor.** If industrial uses are retained within the permitted use mix, stronger provisions are required to provide for compatibility with the established surrounding residential neighborhoods. General Plan and Specific Plan policies have been sidestepped numerous times, including (1) the rezonings to allow Skechers and Aldi when the General Plan called for buildings of 50,000 square feet or less, (2) approval of the building under construction at Brodiaea and Heacock where zoning provisions limited building area to 50,000 square feet, and (3) in the south industrial area where building sizes and setbacks have been relaxed for the P&G warehouse and are recommended to be relaxed for the proposed Prologis warehouse. **If Business Park and Light Industrial land uses are retained, the plan should be amended to provide definitive standards to respect existing and proposed residential uses in the surrounding area and along nearby streets that will be affected by truck traffic.**

**4. What are the Specific Plan provisions for residential uses?** The staff report indicates residential uses were considered, but then abandoned. However, the footnotes to Table 1 in the specific plan document refer to residential as a permitted uses.

**5. Clarify provisions in Specific Plan Section 10.4.2.** This section refers to a public hearing notice for proposed plot plans and associated environmental determinations; however, approval authority is unclear. Also, the "\*\*\*" footnote to Table 1 refers to circumstances under which discretionary review is required for industrial uses (inferring there may be circumstances where review is other than discretionary). Does the specific plan allow administrative approvals for industrial uses, or will all implementing plot plans come before the Planning Commission? **If Business Park and Light Industrial land uses are retained, the plan should be amended to require public notice and Planning Commission review for any uses allowing large trucks within 1,000 feet of existing homes or property with zoning that allows residential uses.**

**6. The proposed Mitigated Negative Declaration is inadequate; an Environmental Impact Report is required.**

a. The initial study fails to acknowledge the relationship of the proposed specific plan amendment to the underlying specific plan approvals and associated EIR. The initial study must disclose and adopt any applicable mitigation measures from that prior analysis. The adopted General Plan designates this site for Commercial uses. The proposed change to accommodate truck-intensive industrial uses in proximity to established residential neighborhoods clearly presents the potential for new or more server impacts.

b. The initial study includes repeated statements that the specific plan amendment "will not lead to any impacts not already identified in the certified EIR for the Moreno Valley General Plan". However, the initial study is silent to characterization of the prior analysis and fails to disclose any mitigation measures adopted as part of the General Plan EIR, and whether any applicable measures from the prior EIR will be applied as part of the current CEQA analysis.

c. Portions of the project site appear to be designated as "Farmlands of Local Importance" (Riverside County Important Farmlands Map, 2016, available at [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv16\\_w.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/riv16_w.pdf)). The initial study is silent to potential impacts to such designated agricultural resources.

d. The initial study evaluates the project based upon assumptions of 348,000 square feet of business park uses and 325,000 square feet of retail uses. The trip generation assumptions in the traffic study (page 18)

do not reflect consideration of permissible warehouse uses, or disclose assumptions for projected number of truck trips. The apparent lack of any assumed large truck traffic is not representative of reasonably foreseeable conditions, considering the inclusion of warehouses in the permitted uses and the warehouses that are the built condition of every other area designated for Business Park uses within the City. The ITE standard trip rates for industrial uses (General Light Industrial and High Cube Warehouse/Logistics) reflect substantial percentages of truck traffic, and should be utilized for at least some, and more likely for most of the proposed development square footage. While it is understood that the daily trip rates for these industrial ITE land use categories are lower, the truck percentages are important to certain aspects of the traffic analysis and to analysis of noise, air quality (including health risks), and greenhouse gas emissions. Until more reasonable and representative trip generation rates clearly disclosing assumptions regarding projected number of truck trips and distribution of truck trips is provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, noise and greenhouse gas emissions impacts.

e. The traffic analysis assumes substantial pass-by and internal capture reductions in the trip generation assumptions. These assumed reductions are appropriate for retail uses, but not for the proposed business park uses. The inflated pass-by and internal capture rates utilized in the analysis result in an underestimation of traffic-related impacts (including traffic, air, noise and greenhouse gas emissions). Until more reasonable trip assumptions are provided, it is not possible to evaluate the adequacy of the analysis of traffic, air quality, noise and greenhouse gas emissions impacts.

f. The air quality impact appendix (which consists of only the Cal-EE Mod output sheets) discloses an assumed trip length of only five miles for all operation phase trips (agenda packet page 558). There is no readily discernible explanation of this assumption in the initial study or the air quality appendix. This is simply unreasonable for worker and business park trips. By comparison, the Moreno Valley Logistics Center project assumed a worker trip length of 16.6 miles and truck trip lengths of between 10 and 80 miles, with a weighted average truck trip of 61 miles based upon clearly disclosed assumptions of trip destinations and origins. The assumed 5-mile trip length substantially reduced the project project VMT (vehicle mile travelled), which results in an underestimation of air quality and greenhouse gas impacts. Initial study Table 3-2 discloses estimated NOx emissions based upon the flawed estimates are very close to the applicable significance threshold (53.73 pounds per day where the threshold is 55 pounds per day). Without more reasonable assumptions and recalculation of estimated emissions, the record before you is inadequate to conclude that air quality impacts are less than significant.

g. The numerous mitigation measures requiring future surveys and permitting processes for impacts to biological resources are not valid mitigation measures under CEQA. The City's analysis must identify enforceable measures that will reduce potential impacts below a level of significance. Based upon the record before you, there is fair argument of significant impacts to sensitive biological resources (including burrowing owl and streams/riparian habitat) that require preparation of an EIR.

h. Proposed mitigation measures for greenhouse gas emission impacts ignore the project's potential to transition approximately 50 acres of land to trucking-intensive uses. The measures that are included to reduce on-site energy consumption and encourage reduced emissions from passenger cars are so vague as to be meaningless (for instance, requirements for electric charging stations and preferential parking could be met by providing one such station/space).

i. The Mandatory Findings of Significance section of the initial study (Section 3.19) is simply a restatement of the required findings. There is no supporting documentation for the "No Impact" determinations for each of the four required findings. Based upon the record before you and these comments, there is a fair argument that the project may degrade environmental quality (including biological resources, air and noise

impacts), may adversely affect human beings (including air, greenhouse gas, noise, and traffic impacts), and may have significant cumulative impacts (including air, greenhouse gas and traffic). Accordingly, an EIR must be prepared.

**Comment Letter Dated March 20, 2018**  
**Lijin Sun, J.D, Program Supervisor, CEQA IGR**  
**Planning, Rule Development and Area Sources**  
**South Coast Air Quality Management District**

*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.*

**Response 1.**

This comment has been noted for the record.

**Comment 2.**

*The Lead Agency proposes to amend the Moreno Valley Festival Specific Plan, which was adopted in 1987 (Proposed Project). The Proposed Project will modify the existing permitted uses to allow for a retail, retail/mix of uses, and mix of uses that shall include commercial, retail, Business Park, office, medical, and related uses. The potential build-out scenario for the Proposed Project would include 348,000 square feet of business-park and 325,000 square feet of retail/mix of uses. Based on a review of aerial photographs and Exhibit 2-4 and Exhibit 2-5 in the MND, SCAQMD staff found that residential uses are located immediately west of the Proposed Project Planning Area III. Construction is expected to take seven years to complete.*

**Response 2.**

This comment has been noted for the record.

**Comment 3.**

*In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's regional air quality CEQA significance thresholds. The Proposed Project's construction emissions were calculated based on a seven-year construction timeline, assuming simultaneous development of all seven planning areas with the maximum case build-out. As a result, the lead agency found that the Proposed Project's air quality impacts would be less than significant.*

**Response 3.**

The proposed development is conceptual in nature and the timeline for development is not yet known. Individual projects may be proposed upon approval of the Specific Plan amendment, or they may be proposed several years in the future. Therefore, construction timeline of seven years was used. This construction timeline would include the development of all seven planning areas.

**Comment 4.**

*As stated above, the Proposed Project is located next to sensitive receptors (e.g., residents): To ensure that any nearby sensitive receptors are not adversely affected by the construction activities that are occurring in close proximity, SCAQMD staff recommends that the Lead-Agency quantify the Proposed Project's localized emissions and disclose the localized air quality impacts in the Final-MND. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD website.*

**Response 4.**

The project's localized emissions were not calculated because the planning area exceeds the five acre threshold. The use of the "look-up tables" is typically used for projects proposed on less than five acres of land area. Nevertheless, the LST analysis that was not included in the IS/MND is provided below. As indicated in the Table, the project would not exceed the thresholds of significance established by the SCAQMD. It is important to note that the LST table presented below includes construction emissions for the entire 63-acre planning area. The distance that was used was 25 meters.

**Table 1  
 Local Significance Thresholds Exceedance  
 SRA 24 for 5-Acres of Disturbance**

Emissions	Emissions (lbs/day)	Type	Allowable Emissions Threshold (lbs/day) and a Specified Distance from Receptor (in meters)				
			25	50	100	200	500
NO <sub>x</sub>	54.58	Construction	<b>270</b>	302	378	488	780
CO	34.26	Construction	<b>1,577</b>	2,178	3,437	6,860	22,530
PM <sub>10</sub>	9.82*	Construction	<b>13</b>	40	59	96	207
PM <sub>2.5</sub>	6.29*	Construction	<b>8</b>	10	16	31	105

Source: CalEEMod Version 2016.3.2.

\*= Note: These figures take into account the water of the site up to three times per day, which is a standard condition required by the SCAQMD.

**Comment 5.**

*When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in a CEQA document. In the Air Quality Analysis, the Lead Agency stated that "the likelihood of all seven planning areas undergoing construction at once is slim." Since implementation of the Proposed Project is expected to occur over a period of seven years, and an overlapping construction and operation scenario is reasonably foreseeable, unless overlapping construction and operation is expressly prohibited in all applicable bid document and/or development agreement, the Lead Agency should analyze a scenario where construction activities overlap with operational activities in the Final MND.*

*To properly analyze a worst-case impact scenario that is reasonably foreseeable at the time the MND is prepared, SCAQMD staff recommends that the Lead Agency 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 level of significance in the Final MND. In the event that the Lead Agency, after revising the Air Quality Analysis, finds that the Proposed Project's air quality impacts would be significant, mitigation measures will be required. For more information on suggested potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD's CEQA Air Quality Handbook website.*

**Response 5.**

Table 2 demonstrates the project's operational emissions with the construction emissions included. For Table 2, it was assumed that the commercial portion would be finished and operational before the business park since the project Applicant intends to utilize and refurbish the existing commercial development located on-site.

**Table 2  
 Estimated Simultaneous Construction/Operation Emissions in lbs/day**

<b>Emission Source</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Existing Commercial (operational)	<b>9.86</b>	<b>23.64</b>	<b>55.53</b>	<b>0.18</b>	<b>13.81</b>	<b>3.82</b>
Business Park Construction	<b>29.96</b>	<b>28.39</b>	<b>25.30</b>	<b>0.05</b>	<b>11.14</b>	<b>5.22</b>
Total Combined Operational and Construction Emissions	<b>39.82</b>	<b>52.03</b>	<b>80.83</b>	<b>0.23</b>	<b>24.95</b>	<b>9.04</b>
<b>Daily Thresholds</b>	<b>55</b>	<b>55</b>	<b>55o</b>	<b>15o</b>	<b>15o</b>	<b>55</b>

Source: CalEEMod V.2016.3.2

Table 3 depicts the project's operational emissions with the business park and the existing commercial component fully operational. These emissions were combined with the construction emissions for the remaining commercial.

**Table 3  
 Estimated Simultaneous Construction/Operation Emissions in lbs/day**

<b>Emission Source</b>	<b>ROG</b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>SO<sub>2</sub></b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>
Existing Commercial and Business Park (operational)	<b>21.07</b>	<b>39.29</b>	<b>87.67</b>	<b>0.28</b>	<b>21.62</b>	<b>5.98</b>
Construction of Remaining Commercial	<b>11.80</b>	<b>14.82</b>	<b>12.85</b>	<b>0.02</b>	<b>1.18</b>	<b>0.77</b>
Total Combined Operational and Construction Emissions	<b>32.87</b>	<b>54.11</b>	<b>100.52</b>	<b>0.30</b>	<b>22.80</b>	<b>6.75</b>
<b>Daily Thresholds</b>	<b>55</b>	<b>55</b>	<b>55o</b>	<b>15o</b>	<b>15o</b>	<b>55</b>

Source: CalEEMod V.2016.3.2

As indicated in Table 3, the combined construction and operational emissions would not exceed the operational thresholds.

**Comment 6.**

*SCAQMD Rule 1403 -Asbestos Emissions from Demolition/Renovation Activities*

*Since the Proposed Project would include demolition, 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 in the Final MND.*

**Response 6.**

The buildings that presently occupy the planning area were constructed after 1978. Therefore, the likelihood of encountering lead based paint or asbestos containing materials is slim to none.

**Comment 7.**

*In the event that Jiffy Lube Oil Change Center that is located in Planning Area IV is planned for demolition, disturbing soils may contain petroleum hydrocarbons that are subject to the requirements of SCAQMD Rule 1166- Volatile Organic Compound Emissions from Decontamination of Soil. As such, the Lead Agency should include a discussion to demonstrate compliance with Rule 1166 in the Final MND. Furthermore, the Final MND should discuss how the Proposed Project will comply with SCAQMD Rule 402 -Public Nuisance and SCAQMD Rule 403 -Fugitive Dust Rule, if volatile organic compounds and/or odors are emitted during soil disturbance activities.*

**Response 7.**

The comment has been noted for the record. The aforementioned rules are referred to as “standard conditions,” which are mandatory regulations that are applicable for all projects located in the SCAB. Page 51 on the MND includes this discussion regarding Rule 403:

*“The Planning Area is located in a non-attainment area for ozone and particulates. All construction undertaken in the Specific Plan area will be required to adhere to all SCAQMD regulations related to fugitive dust generation and other construction-related emissions. According to SCAQMD Regulation 403, all unpaved demolition and construction areas shall be regularly watered up to three times per day during excavation, grading, and construction as required (depending on temperature, soil moisture, wind, etc.). Watering could reduce fugitive dust by as much as 55 percent. Rule 403 also requires that temporary dust covers be used on any piles of excavated or imported earth to reduce wind-blown dust. In addition, all clearing, earthmoving, or excavation activities must be discontinued during periods of high winds (i.e. greater than 15 mph), so as to prevent excessive amounts of fugitive dust. Finally, the contractors must comply with other SCAQMD regulations governing equipment idling and emissions controls.”*

The project contractors must be familiar with these regulations.



**South Coast  
Air Quality Management District**

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**RECEIVED**

MAR 22 2018

CITY OF MORENO VALLEY  
Planning Division

SENT VIA E-MAIL AND USPS:

[chriso@moval.org](mailto:chriso@moval.org)

Chris Ormsby, Senior Planner

City of Moreno Valley Community Development Department

14177 Frederick Street

Moreno Valley, California 92553

March 20, 2018

**Mitigated Negative Declaration (MND) for the Proposed  
Moreno Valley Festival Specific Plan Amendment**

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.

**SCAQMD Staff's Summary of Project Description**

The Lead Agency proposes to amend the Moreno Valley Festival Specific Plan, which was adopted in 1987 (Proposed Project). The Proposed Project will modify the existing permitted uses to allow for a retail, retail/mix of uses, and mix of uses that shall include commercial, retail, business-park, office, medical, and related uses. The potential build-out scenario for the Proposed Project would include 348,000 square feet of business-park and 325,000 square feet of retail/mix of uses. Based on a review of aerial photographs and Exhibit 2-4 and Exhibit 2-5 in the MND, SCAQMD staff found that residential uses are located immediately west of the Proposed Project Planning Area III. Construction is expected to take seven years to complete.

**SCAQMD Staff's Summary of Air Quality Analysis**

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's regional air quality CEQA significance thresholds. The Proposed Project's construction emissions were calculated based on a seven-year construction timeline, assuming simultaneous development of all seven planning areas with the maximum case build-out<sup>1</sup>. As a result, the Lead Agency found that the Proposed Project's air quality impacts would be less than significant.

**SCAQMD Staff's Comments**

*Localized Air Quality Analysis during Construction*

As stated above, the Proposed Project is located next to sensitive receptors (e.g., residents). To ensure that any nearby sensitive receptors are not adversely affected by the construction activities that are occurring in close proximity, SCAQMD staff recommends that the Lead Agency quantify the Proposed Project's localized emissions and disclose the localized air quality impacts in the Final MND. SCAQMD guidance for performing a localized air quality analysis is available on SCAQMD website<sup>2</sup>.

<sup>1</sup> MND, Page 51.

<sup>2</sup> South Coast Air Quality Management District, Localized Significance Thresholds. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

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March 20, 2018

*Overlapping Construction and Operational Impacts*

When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in a CEQA document. In the Air Quality Analysis, the Lead Agency stated that “the likelihood of all seven planning areas undergoing construction at once is slim<sup>3</sup>.” Since implementation of the Proposed Project is expected to occur over a period of seven years, and an overlapping construction and operation scenario is reasonably foreseeable, unless overlapping construction and operation is expressly prohibited in applicable bid document and/or development agreement, the Lead Agency should analyze a scenario where construction activities overlap with operational activities in the Final MND.

To properly analyze a worst-case impact scenario that is reasonably foreseeable at the time the MND is prepared, SCAQMD staff recommends that the Lead Agency 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 level of significance in the Final MND. In the event that the Lead Agency, after revising the Air Quality Analysis, finds that the Proposed Project’s air quality impacts would be significant, mitigation measures will be required. For more information on suggested potential mitigation measures as guidance to the Lead Agency, please visit SCAQMD’s CEQA Air Quality Handbook website<sup>4</sup>.

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

Since the Proposed Project would include demolition, 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 in the Final MND.

*SCAQMD Rule 1166, Rule 402, and Rule 403*

In the event that Jiffy Lube Oil Change Center that is located in Planning Area IV is planned for demolition, disturbing soils may contain petroleum hydrocarbons that are subject to the requirements of SCAQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. As such, the Lead Agency should include a discussion to demonstrate compliance with Rule 1166 in the Final MND. Furthermore, the Final MND should discuss how the Proposed Project will comply with SCAQMD Rule 402 – Public Nuisance and SCAQMD Rule 403 – Fugitive Dust Rule, if volatile organic compounds and/or odors are emitted during soil disturbance activities.

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, response should provide sufficient details 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 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.

<sup>3</sup> MND, Page 51.

<sup>4</sup> South Coast Air Quality Management District. Accessed at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook>.

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March 20, 2018

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.  
Program Supervisor, CEQA IGR  
Planning, Rule Development & Area Sources

LS  
RVC180220-02  
Control Number