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**PLANNING COMMISSIONERS**

JEFFREY SIMS  
Chairperson

RAY L. BAKER  
Vice Chairperson

PATRICIA KORZEC  
Commissioner



ALVIN DEJOHNETTE  
Commissioner

JOANN STEPHAN  
Commissioner

ROBERT HARRIS  
Commissioner

RAFAEL BRUGUERAS  
Commissioner

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# **PLANNING COMMISSION**

## **Regular Meeting**

### **Agenda**

**Thursday, August 22, 2019 at 7:00 PM**  
**City Hall Council Chamber – 14177 Frederick Street**

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

Approval of Agenda

#### **PUBLIC COMMENTS PROCEDURE**

*Any person wishing to address the Commission on any matter, either under the Public Comments section of the Agenda or scheduled items or public hearings, must fill out a "Request to Speak" form available at the door. The completed form must be submitted to the Secretary prior to the Agenda item being called by the Chairperson. In speaking to the Commission, members of the public may be limited to three minutes per person, except for the applicant for entitlement. The Commission may establish an overall time limit for comments on a particular Agenda item. Members of the public must direct their questions to the Chairperson of the Commission and not to other members of the Commission, the applicant, the Staff, or the audience.*

#### **PUBLIC COMMENTS**

#### **CONSENT CALENDAR**

*All matters listed under Consent Calendar are considered to be routine and all will be enacted by one roll call vote. There will be no discussion of these items unless Members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.*

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*Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Guy Pegan, ADA Coordinator, at 951.413.3120 at least 72 hours before the meeting. The 72-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

1. Planning Commission Minutes – Regular Meeting – July 11, 2019 7:00 PM

**NON-PUBLIC HEARING ITEMS**

1. Case: PEN18-0140
- Applicant: City of Moreno Valley
- Representative: Community Development Department
- Location: City Wide
- Planner: Chris Ormsby
- Council District: All
- Proposal: Review of the City's rules and procedures for implementing the provisions of the California Environmental Quality Act (CEQA).

**PUBLIC HEARING ITEMS**

None

**OTHER COMMISSION BUSINESS**

None

**STAFF COMMENTS**

**PLANNING COMMISSIONER COMMENTS**

**ADJOURNMENT**

Planning Commission Regular Meeting, September 12, 2019 at 7:00 P.M., City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, CA 92553.

**OFFICIAL MINUTES OF THE  
PLANNING COMMISSION  
OF THE CITY OF MORENO VALLEY**

**REGULAR MEETING – 7:00 PM  
July 11, 2019**

**CALL TO ORDER**

This Regular meeting of the Planning Commission of the City of Moreno Valley was called to order at 7:05 p.m., by Vice Chairperson Baker in the Council Chambers located at 14177 Frederick Street, Moreno Valley, California.

**ROLL CALL**

Planning Commission:	Jeffrey Sims	Chairperson	Absent
	Ray L. Baker	Vice Chairperson	Present
	Patricia Korzec	Commissioner	Present
	Alvin DeJohnette	Commissioner	Present
	Robert Harris	Commissioner	Present
	JoAnn Stephan	Commissioner	Present
	Rafael Brugueras	Commissioner	Absent

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Chairperson Baker.

**APPROVAL OF AGENDA**

Motion to approve the agenda was made by Commissioner Korzec and seconded by Commissioner DeJohnette.

Vote: 5-0

Ayes: Commissioner Korzec, DeJohnette, Harris, Stephan and Vice Chairperson Baker

Absent: Rafael Brugueras and Chairperson Sims

Action: **Approved**

**STAFF PRESENT**

Martin D. Koczanowicz	City Attorney
Patty Nevins	Planning Official
Chris Ormsby	Senior Planner
Sean P. Kelleher	Senior Planner
Jerry Guarrancino	Contract Planner
Paul Villalobos	Fire Marshal
Eric Lewis	City Traffic Engineer
Michael Lloyd	Assistant City Engineer
Vince Girón	Associate Engineer
Ashley Aparicio	Planning Commission Secretary

## PUBLIC COMMENTS PROCEDURE

### PUBLIC COMMENTS

No public comments.

### CONSENT CALENDAR

1. Planning Commission Minutes - Regular Meeting - June 27, 2019 7:00 PM

Motion to approve the minutes of June 27, 2019 was made by Commissioner Stephan and seconded by Commissioner Harris.

Vote: 5-0

Ayes: Commissioner Stephan, Harris, DeJohnette, Korzec and Vice Chairperson Baker

Absent: Rafael Brugueras and Chairperson Sims

Action: **Approved**

### NON-PUBLIC HEARING ITEMS

No items for discussion.

### PUBLIC HEARING ITEMS

1. Plot Plan for Expanded Environmental Review for a 41,511 square foot KIA sales and service facility located at the northeast corner of Moreno Beach Drive and Auto Mall Drive. (Report of: Planning Commission)

A. Staff recommends that the Planning Commission APPROVE Resolution No. 2019-30, and thereby:

1. CERTIFY that the Mitigated Negative Declaration prepared for Plot Plan (PEN19-0047) on file with the Community Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the Mitigated Negative Declaration and that the Document reflects the City's independent judgment and analysis. Attached hereto as Exhibit A; and

2. ADOPT the Mitigation Monitoring and Reporting Program for Plot Plan (PEN19-0047), attached hereto as Exhibit B.

B. Staff recommends that the Planning Commission APPROVE Resolution No. 2019-31, and thereby:

Minutes Acceptance: Minutes of Jul 11, 2019 7:00 PM (CONSENT CALENDAR)

1. APPROVE Plot Plan PEN19-0047, based on the findings contained in Resolution 2019-31, and subject to the attached Conditions of Approval included as Exhibit A.

Public Hearing Opened: 7:23 p.m.

No public speakers.

Public Hearing Closed: 7:23 p.m.

Motion to approve Resolution Number 2019-30 and 2019-31, inclusive of Exhibit B of Resolution Number 2019-30, making revisions to the Biological Resources Mitigation Measures and making modifications to Exhibit A of Resolution 2019-31, inclusive of recommendations in staff's memorandum dated July 11, 2019, was made by Commissioner Korzec and seconded by Commissioner Stephan.

Vote: 5-0

Ayes: Commissioner Korzec, Stephan, Harris, DeJohnette and Vice Chairperson Baker

Absent: Rafael Brugueras and Chairperson Sims

Action: **Approved**

#### **OTHER COMMISSION BUSINESS**

No items for discussion.

#### **STAFF COMMENTS**

No items for discussion.

#### **PLANNING COMMISSIONER COMMENTS**

No items for discussion.

#### **ADJOURNMENT**

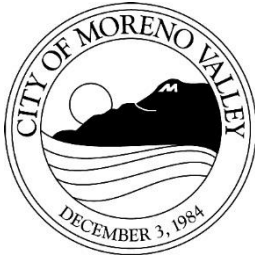
There being no further business to come before the Planning Commission, Vice Chairperson Baker adjourned the meeting at 7:38 PM.

Submitted by:

Approved by:

\_\_\_\_\_  
Ashley Aparicio  
Planning Commission Secretary

\_\_\_\_\_  
Ray Baker  
Vice Chairperson



## PLANNING COMMISSION

### STAFF REPORT

Meeting Date: August 22, 2019

#### ADOPTION OF THE UPDATED CITY'S RULES AND PROCEDURES TO IMPLEMENT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Case:	PEN18-0140
Applicant:	City of Moreno Valley
Representative	Community Development Department
Location:	City Wide
Case Planner:	Claudia Manrique
Council District:	All
Proposal	Adopting updated guidelines and procedures for implementing the provisions of the California Environmental Quality Act (CEQA).

#### **SUMMARY**

Staff is recommending adoption of an update to the local procedures for implementing the provisions of the California Environmental Quality Act (CEQA). The CEQA Guidelines (Section 15022) require that local agencies adopt implementing procedures that are consistent with CEQA for administering its responsibilities under CEQA. The recommended update of the procedures will bring the City in compliance with the State CEQA Guidelines. A major amendment by the state of the CEQA Guidelines became effective in late April of this year. Section 15022c of the CEQA Guidelines calls for public agencies to revise their local implementing procedures within 120 days after the effective date of CEQA Guideline amendments.

#### **PROJECT DESCRIPTION**

## **Background**

The California Environmental Quality Act was enacted by the state legislature in 1970. The basic purpose of CEQA is to 1) inform government decision makers and the public about potential effects of proposed activity, 2) identify ways to avoid or reduce negative effects, 3) prevent avoidable effects through use of feasible alternatives or mitigation, and 4) disclose to the public the reasons for the agencies decisions. CEQA requires California public agencies to consider and implement opportunities to avoid and/or reduce potential significant adverse environmental impacts that may result from the action of the local agency whenever feasible, before the agency approves a project. CEQA call for regulation that allow the public opportunity to participate in the environmental review process.

CEQA applies to local agency activities as well as private activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment. Under CEQA, if a project is discretionary, meaning that the agency has the authority to deny the requested permit or approval, environmental review is required unless an exemption applies. Most proposals for physical development in California are subject to CEQA, as are many governmental decisions that do not immediately result in physical development (such as adoption of a general or community plan).

The California Environmental Quality Act (CEQA) and the California Code of Regulations require the City of Moreno Valley to adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for implementing its responsibilities under CEQA. The City Council first adopted a resolution implementing procedures in 1987 (*Rules and Procedures for the Implementation of CEQA*) and amended the procedures on December 20, 1988. The implementing procedures were further updated in early 1992, but have not under gone a comprehensive update since that time. City Staff has relied on the current version of the California CEQA Guidelines, which includes regular updates, to ensure local compliance with environmental regulations. The City has updated the City's Environmental Checklist Form, which is used for initial assessments of projects, consistent with changes to the sample form contained in the state CEQA Guidelines. In order to ensure compliance with the mandate in Section 15022 of the CEQA Guidelines, staff is recommending Planning Commission consideration and approval of the comprehensive revisions of the City's local implementing procedures.

## **Project**

State law requires a local jurisdiction to adopt its own regulations for the implementation of CEQA. The goal of the adoption of local implementing procedures is to create a comprehensive document that accurately reflects both state and local policies. The City procured consultant services to assist with the comprehensive update of the local procedures, which have not been thoroughly updated since 1992. The recommended document is attached for the Planning Commissioners review.

Staff recommends that the City adopt the updated implementing procedures along with the State CEQA Guidelines by reference. Provided the implementing procedures are consistent with the CEQA Guidelines and statutes, the City can customize the implementing procedures to meet the needs of the City. The recommended implementing procedures include a customized list of projects that qualify as ministerial, and categorically exempt. The implementing procedures address the City's process and timeline for determining that a project is statutorily or categorically exempt.

Other local resource documents/tools have been prepared in conjunction with the City's implementing procedures. The intent is for the resource documents/tools to be updated administratively, as warranted, to reflect minor clarifications and updates. These documents/tools are attachments to this staff report and include the following:

- Initial Study Preparation Guide – The guide is a companion document to the Rules and Procedures to Implement CEQA and will benefit both City staff and consultants preparing Initial Studies.
- Initial Study Form – This is the required Initial Study checklist form that is consistent with the CEQA Guidelines.
- Environmental Impact Report Format and Content Guidelines – The document ensures that Environmental Impact Reports are prepared for the City in an organized, consistent, and timely manner.

As allowed for in Section 15022d of the CEQA Guidelines, the staff recommendation is for the City to adopt the State CEQA Guidelines through incorporation by reference, along with tailored modifications that are specific to the operations of the City of Moreno Valley. Subsequent updates to the local Rules and Procedures for the Implementation of CEQA, that become warranted due to changes by the State on the CEQA Guidelines, and are beyond the scope of amending the three documents/tools noted above, would be brought back to the Planning Commission for consideration.

## **REVIEW PROCESS**

The City issued a Request for Proposals soliciting professional consulting services on October 16, 2018 for the preparation of the updated City of Moreno Valley CEQA Rules and Procedures. RECON Environmental, Inc. (RECON) was selected as the consultant team for this effort, and work began in spring 2019.

RECON has provided the City with a document that is user friendly and incorporates all of the requirements for implementing procedures described in Section 15022 of the CEQA Guidelines. In addition, the procedures are consistent with recent legislative updates to the CEQA Statutes and Guidelines. The procedures document provides objectives, criteria and procedures for evaluation of both private and public projects, and for the preparation of appropriate related environmental documentation. The procedures shall apply to all public and private projects where the City of Moreno Valley has the authority to regulate, approve, or disapprove.



Once updated, the City's CEQA procedures will be placed on the City's website for ease of use by the development community.

## **ENVIRONMENTAL**

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the adoption of the State CEQA Guidelines is covered by the general rule exemption as CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this document will not have a significant environmental effect and therefore, the common sense exemption from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR §15061(b)(3)) applies.

## **NOTIFICATION**

The posting of the meeting agenda serves as the necessary noticing for this Agenda item.

Prepared by:  
Claudia Manrique  
Associate Planner

Approved by:

Richard J. Sandzimier  
Community Development Director

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission take the following action:

**APPROVE** Resolution No. 2019-32 and thereby **RECOMMEND** that the City Council:

1. **CERTIFY** that the proposed Rules and Procedures for the Implementation of CEQA document is exempt from the provisions of the California Environmental Quality Act (CEQA), CEQA Guidelines, Section 15061(b)(3); and
2. **APPROVE** PEN18-0140 based on the findings contained in Resolution 2019-32.

Prepared by:  
Claudia Manrique  
Associate Planner

Approved by:  
Richard J. Sandzimier  
Community Development Director

## **ATTACHMENTS**

1. Resolution 2019-32
2. CEQA Rules and Procedures to Implement CEQA final
3. Initial Study Form 8619

4. Initial Study Preparation Guide
5. EIR Format and Content\_8619

PLANNING COMMISSION RESOLUTION NO. 2019-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF PEN18-0140, ADOPTING CITY OF MORENO VALLEY RULES AND PROCEDURES FOR THE IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, City of Moreno Valley Community Development Department staff has filed an application for the approval of PEN18-0140, as described in the title of this Resolution; and

**WHEREAS**, the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code § 21000 *et seq.*) and Title 14, of the California Code of Regulations § 15022, requires every public agency to adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations § 15000 *et seq.*) (“State CEQA Guidelines”) for implementing its responsibilities under CEQA; and

**WHEREAS**, the City’s CEQA implementing procedures assist in the orderly evaluation of projects and their potential effects on the environment and preparation of environmental documents; and

**WHEREAS**, the City of Moreno Valley City Council adopted CEQA procedures in 1987, and amended the procedures in 1988 and 1992; and

**WHEREAS**, the City now desires to update and streamline its implementing procedures and desires that the procedures be consistent with the current provisions of the State CEQA Statutes Guidelines and remain consistent on a continuing basis; and

**WHEREAS** this action is exempt from CEQA, pursuant to Section 15061(b)(3) of the State Guidelines as this activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment, the activity is not subject to CEQA. The implementing procedures are consistent with the State CEQA Guidelines and State statutes; and

**WHEREAS**, the project was appropriately agenzized for review by the Planning Commission of the City of Moreno Valley (Planning Commission); and

**WHEREAS**, on August 22, 2019, the Planning Commission of the City of Moreno Valley held a public meeting to consider the City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred; and

**WHEREAS**, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

**NOW, THEREFORE**, the Planning Commission of the City of Moreno Valley, California, does hereby find, determine, and resolve as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on August 22, 2019, including written and oral staff reports, public testimony and the record from the public meeting, this Planning Commission confirms:

**Section 1.** All of the facts set forth in the Recitals of this Resolution are true and correct.

**Section 2.** The City's "Rules and Procedures for the Implementation of CEQA" most recently updated in 1992 are hereby replaced with "City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act" attached as Exhibit A.

**Section 3.** Except as otherwise expressly provided herein, the provisions of CEQA and the State CEQA Guidelines are hereby adopted and made a part of this Resolution with the same effect as if fully set forth herein, and all the provisions thereof shall apply to projects proposed to be carried out or given discretionary review and approval by the City.

**Section 5.** It is the intent of the City to conform to the requirements of the State CEQA Guidelines and CEQA. If any of the specific procedures or provisions adopted herein should be in conflict with CEQA or the State CEQA Guidelines, CEQA and the State CEQA Guidelines shall prevail. The City may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in the City's implementing CEQA procedures.

**BE IT FURTHER RESOLVED** that the Planning Commission **HEREBY APPROVES** Resolution No. 2019-32 and thereby **RECOMMENDS** that the City Council:

- CERTIFY** that the adoption of the City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act is exempt in accordance with CEQA Guidelines based on the common sense exemption, Section 15061(b)(3); and

2  
Resolution No. 2019-32  
Date Approved:

- 2. **APPROVE** the City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act based on the findings contained in Resolution 2019-32 and the attached Exhibit A.

**APPROVED** this 22<sup>nd</sup> day of August, 2019.

\_\_\_\_\_  
 Jeffrey Sims  
 Chairperson, Planning Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 Patty Nevins, Planning Official  
 Secretary to the Planning Commission

\_\_\_\_\_  
 City Attorney

Attachment:

Exhibit A: City of Moreno Valley Rules and Procedures for the Implementation of the California Environmental Quality Act

Attachment: Resolution 2019-32 [Revision 4] (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

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**City of Moreno Valley Rules and Procedures  
for the Implementation of the  
California Environmental Quality Act**  
Public Resources Code 21000 et. seq. and CEQA Guidelines  
(California Code of Regulations, Title 14, Section 15000 and following)

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July 2019

Prepared by City of Moreno Valley  
Community Development Department

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Adopted by the City Council as the official rules for use by all Departments and  
Divisions under the Authority of the City Council

## Amendment Tracking

Adopted:

### Acknowledgments

#### City of Moreno Valley

Patty Nevins, Planning Official

Chris Ormsby, Senior Planner

Sean Kelleher, Senior Planner

Claudia Manrique, Associate Planner

#### Prepared with Assistance From:

RECON Environmental, Inc.

McKenna Lanier Group, Inc.

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**Attachment**

A: Governor’s Office of Planning and Research CEQA Process Flow Chart

## Introduction

State law requires that every lead agency have defined rules or guidelines to implement the California Environmental Quality Act of 1970 (CEQA). The laws and rules governing the CEQA process are contained in the CEQA statute, Public Resources Code (PRC) §§21000 and following, the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following, referred to as “Guidelines” herein), and locally adopted CEQA procedures. This document represents the City of Moreno Valley’s (City) “Rules and Procedures for the Implementation of CEQA” hereinafter referred to as the CEQA Rules & Procedures, and is intended to update and replace, in its entirety, the previous City guidance document dated December 20, 1988 and as amended in 1992. These CEQA Rules & Procedures shall be applicable to all City Department(s) that have responsibilities under CEQA as either a “Lead Agency” or a “Responsible Agency.” The Community Development Department is hereby designated as the principal “Lead Agency” Department for the City with respect to CEQA compliance.

## Section 1 Purpose

These CEQA Rules and Procedures provide guidance to City Departments in the implementation of CEQA and the Guidelines. They are intended to provide objective and specific direction for the processing of projects pursuant to CEQA and to ensure the City produces consistent and adequate environmental documents.

These procedures are not meant to replace the State Guidelines but to implement and tailor the general provisions of the State Guidelines to the specific operations of the City. The City may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in these procedures. If any of these procedures are in conflict with or contrary to any provision of the State Guidelines as they exist or may be amended hereafter, the State Guidelines shall take precedence.

## Section 2 CEQA Basics and Definitions

### 2.1 What is CEQA?

The California Environmental Quality Act (CEQA) is a State law that is intended to provide disclosure of the potential environmental impacts that may result from implementation of a project to both the public and decision maker. If a project subject to CEQA will not cause any significant adverse environmental impacts, a public agency may adopt a brief document known as a Negative Declaration (ND) or a Mitigated Negative Declaration (MND). If the project may cause adverse environmental impacts, the public agency must prepare a more detailed study called an Environmental Impact Report (EIR). An EIR contains in-depth

studies of potential impacts, measures to reduce or avoid those impacts, and an analysis of alternatives to the project. A key feature of the CEQA process is the opportunity for the public to review and provide input on both NDs and EIRs. The CEQA process supports identifying feasible mitigation and/or project alternatives that can minimize or avoid environmental impacts. However, in some cases, significant and unavoidable impacts may result even when all feasible mitigation measures are implemented. CEQA does not require that projects be denied if significant impacts would result. A flow chart describing the CEQA process is provided as [Attachment A](#).

A number of resources are available that provide useful guidance for implementation of CEQA. These include the Association of Environmental Professionals which provides topic papers on a number of CEQA issues, and the Governor’s Office of Planning and Research (OPR), which maintains a website that provides CEQA technical advisories, published cases, and the latest updates to CEQA among other important resources. In addition, the CEQA Guidelines §§15350 to 15387 defines a number of important terms used throughout the Guidelines, some of which are summarized below.

## 2.2 What is a “Project” Under CEQA? (Guidelines §15378)

“Projects” covered by CEQA include any activity carried out, approved, or funded by a California public agency that may result in an adverse physical change in the environment, either directly or indirectly. If the activity is not a “project,” then CEQA does not apply. CEQA typically applies to discretionary projects.

Specifically, Guidelines §15378 (a) defines a project as:

[T]he whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

- 1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.
- 2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- 3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

### 2.3 Discretionary Project (Guidelines §§15002(i), 15357)

A discretionary project is a project that requires the exercise of judgement or deliberation by a decision maker. Discretionary projects are subject to CEQA.

### 2.4 Ministerial Project (Guidelines §§15002(i), 15268, 15369)

A ministerial project requires little or no judgment by a public official. The City has no discretion, but is legally compelled to grant the approval if the required factual showing is made. Ministerial projects are exempt from the requirements of CEQA and do not require the preparation of a Notice of Exemption (NOE) or compliance with other exemption procedures. As stated in the guidelines, the determination of what is “ministerial” can most appropriately be made by the particular public agency involved based upon its analysis of its laws and each public agency should make such determination either as a part of its implementing regulations or on a case-by-case basis. The following examples are City project types that generally qualify as ministerial under CEQA:

- a) Issuance of Building Permits
- b) Issuance of Certificates of Occupancy
- c) Issuance of licenses (business licenses, etc.)
- d) Issuance of a permit to do street work
- e) Issuance of an Encroachment Permit
- f) Approval of individual utility service connections and disconnections.
- g) Approval of a final map in compliance with the conditions of approval of the tentative map and consistent with all applicable laws.
- h) Approval of Lot Line Adjustments if consistent with all City requirements
- i) Sign permits (excluding sign programs), not requiring Conditional Use Permits or other hearings.
- j) Approval of Special Event Permits
- k) Accessory Dwelling Units consistent with the Municipal Code

Where a project involves an approval that contains elements of both ministerial and discretionary actions, the project will be deemed to be discretionary and will be subject to the requirements of CEQA. The decision whether the approval of a proposed project or activity is ministerial in nature may involve or require interpretation of the language of the legal mandate, and should be made on a case-by-case basis.

### 2.5 What is a Lead Agency? (Guidelines §15367)

The lead agency is the public agency that has primary responsibility for approving a project. For project applications submitted to the City of Moreno Valley, the City will typically be considered the lead agency. Additional lead agency guidance is available in Guidelines §15051.

## 2.6 Responsible Agency (Guidelines §15381)

A responsible agency is the public agency which proposes to carry out or approve a project for which a lead agency is preparing or has prepared an environmental document. For example, where the City is the lead agency for a project that would require a permit from another agency in order to implement the project (e.g., California Department of Transportation right-of-way permit or a Local Agency Formation Commission action), those additional permitting agencies are responsible agencies. The environmental document for the project should consider the future actions required by responsible agencies.

## 2.7 Substantial Evidence (Guidelines §15384)

Per Guidelines §15384:

“Substantial evidence” means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

## 2.8 Administrative Record

The administrative record is the documentary evidence obtained or created which relates to the project. A systematic, careful, and complete compilation of all materials related to the project is necessary in order to defend the decision-making associated with the project. PRC §21167.6(e) provides a detailed list (record of proceedings) of what must be contained in an administrative record. Materials not contained in the administrative record cannot be relied upon in defending the agency’s decision.

## Section 3 Responsibilities of the City

The City is responsible for implementing CEQA Guidelines for any project subject to CEQA for which it is the lead agency. These guidelines apply to both privately and publicly initiated projects and to any City department that proposes to carry out a project under CEQA.

At the direction of the Community Development Director of the City of Moreno Valley, the City Planning Division reviews public and private development applications for conformance with ordinances and policies related to zoning, design, land development division, and CEQA. Planning Division staff recommends and implements land use policies, processes land use applications and prepares and processes updates and revisions to the General Plan,

Municipal Code, Landscape Guidelines and Design Guidelines. This division provides staff support to City Council, the Planning Commission, Environmental and Historical Preservation Board, and the Project Review Staff Committee.

The Community Development Department - Planning Division staff serves as the lead in implementing these CEQA Rules and Procedures and will be available to assist other City departments in interpreting and applying these guidelines in a consistent manner, as needed.

## **Section 4 Environmental Review**

The first step in determining the appropriate processing steps is to determine if the activity is a project under CEQA. A detailed CEQA decision flow chart is provided in [Attachment A](#). If the project is a ministerial action, no further action is required. If the project qualifies for an exemption (refer to Exemption Procedures, Sections 5.1.1 to 5.1.4), an NOE should be prepared and filed after project approval (refer to Noticing Requirements, Section 5.2). If the project may have a potentially significant effect on the environment, an Initial Study may be prepared (refer to Section 6) to determine whether a ND/MND or an EIR is appropriate. If it is known whether an EIR will be prepared, preparation of an Initial Study is not required, but may be used to define the scope of the EIR concurrent with release of the Notice of Preparation.

### **4.1 Pre-Application**

The City's development review process provides the opportunity for a pre-application review to allow for early identification of key issues. A pre-application review involves internal discussion among City departments to identify key issues, required studies, and other project requirements. A pre-application review is not required, but is recommended for major development review projects. This process can assist project applicants in identifying necessary technical reports and the anticipated environmental document that will be required.

### **4.2 Application Review**

Planning Division staff will review submitted applications and all supporting data for completeness. The project will be reviewed by the applicable City departments for adherence to the General Plan, zoning, Municipal Code development standards, and all other applicable requirements. Staff will inform the applicant of any known potential environmental impacts.

### **4.3 Applicability of Technical Reports**

City staff will identify the need for project specific technical analysis on a project basis. Where applicable, certain quantifiable thresholds are used to determine applicability of technical report requirements. For example, the City Transportation Engineering Division maintains a Traffic Impact Analysis Preparation Guide that describes when a project level

transportation analysis is required. Generally, if a transportation analysis is required, the City will also require preparation of a noise, air, and greenhouse gas assessment.

If a project would potentially impact biological resources not covered by the Western Riverside County Multiple Species Conservation Plan, a general biological resources report would be required. The report must be consistent with the MSHCP and address consistency with the Plan. For discretionary projects located within a MSHCP Criteria area, a MSHCP Consistency Analysis is required to address the goals and objectives of the Reserve System. For those projects (except for single-family residential – individual unit) a Joint Project Review process must be completed.

A cultural resources survey would generally be requested for any development that would disturb native soils. If a potentially historic resource is present, a historical analysis may be requested. Other reports such as a light and glare report, agricultural technical report, and/or a Phase I Environmental Site Assessment would be evaluated on a case-by-case basis considering the characteristics of both the project and the project site.

#### 4.3.1 Water Supply Assessments

Certain large projects trigger the requirement for a Water Supply Assessment pursuant to Senate Bill 610 (Chapter 643, Statutes of 2001; Water Code Sections 10910–10915). These assessments are completed by water agencies, and not project applicants. Water Supply Assessments are generally required for projects of the following size:

- A proposed residential development of more than 500 dwelling units.
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- A proposed hotel or motel, or both, having more than 500 rooms.
- 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 having more than 650,000 square feet of floor area.
- A mixed-use project that includes one or more of the projects specified in this subdivision.
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling-unit project.
- If a public water system has fewer than 5,000 service connections, then any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system's

existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

For more information on this topic refer to the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 produced by the California Department of Water Resources<sup>1</sup>.

#### **4.4 Environmental Determination (Guidelines §§15060, 15101, 15102)**

Once the City determines an application is complete, the time period starts for environmental review. Within 30 days of a determination of completeness, the decision of whether to prepare a ND or EIR must be made. This time period may be extended 15 days by mutual consent of the lead agency and applicant. The City will then initiate the required consultation (see Sections 4.6 and 4.7 below) and will either initiate preparation of an environmental document (for public projects) or inform the applicant of the environmental determination so that the appropriate environmental document can be prepared by a qualified consultant.

A lead agency may still require project applicants to submit additional information needed to conduct the environmental review after the application has been deemed complete. These information requests do not affect the status of the applicant's application.

If it is unclear whether a ND/MND or EIR will be required, an Initial Study may be prepared in order to determine if the project may have a significant effect on the environment and to guide the selection of appropriate environmental document to be prepared, as detailed in Section 4.5.

#### **4.5 Initial Study Procedures (Guidelines §15063)**

An Initial Study shall be prepared for all projects that are not exempt from CEQA, unless it has been determined, and the applicant concurs, that an EIR will be required. The EIR process may begin immediately (Guidelines §15060(d)) without preparation of an Initial Study.

The Initial Study can serve as a tool to identify and select the appropriate environmental document. It can also be used as a means to limit potentially significant impacts and enable the project to qualify for a MND. The Initial Study provides the required documentation of the factual basis for the finding that a project would not have a significant effect on the environment.

The Initial Study shall follow the City's approved format and City staff and consultants may refer to the City's Initial Study Preparation Guide for useful resources and analysis guidance. For projects with previous environmental documents, the Director or designated staff shall

<sup>1</sup> California Department of Water Resources Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 [https://water.ca.gov/LegacyFiles/pubs/use/sb\\_610\\_sb\\_221\\_guidebook/guidebook.pdf](https://water.ca.gov/LegacyFiles/pubs/use/sb_610_sb_221_guidebook/guidebook.pdf).



ensure the analysis within the Initial Study is based upon the criteria identified in Guidelines §15162.

The Initial Study shall be prepared by a qualified consultant, unless otherwise determined by the Director or designated staff. If prepared by a consultant, City staff will review the Initial Study for adequacy, including proposed mitigation measures which will ultimately become the project's Mitigation, Monitoring and Reporting Program (MMRP). If it is determined that additional information is required to complete any part of the analysis within the Initial Study, the Director or designated staff shall advise the applicant of the additional data or information that is required. After the Initial Study is revised/updated, City staff will review the revised document and one of the following possible determinations will be made:

- a) The Initial Study shows that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment and a ND shall be prepared (Guidelines §15070(a), refer to Section 6);
- b) The Initial Study identifies that there are potentially significant effects, but that mitigation measures have been adopted as part of the project and there is no substantial evidence, in light of the whole record before the agency, that the project with the implementation of the proposed mitigation measures may have a significant effect on the environment, and a MND shall be prepared (Guidelines §15070(b), refer to Section 6);
- c) The Initial Study identifies that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, an EIR shall be prepared (refer to Section 7, below).

#### **4.6 Consultation with Responsible/Trustee Agencies (Guidelines §15063(g))**

The Director or designated staff shall consult with responsible agencies, trustee agencies, and others responsible for any natural resources potentially affected by the project to determine the environmental concerns for each agency involved in the project application as appropriate. Agencies that may need to be consulted include, but are not limited to, water districts if a Water Supply Assessment is triggered, the Airport Land Use Commission if the project is located within an airport influence area, and affected military agencies.

Senate Bill 1462 requires a lead agency to notify the United States Military of certain development projects (Guidelines §15190.5). The intention is to create a local notification process whereby the United States Military will be informed of certain local land use proposals to prevent land use conflicts between local communities and military installations and training facilities. Any project that meets the following criteria requires notice to the affected military installation pursuant to Guidelines §15072 (f):

- is located within 1,000 feet of a military installation (March Air Reserve Base);
- is located beneath a low-level flight path; or,

- is within special use airspace as defined in Section 21098 of the PRC.

#### 4.7 Consultation with Tribes (PRC 21080.3)

With implementation of Assembly Bill (AB) 52, California tribes now have the ability to establish, through a formal notice letter, a standing request to consult with a lead agency regarding any proposed project subject to CEQA in the geographic area with which the tribe is traditionally and culturally affiliated. The Native American Heritage Commission (NAHC) has authority to verify the tribes' cultural affiliation. A lead agency must provide written notification to requesting tribes on its notice list within 14 days of a decision to undertake a project or a determination that a project application is complete. Notice to the tribes must include a brief project description, the project location, and the lead agency's contact information. A tribe then has 30 days to request consultation. If the tribe does not respond in that period or writes to decline consultation, the lead agency has no further obligation. If the tribe requests consultation, the lead agency must begin the consultation within 30 days and prior to the release of an ND, MND, or EIR for that proposed project. Refer to PRC §21080.3.1 and the Office of Planning and Research Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA<sup>2</sup> for additional detail on this consultation process.

## Section 5 Exemption Procedures

Pursuant to CEQA Guidelines §15061, a project is exempt from CEQA if:

- The project is exempt by statute.
- The project is exempt pursuant to a categorical exemption.
- The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- The project is exempt pursuant to the provisions of Article 12.5 which provides for exemptions for Agricultural Housing, Affordable Housing and Residential Infill Projects.

### 5.1 Types of Exemptions

#### 5.1.1 Statutory Exemptions (Guidelines §§15260 to 15285)

Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are applied to any given project that falls under its definition, regardless of the project's potential impacts to the environment. Example statutory exemptions include feasibility and planning studies, emergency permits, family day care homes

<sup>2</sup>Office of Planning and Research Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA [http://opr.ca.gov/docs/Revised\\_AB\\_52\\_Technical\\_Advisory\\_March\\_2017.pdf](http://opr.ca.gov/docs/Revised_AB_52_Technical_Advisory_March_2017.pdf).

for up to fourteen children, and air quality permits. A project that will be rejected or disapproved by a public agency may be found statutorily exempt (Guidelines §15270(b)).

### 5.1.2 Categorical Exemptions (Guidelines §§15300 to 15332)

Categorical exemptions are descriptions of types of projects which the Secretary of the Resources Agency have determined may not have a significant effect on the environment. Unlike statutory exemptions, categorical exemptions are not absolute. There are exceptions to the exemptions depending on the nature or location of the project. If an exception pursuant to the Guidelines §15300.2 applies, the project would not be exempt. Specifically, the following types of projects would not be exempt:

- located in sensitive environments;
- would result in cumulative impacts;
- have a significant effect on the environment;
- affect scenic highways;
- affect historical resources; and
- are hazardous waste sites

The Director or designated staff may require the submittal of technical studies or environmental documents to assess whether a project qualifies for an exemption.

Guidelines §15300.4 states that each public agency shall, in the course of establishing its own procedures, list those specific activities that fall within each of the exempt classes. There are 33 classes of Categorical Exemptions (referred to as Class 1, Class 2, etc.) provided in the Guidelines. Of the 33 classes listed in the guidelines (Guidelines Sections 15301 to 15333), the classes cited below and accompanying examples represent the most commonly used categorical exemptions by the City. Please refer to the Guidelines for the complete list of exemptions and explanations:

**Class 1 - Existing facilities**, including existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, this includes road grading for the purpose of public safety (see discussion of City projects that would generally be expected to fall under 15301 (c) below), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alternations that do not create additional automobile lanes;

**Class 2 - Replacement or reconstruction of existing structures and facilities**, where a new structure would be located on the same site and have approximately the same purpose and capacity as the structure being replaced;

**Class 3 - New construction or conversion of small structures**, where only minor modifications are made to the exterior. This class has limits in terms of the maximum

that would be allowed depending on the type of use (e.g., multi-family residential unit totaling no more than four dwelling units);

**Class 4 - Minor alterations to land**, such as minor trenching or backfilling, fuel management, creation of bicycle lanes on existing rights-of-ways, and maintenance dredging;

1. **Class 5 - Minor alterations in land use limitations**, applies to areas with an average slope of less than 20% not resulting in changes in the land use or density;
2. **Class 11 - Accessory structures**, including the construction or placement of minor structures accessory to existing facilities such as signage, small parking lots, or seasonal/temporary use items;

**Class 15 - Minor land divisions**, applicable to property divisions in urban areas creating up to four parcels when in conformance with the General Plan and zoning; and

**Class 32 - In-fill development projects**, where the project size is five acres or less and substantially surrounded by urban uses and consistent with the general plan and zoning.

As guidance for City capital projects, the Class 1 Categorical Exemption under Section 15301 (c) include, but are not limited to:

- a. Minor widening of less than a lane width, and/or adding paved shoulders to existing streets;
- b. Pavement reconstruction, resurfacing, rehabilitation and placement of seal coats;
- c. Minor operational improvements to drainage facilities;
- d. Repair work on bridge structures;
- e. Reconstruction and/or repair of existing stream crossings;
- f. Maintenance of man-made water features;
- g. Installation of new traffic control systems, including signs, signals, interconnect, cameras, channelization of intersections, pavement striping, and other traffic control devices;
- h. Modification of traffic control systems and devices including addition of new elements such as signs, signals, and controllers;
- i. Repair and maintenance of a highway and all its appurtenant facilities including replacement of damaged or inadequate facilities, or upgrade of facilities to meet current Americans with Disabilities Act requirements;
- j. Minor operational improvements to drainage facilities;
- k. Modification of existing features such as curbs, headwalls, slopes and ditches within the right of way to improve roadway safety;
- l. Removal and/or replacement of distinctive roadway markings such as painted stripes, raised pavement markers, thermoplastic, tape or raised bars;

- m. Addition of auxiliary lanes when required for purposes such as weaving, turning, climbing, speed change, or for lane changing between adjacent interchanges or intersections;
- n. Landscaping within City owned property, rights of way, or within the California Aqueduct easement for the public's benefit;
- o. Addition of non-motorized trails including Class 1 bike path trails within right-of-way, or within easements;
- p. Addition or replacement of devices such as fencing, guardrails, safety barriers, guideposts and markers;
- q. Repair and maintenance of City owned facilities, parking lots, carports, and gates.

The Guidelines provide examples of the general types of projects that would fall within each exemption class; however, it is the responsibility of the Lead Agency to demonstrate and determine that the proposed action falls within an exempt category and to support this determination with factual evidence.

### 5.1.3 Common Sense Exemption

The “general rule” or “common sense” exemption applies to projects that do not fit within a statutory or categorical exemption, but where it can be clearly demonstrated that the project has no potential to have significant environmental effects. According to Guidelines §15061(b)(3), “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The use of the Common Sense exemption must be supported by factual evidence that shows there is no possibility of a significant effect.

### 5.1.4 Special Housing Exemptions (Guidelines §§15191 to 15196)

In order to qualify for the housing exemptions specified in Guidelines §15193 (Agricultural Housing), §15194 (Affordable Housing) or §15195 (Residential Infill), a housing project must meet the threshold criteria detailed in Guidelines §15192 and summarized as follows:

- The project is consistent with the general plan, specific plan or local coastal program including any mitigation measures required by such plan or program
- The project is consistent with applicable zoning
- “Community-level” environmental review has been adopted or certified. This means there is a general plan, community plan, specific plan, or housing element where a ND/MND was adopted or an EIR certified.
- The project is served by existing facilities and will pay required development fees
- The project would not adversely impact biological or cultural resources, create or expose people to hazards, historic resources, is not subject to wildland fire hazard, and is not within an earthquake fault or seismic hazard zone or otherwise expose people to geologic hazards.

Additionally, each of the specific housing exemptions include specific criteria as described in Guidelines §15193 through 15195.

## 5.2 Noticing Requirements

### 5.2.1 Notices of Exemption (Guidelines §15062)

When it is determined that a project is exempt from CEQA and after the project is approved, a Notice of Exemption (NOE) should be filed. The NOE may be filed with the County Clerk/Recorder and copies of such notice shall be made available for public inspection and shall remain posted for a period of thirty days. The NOE shall include: a brief description of the project; a finding that the project is exempt from CEQA, including a citation to the Guidelines section or statute under which it is found to be exempt; and a brief statement of reasons to support the finding.

Filing a NOE is voluntary. If a State agency files a NOE, it must be filed with OPR. If a local agency files a NOE, it must be filed with the County Clerk. (PRC 21108(b) and 21152(b)) Although filing NOEs is generally voluntary, the statute requires lead agencies to file their NOEs with the State Clearinghouse for three specific types of housing projects: farm worker housing (PRC 21159.22), low-income housing (PRC 21159.23), and urban infill housing (PRC 21159.24).

At the time of NOE filing, the County Clerk will require the applicable administrative filing fee.

### 5.2.2 Appeal of Exemption (Guidelines §15062(d))

Once an NOE is filed and posted, a 35-day statute of limitations period on legal challenges to the City's decision begins. Appeals of the decision to exempt the project may be filed within this period. If an NOE is not filed, the appeal period for the exemption decision extends to 180 days.

## Section 6 ND Procedures (Guidelines §§15070 to 15075)

If determined based on an initial project review or upon completion of an Initial Study that a project will require the preparation an ND or MND, these procedures shall be followed. The processing of an ND/MND includes the noticing requirement, a period of public review, compilation of public comments, if any, and a public notice.

### 6.1 Contents of an ND/MND

The ND/MND shall include a brief description of the project, including a commonly used name for the project, if any; the location of the project, preferably shown on a map; the name of the project proponent; a proposed finding that the project will not have a significant effect on the environment; an attached copy of the Initial Study documenting reasons to support the finding; and mitigation measures, if any, included in the project to avoid potentially

significant effects. In addition, a separate Mitigation Monitoring and Reporting Program will be attached to the ND/MND as referenced in the Initial Study.

## 6.2 Standard of Review

CEQA documents, when challenged in court, are held to different standards of judicial review depending upon the type of environmental document prepared. ND/MNDs are held to the “fair argument” standard. The fair argument standard means that if a “fair argument” can be made that a project may have a significant effect on the environment, an EIR shall be prepared even though there may be other substantial evidence that the project will not have a significant effect (Guidelines § 15064(f)(1)).

A ND/MND must be supported by substantial evidence that the project would not have a significant impact on the environment or that the inclusion of mitigation measures would ensure no significant impact would result. If substantial evidence is presented to support a fair argument that project may have a significant environmental impact, an EIR must be prepared. Information triggering preparation of an EIR does not include argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible. Additionally, the existence of public controversy over the environmental effects of a project does not trigger preparation of an EIR if there is no substantial evidence that the project may have a significant effect on the environment. Substantial evidence per Section 15384 (b) shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts.

## 6.3 Public Notice and Public Review

A Notice of Intent (NOI) to adopt a ND or MND is required when a ND or MND is released for public review.

### 6.3.1 Distribution Requirements

Where one or more State agencies will be a responsible agency or a trustee agency or will exercise jurisdiction by law over natural resources affected by the project, or where the project is of statewide, regional, or area-wide environmental significance, the lead agency shall send copies of the NOI and associated ND/MND to the State Clearinghouse for distribution to state agencies.

A NOI to adopt the proposed ND or MND will be distributed consistent with Public Resources Code Section 21092 and the CEQA Guidelines as follows:

- Notice shall be given by at least one of the following methods:
- Publication in a general circulation newspaper (Guidelines §15072(b))
- Direct mailing to property owners and occupants of contiguous property shown on the latest equalized assessment roll (Guidelines §15072(b)(3))
- Posting on- or off-site near the area where the project is located.

- The notice will also be provided submitted to any person who has filed a written request for notification with the Lead Agency (PRC §21092), and CEQA Guidelines §15072(b)), and to State Clearinghouse if applicable) Refer to Section 7.4.3 for filing requirements)

If the project hearing date is known at the time the NOI is released, the City will usually combine the NOI with the hearing notice to minimize noticing distribution expenses.

### 6.3.2 Time Periods

The public review period is contingent on whether the project triggers participation by the State Clearinghouse. Public review periods are as follows:

- a) The public review period for a proposed ND/MND shall be not less than 20 days.
- b) When a proposed ND/MND is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 30 days, unless a shorter period, not less than 20 days, is approved by the State Clearinghouse.

See Guidelines §15105(b) for additional details on public review time periods.

### 6.3.3 Required Contents

The contents of a NOI to adopt an ND/MND is governed by Guidelines §15072(g). The NOI contents shall include a brief description of the project and location, starting and ending dates for public review, list of any scheduled public meetings, and the address where the draft ND or MND are available for review.

### 6.3.4 California Department of Fish and Wildlife No Effect Determination (Optional)

The California Department of Fish and Wildlife (CDFW) may charge and collect fees at the time a Notice of Determination is filed, as provided in Section 711.4 of the Fish and Game Code. However, if the project would not have any adverse impacts on fish or wildlife resources, a CDFW No Effect Determination may be requested. This request should be submitted concurrent with the release of the ND/MND document for public review, as the determination may take approximately four weeks to process and will be needed at the time of filing a Notice of Determination (NOD). Instructions for submitting a No Effect Determination request is available at <https://www.wildlife.ca.gov/Conservation/CEQA/NED>. The City will make the final determination as to whether a No Effect determination can be requested, and if so, will coordinate with the applicant on the filing of the determination.

### 6.4 Recirculation of ND/MND (Guidelines §15073.5)

The City is required to recirculate a ND/MND if the document must be substantially revised after public notice of its availability has been given, but prior to adoption. A substantial revision includes the following:



- a) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificant; or
- b) The City determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

### **6.5 Review of Public Comments (PRC §21091(d), Guidelines §15074(b))**

If no comments are received during the public review period, the ND/MND may be accepted as complete. If comments are received, the Director or designated staff shall review the comments and make one of the following determinations:

- a) On the basis of the whole record, including comments received, there is no substantial evidence that the project would result in a significant effect on the environment.
- b) Comments received raise a fair argument that the project could result in one or more significant effects on the environment. If this determination is made, an EIR shall be prepared.

Public comments are not required to be attached to a ND/MND and written responses are not required. However, there may be circumstances where it may be appropriate to provide written responses to comments which the City will consider on a case by case basis.

### **6.6 Adoption of ND/MND**

The ND/MND will be reviewed and adopted in conjunction with the action on the entitlement by the decision-making body.

### **6.7 Notice of Determination (Guidelines §15075)**

Within five working days of project approval, a NOD shall be filed with the County Clerk. Required contents of the NOD for a ND/MND are specified in Guidelines §15075. The filing of the NOD triggers a 30-day statute of limitation on legal challenges to the approval of the ND/MND.

At the time of NOD filing, the County Clerk will require the applicable administrative filing fee in addition to one of the following:

- Payment of CDFW Fees, as provided in Section 711.4 of the Fish and Game Code;
- Proof of previous payment of CDFW fees for a project that is within the scope of a prior environmental document for which fees were paid; or
- A CDFW No Effect Determination showing that the project would have no adverse impact on fish and wildlife resources and thus does not require payment of CDFW fees. (see Section 6.3.4)

CDFW fees are adjusted annually.

## **Section 7 EIR Procedures (Guidelines §§15080 to 15097)**

When it is determined that an EIR is required, the applicant shall be notified in writing and provided information on required fees, timelines, and processing requirements including a link to a list of the City's approved consultants list. The City may request a meeting with the applicant to discuss EIR scope and process. Additional information regarding types of EIRs is described in Section 8.

### **7.1 Notice of Preparation (Guidelines §15082)**

At the time the decision to prepare an EIR become final, City staff shall prepare a Notice of Preparation (NOP). The date the notice is received at the State Clearinghouse starts the 30-day public review period. The purpose of this notice is to inform reviewers of the lead agency's intent to prepare an EIR. The NOP shall include a project description; project location; and shall identify the probable environmental effects of the proposed project. The applicant/applicant's consultant shall consult with the City in determining the probable environmental effects and in defining the scope of the EIR.

The NOP process includes collection of responses to the NOP and, if required, holding a public scoping meeting.

- a) All responses received during the 30-day review of the NOP shall be included in the Final EIR, compiled as an Appendix.
- b) A public scoping meeting shall be held if the proposed project is a project of statewide, regional or area-wide significance (Guidelines §15206), or at the discretion of the City during the 30 day review period.

#### **7.1.1 NOP Distribution**

The NOP must be distributed as follows:

- Filed with the County Clerk
- Mailed to the State Clearinghouse for distribution to responsible and trustee agencies
- Provided to every Federal agency involved in approving or funding the project.
- For any project located within the specific boundaries of a low-level flight path, military impact zone, or special use airspace, the NOP shall be provided to the applicable United States Department of Defense or branch of the United States Armed Forces that has given the lead agency written notification and contact information pursuant to Guidelines §15190.5(b).

## 7.2 Preparation of Draft EIR (Guidelines §§15120 to 15132)

The Draft EIR shall be prepared in accordance with these City Rules & Procedures and the Guidelines. A Draft EIR shall be prepared by a qualified consultant following the City's EIR Format and Content Requirements. Upon submittal of the Draft EIR, the City will have 30 days to review and provide any comments on the EIR. The process shall be iterative until the document is determined to be satisfactorily complete by the City. The contents of the EIR shall be consistent with Guidelines §§15120 to 15132.

## 7.3 Standard of Review (Guidelines §15151)

When reviewing the adequacy of an EIR, courts use a more deferential standard of review when examining the lead agency's decisions in the EIR; this standard is called the "substantial evidence" standard of review. This means that the court focuses on whether there is substantial evidence in the record to support the lead agency's decisions. If there is substantial evidence in the record to support the decisions made in the EIR, the courts generally rule in favor of the lead agency even if there is also substantial evidence presented that a different decision could have been made.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information in order to duly consider the environmental consequences of the project. The evaluation of environmental effects does not need to be exhaustive, but should include what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure. In contrast to the fair argument standard for ND/MNDs, EIRs are subject to the more deferential substantial evidence standard.

## 7.4 Public Notice and Public Review

### 7.4.1 Time Periods

The public review period for a draft EIR is generally 45 days. According to Guidelines §15105(a), the review period shall not be less than 30 days nor should it be longer than 60 days except in unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by State agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

### 7.4.2 Notice of Availability (NOA)

Public Notice of Availability of the Draft EIR for review shall be published as required by the Guidelines §15087, and shall include a brief description of the project, its proposed location, an address where copies of the Draft EIR are available for public review/comment, and the period during which comments will be received. If the project hearing date is known at the time the NOA is released, the City will usually combine the NOA with the hearing notice to minimize noticing distribution expenses.

The NOA shall be made available by one of the following methods: (1) publication in general circulation newspaper, (2) posting by the City on and off site in the area where the project is located, or (3) direct mailing to owners and occupants of contiguous parcels.

#### 7.4.3 State Clearinghouse Filing Requirements

The State Clearinghouse currently requires submittal of the following to initiate public review:

- One (1) copy of the Notice of Completion (NOC)
- 15 electronic files either in: CD, USB drives, or DVD
- 15 print copies of the 2-page summary form, which also must be included with the electronic files.
- The current requirements for State Clearinghouse submittal should be verified before sending documents to State Clearinghouse. The summary form is available on the State Clearinghouse website at:  
[http://www.opr.ca.gov/docs/Summary\\_Form\\_for\\_Document\\_Submittal.pdf](http://www.opr.ca.gov/docs/Summary_Form_for_Document_Submittal.pdf).

#### 7.4.4 EIR Distribution Requirements (Guidelines §15087)

Required public review documents shall be distributed in paper or electronic form as follows:

- Filed with the Riverside County Clerk
- Mailed to the State Clearinghouse. In addition, if applicable, the City will mail to State agencies including South Coast Air Quality Management District.
- Provided to every Federal agency involved in approving or funding the project.
- For any project located within the specific boundaries of a low-level flight path, military impact zone, or special use airspace, the NOP shall be provided to the applicable United States Department of Defense or branch of the United States Armed Forces that has given the lead agency written notification and contact information pursuant to Guidelines §15190.5(b).
- To all respondents to the NOP
- To any person who has filed a written request for notification with the Lead Agency (PRC §21092)

#### 7.4.5 California Department of Fish and Wildlife No Effect Determination (Optional)

The same CDFW No Effect Determination outlined for the ND/MND process (see Section 6.3.4 above) would also to the EIR procedures. As noted above, the City will make the final determination as to whether a No Effect determination can be made, and if so, will coordinate with the applicant on the filing of the determination.

## 7.5 Determination of Recirculation of Draft EIR

Prior to EIR Certification, the City can make a determination to recirculate a Draft EIR pursuant to Guidelines §15088.5. An EIR shall be recirculated when *significant new information* is added to the Draft EIR as a result of public comments. *Significant new information* is defined in the Guidelines can include the following:

- A new significant environmental impact from the project or from a new mitigation measure.
- A substantial increase in the severity of an environmental impact
- A feasible project alternative or mitigation measure that is considerably different from what was analyzed in the Draft EIR that would clearly lessen impacts
- A determination that the Draft EIR was fundamentally inadequate and conclusory in nature

The recirculation of the Draft EIR requires the same noticing and comment period as established under Section 7.4.

## 7.6 Final EIR

After evaluating the comments received from persons who have reviewed the Draft EIR, City staff shall prepare, or cause to be prepared, a Final EIR. The contents of the Final EIR shall be as required by Guidelines §15132.

### 7.6.1 Responses to Comments

The City shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The City shall respond to comments raising significant environmental issues during the noticed comment period and any extensions, and may respond to late comments (Guidelines §15088 for additional details relating to the City's required handling of public comments).

- The City shall provide the responses to a Public Agency comment letter at least ten (10) days prior to certifying an EIR.
- Responses to comments shall be included in the Final EIR with the exception of responses to late comments which will be at the discretion of the City. Revisions throughout the Final EIR triggered by comments received should be shown in strikeout underline format to denote new information that was added since public review.

### 7.6.2 Findings

Findings must be prepared for all EIRs pursuant to Guidelines §15091 along with a Statement of Overriding Consideration (Guidelines §15093, if necessary). The findings are generally prepared by the applicant's consultant(s). The City staff will complete an independent review of the findings.

### 7.6.3 Certification

Prior to approving a project, the City decision-maker shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis (Guidelines §15090).

Project approval and associated EIR certification of the Final EIR is the role of the City's decision-making bodies (Director, Planning Commission, City Council).

### 7.6.4 Notice of Determination (Guidelines §15094)

Within five (5) working days of project approval, a NOD shall be filed with the County Clerk. Required contents of the NOD of an EIR are specified in Guidelines §15094. The filing of the NOD triggers a 30-day statute of limitation on legal challenges to the approval of the EIR.

At the time of NOD filing, the County Clerk will require an administrative filing fee in addition to one of the following:

- payment of CDFW Fees, as provided in Section 711.4 of the Fish and Game Code,
- proof of previous payment of CDFW fees for a project that is within the scope of a prior environmental document for which fees were paid, or
- A CDFW No Effect Determination showing that the project would have no adverse impact on fish and wildlife resources and thus does not require payment of CDFW fees.

CDFW fees are adjusted annually.

## Section 8 Types of CEQA Documents (Guidelines §§15160 to 15170)

CEQA identifies several types of documents (EIRs and ND/MNDs) that the City can prepare to accommodate different types of projects and intended use of the document. In addition to the standard "Project" EIR, lead agencies may use a variety of documents to meet the specific needs of the circumstances associated with a project, provided they meet the content requirements discussed in Guidelines §§15120 to 15132.

### 8.1 Project EIR (Guidelines §15161)

This is the most common type of EIR that examines the environmental impacts of a specific development project. A project EIR must examine all phases of the project including planning, construction, and operation.

## 8.2 Subsequent, Supplemental and Addendum (§§15162, 15163, & 15164)

### 8.2.1 Subsequent EIRs and Negative Declarations (Guidelines §15162)

Per Guidelines §15162:

When an EIR has been certified or a ND adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
  - The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if any of the above criteria are met. Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required.

### **8.2.2 Supplement to an EIR (Guidelines §15163)**

Per Guidelines §15163:

The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR. The decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Guidelines §15091 shall be made for each significant effect shown in the previous EIR as revised.

### **8.2.3 Addendum to ND/EIR (Guidelines §15164)**

An addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Guidelines §15162 calling for preparation of a subsequent EIR have occurred.

An addendum to an adopted ND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Guidelines §15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

A brief explanation of the decision not to prepare a subsequent EIR pursuant to Guidelines §15162 should be included in the record. The explanation must be supported by substantial evidence.

### **8.2.4 Noticing Requirements**

A supplemental and subsequent EIR and ND/MND shall be given the same notice and public review as required for EIRs and ND/MNDs, respectively. A supplemental or subsequent EIR or ND/MND shall state where the previous document is available for review.

An addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted ND.



### 8.3 Program EIR (Guidelines §15168)

Guidelines §15168 define a program EIR as:

[A]n EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

- geographically,
- a logical parts in the chain of contemplated actions,
- in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or
- as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

Use of a program EIR allows for a more comprehensive consideration of alternatives and cumulative impacts than may be considered on individual actions and can provide for opportunities for individual projects examined in the program EIR to tier from the program EIR as provided in Guidelines §15152. Later activities that were evaluated in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a ND.

### 8.4 Joint EIR-EIS (Guidelines §15170)

Where a project requires both a National Environmental Protection Act and CEQA document, a joint document may be prepared to satisfy both requirements. Use of such a joint document are described in Guidelines §§15220 to 15229.

## Section 9 Other CEQA Documents and Procedures

### 9.1 Streamlining for Infill Projects (Guidelines §15183.3)

The City must verify that an infill project is eligible for the procedures based on Guidelines §15183.3(b) and if eligible, the project may follow the streamlining procedures detailed in the Guidelines which may result in no further review, preparation of a ND, MND or sustainable communities environmental assessment, or an Infill EIR.

### 9.2 Projects Consistent with a Community Plan or Zoning (Guidelines §15183)

Projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there

are project-specific significant effects which are peculiar to the project or its site. This provision can allow for streamlined review and reduce the need to prepare repetitive environmental studies.

In order to qualify for Guidelines §15183 streamlining, the project must meet the following criteria:

- Be consistent with the development density established by the General Plan EIR
- Must not have any project specific effects which are peculiar to the project or site
- Have no project specific impacts which the certified EIR failed to analyze as significant effects;
- There are no potentially significant off-site and/or cumulative impacts which the certified EIR failed to evaluate
- There is no substantial new information which results in more severe impacts than anticipated by the EIR.

CEQA §15183 requires an evaluation of a project's impacts on the environment in the same manner as a ND or EIR process; however, the process allows use of previous analysis conducted in a certified EIR, including its cumulative analysis. The analysis contained within an EIR and the application of predefined mitigation and avoidance measures ensure environmental compliance. An Initial Study would typically be prepared to document consistency with the requirements of §15183 and an additional public review process is not required.

### **9.3 Projects Pursuant to a Specific Plan (Guidelines §15182)**

Certain residential, commercial and mixed-use projects that are consistent with a specific plan may be exempt from CEQA if they are consistent with the Specific Plan and are located within a transit priority area. Additionally, residential projects including land subdivisions, zoning changes and residential planned unit developments that are undertaken consistent with a specific plan are exempt from CEQA, regardless of their location. However, both types of exemptions require review to ensure that the project would not create any new impacts or increase the severity of impacts previously disclosed in the original environmental document, as described in Guidelines §15162.

## **Section 10 Use of Consultants**

### **10.1 Publicly Initiated Projects**

City Departments preparing CEQA documents for publicly initiated projects will follow appropriate procedures including requisitions, requests for proposals and invitations to bid consistent with direction from the Financial Management Services Department, Purchasing and Facilities Division. The City will ensure full, open, and fair competition while maximizing

the value received in the procurement process and conforming to the Purchasing Ordinance and accepted purchasing practices. The Public Works Department maintains a list of qualified consultants for work on capital projects.

### 10.2 Privately Initiated Projects

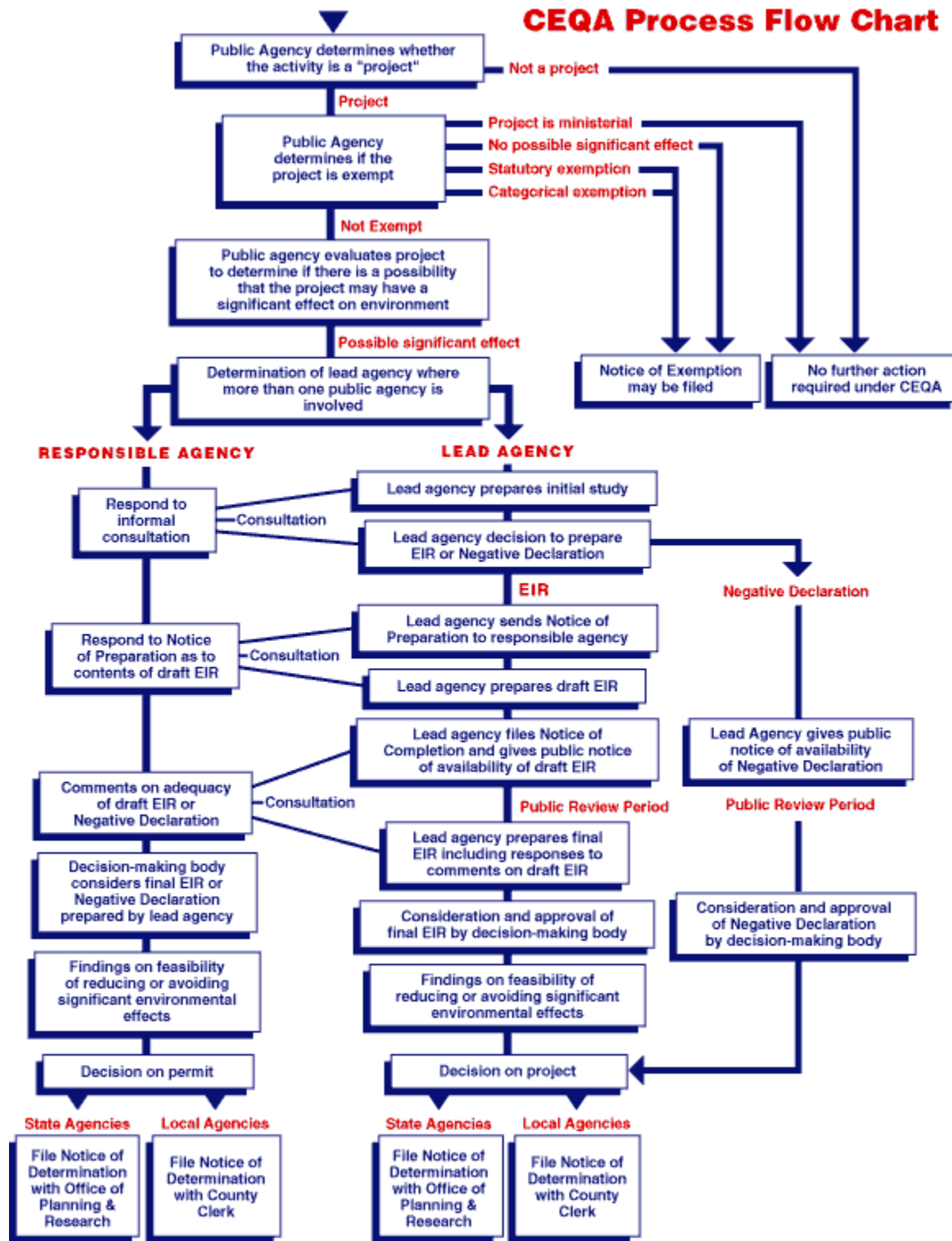
Environmental documents for projects within the City must be prepared by firms approved by the Community Development Department. The City maintains a CEQA Consultant list (established in December 2018) that is updated every two years, and is available at: <http://www.moreno-valley.ca.us/cdd/pdfs/CEQAConsultantList.pdf>.

### 10.3 Third Party Review/Independent Review by City

When deemed appropriate by the Director, the City may contract with one or more qualified consultants (excluding those retained by the project applicant) to provide expert advice on the document's content and adequacy under CEQA. In order to expedite the development review process and to provide the efficiency of EIR preparation, the City's reviewing consultant may consult with the project applicant and consultants during preparation of the EIR, provided that the City's consultant informs the City of the nature and scope of such consultations. In all cases, the City retains the legal obligation, responsibility, and authority to independently review and evaluate the EIR to require revisions as necessary, and to determine the adequacy of the EIR under CEQA. The City shall make an independent determination and finding concerning the EIR's adequacy and compliance with applicable provisions of CEQA or other relevant State law.

All costs associated with the review of an EIR by an independent consultant retained by the City shall be borne by the project applicant. The total costs of such a review shall be determined by the Director as early in the development review process as possible, and funds to defray the total cost of such review shall be provided by the applicant to the City and accounted for by the City in a manner and according to a schedule which enables the City to meet its contractual obligations to the reviewing consultant. The applicant's costs shall include a deposit fee required at the time of application submittal to pay for City staff time required to process the EIR and a separate deposit fee for the consultant's costs to complete an independent review of the EIR.

# Attachment A: Governor's Office of Planning and Research CEQA Process Flow Chart (<http://resources.ca.gov/ceqa/flowchart/>)



Attachment: CEQA Rules and Procedures to Implement CEQA final (3693 : Adoption of Updated CEQA Rules and Procedures Documents)





# CITY OF MORENO VALLEY

## INITIAL STUDY FOR ENTER PROJECT NAME



ENTER PROJECT NAME AND CASE NUMBER(S)

ENTER DATE OF PUBLICATION

**Lead Agency**  
**CITY OF MORENO VALLEY**  
14177 Frederick Street  
Moreno Valley, CA 92552

**Prepared By**  
**ENTER PREPARER COMPANY NAME**  
Enter Preparer Name  
Enter Street Address  
Enter City, St Zip Phone number

Attachment: Initial Study Form 8619 (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

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Air Quality and Greenhouse Gas Impact Study

Biological Resources Assessment & MSHCP Consistency Analysis

Cultural, Archaeological and Paleontological Assessment Report or Study (*If this document contains confidential information pursuant to Government Code*

*Section 6254.10 then it should not be placed on the website or provided to the public. It should be cited as a reference though.*)

Preliminary Soils & Foundation Evaluations & Soils Infiltration Testing for WQMP-BMP Design

Noise Impact Study

Traffic Impact Analysis

Project Specific Water Quality Management

Phase 1 Environmental Site Assessment





# INITIAL STUDY (IS) FOR ENTER PROJECT NAME

## BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Project Case Number(s):**
2. **Project Title:**
3. **Public Comment Period:**
4. **Lead Agency:** City of Moreno Valley  
**City Project Planner**, Planning Department  
 14177 Frederick Street  
 Moreno Valley, CA 92552  
 (951) XXX-XXXX  
**E-mail**
5. **Documents Posted At:** Enter the web location
6. **Prepared By:** Name, Title  
 Company Name  
 Company Address  
 Phone  
**E-mail**
7. **Project Sponsor:**

<b>Applicant/Developer</b> Name, Title Company Name Company Address Phone Email	<b>Property Owner</b> Name, Title Company Name Company Address Phone Email
--	---
8. **Project Location:** Include location, USGS location and APN
9. **General Plan Designation:** XXX  
 General Plan description of the designation.
10. **Specific Plan Name and Designation:** Specific Plan Name if applicable  
 Enter description especially as it impacts the Project.

11. Existing Zoning: **XXX**

Zoning description from the Zoning Code.

End with discussion of GP and Zoning compatibility.

12. Surrounding Land Uses and Setting:

	Land Use	General Plan	Zoning
<b>Project Site</b>			
North			
South			
East			
West			

13. Description of the Site and Project:

Environmental Setting

Project Description

14. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Enter description of Consultation in general terms (i.e., when it started, ended, the tribes consulted etc.).

15. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

a. Enter agency

16. Other Technical Studies Referenced in this Initial Study (Provided as Appendices):

- a. Lighting Study –
- b. Air Quality and Greenhouse Gas Impact Study –
- c. Health Risk assessment –
- d. Biological –

- e. Cultural/Archaeological/Paleontological –
- f. Energy Report –
- g. Soils or Geotechnical –
- h. Drainage or Hydrology –
- i. Noise Impact Study –
- j. Traffic Impact Analysis –
- k. Project Specific Water Quality Management –
- l. Phase 1 Environmental Site Assessment –

## 17. Acronyms:

ADA -	American with Disabilities Act
ALUC -	Airport Land Use Commission
ALUCP -	Airport Land Use Compatibility Plan
AQMP -	Air Quality Management Plan
CEQA -	California Environmental Quality Act
CIWMD -	California Integrated Waste Management District
CMP -	Congestion Management Plan
DTSC -	Department of Toxic Substance Control
DWR -	Department of Water Resources
EIR -	Environmental Impact Report
EMWD -	Eastern Municipal Water District
EOP -	Emergency Operations Plan
FEMA -	Federal Emergency Management Agency
FMMP -	Farmland Mapping and Monitoring Program
GIS -	Geographic Information System
GHG -	Greenhouse Gas
GP -	General Plan
HCM	Highway Capacity Manual
HOA -	Home Owners' Association
IS -	Initial Study
LHMP -	Local Hazard Mitigation Plan
LOS -	Level of Service
LST -	Localized Significance Threshold
MARB -	March Air Reserve Base
MARB/IPA-	March Air Reserve Base/Inland Port Airport
MSHCP -	Multiple Species Habitat Conservation Plan
MVFP -	Moreno Valley Fire Department
MVPD -	Moreno Valley Police Department
MVUSD -	Moreno Valley Unified School District
MWD -	Metropolitan Water District
NCCP -	Natural Communities Conservation Plan
NPDES -	National Pollutant Discharge Elimination System
OEM -	Office of Emergency Services
OPR -	Office of Planning & Research, State
PEIR -	Program Environmental Impact Report
PW -	Public Works
RCEH -	Riverside County Environmental Health
RCFCWCD -	Riverside County Flood Control & Water Conservation District
RCP -	Regional Comprehensive Plan
RCTC -	Riverside County Transportation Commission
RCWMD -	Riverside County Waste Management District
RTA -	Riverside Transit Agency
RTIP -	Regional Transportation Improvement Plan
RTP -	Regional Transportation Plan

SAWPA -	Santa Ana Watershed Project Authority
SCAG -	Southern California Association of Governments
SCAQMD -	South Coast Air Quality Management District
SCE -	Southern California Edison
SCH -	State Clearinghouse
SKRHCP -	Stephens' Kangaroo Rat Habitat Conservation Plan
SWPPP -	Storm Water Pollution Prevention Plan
SWRCB -	State Water Resources Control Board
USFWS -	United States Fish and Wildlife
USGS -	United States Geologic Survey
VMT -	Vehicle Miles Traveled
VVUSD -	Valley Verde Unified School District
WQMP -	Water Quality Management Plan
WRCOG -	Western Riverside Council of Government

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |                          |                             |                          |                                  |                          |                                    |
|--------------------------|-----------------------------|--------------------------|----------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics                  | <input type="checkbox"/> | Agriculture & Forestry Resources | <input type="checkbox"/> | Air Quality                        |
| <input type="checkbox"/> | Biological Resources        | <input type="checkbox"/> | Cultural Resources               | <input type="checkbox"/> | Energy                             |
| <input type="checkbox"/> | Geology & Soils             | <input type="checkbox"/> | Greenhouse Gas Emissions         | <input type="checkbox"/> | Hazards & Hazardous Materials      |
| <input type="checkbox"/> | Hydrology & Water Quality   | <input type="checkbox"/> | Land Use & Planning              | <input type="checkbox"/> | Mineral Resources                  |
| <input type="checkbox"/> | Noise                       | <input type="checkbox"/> | Population & Housing             | <input type="checkbox"/> | Public Services                    |
| <input type="checkbox"/> | Recreation                  | <input type="checkbox"/> | Transportation                   | <input type="checkbox"/> | Tribal Cultural Resources          |
| <input type="checkbox"/> | Utilities & Service Systems | <input type="checkbox"/> | Wildfire                         | <input type="checkbox"/> | Mandatory Findings of Significance |

**DETERMINATION (To be completed by the Lead Agency):**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
 Signature  
**City Project Planner**  
 Printed Name

\_\_\_\_\_  
 Date  
 City of Moreno Valley  
 For

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a Lead Agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the Lead Agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead Agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or another CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in <a href="#">Public Resources Code §21099</a> – Modernization of Transportation Analysis for Transit-Oriented Infill Projects – <b>Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b>  <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> <li>• Chapter 2 – Community Development Element – Section 2.3 – Community Design</li> <li>• Chapter 7 – Conservation Element – Section 7.8 – Scenic Resources <ul style="list-style-type: none"> <li>- Figure 7-2 – Major Scenic Resources</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> <li>• Section 5.11 – Aesthetics <ul style="list-style-type: none"> <li>- Figure 5.11-1 – Major Scenic Resources</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code <ul style="list-style-type: none"> <li>• Section 9.10.110 – Light and Glare of the Moreno Valley Municipal Code.</li> <li>• Chapter 9.16 – Design Guidelines</li> <li>• Section 9.17.030 G – Heritage Trees</li> </ul> </li> </ol>				
<b>II. AGRICULTURE AND FOREST RESOURCES</b> – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. <b>Would the project:</b>				



<b>ISSUES &amp; SUPPORTING INFORMATION SOURCES:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in <a href="#">Public Resources Code section 12220(g)</a> ), timberland (as defined by <a href="#">Public Resources Code section 4526</a> ), or timberland zoned Timberland Production (as defined by <a href="#">Government Code section 51104(g)</a> )?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
e) Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> <li>• Chapter 7 – Conservation Element – Section 7.7 – Agricultural Resources</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> <li>• Section 5.8 – Agricultural Resources <ul style="list-style-type: none"> <li>- Figure 5.8-1 – Important Farmlands</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4.</li> </ol>				
<b>III. AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. <b>Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<b>ISSUES &amp; SUPPORTING INFORMATION SOURCES:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Response:</b>				
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 5 – Circulation Element</li> <li>• Chapter 6 – Safety Element – Section 6.6 – Air Quality</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.3 – Air Quality                   <ul style="list-style-type: none"> <li>- Figure 5.3-1 – South Coast Air Basin</li> </ul> </li> <li>• Appendix C – Air Quality Analysis, P&amp;D Consultants, July 2003</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code               <ul style="list-style-type: none"> <li>• Section 9.10.050 – Air Quality of the Moreno Valley Municipal Code</li> <li>• Section 9.10.150 – Odors of the Moreno Valley Municipal Code</li> <li>• Section 9.10.170 – Vibration of the Moreno Valley Municipal Code</li> </ul> </li> <li>4. Moreno Valley Municipal Code Section 12.50.040 – Limitations on Engine Idling</li> </ol>				
<b>IV. BIOLOGICAL RESOURCES – Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				

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<b>ISSUES &amp; SUPPORTING INFORMATION SOURCES:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 7 – Conservation Element – Section 7.1 – Biological Resources</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.9 – Biological Resources                   <ul style="list-style-type: none"> <li>- Figure 5.9-1 – Planning Area Biological Geographic Sections</li> <li>- Figure 5.9-2 – Planning Area Vegetation Community</li> <li>- Figure 5.9-3 – Project Site Location within the MSHCP Area</li> <li>- Figure 5.9-4 – Reche Canyon/Badlands Area Plan</li> </ul> </li> <li>• Appendix E – Biological Resources Study, Appendix E</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code               <ul style="list-style-type: none"> <li>• Section 9.17.030 G – Heritage Trees</li> </ul> </li> <li>4. Moreno Valley Municipal Code Chapter 8.60 – Threatened and Endangered Species</li> <li>5. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), <a href="http://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/">http://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/</a></li> <li>6. Stephens’ Kangaroo Rat Habitat Conservation Plan (SKRHCP), <a href="http://www.wrcog.cog.ca.us/151/SKR-Habitat-Conservation-Plan">http://www.wrcog.cog.ca.us/151/SKR-Habitat-Conservation-Plan</a></li> </ol>				
<b>V. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to <a href="#">§15064.5?</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to <a href="#">§15064.5?</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Disturb any human remains, including those interred outside of formally dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 7 – Conservation Element – Section 7.2 – Cultural and Historical Resources</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.10 – Cultural Resources                   <ul style="list-style-type: none"> <li>- Figure 5.10-1 – Locations of Listed Historic Resource Inventory Structures</li> <li>- Figure 5.10-2 – Location of Prehistoric Sites</li> <li>- Figure 5.10-3 – Paleontological Resource Sensitive Areas</li> </ul> </li> <li>• Appendix F – Cultural Resources Analysis, Study of Historical and Archaeological Resources for the Revised General Plan, City of Moreno Valley, Archaeological Associates, August 2003.</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. Moreno Valley Municipal Code Title 7 – Cultural Preservation</li> <li>5. Cultural Resources Inventory for the City of Moreno Valley, Riverside County, California, prepared by Daniel F. McCarthy, Archaeological Research Unit, University of California, Riverside, October 1987 (<i>This document cannot be provided to the public due to the inclusion of confidential information pursuant to Government Code Section 6254.10.</i>)</li> </ol>				
<b>VI. ENERGY – Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 7 – Conservation Element – Section 7.6 – Energy Resources</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006</li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> </ol>				
<b>VII. GEOLOGY AND SOILS – Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>ISSUES &amp; SUPPORTING INFORMATION SOURCES:</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<a href="#">Division of Mines and Geology Special Publication 42.</a>				
<b>Response:</b>				
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b>  1. Moreno Valley General Plan, adopted July 11, 2006 • Chapter 6 – Safety Element – Section 6.5 – Geologic Hazards				

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ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>- Figure 6-3 – Geologic Faults &amp; Liquefaction</li> <li>• Chapter 7 – Conservation Element – Section 7.4 -- Soils</li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.6 – Geology and Soils                   <ul style="list-style-type: none"> <li>- Figure 5.6-1 – Geology</li> <li>- Figure 5.6-2 – Seismic Hazards</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations</li> <li>5. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, <a href="http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf</a> <ul style="list-style-type: none"> <li>• Chapter 4 – Earthquake                   <ul style="list-style-type: none"> <li>- Figure 4-1 – Right-Lateral Strike -Slip Fault</li> <li>- Figure 4-1.1 – Moreno Valley Geologic Faults and Liquefaction 2016</li> <li>- Figure 4-1.2 – Moreno Valley Area Ground Shaking Map</li> </ul> </li> <li>• Chapter 8 – Landslide                   <ul style="list-style-type: none"> <li>- Figure 8-1 – Moreno Valley Slope Analysis 2016</li> </ul> </li> </ul> </li> <li>6. Emergency Operations Plan, City of Moreno Valley, March 2009, <a href="http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf</a> <ul style="list-style-type: none"> <li>• Threat Assessment 1 – Major Earthquakes                   <ul style="list-style-type: none"> <li>- Figure 9 – Types of Faults</li> <li>- Figure 10 – Earthquake Faults</li> <li>- Figure 11 – Comparison of Richter Magnitude and Modified Mercalli Intensity</li> <li>- Figure 12 – Magnitude 4.5 or Greater Earthquake Map</li> <li>- Figure 13 – Geologic Faults and Liquefaction</li> </ul> </li> </ul> </li> <li>7.</li> </ul>				
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ul style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006</li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006</li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. California’s 2017 Climate Change Scoping Plan, prepared by the California Air Resources Board, November 2017, <a href="https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf">https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf</a>, accessed April 24, 2019</li> </ul>				
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to <a href="#">Government Code section 65962.5</a> and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006 <ul style="list-style-type: none"> <li>• Chapter 6 – Safety Element – Section 6.2.8 – Wildland Urban Interface</li> <li>• Chapter 6 – Safety Element – Section 6.9 – Hazardous Materials</li> <li>• Chapter 6 – Safety Element – Section 6.10 – Air Crash Hazards <ul style="list-style-type: none"> <li>- Figure 6-5 – Air Crash Hazards</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006 <ul style="list-style-type: none"> <li>• Section 5.5 – Hazards and Hazardous Materials <ul style="list-style-type: none"> <li>- Figure 5.5-1 – Hazardous Materials Sites</li> <li>- Figure 5.5-2 – Floodplains and High Fire Hazard Areas</li> </ul> </li> </ul> </li> </ol>				

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>- Figure 5.5-3 – City Areas Affected by Aircraft Hazard Zones</li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014, (<a href="http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700">http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700</a>)</li> <li>5. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, (<a href="http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf</a>)               <ul style="list-style-type: none"> <li>• Chapter 5 – Wildland and Urban Fires                   <ul style="list-style-type: none"> <li>- Figure 5-2 – Moreno Valley High Fire Area Map 2016</li> </ul> </li> <li>• Chapter 12 – Dam Failure/Inundation                   <ul style="list-style-type: none"> <li>- Figure 12-2 Moreno Valley Evacuation Routes Map 2015</li> </ul> </li> <li>• Chapter 13 – Pipeline                   <ul style="list-style-type: none"> <li>- Figure 13-1 – Moreno Valley Pipeline Map 2016</li> </ul> </li> <li>• Chapter 14 – Transportation                   <ul style="list-style-type: none"> <li>- Figure 14-1.1 – Moreno Valley Air Crash Hazard Area Map 2016</li> </ul> </li> <li>• Chapter 16 – Hazardous Materials Accident                   <ul style="list-style-type: none"> <li>- Moreno Valley Hazardous Materials Site Locations Map 2016</li> </ul> </li> </ul> </li> <li>6. Emergency Operations Plan, City of Moreno Valley, March 2009, (<a href="http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf</a>)               <ul style="list-style-type: none"> <li>• Hazard Mitigation and Hazard Analysis</li> <li>• Threat Assessment 2 – Hazardous Materials</li> <li>• Threat Assessment 3 – Wildfire</li> <li>• Threat Assessment 6 – Transportation Emergencies                   <ul style="list-style-type: none"> <li>- Figure 17 – Air Crash Hazards</li> </ul> </li> </ul> </li> <li>7.</li> </ul>				
<b>X. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				



ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<p><b>Sources:</b></p> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006           <ul style="list-style-type: none"> <li>• Chapter 6 – Safety Element – Section 6.7 – Water Quality               <ul style="list-style-type: none"> <li>- Figure 6-4 – Flood Hazards</li> </ul> </li> <li>• Chapter 7 – Conservation Element – Section 7.5 – Water Resources               <ul style="list-style-type: none"> <li>- Figure 7-1 Water Purveyor Service Area Map</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006           <ul style="list-style-type: none"> <li>• Section 5.5 – Hazards and Hazardous Materials               <ul style="list-style-type: none"> <li>- Figure 5.5-2 – Floodplains and High Fire Hazard Areas</li> </ul> </li> <li>• Section 5.7 – Hydrology and Water Quality               <ul style="list-style-type: none"> <li>- Figure 5.7-1 – Storm Water Flows and Major Drainage Facilities</li> <li>- Figure 5.7-2 – Groundwater Basins</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code           <ul style="list-style-type: none"> <li>• Section 9.10.080 – Liquid and Solid Waste</li> </ul> </li> <li>4. Moreno Valley Municipal Code Chapter 8.12 – Flood Damage Prevention</li> <li>5. Moreno Valley Municipal Code Chapter 8.21 – Grading Regulations</li> <li>6. Eastern Municipal Water District (EMWD) Groundwater Reliability Plus, <a href="http://gwrplus.org/">http://gwrplus.org/</a></li> <li>7. Eastern Municipal Water District (EMWD) 2015 Urban Water Management Plan</li> </ol>				
<b>XI. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				

Attachment: Initial Study Form 8619 (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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**Sources:**

1. Moreno Valley General Plan, adopted July 11, 2006
  - Chapter 2 – Community Development Element – Section 2.1 – Land Use
    - Figure 2-1 – Neighboring Lands Uses
    - Figure 2-2 – Land Use Map
  - Chapter 8 – 2014 – 2021 Housing Element
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
  - Section 5.12 – Population and Housing
    - Attachments #1 - #10 – Housing Sites Inventory
    - Exhibits A1 – A11, C, D, and E – Maps of Housing Sites
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code

**XII. MINERAL RESOURCES – Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

**Sources:**

1. Moreno Valley General Plan, adopted July 11, 2006
  - Chapter 7 – Conservation Element – Section 7.9 – Mineral Resources
2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006
  - Section 5.14 – Mineral Resources
3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
  - Section 9.02.120 – Surface Mining Permits
4. Moreno Valley Municipal Code Section 8.21.020 A 7 – Permits Required
5. The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796), <https://www.conservation.ca.gov/dmr/lawsandregulations>
- 6.

**XIII. NOISE – Would the project result in:**

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 6 – Safety Element – Section 6.4 – Noise                   <ul style="list-style-type: none"> <li>- Figure 6-2 – Buildout Noise Contours</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.4 – Noise                   <ul style="list-style-type: none"> <li>- Figure 5.4-1 – March Air Reserve Base Noise Impact Area</li> <li>- Figure 5.4-2 – Buildout Noise Contours – Alternative 1</li> <li>- Figure 5.4-3 -- Buildout Noise Contours – Alternative 2</li> <li>- Figure 5.4-4 -- Buildout Noise Contours – Alternative 3</li> </ul> </li> <li>• Appendix D – Noise Analysis, Wieland Associates, Inc., June 2003.</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code               <ul style="list-style-type: none"> <li>• Section 9.10.140 Noise and Sound</li> </ul> </li> <li>4. Moreno Valley Municipal Code Chapter 11.80 Noise Regulations</li> <li>5. March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014, (<a href="http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700">http://www.rcaluc.org/Portals/13/17%20-%20Vol.%201%20March%20Air%20Reserve%20Base%20Final.pdf?ver=2016-08-15-145812-700</a>)</li> <li>6.</li> </ol>				
<b>XIV. POPULATION AND HOUSING – Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 2 – Community Development Element – Section 2.1 – Land Use                   <ul style="list-style-type: none"> <li>- Figure 2-1 – Neighboring Lands Uses</li> <li>- Figure 2-2 – Land Use Map</li> </ul> </li> <li>• Chapter 8 – 2014 – 2021 Housing Element</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006</li> </ol>				

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>• Section 5.12 – Population and Housing                             <ul style="list-style-type: none"> <li>- Attachments #1 - #10 – Housing Sites Inventory</li> <li>- Exhibits A1 – A11, C, D, and E – Maps of Housing Sites</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4.</li> </ul>				
<b>XV. PUBLIC SERVICES – Would the project:</b>				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b>				
<ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006                             <ul style="list-style-type: none"> <li>• Chapter 2 – Community Development Element – Section 2.5 – Schools                                     <ul style="list-style-type: none"> <li>- Figure 2-3 – School District Boundaries</li> </ul> </li> <li>• Chapter 2 – Community Development Element – Section 2.6 – Library Services</li> <li>• Chapter 2 – Community Development Element – Section 2.7 – Special Districts</li> <li>• Chapter 2 – Community Development Element – Section 2.5 – Other City Facilities</li> <li>• Chapter 4 – Parks, Recreation and Open Space Element – Section 4.3 – Parks and Recreation                                     <ul style="list-style-type: none"> <li>- Figure 4-2 – Future Parklands Acquisition Areas</li> <li>- Figure 4-3 – Master Plan of Trails</li> </ul> </li> <li>• Chapter 6 – Safety Element – Section 6.1 – Police Protection and Crime Preventions</li> <li>• Chapter 6 – Safety Element – Section 6.2 – Fire and Emergency Services                                     <ul style="list-style-type: none"> <li>- Figure 6-1 – Fire Stations</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006                             <ul style="list-style-type: none"> <li>• Section 5.13 – Public Services                                     <ul style="list-style-type: none"> <li>- Figure 5.13-1 – Location of Public Facilities</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> </ol>				

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. RECREATION – Would the project:</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 4 – Parks, Recreation and Open Space Element – Section 4.3 – Parks and Recreation                   <ul style="list-style-type: none"> <li>- Figure 4-1 Open Space</li> <li>- Figure 4-2 – Future Parklands Acquisition Areas</li> <li>- Figure 4-3 – Master Plan of Trails</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.13 – Public Services                   <ul style="list-style-type: none"> <li>- Figure 5.13-1 – Location of Public Facilities</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> </ol>				
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Conflict or be inconsistent with <a href="#">CEQA Guidelines section 15064.3, subdivision (b)</a> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				

Attachment: Initial Study Form 8619 (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>Sources:</b></p> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 5 Circulation Element                   <ul style="list-style-type: none"> <li>- Figure 9-1 – Circulation Plan</li> <li>- Figure 9-2 – LOS Standards</li> <li>- Figure 9-3 – Roadway Cross-Sections</li> <li>- Figure 9-4 – Bikeway Plan</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.2 – Traffic/Circulation                   <ul style="list-style-type: none"> <li>- Figure 5.2-1 – Circulation Plan</li> <li>- Figure 5.2-2 – General Plan Roadway Cross-Sections</li> <li>- Figure 5.2-3 – Year 2000 Number of Through Lanes</li> <li>- Figure 5.2-4 – Year 2000 Daily Volume/Capacity (V/C) Ratios</li> <li>- Figure 5.2-5 – Year 2000 Average Daily Traffic Volumes</li> <li>- Figure 5.2-6 – Proposed Circulation Plan</li> <li>- Figure 5.2-7 – LOS Standards</li> </ul> </li> <li>• Appendix B – Traffic Analysis, City of Moreno Valley General Plan Traffic Study, Urban Crossroads, June 2004.</li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. Moreno Valley Municipal Code Chapter 3.18 Special Gas Tax Street Improvement Fund</li> <li>5. Moreno Valley Master Bike Plan, adopted January 2015</li> <li>6. Riverside County Transportation Commission, Congestion Management Program, December 14, 2011</li> </ol>				
<p><b>XVIII. TRIBAL CULTURAL RESOURCES – Would the project:</b></p>				
<p>a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in <a href="#">Public Resources Code Section 21074</a> as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in <a href="#">Public Resources Code Section 5020.1(k)</a>, or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Response:</b></p>				
<p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of <a href="#">Public Resources Code section 5024.1</a>. In applying the criteria set forth in subdivision (c) of <a href="#">Public Resources Code section 5024.1</a>, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Response:</b></p>				
<p><b>Sources:</b></p> <ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006               <ul style="list-style-type: none"> <li>• Chapter 7 – Conservation Element – Section 7.2 – Cultural and Historical Resources</li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006</li> </ol>				

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- Section 5.10 – Cultural Resources
  - Figure 5.10-1 – Locations of Listed Historic Resource Inventory Structures
  - Figure 5.10-2 – Location of Prehistoric Sites
  - Figure 5.10-3 – Paleontological Resource Sensitive Areas
- Appendix F – Cultural Resources Analysis, Study of Historical and Archaeological Resources for the Revised General Plan, City of Moreno Valley, Archaeological Associates, August 2003.
- 3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
- 4. Moreno Valley Municipal Code Title 7 – Cultural Preservation
- 5. Cultural Resources Inventory for the City of Moreno Valley, Riverside County, California, prepared by Daniel F. McCarthy, Archaeological Research Unit, University of California, Riverside, October 1987 (*This document cannot be provided to the public due to the inclusion of confidential information pursuant to Government Code Section 6254.10.*)
- 6.

**XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:**

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

**Sources:**

Attachment: Initial Study Form 8619 (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ol style="list-style-type: none"> <li>1. Moreno Valley General Plan, adopted July 11, 2006                             <ul style="list-style-type: none"> <li>• Chapter 2 – Conservation Element – Section 2.4 – Utilities</li> <li>• Chapter 6 – Safety Element – Section 6.7 – Water Quality</li> <li>• Chapter 7 – Conservation Element – Section 7.3 – Solid Waste</li> <li>• Chapter 7 -- Conservation Element – Section 7.5—Water Resources                                     <ul style="list-style-type: none"> <li>- Figure 7-1 – Water Purveyor Service Area Map</li> </ul> </li> </ul> </li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006                             <ul style="list-style-type: none"> <li>• Section 5.7 – Hydrology and Water Quality                                     <ul style="list-style-type: none"> <li>- Figure 5.7-1 – Storm Water Flows and Major Drainage Facilities</li> <li>- Figure 5.7-2 – Groundwater Basins</li> </ul> </li> <li>• Section 5.13 – Public Services                                     <ul style="list-style-type: none"> <li>- Figure 5.13-1 – Locations of Public Facilities</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. Moreno Valley Municipal Code Chapter 8.10 Stormwater/Urban Runoff Management and Discharge Controls</li> <li>5. Moreno Valley Municipal Code Section 8.21.170 National Pollutant Discharge Elimination System (NPDES).</li> <li>6. Moreno Valley Municipal Code Chapter 8.80 – Recycling and Diversion of Construction and Demolition Waste</li> <li>7.</li> </ol>				
<b>XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Response:</b>				
<b>Sources:</b>  1. Moreno Valley General Plan, adopted July 11, 2006				



ISSUES & SUPPORTING INFORMATION SOURCES:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>• Chapter 6 – Safety Element – Section 6.2- Fire and Emergency Services – 6.2.8—Wildland Urban Interface</li> <li>2. Final Environmental Impact Report City of Moreno Valley General Plan, certified July 11, 2006               <ul style="list-style-type: none"> <li>• Section 5.5 – Hazards and Hazardous Materials                   <ul style="list-style-type: none"> <li>- Figure 5.5-2 – Floodplains and High Fire Hazard Areas</li> </ul> </li> </ul> </li> <li>3. Title 9 – Planning and Zoning of the Moreno Valley Municipal Code</li> <li>4. Local Hazard Mitigation Plan, City of Moreno Valley Fire Department, adopted October 4, 2011, amended 2017, <a href="http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/haz-mit-plan.pdf</a> <ul style="list-style-type: none"> <li>• Chapter 5 – Wildland and Urban Fires                   <ul style="list-style-type: none"> <li>- Figure 5-2 – Moreno Valley High Fire Area Map 2016</li> </ul> </li> <li>• Chapter 8 – Landslide                   <ul style="list-style-type: none"> <li>- Figure 8-1 – Moreno Valley Slope Analysis 2016</li> </ul> </li> </ul> </li> <li>5. Emergency Operations Plan, City of Moreno Valley, March 2009, <a href="http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf">http://www.moval.org/city_hall/departments/fire/pdfs/mv-eop-0309.pdf</a> <ul style="list-style-type: none"> <li>• Threat Assessment 3 – Wildfire</li> </ul> </li> <li>6.</li> </ul>				

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

<p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**

<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Response:**



# City of Moreno Valley Initial Study Preparation Guide

AUGUST 2019

Prepared by City of Moreno Valley  
Community Development Department

Prepared with Assistance From:  
RECON Environmental, Inc.  
McKenna Lanier Group, Inc.

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Attachment: Initial Study Preparation Guide (3693 : Adoption of Updated CEQA Rules and Procedures Documents)

## **Introduction**

This document should be used as a companion document to the City of Moreno Valley (City) Rules and Procedures for Implementation of the California Environmental Quality Act adopted by the City Council. It is essential that the person preparing the Initial Study understands the California Environmental Quality Act (CEQA) and how it pertains to preparing Initial Studies. This document provides a reference to and is intended to provide guidance for implementation of the following documents:

- City of Moreno Valley Rules and Procedures for Implementation of the California Environmental Quality Act;
- Public Resources Code (PRC) 21000 Sections 21000–21189 (CEQA Statutes); and
- California Code of Regulation (CCR), Title 14, Division 6, Chapter 3, Sections 15000–15387 (CEQA Guidelines).

### **1.0 General Guidance**

Pursuant to CEQA, an Initial Study Checklist (or Initial Study), is a preliminary analysis prepared by the lead agency to determine whether an Environmental Impact Report (EIR) or a Negative Declaration (ND) must be prepared or to identify the significant environmental effects to be analyzed in an EIR (CEQA Guidelines §15365).

#### **1.1 Purpose of the Initial Study**

The Initial Study serves as a tool to identify and select the appropriate environmental document. It can also be used as a means to remove or reduce potentially significant impacts to enable the project to qualify for a Mitigated Negative Declaration (MND). For ND/MNDs, the Initial Study provides the required documentation of the factual basis for the finding in an ND/MND that a project would not have a significant effect on the environment. Lastly, through a scoping process, the Initial Study can be used as a tool to determine what environmental factors need to be studied in greater detail under an EIR and which environmental factors need no further review.

Appendices G and H of the CEQA Guidelines provide sample Initial Study Checklists that may be used for environmental analysis. However, these forms are only suggested, and the lead agency may create their own format for the Initial Study Checklist.

#### **1.2 Contents of an Initial Study (Guidelines §15063(d))**

An Initial Study shall contain in brief form:

- A description of the project including the location of the project;
- An identification of the environmental setting;

- An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained in enough detail to indicate that there is evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or ND. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.
- A discussion of the ways to mitigate the significant effects identified, if any;
- An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; and
- The name of the person or persons who prepared or participated in the Initial Study.

### 1.3 Baseline and Environmental Setting

The impacts of the project shall be evaluated by comparing expected environmental conditions after project implementation to conditions at a point in time, referred to as the baseline. The changes in environmental conditions between those two scenarios represent the environmental impacts of the proposed project. The description of the environmental conditions in the project study area under baseline conditions is referred to as the environmental setting (Association of Environmental Professionals [AEP] 2016a).

### 1.4 Project Description

CEQA Guidelines §15378(a) defines a project as the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment (AEP 2016b).

The term “project” refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term “project” does not mean each separate governmental approval (CEQA Guidelines §15378(c)).

#### Piecemealing

Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a lead agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less than significant impact on the environment, but when considered together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies (AEP 2016b).

## Importance of the Project Description

As detailed in the AEP Topic Paper regarding project descriptions (AEP 2016b), a project description should contain enough information to ensure that the impact analysis contains a meaningful assessment of the project's impacts. For example, if a new roadway is proposed, the project description must also provide details of the proposed alignment and width so that a detailed analysis of the effects on biological and cultural resources can be completed. Or, if an expansion of a wastewater treatment plant is proposed, the treatment process and proposed capacity of the plant must be disclosed so that the analysis can assess whether the operation of the plant would meet water quality standards.

The project description is the foundation upon which an environmental analysis is constructed. An impact analysis should “tell a story” about how the actions comprising the proposed project will or will not lead to impacts, and why those impacts are either significant or less than significant. The project description should include the project objectives and demonstrate how the proposed project meets the project objectives.

The impact analysis then flows from the detailed description of project features contained in the project description, combined with other sources of information and scientific analysis. If sufficient information is not provided in the project description about the actions and activities that would occur under the proposed project, the first part of the impact analysis story may be misleading or incomplete, and the reader will not be able understand the chain of logic and fact that links the project description to the impact conclusions. Further, without a complete and stable project description, the team preparing the impact analyses within the environmental document may not have the information necessary to determine what impacts the proposed project may have, or the intensity of those impacts (AEP 2016b).

## Contents of the Project Description (CEQA Guidelines §15124)

The contents of a project description for an ND or MND are not explicitly called out in the CEQA Guidelines; however, guidance for the preparation of EIR project descriptions provides applicable guidance. The CEQA Portal Topic Paper – Project Description (AEP 2016b) provides examples of the types of information to be provided in a project description:

- The project sponsor or applicant.
- The location of the proposed project (including regional and site-specific graphics).
- A timeline for completing the project, including when construction of the proposed project is expected to be initiated, how long will it take to complete construction, and when project operations, occupancy, or use would begin.
- Project objectives.

- A summary of the types of uses the proposed project will include.
- A quantitative measure of the intensity of each use (e.g., square footage of commercial space, number of single-family housing units, width and linear feet of new roadway, and amount of water to be diverted).
- Improvements to public infrastructure and services required for the proposed project, including off-site improvements.
- Information regarding how the proposed project would be constructed and operated. This would also include discussion of any contemplated off-site grading, location of the staging area for construction, and any other potential land disturbance.
- Reasonably foreseeable future project phases or related projects.
- Information on the kinds of measures proposed to avoid or minimize environmental impacts (sometimes called environmental commitments).
- Information on any additional environmental clearances, consultations, or permits that will be required for the project.
- A list of agencies that will use the environmental document for their CEQA compliance (including permitting agencies).
- Information on who the proposed project is intended to serve (if appropriate).
- Graphics showing what the proposed project will look like (plan view and elevations, if appropriate).
- If construction and/or operation is to occur in phases, provide an expected schedule of the phases and detail as to what portions of the project will happen in each phase. Describe any temporary or permanent relocations required, if applicable.
- More detailed information about construction may be needed for certain technical analyses, such as:
  - What kinds of equipment will be involved in constructing the proposed project?
  - What is the maximum number of construction workers expected to be on-site at the height of construction, and how long will that last?
  - How many people will be expected to work at the project site at full implementation?

- If cut and fill are not able to be balanced on-site, what is the amount of material needing to be hauled on- or off-site, and the location of the source or destination of these materials?
- What Best Management Practices will be used to minimize pollutant flows during storm water events?
- Where will construction waste be hauled to?
- Where will equipment and materials storage (staging) areas be located?
- How storm water flows will be handled on-site (for hydrology and water quality analysis).
- How stream crossings will be created or altered (for biology and hydrology).
- Details about internal traffic flow (for traffic).
- Number of parking spaces provided (for traffic).
- Activities associated with the decommissioning or demolition of the proposed project, if it is anticipated to have a limited lifespan (e.g., a reclamation plan for a proposed mining operation).

To the extent that some of this information is not available, the CEQA document should contain any assumptions made regarding details of the project construction and operation needed to complete the analyses.

## 1.5 Thresholds of Significance (CEQA Guidelines §15064.7)

A threshold for an environmental impact is that point at which the lead agency defines as the level of effect above which the impact is significant and below which the impact is considered less than significant. Lead agencies are responsible for defining thresholds applicable to projects under their jurisdiction. While the City has not adopted thresholds of significance, there are some thresholds or standards established by the Initial Study questions themselves, others established by expert agencies, and those established by regulatory agencies. The specifics of these thresholds as they apply to the City are discussed under the appropriate environmental factor or question in Section 2.

It is important to understand that when using a threshold, the preparer should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with an adopted threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant.

More information on thresholds can be found in the CEQA Portal Topic Paper – Thresholds of Significance at [https://ceqaportal.org/topic\\_papers.cfm](https://ceqaportal.org/topic_papers.cfm).



## 1.6 Determining the Significance of the Environmental Effects Caused by a Project

CEQA Guidelines §15064 sets the stage for determining environmental impacts. Some key points from this section of the CEQA Guidelines are discussed below.

### Significant Effect

A significant effect is a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, biology, ambient noise, and objects of historic or aesthetic significance, to name a few. Social or economic changes related to a physical change in the environment may also be considered in determining whether the physical change is significant. As noted in the CEQA Guidelines, a solid definition of a “significant effect” is not always possible because the significance of an activity may vary with the setting (CEQA Guidelines §15382).

The lead agency’s decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the whole of the record of the lead agency. The CEQA Guidelines state that: “If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment but the lead agency determines that revisions in the project plans or proposals made by, or agreed to by, the applicant would avoid the effects or mitigate the impact to a point where clearly no significant effect on the environment would occur and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment then a mitigated negative declaration shall be prepared” (Guidelines §15064).

“If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative declaration” (CEQA Guidelines §15064; *Friends of B Street v. City of Hayward* (1980) 106 Cal. App. 3d 988).

If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the lead agency shall treat the impact as significant and shall prepare an EIR.

The *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 (December 24, 2018) case, also known as the Friant Ranch Decision, has the potential for implications on environmental analysis. Although the discussion concerns an EIR, it would impact all environmental analysis (NDs and MNDs). Ascent Environmental released a CEQA Practice Paper entitled *Practical Implications of the Friant Ranch Decision for Air Quality and Other EIR Analyses* (Ascent Environmental 2019). The paper reminds CEQA practitioners “that the evaluation of significant effects under CEQA must be understandable to the public, which not only involves providing support by substantial evidence, but also interpreting and explaining the meaning of the impact to the affected

public, including the analytical route to the impact conclusion and its nature and magnitude (i.e., telling the story behind the impact)” (Ascent Environmental 2019).

### Direct Impacts (CEQA Guidelines §15358)

Direct or primary impacts are those immediately related to the project (i.e., the project will require grading that will destroy habitat). In evaluating the significance of the environmental effect of a project, the preparer shall consider direct physical changes in the environment, which may be caused by the project.

When a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.

An example would be a big box home improvement store whose approval in a downtown area will cause smaller electric, plumbing, lumber stores to close causing blight in the downtown.

### Indirect Impacts

Indirect or secondary impacts are those that are reasonably foreseeable and are related more to the impact consequences than to the project itself (i.e., the destruction of non-native grassland will indirectly affect raptors due to a reduction on foraging habitat). In evaluating the significance of the environmental effect of a project, the preparer shall consider reasonably foreseeable indirect physical changes in the environment, which may be caused by the project.

### Cumulative Impacts

Cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase other environmental effects (CEQA Guidelines §15355). Cumulatively considerable impacts are those additional or incremental effects of an individual project that when analyzed in connection with the effects of past, current, and foreseeable projects is significant.

When relying on a plan, regulation, or program, the lead agency should explain how implementing the particular requirements in the plan, regulation, or program ensure that the project’s incremental contribution to the cumulative effect is not cumulatively considerable.

## **1.7 Mitigation Measures**

A mitigation measure is an action to be taken to reduce or avoid a significant impact resulting from a proposed project. The solution must have a “nexus” to the project, be

“roughly proportional” to the project and cannot be recommended or required where there is no impact or a less than significant impact (Nollan v. California Coastal Commission, 483 U.S. 825 [1987] and Dolan v. City of Tigard, 512 U.S. 374). The measures shall be fully enforceable through the project conditions, or any other legally binding instruments (i.e., development agreements).

If there is more than one mitigation measure that could equally reduce the impact to less than significant, the Initial Study response shall include disclosure of all of the potential measures along with the basis or reasoning why the lead agency selected the measure that is to be applied. If the measure itself could cause one or more significant effects in addition to the project’s impacts, the response in the Initial Study must include the effects of the mitigation measure, but the detail needed to describe the effects does not have to be the same as that for the effects of the project.

Mitigation measures should not include processes or requirements of Federal, State, or City laws (i.e., the requirement for a grading permit is not mitigation). However, if the processes or requirements help to mitigate the project’s impacts, then this should be stated in the response to the checklist question as to how it is ensured that those requirements would be implemented, in addition to how those processes or requirements would reduce the impacts.

There are times when the City may have a policy (not a Code requirement) that is added to certain types of projects as a condition. If this policy is required to reduce the project’s impact to less than significant, and the applicant could request to have the condition removed from the project through the hearing process, then it is a good idea to make this policy a mitigation measure so all are aware that it is needed to reduce the impacts of the project. For example, if a project relies on implementation of a specific General Plan policy to ensure impacts would be less than significant, the City may require that policy language to be added as a mitigation measure to ensure it is implemented.

#### Required Contents of a Mitigation Measure

Mitigation measures must include the five Ws (Why, What, Where, Who, and When) and the one H (How).

**Why:** what is the objective of the mitigation measure? (i.e., to compensate for the loss of oak trees on the site).

**What and Where:** include specific actions or types of actions and locations, if applicable. Mitigation should include a clear performance standard and must be verifiable (i.e., replace two 36-inch box oak trees for every one tree lost and show how the required tree quantity is met on the landscape plan. The developer is responsible for ensuring the newly planted oak trees take hold and do not die for the next two years. If the trees die, they must be replanted).

**Who:** the responsible party for carrying out the mitigation measure (i.e., the developer will ensure that the Landscape Architect knows this requirement and that the trees do not die for the next two years).

**When:** the timing under which the mitigation measure is to be completed (i.e., prior to building permit issuance).

**How:** a description of the project significance after implementation of the mitigation measure (i.e., this mitigation measure reduces the project's impacts to the loss of oak trees to less than significant as the two to one ratio for replacement will ensure that the oak tree population is restored).

The mitigation measure must be:

- Linked to an impact;
- Measurable and enforceable;
- Within the jurisdiction of the lead agency;
- Feasible;
- Monitored by the lead agency; and
- Measurable.

Mitigation measures cannot defer the identification of measures to sometime in the future. However, a mitigation measure may be developed after project approval, when it is not practical or feasible to include the details of the needed actions during the environmental review process. The lead agency must commit to the mitigation, adopt specific performance standards the measure will achieve, and identify the potential actions that can feasibly achieve the performance standards that will be analyzed and potentially incorporated in the measure.

The lead agency cannot reduce the project's proposed number of housing units as mitigation or even as an alternative if other feasible mitigation or alternatives would provide a similar level of mitigation without reducing the number of housing units (CEQA Statute §21159.26).

## 2.0 Initial Study Form

### 2.1 How to Fill In the First Few Pages

Cover – Self-explanatory.

Table of Contents – Right-click on the Table of Contents to update.

Project Case Number – Include all cases being processed for the project and any other approval required for the project (i.e., City approval to sell City land, etc.).

Project Title – The title will be used on all CEQA documents, including notices.

Public Comment Period – Enter the 20-day or 30-day review period (longer for an EIR).

Lead Agency – The City is the decision-making body and is, therefore, the Lead Agency.

Documents Posted At – This would be the City’s web address where the Initial Study and the Technical Studies (Appendices to the Initial Study) will be posted.

Prepared By – This will be the Project Planner from the City or a consulting firm that prepared the Initial Study.

Project Sponsor – The project sponsors are typically the applicant and the landowner.

Project Location – This will be the site address if available, information on the location (i.e., SEC of two streets, etc.), the City, County, and State, perhaps a reference to an aerial map, the U.S. Geological Service (USGS) locational information, and the Tax Assessor Parcel Number.

*Example:*

*Approximately 116 feet east of the corner of XX Street and ABC Street on the north side of ABC Street, in the City of Moreno Valley, Riverside County, California, as shown in Figure A – Aerial Map. The Project site is located in Section 32 of Township 4 South, Range 1 West, Lakeview 7.5 Quadrangle U.S. Geological Survey (USGS), San Bernardino Base and Meridian (SBBM) and is comprised of Tax Assessor Parcel Numbers (APN) 432-270-012.*

General Plan Designation – The preparer will enter the baseline or current General Plan designation with a description of the designation from the General Plan.

*Example:*

*Residential: R2 - maximum two dwelling units per acre*

*The description of the purpose of each General Plan designation is found in Section 9.2.2 Community Development Element Objectives and Policies.*

Specific Plan Name and Designation – The preparer will enter the baseline or current Specific Plan Designation with a description of the designation from the Specific Plan.

*Example:*

*SP 204 – The Village Plan*

*VR – Village Residential*

*The Village Residential zone is a mixed density zone which addresses the wide ranges of parcel sizes and lot configurations in this area of the Village. It encourages higher densities than typical in suburban areas in order to support the Village commercial areas. It recognizes the wide range of housing types which have evolved over time in the area and the existing mix of housing types.*

Existing Zoning – The preparer will enter the baseline or current zoning with a description of the designation from the Planning and Zoning Code.

*Example:*

*Residential 1 District (R1) - The primary purpose of the R1 district is to provide for and protect the rural and agricultural atmosphere, including the keeping of animals, that have historically characterized these areas. This district is intended as an area for development of low density, large lot, single-family residential dwelling units at a maximum density of one dwelling unit per net acre.*

Surrounding Land Uses and Setting – Use the table in the Initial Study Template to describe the neighboring properties current development, General Plan designation, and Zoning designation. It would also be useful to reference an aerial figure in the document.

Description of the Site and Project – Refer to Section 1.3, Baseline and Environmental Setting and Section 1.4, Project Description, above, for guidance.

Tribal Consultation Information – This section should describe the results of tribal consultation.

*Sample Response:*

*Consultation under Assembly Bill (AB) 52 commenced on February 13, 2010. The 30-day response period ended on March 15, 2019. The only tribe wishing to consult was the Soboba Band of Luiseño Indians. While the project will impact no known cultural, tribal resources, the standard mitigation measures **MM CR-1** through **MM CR-3**, have been applied to the project pursuant to the consultation. For more information, see the AB 52 Log for this project in Appendix 1 of this Initial Study.*

The Technical Advisories on Senate Bill (SB) 18 and AB 52 prepared by the Office of Planning and Research (OPR) suggest the creation of a log that documents how many times the tribes were contacted. The log can include information on the consultation process as long as no confidential information is provided in the log, and incorporated by reference.

Other Public Agencies whose Approval Is Required – This list would include any agency which must provide a permit for the project. Examples would include South Coast Air Quality Management District, Riverside County Environmental Health, Eastern Municipal Water District, and the California Department of Alcoholic Beverage Control.

Other Technical Studies Referenced – This should be a list of all technical studies prepared for the environmental review. These studies should become appendices to the Initial Study.

Acronyms and Abbreviations – The CEQA Guidelines §15140 states “EIRs [Negative Declarations] shall be written in plain language and may use appropriate graphics so that the decision makers and the public can rapidly understand the documents.” For this reason, a list of standard acronyms and abbreviations must be provided. The words must be spelled out, and the acronym identified the first time it is used in the body of the document.

Environmental Factors Potentially Affected – The preparer would mark any environmental factor that has a potentially significant impact that cannot be mitigated. It should be noted that if an environmental factor has a potentially significant impact that cannot be mitigated, the project would require an EIR. The preparer would use the Initial Study to determine the areas that need to be addressed in the EIR and may use the Initial Study to narrow the number of topics that require detailed analysis in the future EIR or focused EIR.

Determination – This section summarizes the environmental evaluation and will be signed by the Project Planner.

Evaluation of Environmental Impacts – This section provides general guidance on how to approach the upcoming checklist portion of the environmental review.

## 2.2 The Checklist

A number of resources are available to assist with preparation of the Initial Study form and should be consulted and referenced where appropriate. Specific reference documents that should be consulted are summarized below and addressed more specifically under each issue topic heading below.

### Specific Plans

The City has 10 active specific plans ([City of Moreno Valley Specific Plans](#)). If the project is located within any of these specific plans, review for pertinent information related to mineral resources should be incorporated into the required analysis.

### General Plan EIR

The City's General Plan EIR provides an analysis of potential environmental impacts associated with build-out of planned development throughout the City. Useful issue-specific analysis may be contained in the General Plan EIR that can be used to support initial study findings.

## I. AESTHETICS

The following are resources that should be reviewed when preparing this section of the checklist.

### General Plan

The City's General Plan covers Community Design under Chapter 2 – Community Development Element, Section 2.3 – Community Design, and Chapter 7 – Conservation Element, Section 7.8 – Scenic Resources. The objectives and policies associated with aesthetics include the following and should be reviewed in terms of the impacts the project may have on achieving these objectives and policies, where applicable.

Objective 2.10 and the associated policies ensure that new developments, including new buildings, walls, and landscaping, are visually attractive.

- Policy 2.10.2 calls for objectionable views to be screened from view.
- Policy 2.10.7 discourages lighting that causes excessive light and glare on adjacent properties.
- Objective 7.7 and the associated policies are designed to foster visually attractive development.
- Policy 7.7.1 discourages development along prominent ridgelines.
- Policies 7.7.2 and 7.7.6 minimize the visual impact of overhead utility lines and wireless communication facilities.
- Policy 7.7.3 calls for reasonable controls to reduce the impact of signs on visual quality.
- Policies 7.7.4 and 7.7.5 require development along designated scenic roadways to be visually attractive and to allow for views of the surrounding mountains and Mystic Lake.



## Municipal Code

The Municipal Code contains design guidelines that regulate the aesthetic quality of new development with respect to structures, signs, walls, landscaping, and other improvements. Existing regulations also require night lighting for non-residential developments to be shielded where appropriate to reduce the intensity of light that spills on neighboring properties ([Title 9 Planning and Zoning](#)).

If the project includes a landmark or structure of merit, or in a preservation district or a neighborhood conservation area, then Title 7 – Cultural Preservation of the Municipal Code should be reviewed ([Title 7 Cultural Preservation](#)).

If heritage trees are located onsite as defined by Section 9.17.030 G – Heritage Trees, these trees must be preserved ([Chapter 9.17 Landscape and Water Efficiency Requirements](#)).

Chapter 14.40 – Tree Care of the Municipal Code establishes provisions for tree planting trees within the City ([Title 14 Streets and Sidewalks](#)).

Additional landscaping requirements can be found in Municipal Code Chapter 6.04.040 C – Declaration of Nuisances ([Chapter 6.04 Abatement of Public Nuisances](#)) and Chapter 9.17 – Landscape and Water Efficiency Requirements ([Chapter 9.17 Landscape and Water Efficiency Requirements](#)).

## The Questions

- a) Would the project have a substantial adverse effect on a scenic vista?

Review the documents above concerning scenic vistas.

- b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

At this time, there are no State Scenic Highways in Moreno Valley as defined by the California Department of Transportation (DOT). However, Gilman Springs Road, Moreno Beach Drive, and State Route 60 (SR-60) are designated as local scenic roads in the City's General Plan and should be addressed in this section if the project would be visible from these roadways.

The Reche Canyon/Badlands Area Plan of Riverside County's General Plan contains several County-Designated or County-Eligible scenic roadways including San Timoteo Canyon Road, Redlands Boulevard, Gilman Springs Road, and SR-60 ([Reche Canyon/Badlands Area Plan](#)). If a project is within the viewshed of these roads, these potential viewsheds should be considered and discussed.

- c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public

views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Review the documents above concerning visual character and public views.

- d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Review the documents above concerning light and glare. A portion of the City is located within the Mount Palomar Nighttime Lighting Area requiring special lighting requirements to protect the nighttime sky.

The City may wish to require a Light and Glare Study as part of the project when parking lot lights and/or taller buildings are adjacent to residential uses.

## II. AGRICULTURE & FOREST RESOURCES

The following are resources that should be reviewed when preparing this section of the checklist.

### **General Plan**

The City's General Plan covers Agricultural Resources under Chapter 7 – Conservation Element, Section 7.7 – Agricultural Resources. The City's General Plan policies support agriculture as an interim use; however, no land in the planning area is designated for agricultural preservation. To allow for the interim use of land for agricultural uses, the City identifies crops as an allowable use for all of its zoning categories. The proposed General Plan Parks, Recreation, and Open Space Element contains the following objective:

- Objective 4.1: Retain agricultural open space as long as agricultural activities can be economically conducted, and are desired by agricultural interests (with some agriculture retained in long-term use), and provide for an orderly transition of agricultural lands to other urban and rural uses.

To support this objective, the City identifies policies to encourage grazing and crop production as a compatible part of a rural residential atmosphere (City of Moreno Valley 2006).

### **Municipal Code**

Article 9 – Planning and Zoning of the Municipal Code contains information on zones where agricultural uses are permitted ([Title 9 Planning and Zoning](#)).

### **The Questions**

- a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to

the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

To determine if the project site is Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, refer to the Farmland Mapping and Monitoring Program website ([California Important Farmland Finder](#)) and enter the subject site into the mapping program to determine the Farmland Mapping designation for the site.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) ([LESA Model](#)) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

- b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Determine if the subject site zoning permits agricultural uses. If it does, consider whether the site is being encroached upon by development which would preclude the site from having a viable agricultural use. Also, refer to the information provided in response a) above.

No land within the planning area is currently under a Williamson Act contract.

- c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in [PRC §12220\(g\)](#)), timberland (as defined by [PRC §4526](#)), or timberland zoned Timberland Production (as defined by [PRC §51104\(g\)](#))?

**Example response:** Generally, in southern California, including Riverside County and the City of Moreno Valley, climate and topography limit the types and locations of forest lands and their potential for commercial or industrial timber utilization. Accordingly, there is no existing or currently proposed zoning of forest land, timberland, or Timberland Production Zones within the City. Also, figures released by the State of California indicate that no “California forest land” ownership, either public or private, is mapped for Riverside County including the City. Therefore, the Project would not conflict with the existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production and the Project will have **no impact**, directly, indirectly, or cumulatively to forest land.

- d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

**Example response:** There is no commercial forestry or timber production industry within the City other than Christmas tree farms or nursery stock production (that is, cultivated, rather than wild-harvested). Therefore, the Project would not result in the loss of forest land or the conversion of forest land to non-forest use and the Project will have **no impact**, directly, indirectly or cumulatively to the loss of forest land or conversion of forest land to a non-forest use.

- e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

**Example response:** The Project is consistent with the General Plan for the site and area, which is currently developing, and as discussed above will have a **less than significant impact**, directly, indirectly, or cumulatively to the conversion of Farmland to another use.

As noted above, there is no commercial forestry or timber production industry within the City. Therefore, the Project would not result in the loss of forest land or the conversion of forest land to non-forest use, and the Project will have **no impact**, directly, indirectly or cumulatively.

### III. AIR QUALITY

Analyzing air quality impacts typically requires modeling using the most recent versions of the South Coast Air Quality Management District's (SCAQMD) California Emissions Estimator Model® (CalEEMod) and in some cases the California Air Resources Board's (CARB) Emission FACtor (EMFAC) BURDEN model. The City generally requires an air quality analysis for most projects except smaller projects that would clearly not generate construction or operational emissions that exceed SCAQMD thresholds. Typically, vehicle trips are the largest source of project operational emissions; thus, the following screening levels have been identified to define projects that would not likely exceed SCAQMD thresholds for operational emissions.

- 50 single-family residential units
- 35,000 square feet of office space
- 11,000 square feet of retail space
- 6,300 square feet of supermarket space
- Industrial projects - All industrial projects would require further analysis/modeling due to the variability in potential emissions, or information could be provided to

demonstrate there would be no point source emissions and trip generation would be equivalent or less than the amount generated by 50 single-family units.

In some cases, an air quality analysis may be required for projects smaller than the above screening levels based on site-specific information such as a project with operational point source emissions located in proximity to sensitive receivers or proposed sensitive receivers being located in proximity to existing land uses with a source of air emissions. Additionally, certain smaller projects that require special equipment or uses that would have substantial air emissions would require an air quality analysis.

Regarding construction emissions, the above screening criteria may also be used except certain smaller projects could require an air quality analysis in certain circumstances, such as where a major demolition is required in addition to project construction or where project construction would be located in proximity to a sensitive receiver. Absent an air quality report, the initial study will still be required to substantiate all conclusions with supporting facts. Guidance documents from the SCAQMD should be reviewed in determining the potential for significant air quality impacts. Resources are available on the SCAQMD webpage ([Air Quality Analysis Handbook](#)).

### **General Plan**

The City's General Plan covers Air Quality under Chapter 6 – Safety Element, Section 6.6 – Air Quality. The City's General Plan objectives and policies associated with air quality include the following and should be reviewed in terms of the impacts the project may have on achieving these objectives and policies.

- Circulation Element Objectives 5.3, 5.4, 5.8, and 5.9 and related policies and Programs 5-4, 5-5, 5-6, and 5-9 through 5-16 serve to control vehicular emissions by limiting the number of vehicle miles traveled, enhancing circulation and relieving traffic congestion. They encourage walking, bicycling, mass transit, transportation demand management, intelligent transportation systems, and road improvements that allow for the efficient movement of vehicles.
- Each of the land use alternatives as well as Safety Element Objective 6.6 and related policies promote land use patterns that reduce trip distances and thereby reduce air pollution. The plan locates commercial sites and parks close to residential areas (particularly higher density areas) and provides adequate areas for job-generating land uses. Safety Element Objective 6.7 and related policies support regional air quality strategies, park-and-ride facilities, and express bus service. Policy 6.7.4 requires heavy industrial sites to be separated from residential areas and sensitive receptors.
- Objective 7.5 and related policies concerning energy conservation would also reduce air emissions. Policy 7.5.5 encourages solar power and other forms of renewable energy. Policy 7.5.3 calls for the placement of commercial, industrial, and multiple-family uses in areas of high transit potential. Policy 7.7.3 calls for reasonable controls to reduce the impact of signs on visual quality.

## Municipal Code

The Municipal Code covers air quality in various sections:

- Section 9.05.050 – [Good Neighbor Guidelines for Warehouse Distribution Facilities](#)
- Section 9.10.050 – [Air Quality](#)
- Section 9.10.150 – [Odors](#)
- Chapter 12.50.040 – [Limitations on Engine Building](#)

## Sierra Club v. County of Fresno (2018) 6 Cal.5th 502 (AKA Friant Ranch) – December 24, 2018

The above-noted case, also known as the Friant Ranch Decision, has the potential implications on environmental analysis. Although the discussion concerns an EIR, it would impact all environmental analysis (NDs and MNDs). The California Supreme Court found that the EIR's analysis of the Project's air quality impacts was inadequate because it failed to adequately explain how the air pollutants generated by the Project would affect public health. The Court found that the air quality analysis lacked sufficient detail to enable readers to understand the nature and magnitude of impacts fully. (Best, Best & Krieger 2019). The guidance paper, Practical Implications of the Friant Ranch Decision for Air Quality and Other EIR Analyses (Ascent Environmental 2019), reminds CEQA practitioners to:

- Describe the Rationale Behind Thresholds;
- Connect Significant Air Quality Impacts to Health Consequences;
- Consider the Common Modeling Tools, Their Strengths, and Their Weaknesses.

Air quality analysis must explain how air pollutants generated by the Project would affect public health. If a clear conclusion or link cannot be made, the document must explain why and be supported by substantial evidence.

## The Questions

- a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The applicable Air Quality Management Plan (AQMP) is SCAQMD's 2016 AQMP. The Air Quality and Greenhouse Gas (GHG) Study should address the project's consistency with the AQMP, and that analysis is included in this response.

- b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Although it is not necessary to list all Air Quality Monitoring District (AQMD) applicable rules in the response, to avoid comments from AQMD, it is best to discuss the most applicable rules and how they will help reduce the project's impacts on air quality to less than significant. Here are a few rules to consider:

- Rule 201 – Permit to Construct;
- Rule 203 – Permit to Operate;
- Rule 402 – Particular Matter Concentration;
- Rule 403 – Dust Control;
- Rule 461 – Gasoline Transfer and Dispensing;
- Rule 1113 – Architectural Coatings; and
- Idling Diesel Vehicle Trucks.

The SCAQMD also establishes some thresholds for air quality within the South Coast Air Basin. The Air Quality Study should compare the project's emissions against these thresholds. The Air Quality Study should provide the basis for this response.

- c) Would the project expose sensitive receptors to substantial pollutant concentrations?

This information should be taken from the Air Quality Study. The text and tables should be copied to this response.

Special procedures apply to certain school projects, as well as certain projects near schools, which may emit hazardous air emissions near schools. If the project involves the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the State threshold quantity specified in subdivision (j) of Section 25532 of the Health and Safety Code, that could impose a health or safety hazard to persons who would attend or would be employed at the school, then the lead agency must consult with the school district and special notifications requirements are necessary (CEQA Guidelines §15064.4).

Health and Safety Code §25532(j)

(j) "Regulated substance" means any substance that is either of the following:

- (1) A regulated substance listed in [Section 68.130 of Title 40 of the Code of Federal Regulations](#) pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act ([42 U.S.C. Sec. 7412\(r\)\(3\)](#)).
- (2)(A) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with [Section 355.10](#)) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:
  - (i) A gas at standard temperature and pressure.

- (ii) A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.
  - (iii) A solid that is one of the following:
    - (I) In solution or in molten form.
    - (II) In powder form with a particle size less than 100 microns.
    - (III) Reactive with a National Fire Protection Association rating of 2, 3, or 4.
  - (iv) A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.
- (B)(i) On or before June 30, 1997, the office shall, in consultation with the Office of Environmental Health Hazard Assessment, determine which of the extremely hazardous substances listed in Appendix A of Part 355 (commencing with [Section 355.10](#)) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:
- (I) Meet one or more of the criteria specified in clauses (i), (ii), or (iii) of subparagraph (A).
  - (II) May pose a regulated substances accident risk, in consideration of the factors specified in [subdivision \(g\) of Section 25543.1](#), and, therefore, should remain on the list of regulated substances until completion of the review conducted pursuant to [subdivision \(a\) of Section 25543.3](#).
  - (ii) The office shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purposes of this article. Until the list is adopted, the administering agency shall determine which extremely hazardous substances should remain on the list of regulated substances pursuant to the standards specified in clause (i).
- d) Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

The Air Quality Study should provide the basis for this response.



#### IV. BIOLOGICAL RESOURCES

This section of the Initial Study analyzes the impacts to biological resources. Adverse impacts can occur either directly, through the destruction of the biological resource to indirectly, by degrading the necessary habitat for the biological resource.

For major project reviews for new development of previously undeveloped land, a Biological Study should be requested unless it is determined by the Planning Official that there is no potential for impacts to biological resources. The Biological Study should include consistency with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) in addition to covering such topics including but not limited to:

- The Federal Endangered Species Act
- The Migratory Bird Treaty Act
- Section 404 of the Federal Clean Water Act
- The California Endangered Species Act
- The Native Plant Protection Act
- Section 1600 of the State Fish and Wildlife Code
- The Natural Community Conservation Planning Program
- The Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP)

##### **General Plan**

The City's General Plan covers biological resources under Chapter 7 – Conservation Element, Section 7.1 – Biological Resources. The City's General Plan objectives and policies associated with biological resources include the following and should be reviewed in terms of the impacts the project may have on achieving these objectives and policies.

- Conservation Element Objective 7.1 and related policies address biological resources.

##### **Municipal Code**

Applicable Municipal Code sections include:

- Chapter 8.60 – [Threatened and Endangered Species](#)
- Section 9.17.030G (Heritage Trees) – [Landscape and Irrigation Design Standards](#)
- Title 3 – Revenue and Finance addresses the collection of the MSHCP and SKRHCP fees.

##### **The Questions**

- a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?

This information should be taken from the Biological Study.

- b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

This information should be taken from the Biological Study.

- c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

This information should be taken from the Biological Study.

- d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

This information should be taken from the Biological Study.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

This information should be taken from the Biological Study. The Biological Study should address the City's Heritage Tree requirements.

- f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or another approved local, regional, or state habitat conservation plan?

This information should be taken from the Biological Study.

## V. CULTURAL RESOURCES

This section of the Initial Study analyzes the impacts to cultural and historic resources. Adverse impacts can occur either directly, through the destruction of a historic building or indirectly, by degrading the aesthetic qualities of a historic district. If the project is not exempt from CEQA and is vacant, a Cultural Study should be required. Even if the site has been routinely disced for years, there is still the need for a cultural assessment. Many experts believe that discing has the effect of bringing possible cultural resources to the surface. In light of AB 52 and SB 18 consultations, many tribes are requesting a cultural resource inventory as part of the consultation process. The Cultural Resources Assessment or Study should be used to prepare the responses to these questions, and it should be cited in the Sources section of the document. Information regarding the locations of potential cultural resources should not be shared with the public and should be contained within a confidential appendix pursuant to Government Code Section 6254.10.

## General Plan

The City's General Plan covers cultural and historical resources under Chapter 7 – Conservation Element, Section 7.2 – Cultural and Historical Resources. The City's General Plan objectives and policies associated with cultural and historical resources include the following and should be reviewed in terms of the impacts the project may have on achieving these objectives and policies.

- Objective 7.6 and the associated policies and Program 7-6 are designed to ensure that cultural resources are identified and that impacts to cultural resources are avoided or reduced in ways that are consistent with their intrinsic value.

## Municipal Code

The Municipal Code covers cultural and historical resources in Title 7 – Cultural Preservation ([Title 7 Cultural Preservation](#)).

## The Questions

- a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

CEQA Guidelines §15064.5 can be found in Appendix A of this document and at this location: [Preliminary Review of Projects and Conduct of Initial Study](#).

Use the information from the Cultural Study to answer this question.

- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

To determine if a project will have a substantial adverse change on an archaeological resource, it must first be determined if the archaeological resource is a historical resource pursuant to CEQA Guidelines §15064.5. If it is a historical resource, then the CEQA Guidelines §§15064.5 and 15126.4 and the CEQA Statutes §§21084.1 and 21083.2 shall apply.

If the archaeological site does not meet the criteria for a historic resource but meets the definition of a unique archaeological resource in the CEQA Statutes §21083.2, then it shall be treated pursuant CEQA Statutes §21083.2.

If an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

Use the information from the Cultural Study to answer this question.

- c) Would the project disturb any human remains, including those interred outside of formally dedicated cemeteries?

The analysis should include the requirements of CEQA Guidelines §15064.5 regarding human remains.

It is noted, that although the following possible mitigation measure is a law and must be complied with, most tribes want to see it as a mitigation measure.

**MM CR-1:** In the event of the discovery of human remains, the developer shall contact the County coroner immediately. If human remains of Native American origin are discovered during ground-disturbing activities, the developer shall comply with the State relating to the disposition of Native American burials that fall within the jurisdiction of the Native American Heritage Commission (NAHC; PRC §5097). According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation is stopped near discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the California Native American Heritage Commission, [insert name of applicable tribe, e.g., Morongo Band of Mission Indians and the Soboba Band of Luiseño Indians] shall be notified, and appropriate measures provided by State law shall be implemented to determine the most likely living descendant(s). Disposition of the remains shall be overseen by the most likely living descendants to determine the most appropriate means of treating the human remains and any associated grave artifacts.

## VI. ENERGY

This section of the Initial Study analyzes impacts related to the project's energy consumption. When GHG and/or Air Quality modeling is prepared, energy consumption data can typically be extrapolated from the modeling for those reports. Additionally, energy consumption data can be extrapolated from trip generation data taken from a traffic report. This data can be used to provide a focused analysis of energy consumption associated with the proposed project within the initial study. This analysis could be general and should correlate with air quality, GHG emissions, transportation, and utility analysis. This information can be provided directly in the body of the initial study or provided in a stand-alone energy report.

### **General Plan**

The City's General Plan covers energy resources under Chapter 7 – Conservation Element, Section 7.6 – Energy Resources. The City's General Plan objectives and policies associated with energy resources include the following and should be reviewed in terms of the impacts the project may have on achieving these objectives and policies.

- The objectives of the Circulation Element reduce traffic congestion and promote energy-efficient modes of transportation.
- Objective 6.6 and related policies are related to automotive trip reduction.
- Objective 7.3 and related policies are related to minimizing the consumption of water.
- Objective 7.5 and related policies concern energy conservation. In particular, Policy 7.5.5 encourages solar power and other forms of renewable energy.

### **Municipal Code**

The Municipal Code covers energy resources in [Title 8 – Building and Construction](#). The City requires buildings to comply with the State’s Title 24 – Building Energy Efficiency Program and the California Green Building Standards (CalGreen). Also, the City has adopted [Chapter 8.40 – Small Residential Rooftop Solar Energy System Review Process](#), [Chapter 8.42 – Electric Vehicle Charging Station Review Process](#), and [Chapter 8.80 – Recycling and Diversion of Construction and Demolition Waste](#).

### **The Questions**

- a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Energy conservation aspects of the project that are being incorporated (double pane windows, solar, etc.) can be referenced here in addition to any CalGreen requirements or Leadership in Energy and Environmental Design (LEED) standards that would be met.

- b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Refer to any applicable City policies and/or Statewide energy plans. The response should evaluate project consistency with the City’s Energy Efficiency and Climate Action Strategy adopted in October 2012. Specifically, the following policies should be evaluated for consistency:

- R2-T2: Employment Based Trip Reductions
- R2-E1: New Construction Residential Energy Efficiency Requirements
- R2-E2: New Construction Residential Renewable Energy
- R2-E5: New Construction Commercial Energy Efficiency Requirements
- R2-E6: New Construction Commercial/Industrial Renewable Energy

## VII. GEOLOGY & SOILS

The documents that should be reviewed before preparing this section of the checklist include the City's General Plan, the General Plan EIR, Chapter 8.21 – Grading Regulations, and Article 9 – Planning and Zoning of the Municipal Code, and any appropriate Specific Plan.

### **General Plan**

The City's General Plan covers Geologic Hazards under Chapter 6 – Safety Element, Section 6.5 – Geologic Hazards and Soils under Chapter 7 – Conservation Element, Section 7.4 – Soils. The proposed Moreno Valley General Plan Safety Element Objective 6.1 is to “minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking and secondary effects.” Based on this objective, the element provides the following policy statements applicable to this section:

- Policy 6.1.1: Reduce fault rupture hazards to a level of acceptable risk through the identification and recognition of potentially hazardous conditions and areas as they relate to the San Jacinto fault zone and the high and very high liquefaction hazard zones. Require geologic studies and mitigation for fault rupture hazards in accordance with the Alquist-Priolo Special Study Zones Act. Additionally, future geotechnical studies shall contain calculations for seismic settlement on all alluvial sites identified as having high or very high liquefaction potential. Should the calculations show potential for liquefaction, appropriate mitigation shall be identified and implemented.
- Policy 6.1.2: Require all new developments, existing critical and essential facilities and structures to comply with the most recent Uniform Building Code seismic design standards.

### **Municipal Code**

[Chapter 8.21 – Grading Regulations](#) of the Municipal Code contains information related to erosion control expansive soils, and identifies requirements related to these issues.

### **Local Hazard Mitigation Plan**

The City has a Local Hazard Mitigation (LHMP) adopted October 4, 2011, and amended in 2017 ([Moreno Valley LHMP](#)). Chapters related to earthquakes and landslides may have useful information needed to respond to the questions in the Geology and Soils Section of the Initial Study.

### **The Questions**

- a) Would the project directly, indirectly, or cumulatively, cause potential substantial adverse effects, including the risk of loss, injury or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for

the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

A Soils and/or Geotechnical Report (when appropriate) should be used to support the response to this question.

The State Mining and Geology Board has prepared [Guidelines for Evaluating and Mitigating Seismic Hazards in California](#).

ii) Strong seismic ground shaking?

A Soils and/or Geotechnical Report (when appropriate) should be used to support the response to this question

iii) Seismic-related ground failure, including liquefaction?

A Soils and/or Geotechnical Report (when appropriate) should be used to support the response to this question.

iv) Landslides?

A Soils and/or Geotechnical Report (when appropriate) should be used to support the response to this question

b) Would the project result in substantial soil erosion or the loss of topsoil?

The information can be found in the Soils or Geotechnical Report.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

The information can be found in the Soils or Geotechnical Report.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?

The information can be found in the Soils or Geotechnical Report.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The information can be found in the Soils or Geotechnical Report. Also, if the project is required to connect to the sewer, then this question is not applicable.

f) Would the project directly, indirectly, or cumulatively, destroy a unique paleontological resource or site or unique geologic feature?

The City's General Plan EIR Figure 5.10-3 – Paleontological Resource Sensitive Areas shows most of the City as having a Low Potential with the portions of the planning area to the east in a High Potential or Undetermined Potential area for finding paleontological resources. The initial study should identify the site's underlying geological formation and its potential to contain paleontological resources. If the project includes grading at a depth that could disturb the underlying geologic formation and is located in an area with a high or undetermined potential for paleontological resources, the analysis should generally identify a potentially significant impact and require paleontological monitoring as a mitigation measure.

## VIII. GREENHOUSE GAS EMISSIONS

The City is required to analyze the GHG emissions of projects consistent with CEQA Guidelines §15064.4. A good-faith effort to describe, calculate, or estimate the amount of GHG emissions resulting from a project should be completed.

In performing analysis of GHG emissions, the City as lead agency, shall have the discretion to determine, in the context of a particular project, whether to (1) quantify GHG emissions resulting from a project; and/or (2) rely on a qualitative analysis for performance-based standards. For information on the factors in determining significance for GHG impacts, see CEQA Guidelines §15064.4

Analyzing the project's GHG impacts normally requires modeling to generate an estimate of GHG emissions. Possible models include CalEEMod and in some cases, the EMFAC BURDEN model. Typically, vehicle trips are the largest source of project operational emissions; thus, the following screening levels adapted from CAPCOA guidance (CAPCOA 2008) has been identified to define projects that would not likely exceed an estimated 900 metric ton per year of GHG emissions:

- 50 single-family residential units
- 35,000 square feet of office space
- 11,000 square feet of retail space
- 6,300 square feet of supermarket space
- Industrial projects - All industrial projects would require further analysis/modeling due to the variability in potential emissions, or information could be provided to demonstrate the project would clearly generate less than 900 metric tons of GHG emissions per year.

As vehicle trips are typically the largest source of project emissions, this method would capture a majority of discretionary projects, without placing the burden of technical analysis on smaller projects that would not contribute a substantially to GHG emissions. However, in some cases, a GHG analysis may be required for projects smaller than the



above-screening levels based on project-specific information available indicating that the project could generate more than 900 metric tons of GHG emissions per year.

### **Western Riverside County Association of Governments (WRCOG) Sub-Regional Climate Action Plan (CAP)**

While the City has not adopted this CAP as it pertains to the City, the plan provides useful information pertinent to this section of the Initial Study.

### **CAPCOA's Guidance**

CAPCOA has produced a number of useful guidance documents. Quantifying Greenhouse Gas Mitigation Measures (CAPCOA 2010) provides many GHG impact reducing sample mitigation measures that may be useful in responding to the Initial Study questions. CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (CAPCOA 2008) identifies a number of potential methods that lead agencies may consider when evaluating a project's potential impacts related to GHG emissions. One threshold suggested is a 900 metric ton GHG emission threshold which was estimated to equate to projects equal to or smaller than 50 residential units or 30,000 square feet of commercial space and was estimated to capture 90 percent or more of likely future discretionary applications.

### **The Questions**

- a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

The response should be taken from the GHG Study.

- b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases?

The response should evaluate project consistency with the City's Energy Efficiency and Climate Action Strategy adopted in October 2012. Specifically, the following policies should be evaluated for consistency:

- R2-T2: Employment Based Trip Reductions
- R2-E1: New Construction Residential Energy Efficiency Requirements
- R2-E2: New Construction Residential Renewable Energy
- R2-E5: New Construction Commercial Energy Efficiency Requirements,
- R2-E6: New Construction Commercial/Industrial Renewable Energy

## **IX. HAZARDS & HAZARDOUS MATERIALS**

Hazardous sites are sites where hazardous materials have spilled or leached into the ground or where current uses are either hazardous or use hazardous materials. It should be noted that all projects use some type of hazardous materials (i.e., household cleaners, pesticides, etc.). This section also addresses hazards related to airports. Some of this information may be found in a Phase I Environmental Site Assessment

document, if available. If there is a reason to believe the site may have been subject to a hazardous condition, a Phase I Environmental Site Assessment should be requested.

### **General Plan**

The City's General Plan covers Hazards & Hazardous Materials under Chapter 6 – Safety Element, Section 6.9 – Hazardous Materials, Section 6.10 – Air Crash Hazards, and Section 6.2.8 – Wildland Urban Interface.

- Objective 6.10 and associated policies strive to protect life and property from the potential short-term and long-term deleterious effects of the transportation of hazardous materials throughout the City.
- Objectives 6.13 through 6.16 and their associated policies promote wildland and urban fire prevention.
- Policy 6.16.3 ensures that adequate emergency ingress and egress is provided for each development.
- Policy 6.16.4 calls for land use limitations within air crash hazard areas in accordance with the AICUZ program.
- Program 6-7 requires the City to establish regulations for the development along the urban-wildland interface.

### **Municipal Code**

The following chapters and sections of the Municipal Code are related to hazards and hazardous materials.

- Section 8.36.050 – Requirements for Wildland-Urban Interface Areas
- Section 8.36.060 – Hazardous Materials
- Chapter 9.10.070 – Fire and Explosive Hazards
- Chapter 9.10.090 – Radioactive Wastes

### **MARB/MIP Airport Land Use Compatibility Plan**

It is noted that the General Plan was adopted prior to the Riverside County Airport Land Use Commission (ALUC) adopting the March Air Reserve Base (MARB)/March Inland Port (MIP) Airport Land Use Compatibility Plan (ALUCP) on November 13, 2014 ([MARB/MIP ALUCP](#)). Since the General Plan has not been amended to adopt the MARB/MIP ALUCP, all projects that are in the airport compatibility area (Zones A through E) are required to be reviewed by the ALUC staff and may require review by Airport Land Use Commission, even if they are compatible with the ALUCP. ALUC staff prepares a report with conditions, and these conditions would become project conditions or mitigation measures, as appropriate.

### **Local Hazard Mitigation Plan**

The City has an adopted Local Hazard Mitigation Plan (LHMP), adopted October 4, 2011, and amended 2017 ([LHMP](#)).

The following chapters may have additional information needed to respond to the questions in the Hazards & Hazardous Materials section of the Initial Study.

- Chapter 5 – Wildland and Urban Fires  
Figure 5-2 – Moreno Valley High Fire Area Map 2016
- Chapter 12 – Dam Failure/Inundation  
Figure 12-2 Moreno Valley Evacuation Routes Map 2015
- Chapter 13 – Pipeline  
Figure 13-1 – Moreno Valley Pipeline Map 2016
- Chapter 14 – Transportation  
Figure 14-1.1 – Moreno Valley Air Crash Hazard Area Map 2016
- Chapter 16 – Hazardous Materials Accident  
Moreno Valley Hazardous Materials Site Locations Map 2016

### Emergency Operations Plan

The City adopted the Emergency Operations Plan in March 2009 that may contain useful information needed to respond to the initial study question relating to emergency response plans ([Emergency Response Plans](#)).

### The Questions

- a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Review the materials provided by the applicant on the Environmental Information Form and prepare the response.

- b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Review the materials provided by the applicant on the Environmental Information Form and prepare the response.

It should be noted that a jet fuel pipeline runs through the western part of the City from the City of Colton to the northwest corner of Moreno Valley and south to MARB.

- c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

If a project is not located within one-quarter mile of an existing or proposed school, no impact would result. If a school is in proximity to the project, indicate how the distance to the nearest school.

Special procedures apply to certain school projects, as well as certain projects near schools which may emit hazardous air emissions near schools. CEQA Guideline §15064.4 states, “If the project involves the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the State threshold quantity specified in subdivision (j) of Section 25532 of the Health and Safety Code, that could impose a health or safety hazard to persons who would attend or would be employed at the school, then the lead agency must consult with the school district and special notifications requirements are necessary.”

[Health and Safety Code §25532\(j\)](#) can be found in Appendix A.

- d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The required Environmental Information Form submitted with the project application requires that the applicant identify if the site is on the list of hazardous materials sites. If the applicant does not have a Phase I Environmental Assessment prepared for the project site then a review of the following websites will be needed:

- EPA Superfund Sites
- [Toxics Release Inventory \(TRI\) Program](#)
- [DTCS – ENVIROSTOR](#)

If the project site is identified as containing hazardous materials and/or where known hazardous materials contamination may have existed, soils testing may be required to identify the extent of contamination and provide adequate information to respond to this question.

It is also recommended to have soil testing when the property had been used in the past for agriculture or related activities involving pesticides, herbicides, agricultural chemical, organic waste (i.e., cows, chickens, etc.) or where other uses may have caused a release of hazardous substances into the soil such as former auto repair shops or similar uses.

[Government Code §65962.5](#) can be found in Appendix A of this document.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

If the project is located within the compatibility zones of the MARB/MIP ALUCP, then the project will need to be reviewed by the ALUC before answering this question. The conditions of the ALUC are either applied as mitigation measures or conditions of approval, at City staff discretion.

- f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

See the emergency response plan in the LHMP.

- g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

This section should address whether the project is in an urban-wildland interface area, consistency with City codes such as Municipal Code Section 8.36.050 Requirements for Wildland-Urban Interface Areas, and may refer to Section XX – Wildfire of this Initial Study, as applicable.

## X. HYDROLOGY & WATER QUALITY

This section of the Initial Study covers hydrology (i.e., drainage and flooding) and water quality. The applicant should provide a Drainage Study/Hydrology Study in addition to a Preliminary Water Quality Management Plan (PWQMP) at the time of project submittal. These documents will be used to answer the questions.

### **General Plan**

The City's General Plan covers Hydrology under Chapter 7 – Conservation Element, Section 7.5 – Water Resources and Water Quality under Chapter 6 – Safety Element, Section 6.7 – Water Quality.

- General Plan Conservation Element, Objectives 7.1 and 7.2 and their associated policies are included in the General Plan to limit potential water quality impacts to surface water and groundwater resources.
- General Plan Policy 7.2.2 requires all projects to comply with the discharge permit requirements of the Regional Water Quality Control Board.
- General Plan Safety Element, Objective 6.2, and its associated policies seek to reduce the potential for flooding.

## Municipal Code

The following chapters and sections of the Municipal Code are related to hydrology and water quality.

- Title 9 – Planning and Zoning of the Moreno Valley Municipal Code  
Section 9.10.080 – Liquid and Solid Waste
- Chapter 8.12 – Flood Damage Prevention
- Chapter 8.21 – Grading Regulations

## Local Hazard Mitigation Plan

The City has an [LHMP](#), adopted October 4, 2011, and amended in 2017 that may contain useful information to respond to questions relating to flooding and dam failure/inundation.

## Emergency Operations Plan

The City adopted the [Emergency Operations Plan](#) in March 2009 that may contain useful information to respond to questions relating to flooding and dam failure/inundation.

## The Questions

- a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question.

- b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question. The response should consider whether the project would use groundwater for any purpose and whether the project could reduce infiltration and affect recharge of the groundwater basin.

- c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i) Result in substantial erosion or siltation on- or off-site?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question.

- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question.

- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question.

- iv) Impede or redirect flood flows?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question.

- d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question in addition to Federal Emergency Management Agency (FEMA) Flood Zone information. FEMA provides a mapping tool to determine the flood zone and Flood Insurance Rate Map map number ([FEMA Flood Map Service Center](#)).

- e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The Drainage/Hydrology Study and the Water Quality analysis should be used to answer this question in addition to the Eastern Municipal Water District's (EMWD) 2015 Urban Water Management Plan ([UWMP](#)). EMWD has a website entitled Groundwater Reliability Plus dedicated to improving groundwater quality and reliability. The website is at <https://www.emwd.org/gwr-plus>.

## XI. LAND USE & PLANNING

This section of the Initial Study covers land use and planning. Land use and planning are topics that are incorporated into many different plans. The list below names a few of the plans.

- General Plan
- Municipal Code (all chapters)
- Riverside County Airport Land Use Compatibility Plan (RCALUCP)

- Riverside County Multiple Species Habitat Conservation Plan (MSHCP)
- Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP)
- Specific Plans
- Preservation Districts (Chapter 7 – Cultural Preservation)
- Neighborhood Conservation Areas (Chapter 7 – Cultural Preservation)
- South Coast Air Quality Management Plan (AQMP)
- Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS)
- Southern California Association of Governments (SCAG) Regional Comprehensive Plan (RCP)
- Western Riverside County Association of Governments (WRCOG) Sub-Regional Comprehensive Plan (RCP)
- Western Riverside County Association of Governments (WRCOG) Sub-Regional Climate Action Plan (CAP)
- Western Riverside County Association of Governments (WRCOG) Transportation Uniform Mitigation Fee (TUMF)
- Riverside County Transportation Commission (RCTC) Riverside County Congestion Management Plan (CMP)
- Riverside County General Plan & Reche Canyon/Badlands Area Plan, a subsection of the County General Plan

### **General Plan**

The City's General Plan covers Land Use under Chapter 2 – Community Development Element, Section 2.1 – Land Use. Land use is also covered in Chapter 8 – 2014-2021 Housing Element.

- General Plan Community Development Element, Goals 2.1–2.4, Objectives 2.1–2.10, and their associated policies promote an orderly and balanced land use pattern.
- General Plan 214–2021 Housing Element Goals, Objectives, and Policies promote housing.

The Housing Element's land inventory should be reviewed to identify if the project site is located in the inventory. If part of the housing inventory, the project must be consistent



with the inventory or findings of “no net loss” pursuant to Government Code §65863 will be required.

### **Municipal Code**

Title 9 – Planning and Zoning of the Moreno Valley Municipal Code covers land use.

### **The Questions**

- a) Would the project physically divide an established community?

To answer this question, discuss how the project is or is not compatible with the area, how transportation connections are still made, and any other design features that connect the area versus dividing the area.

- b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

This question should evaluate consistency with the General Plan and applicable policies in addition to other applicable plans. Consistency with the MSHCP, SKRHCP, RCALUCP, AQMP, WRCOG’s CAP, TUMF, and the CMP are addressed in other sections of the Initial Study.

## **XII. MINERAL RESOURCES**

The California Surface and Mining Reclamation Act (SMARA) of 1975 requires local governments to address mineral recovery activities through the direct regulation of mining operations, and through planning policies that balance the mineral resources needs of the state with the maintenance of environmental quality. SMARA requires cities and counties to adopt ordinances conforming to state policy for the review and approval of reclamation plans and permits to conduct surface mining operations.<sup>1</sup>

### **General Plan**

The City’s General Plan covers Mineral Resources under Chapter 7 – Conservation Element, Section 7.9 – Mineral Resources.

### **Municipal Code**

Both the City and the County have adopted SMARA regulations governing the extraction of mineral resources and eventual reclamation of mining operations. Continued implementation of these regulations will allow for the mining of locally-important mineral resources, as identified in the County of Riverside General Plan.

- Title 9 – Planning and Zoning of the Moreno Valley Municipal Code
- Section 9.02.120 – Surface Mining Permits
- Section 8.21.020 A 7 – Permits Required

<sup>1</sup>City of Moreno Valley General Plan EIR, Section 5.14 – Mineral Resources.

## The Questions

- a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The Surface Mining and Reclamation Act of 1975 (SMARA, PRC §2710-2796) ([SMARA Statutes and Regulations](#)) maintains the AB 3098 list of active mines, and it is updated daily.

An interactive map is also provided on this website ([Mines Online](#)). The State Mining and Geology Board provides guidelines for the Classification and Designation of Mineral Lands ([Classification and Designation of Mineral Lands](#)).

The County of Riverside General Plan – Multipurpose Open Space Element ([Multipurpose Open Space Element](#)) maps the City in the Mineral Resource Zone of MRZ-3a (Figure OS-6 – Mineral Resource Zones). MRZ-3a is an area where the available geologic information indicates that mineral deposits are likely to exist. However, the significance of the deposits is undetermined.

- b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

**Example Response:** The City’s General Plan found “Implementation of the proposed General Plan Land Use Alternatives 1, 2, or 3 would result in the development of urban uses throughout the majority of the planning area, including the area along Highway 60 and Gilman Springs Road. No, regionally or statewide significant mineral resources are located within the planning area. Implementation of the proposed General Plan alternatives would not result in the loss of availability of a significant mineral resource, and no significant impact on mineral resources would occur.”

If the project is consistent with the General Plan, then this type of response would be applicable.

## XIII. NOISE

The Noise section of the Initial Study addresses potential impacts to on- and off-site receivers from noise generated at the project site (e.g., outdoor speakers) or when the project itself is potentially exposed to noise sources (e.g., roadway traffic noise) that could exceed the General Plan standards or Noise Ordinance standards. A noise study is often required when a traffic impact analysis is necessary for the project.

### General Plan

The City’s General Plan covers noise under Chapter 6 – Safety Element, Section 6.4 – Noise.

- The Safety Element Objectives 6.3, 6.4, and 6.5 and associated policies and Program 6-3 provide measures to substantially reduce noise exposure. For example, Policy 6.3.1 requires noise mitigation for sensitive uses where the projected noise level would exceed 65 CNEL [Community Noise Equivalent Level] and Policy 6.3.2 discourages residential uses where current or projected exterior noise due to aircraft overflights would exceed 65 CNEL.

Also, if a project is located within the compatibility zones of the MARB/MIP ALUCP, then the project will need to be reviewed against the noise contours of ALUCP.

### **Municipal Code**

The Municipal Code addresses the noise generated by construction. It is unlawful to create noise that annoys reasonable people of normal sensitivity and there are also restrictions on hours of activity. Grading may take place between 7 a.m. and 8 p.m. Construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.

Moreno Valley also enforces the provisions Title 24 that specifies that combined indoor noise for multi-family living spaces shall not exceed 45 A-weighted decibels CNEL. This standard must be addressed when the outdoor noise level exceeds 60 A-weighted decibels CNEL. Title 24 also requires that the standard be applied to all new hotels and motels.

The Municipal Code discusses noise in numerous sections (e.g., §9.03.040 Residential Site Development Standards) throughout Title 9 and also in Chapter 11.80. Vibration is discussed in [§9.10.170 Vibration](#).

### **The Questions**

- a) Would the project result in a generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Review the General Plan policies and mitigation measures before answering this question. If a Noise Study has been prepared, use the Noise Study to answer the question.

- b) Would the project result in a generation of excessive groundborne vibration or groundborne noise levels?

If a Noise Study has been prepared, use the Noise Study to answer the question.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Review the General Plan policies and mitigation measures before answering this question. Also, review the MARB/MIP Riverside County ALUCP. If a Noise Study has been prepared, use the Noise Study to answer the question.

#### XIV. POPULATION & HOUSING

This section of the Initial Study covers population and housing. Information on the 2010 Census for Moreno Valley can be found on SCAG's website in the Local Community Profile for the City ([Profile of the City of Moreno Valley](#)). There are many other sources of population information such as the Census website and the Department of Finance website.

##### **General Plan**

The City's General Plan covers population and housing under Chapter 8 – Housing Element. The General Plan Housing Element identifies goal and objectives and establishes the housing policy for the City.

##### **Municipal Code**

Title 9 – Planning and Zoning of the Moreno Valley Municipal Code covers housing standards in the various zones.

##### **The Questions**

- a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?

If the project is consistent with the General Plan, then it would be implementing the General Plan and not inducing growth, the growth inducement would have already been analyzed and planned for in the General Plan.

- b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

This response should identify whether people or housing would be displaced as a result of the project and whether replacement housing would be constructed. Potential environmental impacts associated with displacing people and/or housing and providing replacement housing should be addressed. XV. PUBLIC SERVICES

This section of the Initial Study covers a variety of public services including schools, libraries, police and fire services, and parks.

##### **General Plan**

The City's General Plan covers schools, library services, special districts, and other City facilities under Chapter 2 – Community Development Element in the following sections.

- Section 2.5 – Schools
- Section 2.6 – Library Services
- Section 2.8 – Other City Facilities

Police and Fire are covered under Chapter 6 – Safety Element in the following sections.

- Section 6.1 – Police Protection and Crime Prevention
- Section 6.2 – Fire and Emergency Services

A summary of applicable General Plan Goals, Objectives, and Policies related to Public Services are noted below.

#### Fire

- Safety Element Objectives 6.11 through 6.16 and the associated policies provide direction to ensure adequate protection from fire hazards, in terms of both fire prevention and suppression.

#### Police

- Safety Element Objective 6.8 is to strive for police staffing of at least one officer per 1,000 residents, as feasible given budget constraints. Objective 6.9 encourages neighborhood watch programs and requires that security lighting and defensible space concepts be incorporated in the design of new developments.

#### Schools

- Community Development Element Objective 2.6 and associated policies are designed to maintain an adequate inventory of lands for the conduct of the public, quasi-public, and institutional activities, including schools.
- Community Development Element Objective 2.15 and associated policies are designed to ensure Moreno Valley residents have access to high-quality educational facilities.

#### Parks

- The Parks, Recreation, and Open Space Element of the General Plan has identified portions of the planning area for future parkland acquisition. Additionally, the General Plan includes policies and programs that deal with parks and recreation. For example, Policy 4.2.7 establishes the 3 acres per 1,000 residents level of service standard. Policy 4.2.17 requires new development to contribute to the park needs of the City.

#### Library Services

- Community Development Element Objective 2.16 and associated policies are designed to maintain local library facilities and reserves in accordance with the following minimum standards: 0.5 square feet of library space and 1.2 volumes per capita.

#### Animal Services

- Animal services are covered under Chapter 6 – Safety Element, Section 6.3 – Animal Services.

## Municipal Code

### Fire

- All new development must comply with existing fire codes, including, but not limited to, emergency access requirements and fire flow requirements for fire suppression.
  - 9.16.230 Fire Protection
  - Chapter 8.36 California Fire Code
  - 8.36.050 Requirements for Wildland-Urban Interface Areas
- Payment of Development Impact Fees in accordance with the latest impact fee study is required.
  - 3.38.060 Fire Facilities Residential Development Impact Fees
  - 3.42.060 Fire Facilities Commercial and Industrial Development Impact Fees
- Moreno Valley Department Fire Department has seven fire stations ([http://www.moval.org/city\\_hall/departments/fire/fire-locs.shtml](http://www.moval.org/city_hall/departments/fire/fire-locs.shtml)).
  - Station 2 – Sunnymead – 24935 Hemlock Avenue
  - Station 6 – Towngate – 22250 Eucalyptus Avenue
  - Station 48 - Sunnymead Ranch – 10511 Village Road
  - Station 58 - Moreno Beach – 28040 Eucalyptus Avenue
  - Station 65 - Kennedy Park – 15111 Indian Avenue
  - Station 91 - College Park – 16110 Lasselle Street
  - Station 99 - Morrison Park – 13400 Morrison Street

### Police

- Each new development is required to pay the current development impact fee based on the most recent fee study to cover its fair share of the cost of the expanded police facility. All new development is reviewed by the Police Department to identify risks to security and ways to minimize those risks.
  - 3.38.070 Police Facilities Residential Development Impact Fees
  - 3.42.070 Police Facilities Commercial and Industrial Development Impact Fees
- The Moreno Valley Police Department has adopted a “Zone Policing” strategy. The intent of “[Zone Policing](#)” is to improve response times to calls for service, make officers more familiar with community areas, and connect the Police Department with citizens and business owners within their assigned zones.

To facilitate this concept, the City has been divided into four zones, and police officers are assigned to a specific zone. Each zone is comprised of a team that consists of a Zone Commander, Zone Supervisor, and Zone Coordinator.

- **Zone 1:** Northern Moreno Valley, north of the SR 60 Freeway.

- **Zone 2:** Western Moreno Valley, south of the SR 60 Freeway, west of Lasselle Street and north of Alessandro Boulevard
- **Zone 3:** Southern Moreno Valley, south of Alessandro Boulevard, west of Lasselle Street
- **Zone 4:** Eastern Moreno Valley, east of Lasselle Street and south of the SR 60 Freeway.
- The Police Department Office is located at 22850 Calle San Juan De Los Lagos.

#### Schools

- State law requires that no building permit may be issued without certification that school fees have been paid. Two school districts serve the City:
  - The Moreno Valley Unified School District (MVUSD) (<https://www.mvUSD.net/>).
  - The Val Verde Unified School District (VVUSD) (<https://www.valverde.edu/>).

#### Parks

- The City's development impact fee ordinance requires new development to dedicate parkland and/or pay in-lieu fees to provide 3 acres of parkland per 1,000 new residents.
  - Chapter 3.4 – Dedication of Land for Park Facilities and Payment of In-Lieu Fees
  - 3.38.080 Park Improvements Residential Development Impact Fees
  - 3.38.090 Community/Recreation Center Residential Development Impact Fees
- An interactive map of the park facility locations can be found at: [Parks and Community Services Department](#).

#### Library Services

- New residential development is assessed a development impact fee based on the most recent fee study to cover its fair share of the cost of new facilities. See 3.38.100 Library Facilities and Materials Residential Development Impact Fees.
- The Main Library is located at 25480 Alessandro Boulevard. The Moreno Valley Mall Branch library is located at 22500 Town Circle (2nd floor, across from Sears and next to HomeTown Buffet) (Library Locations and Hours).

#### Other Facilities

- Other Development Impact Fees for Public Facilities
  - 3.38.110 City Hall Facilities Residential Development Impact Fees
  - 3.38.120 Corporate Yard Facilities Residential Development Impact Fees
  - 3.38.130 Maintenance Equipment Residential Development Impact Fees

- 3.38.140 Animal Shelter Residential Development Impact Fees
- 3.42.080 City Hall Facilities Commercial and Industrial Development Impact Fees
- 3.42.090 Corporate Yard Facilities Commercial and Industrial Development Impact Fees
- 3.42.100 Maintenance Equipment Commercial and Industrial Development Impact Fees
- The Moreno Valley Animal Shelter is located at 14041 Elsworth Street, between Cactus and Alessandro ([Animal Shelter Services](#)).

### The Questions

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- i) Fire protection?

To answer this question, indicate how far from the nearest station the project is located and how quickly the station could respond to the location. Did the Fire Department review and approve the plans? Will the payment of the Fire facilities Development Impact Fee be enough for the project? For example, if the project is multi-story, does the serving station have the needed equipment to serve the building?

- ii) Police protection?

To answer this question, indicate which policing zone the project is located in and if Police reviewed and approved the plans.

- iii) Schools?

To answer this question, indicate which school district the project is located in and where the closest schools are located.

- iv) Parks?

Does this project include park facilities (i.e., homeowners association [HOA] maintained, etc.)? Has the Parks Department reviewed and approved the plans? Is the project site located in a future parkland acquisition area? Is the project site located where a trail is proposed?



v) Other public facilities?

Discuss such facilities as the library, animal shelter, and the facilities covered by the DIF fees. Does this project impact those facilities?

## XVI. RECREATION

This section of the Initial Study covers recreation throughout the City. The Parks and Community Services Department manages and provides maintenance services for City Parks and Facilities, and provides a wide range of recreation activities, programs, and services throughout the community ([Parks and Community Services](#)).

### **General Plan**

The City's General Plan covers recreation under Chapter 4 – Park, Recreation, and Open Space Element.

- The Parks, Recreation, and Open Space Element of the General Plan has identified portions of the planning area for future parkland acquisition. Additionally, the General Plan includes policies and programs that deal with parks and recreation. Examples include Policy 4.2.7 which establishes the 3 acres per 1,000 residents level of service standard, and Policy 4.2.17 requires new development to contribute to the park needs of the City.

### **Municipal Code**

The Moreno Valley Municipal Code covers park and recreation.

- The City's development impact fee ordinance requires new development to dedicate parkland and/or pay in-lieu fees to provide 3 acres of parkland per 1,000 new residents.
  - Chapter 3.40 Dedication of Land for Park Facilities and Payment of In-Lieu Fees
  - 3.38.080 Park Improvements Residential Development Impact Fees
  - 3.38.090 Community/Recreation Center Residential Development Impact Fees
- An interactive map of the park facility locations can be found at: [Parks and Community Services Department](#).

### **The Questions**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

If the project is consistent with the General Plan, then it was considered under the EIR analysis.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?

If the project includes recreational facilities, describe them and how they are to be maintained (i.e., are they being turned over to the City? Are they privately maintained by an HOA?). What are the physical impacts of the construction of these facilities?

## XVII. TRANSPORTATION

The Transportation Engineering Division is responsible for the safe and efficient movement of people and goods within the City. This Division of Public Works assesses neighborhood and regional traffic concerns and implements corrective measures to enhance vehicle, bicycle, and pedestrian safety. The staff works closely with the WRCOG, the RCTC, California Department of Transportation (Caltrans), and adjoining agencies to ensure consistency and uniformity with regional transportation programs.

### **General Plan**

The City's General Plan covers transportation under Chapter 5 – Circulation Element. The Circulation Element for the General Plan incorporates the recommendations of the traffic study prepared for the General Plan EIR 9 (Appendix B – Traffic Analysis, City of Moreno Valley General Plan Traffic Study, Urban Crossroads, June 2004) into a series of goals, objectives, policies, and programs.

- Goal 1 of the Circulation Element states: “Develop a safe, efficient, environmentally and financially sound, integrated vehicular circulation system consistent with the City General Plan Circulation Element Map, which provides access to development and supports mobility requirements of the system’s users.”
- To support this goal, the Circulation Element includes objectives, policies, and programs, which establish mechanisms for addressing projected arterial deficiencies. These programs focus on the need for continued studies, close coordination with other local agencies, and identification of appropriate funding sources.
- Objective 5.2 establishes standards for design.
  - 5.2.1 – Locate residential units with access from local streets. Minimize direct residential access from collectors. Prohibit direct single-family driveway access on arterials and higher classification roadways.
  - 5.2.2 – Feed short local streets into collectors.
  - 5.2.3 – Encourage the incorporation of traffic calming design into local and collector streets to promote safe vehicle speeds.
  - 5.2.4 – Design new subdivisions to minimize the disruptive impact of motor vehicles on local streets. Long, broad, and linear streets should be avoided. Residential streets should be no wider than 40 feet, and should have an uninterrupted length of less than one-half mile. Curvilinear streets and cul-de-

sacs are preferred. Streets within the subdivision should be designed to facilitate access to residences and to discourage through traffic.

- In addition, the Circulation Element proposed a number of regional transportation programs intended to mitigate traffic impacts to the State freeway system. Participation in these programs is incorporated as part of the proposed Circulation Element programs 5-10 through 5-13. These programs focus on the need for continued studies, close coordination with regional and other local agencies, and identification of appropriate funding sources.
- Circulation Element programs 5-14 and 5-15 implement programs in support of the efforts of Riverside Transit Agency toward the expansion of the existing bus system within the City and the provision of future public transportation consistent with the Riverside County Transit Plan.
- Circulation Element programs 5-16 and 5-17 implement programs to facilitate the development of bikeways in accordance with the Bikeway Plan.

### **Municipal Code**

The Moreno Valley Municipal Code covers transportation as follows.

- Chapter 3.18 Special Gas Tax Street Improvement Fund
- The City's development impact fee ordinance requires new development to pay in-lieu fees.
  - 3.38.030 Arterial Streets Residential Development Impact Fees
  - 3.38.040 Traffic Signals Residential Development Impact Fees
  - 3.38.050 Interchange Improvements Residential Development Impact Fees
  - 3.42.030 Arterial Streets Commercial and Industrial Development Impact Fees
  - 3.42.040 Traffic Signals Commercial and Industrial Development Impact Fees
  - 3.42.050 Interchange Improvements Commercial and Industrial Development Impact Fees
  - Title 12 Vehicles and Traffic

### **Traffic Impact Analysis (TIA) Preparation Guide**

The Transportation Engineering Division has prepared a TIA Guide (2007). This Guide set the City's requirements for how to prepare a TIA based on the thresholds established by the General Plan. As new transportation guidance becomes available, the most updated guidance should be followed.

## The Questions

- a) Would the project conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

### Street/Highway Facilities

This information will come from the TIA.

### On-Site Roadway and Site Access Improvements

This information will come from the TIA.

### Vehicle Trip Reduction Program

Chapter 8.42 Electric Vehicle Charging Station Review Process

- 9.11.100 Circulation – Pedestrian
- 9.11.060 Off-Street Bicycle Parking Requirements

### Alternative Modes of Transportation

Pedestrian

- 9.11.100 Circulation – Pedestrian

Bicycles

- City's [Bicycle Master Plan](#)
- 9.11.060 Off-Street Bicycle Parking Requirements

Public Transit Services

- Riverside Transit Agency (RTA) serves Moreno Valley. The TIA should address which routes will serve the project and where the closest stop is located.

### Temporary Traffic Impacts from Construction

If a TIA has been prepared, the information will come from the TIA. The discussion will need to consider the haul route per 8.21.050 Grading Permit Requirements

### City Capital Improvement Program (CIP)

Does the project include streets covered by the [CIP](#)? The CMP should be addressed in the TIA.

## WRCOG Transportation Uniform Mitigation Fee (TUMF) Program

Does the project include streets covered by [TUMF](#)?

### Local Funding Mechanisms

#### Chapter 3.18 Special Gas Tax Street Improvement Fund

- 3.38.030 Arterial Streets Residential Development Impact Fees
  - 3.38.040 Traffic Signals Residential Development Impact Fees
  - 3.38.050 Interchange Improvements Residential Development Impact Fees
  - 3.42.030 Arterial Streets Commercial and Industrial Development Impact Fees
  - 3.42.040 Traffic Signals Commercial and Industrial Development Impact Fees
  - 3.42.050 Interchange Improvements Commercial and Industrial Development Impact Fees
- b) Would the project conflict or be inconsistent with CEQA Guidelines §15064.3 or will the project conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

At this time, analysis based on vehicle miles traveled (VMT) is optional until the requirements become mandatory statewide on July 1, 2020. CEQA Guidelines §15064.3 should be reviewed for guidance on evaluating transportation impacts using VMT. OPR has also released a technical advisory regarding evaluating transportation impacts using VMT: [Technical Advisory](#). To assist lead agencies in western Riverside County with SB 743 implementation, WRCOG, with support from SCAG, developed implementation guidance and a VMT impact screening tool. The guidance material is contained in the WRCOG SB 743 Implementation Pathway Document Package, while the screening tool is introduced below and accessed at: [WRCOGVMT Impact Screening](#)

- c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Review and input from the Transportation Engineering Division and Fire would be needed in preparing a response to this question.

- d) Would the project result in inadequate emergency access?

Review and input from the Transportation Engineering Division and Fire would be needed in preparing a response to this question. Temporary impacts during construction should also be addressed.

## XVIII. TRIBAL CULTURAL RESOURCES

This section of the Initial Study analyzes the impacts to tribal cultural resources. Adverse impacts can occur either directly, through the destruction of artifacts or indirectly, by degrading a place that is sacred to a tribe. Refer to Section V. Cultural Resources for information on when a Cultural Study should be required. The tribal cultural resources section should address the results of the tribal consultation as this issue is based largely on information only known through the tribal consultation process.

For available resources, refer to Section V. Cultural Resources.

### **The Questions**

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC §5020.1(k), or

PRC §21074 can be found in Appendix A of this document and at this location: [Chapter 2.5. Definitions.](#)

The information needed to respond to this question will come from the cultural study and consultations with the tribes.

- b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1. In applying the criteria set forth in subdivision (c) of PRC §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PRC §5024.1 can be found in Appendix A of this document and at this location: [Chapter 2.6. General.](#)

The information needed to respond to this question will come from the cultural study and consultations with the tribes.

## XIX. UTILITIES & SERVICE SYSTEMS

This section of the Initial Study covers utilities and service systems. Project applicants often provide a Drainage Study/Hydrology Study in addition to a PWQMP at the time of project submittal. These documents can be used to answer the checklist questions.

### **General Plan**

The City's General Plan addresses issues related to utilities and service systems as detailed below.

#### Water Service

- Conservation Element Program 7-3 states that the City will maintain a close working relationship with the Eastern Municipal Water District (EMWD) to ensure that it plans for and is aware of the opportunities to use reclaimed water in Moreno Valley.
- Conservation Element Program 7-4 directs the City to provide guidelines for preferred planting schemes and specific species to encourage aesthetically pleasing landscape statements that minimize water use.
- Policy 7.3.1 requires water conserving landscaping and irrigation systems.
- Policy 7.3.2 encourages the use of reclaimed water and other legally acceptable sources of irrigation water.

#### Sewer Service

- Policy 2.12.1 requires that adequate septic or sewer service capacity will be available in a timely manner prior to the approval of any development application.
- Policy 2.13.3 requires each project to provide the infrastructure needed to support that project at the time it is needed.
- Program 2-3 calls for the City to work with EMWD and the Edgemont Community Services District and the Regional Water Quality Control Board to prepare a wastewater master plan for southwest Moreno Valley that addresses the need for sewer services and the timing for facility improvements.

#### Flood Control System

- Conservation Element Policy 7.4.4 calls for preservation of drainage courses in a natural state when retaining natural habitat does not threaten public safety.

#### Electrical Facilities

- Objective 7.5 and associated policies encourage the efficient use of energy, including passive cooling with landscaping and the use of solar power.

### Solid Waste

- Policy 7.8.1 encourages recycling projects by individuals, organizations, businesses, and government agencies.

### Groundwater

- Conservation Element, Objectives 7.1 and 7.2 and their associated policies, are included in the General Plan to limit potential water quality impacts to surface water and groundwater resources.
- Policy 7.2.2 requires all projects to comply with the discharge permit requirements of the Regional Water Quality Control Board.

It is noted that development within the service area of the Box Springs Mutual Water Company may be limited because the existing distribution system may not be able to provide sufficient flow to satisfy the requirements of the Uniform Fire Code. Water flow availability should be evaluated as early as possible in the review process for any new development or expansion of an existing building within the Box Springs Mutual Water Company.

### Municipal Code

The following chapters and sections of the Municipal Code are related to utilities and service systems.

- Title 9 – Planning and Zoning of the Moreno Valley Municipal Code  
Section 9.10.080 – Liquid and Solid Waste
- Chapter 8.12 – Flood Damage Prevention
- Chapter 8.21 – Grading Regulations
- Chapter 8.80 – Recycling and Diversion of Construction and Demolition Waste

### Water Supply Assessments and Consultation with Water Agencies

For certain types of projects, the lead agency must consult with a water agency, and the water agency must provide a Water Supply Assessment (WSA) when it has been determined that the project meets one or more of the criteria listed below. For more information on this topic, review the Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 ([Guidebook](#)) produced by the California Department of Water Resources. The types of projects requiring consultation with water agencies and preparation of a WSA include:

- Residential development of more than 500 dwelling units;
- A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;



- A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A hotel or motel, or both, having more than 500 rooms;
- An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- Except, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.
- A mixed-use project that includes one or more of the projects specified in subdivisions (A); (B), (C), (D), (E), or (G) [of the Guidebook for Implementation of Senate Bill 610];
- A project that would demand an amount of water equivalent to, or greater than, the amount of water; required by a 500 dwelling unit project; or
- For public water systems with fewer than 5,000 service connections, a project that meets the following criteria:
  - A proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of a public water system's existing service connections; or
  - A mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

### The Questions

- a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water: EMWD and Box Springs Mutual Water Company provide water service.

Wastewater Treatment: EMWD provides wastewater services.

Stormwater Drainage: Regional flood control planning and facilities are under the jurisdiction of the Riverside County Flood Control and Water Conservation District (RCFCWCD). The City, however, has the responsibility for design, construction, and maintenance of local drainage facilities. Road curb and gutter and roadside ditches supplement the flood control system.

Electric Power: Electric power is provided by Southern California Edison (SCE), and Moreno Valley Electric Utility provide electricity to the City (<http://www.moval.org/mvu/index.html>).

NATURAL GAS: Natural gas is provided to the City by the Southern California Gas.

- b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Review documentation from the water service provider including the latest Urban Water Management Plan.

- c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Review documentation from the wastewater service provider.

- d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The analysis must refer to applicable State and local goals and demonstrate how the project would be consistent with those goals. The City provides trash, recycling, and special waste handling services to residents and businesses through a contract with Waste Management of Inland Valley.

- e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The analysis must refer to applicable State and local regulations and demonstrate how the project would be consistent with those goals.

## XX. WILDFIRE

This section only applies to areas located in or near state responsibility areas or lands classified as very high fire hazard severity zones. See the LHMP for the high fire severity zone map.

### **General Plan**

The City's General Plan covers wildfire reduction under Chapter 6 – Safety Element, Section 6.2 – Fire and Emergency Service, and 6.2.8 – Wildland Urban Interface.

- Safety Element Objectives 6.11 through 6.16 and the associated policies provide direction to ensure adequate protection from fire hazards, in terms of both fire prevention and suppression.

- The policies address a range of policies and programs, including fire education programs, building codes, fuel modification along the wildland-urban interface and requirements for smoke detectors, automatic fire sprinklers, emergency water supply, and emergency access.

### **Municipal Code**

The Moreno Valley Municipal Code covers the wildland interface under Section 8.36.050 Requirements for Wildland-Urban Interface Areas.

### **Local Hazard Mitigation Plan**

The City has an LHMP adopted October 4, 2011, and amended 2017 ([LHMP](#)). The following chapters may have additional information needed to respond to the questions in the Wildfire section of the Initial Study.

- Chapter 5 – Wildland and Urban Fires  
Figure 5-2 – Moreno Valley High Fire Area Map 2016
- Chapter 8 – Landslide  
Figure 8-1 – Moreno Valley Slope Analysis 2016

### **Emergency Operations Plan**

The City adopted the Emergency Operations Plan in March 2009 ([Emergency Operations Plan](#)).

The following chapters may have additional information needed to respond to the questions in the Wildfire Section of the Initial Study.

- Threat Assessment 3 – Wildfire

### **The Questions**

- a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

See the LHMP for a copy of the City's evacuation routes.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

See the LHMP for a slope analysis map.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

The analysis should discuss the infrastructure that would be installed to address fire risk and address how the project may exacerbate that risk or result in ongoing impacts.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Refer to the LHMP for potential risk areas.

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

If there is substantial evidence, in light of the whole record, that any of the conditions set forth below may occur, the lead agency shall find that the project may have a significant effect on the environment and thereby shall require preparation of an EIR:

- a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;
- b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;
- c) The project has possible environmental effects which are individually limited but cumulatively considerable, as defined in Local Guidelines Section 11.14. That is, the City, when acting as Lead Agency, is required to determine whether the incremental impacts of a project are cumulatively considerable by evaluating them against the backdrop of the environmental effects of the other projects; or
- d) The environmental effects of a project will cause substantial adverse effects on humans either directly or indirectly.

### **The Questions**

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discuss whether the project has no impact, a less than significant impact, or less than significant impact with mitigation measures. If all impacts can be mitigated, an MND can be prepared, and an EIR would not be required.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)

Summarize the results of the cumulative analysis contained within the body of the initial study.

As described in CEQA Guidelines §15130(b), “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact. The following elements are necessary to an adequate discussion of significant cumulative impacts:

(1) Either:

- (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or
- (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.”

“Cumulative impacts” refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discuss whether the project has no impact, a less than significant impact, or less than significant impact with mitigation measures for analysis issues that would affect human beings (e.g., geology and soils, hazards and hazardous materials).

## **REFERENCES**

### Association of Environmental Professionals (AEP)

2016a CEQA Portal CEQA Topic Paper – Baseline and Environmental Setting, August 23. Accessed April 18, 2019, at [https://ceqaportal.org/topic\\_papers.cfm](https://ceqaportal.org/topic_papers.cfm).

2016b CEQA Portal CEQA Topic Paper – Project Description, March 23. Accessed April 18, 2019, at [https://ceqaportal.org/topic\\_papers.cfm](https://ceqaportal.org/topic_papers.cfm) accessed.

### Ascent Environmental

2019 Practical Implications of the Friant Ranch Decision for Air Quality and Other EIR Analysis, prepared by Ascent Environmental, March 21. Accessed April 21, 2019, at <https://mailchi.mp/ascentenvironmental/friant-ranch>

### Best, Best & Krieger

2019 Summary of Published CEQA Decision – Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, January 29, 2019.

### California Air Pollution Control Officers Association (CAPCOA)

2008 CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act

2010 CAPCOA Quantifying Greenhouse Gas Mitigation Measures, August 2010, <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>, accessed April 24, 2019.

### Moreno Valley, City of

2006 Final Environmental Impact Report. Certified July 11.

2016 City of Moreno Valley General Plan, Chapter 2 – Conservation Element -- Section 2.7 – Special Districts

## APPENDIX A – CODE SECTIONS

### AGRICULTURE & FOREST RESOURCES

PRC Section 12220(g) reads as follows:

*(g) “Forest land” is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.*

PRC Section 4526 reads as follows:

*“Timberland” means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.*

Government Code Section 51104(g) reads as follows:

*(g) “Timberland production zone” or “TPZ” means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).*

### CULTURAL RESOURCES

Guidelines §15064.5 (<http://resources.ca.gov/ceqa/guidelines/art5.html>).

*“(a) For purposes of this section, the term “historical resources” shall include the following:*

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4850 et seq.).*
- (2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*

- (3) *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1, Title 14 CCR, Section 4852) including the following:*
- (A) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
  - (B) *Is associated with the lives of persons important in our past;*
  - (C) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
  - (D) *Has yielded, or may be likely to yield, information important in prehistory or history.*
- (4) *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1(j) or 5024.1.*
- (b) *A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*
- (1) *Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.*
  - (2) *The significance of an historical resource is materially impaired when a project:*
    - (A) *Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its*



*historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or*

- (B) *Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or*
  - (C) *Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.*
- (3) *Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.*
  - (4) *A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.*
  - (5) *When a project will affect state-owned historical resources, as described in PRC Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in PRC Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.*
- (c) *CEQA applies to effects on archaeological sites.*
- (1) *When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).*
  - (2) *If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the PRC,*

and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the PRC do not apply.

- (3) *If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the PRC, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in PRC Section 21083.2 (c–f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.*
  - (4) *If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.*
- (d) *When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in PRC Section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:*
- (1) *The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).*
  - (2) *The requirements of CEQA and the Coastal Act.*
- (e) *In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:*
- (1) *There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:*
    - (A) *The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and*

- (B) *If the coroner determines the remains to be Native American:*
1. *The coroner shall contact the Native American Heritage Commission within 24 hours.*
  2. *The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.*
  3. *The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or*
- (2) *Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.*
- (A) *The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.*
  - (B) *The descendant identified fails to make a recommendation; or*
  - (C) *The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*
- (f) *As part of the objectives, criteria, and procedures required by Section 21082 of the PRC, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place substantial adverse change, as defined by Guidelines §15064.5 (b) (1 & 2), to a historical resource may have a significant effect on the environment. However, a project that follows Guidelines §15064.5 (b) (3) will be considered mitigated to a level of less than significant.”*

## HAZARDS & HAZARDOUS MATERIALS

### Health and Safety Code §25532(j)

*“(j) “Regulated substance” means any substance that is either of the following:*

- (1) A regulated substance listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act ( 42 U.S.C. Sec. 7412(r)(3)).*
- (2)(A) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.10 ) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations that is any of the following:*
  - (i) A gas at standard temperature and pressure.*
  - (ii) A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.*
  - (iii) A solid that is one of the following:*
    - (I) In solution or in molten form.*
    - (II) In powder form with a particle size less than 100 microns.*
    - (III) Reactive with a National Fire Protection Association rating of 2, 3, or 4.*
  - (iv) A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.*
- (B)*
  - (i) On or before June 30, 1997, the office shall, in consultation with the Office of Environmental Health Hazard Assessment, determine which of the extremely hazardous substances listed in Appendix A of Part 355 (commencing with Section 355.10 ) of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations do either of the following:*
    - (I) Meet one or more of the criteria specified in clauses (i), (ii), or (iii) of subparagraph (A).*
    - (II) May pose a regulated substances accident risk, in consideration of the factors specified in subdivision (g) of Section 25543.1, and, therefore, should remain on the list of regulated substances until completion of the review conducted pursuant to subdivision (a) of Section 25543.3.*

(ii) *The office shall adopt, by regulation, a list of the extremely hazardous substances identified pursuant to clause (i). Extremely hazardous substances placed on the list are regulated substances for the purposes of this article. Until the list is adopted, the administering agency shall determine which extremely hazardous substances should remain on the list of regulated substances pursuant to the standards specified in clause (i).*

*“(a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:*

*(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.*

*(2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.*

*(3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.*

*(4) All sites listed pursuant to Section 25356 of the Health and Safety Code.*

*(b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.*

*(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:*

*(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.*

*(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.*

- (3) *All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.*
- (d) *The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the Department of Resources Recycling and Recovery, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Department of Resources Recycling and Recovery shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.*
- (e) *The Secretary for Environmental Protection shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information.*
- (f) *Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943. The statement shall read as follows:*

#### **HAZARDOUS WASTE AND SUBSTANCES STATEMENT**

*The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:*

*Name of applicant:*

*Address:*

*Phone number:*

*Address of site (street name and number if available, and ZIP Code):*

*Local agency (city/county):*

*Assessor's book, page, and parcel number:*

*Specify any list pursuant to Section 65962.5 of the Government Code:*

*Regulatory identification number:*

*Date of list:*

\_\_\_\_\_ Applicant, Date \_\_\_\_\_

- (g) *The changes made to this section by the act amending this section, that takes effect January 1, 1992, apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943.”*

## TRIBAL CULTURAL RESOURCES

PRC Section 21074 reads as follows:

- (a) *“Tribal cultural resources” are either of the following:*
- (1) *Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
    - (A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
    - (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
  - (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*
- (b) *A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*
- (c) *A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

PRC Section 5020.1(k) reads as follows:

*“Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.*

PRC Section 5024.1(c) reads as follows:

- (c) *A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:*
- (1) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*
  - (2) *Is associated with the lives of persons important in our past.*
  - (3) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
  - (4) *Has yielded, or may be likely to yield, information important in prehistory or history.*





# City of Moreno Valley Environmental Impact Report Format and Content Guidelines

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July 2019  
Prepared by City of Moreno Valley  
Community Development Department

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**Prepared with assistance from:**

RECON Environmental, Inc.  
McKenna Lanier Group, Inc.

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## Purpose

This purpose of this document is to ensure Environmental Impact Reports (EIRs) prepared for the City of Moreno Valley (City) are prepared in an organized, consistent, and legally adequate, timely, and cost efficient manner.

This document is intended to complement, not reproduce or replace, pertinent California Environmental Quality Act (CEQA) Guidelines sections governing the preparation of EIRs.

The City acknowledges that every project differs and appropriate format and content will require the discretion and technical expertise of the consultant to ensure that relevant details are included within each chapter to ensure an adequate and legally defensible document. However, for purposes of consistency in the preparation of City EIRs, these general format and content guidelines should be followed where feasible. Applicants and/or consultants shall coordinate with City staff when substantial deviations from these EIR content guidelines are proposed. The Lead Agency will provide final approval of the format and content of an EIR.

## 1.0 General Issues

### 1.1 Format

The length of EIRs must be kept to the absolute minimum necessary to accurately convey the pertinent issues and to contain the level of analysis required to legally comply with CEQA. Extraneous and "filler" material must always be omitted from EIRs. The CEQA Guidelines specifies that EIR text should normally be less than 150 pages, and that documents of unusual complexity should normally be less than 300 pages (CEQA Guidelines §15141).

The City encourages the total length of the narrative portion of the EIR to be kept below 150 pages. Exhibits, tables, and appendices are excluded from the page limitation (CEQA Guidelines §§15006, 15141, 15147).

### 1.2 Editorial Matters

It is expected that the EIR will be properly edited for correct format, spelling, grammar, page numbering, internal consistency and other editorial matters. The EIR must be prepared in a clear format, and written in clear language for review and understanding by decision-makers and the public (CEQA Guidelines §15140). Complex and extremely analytical materials must be summarized and simplified, with the details and harder to comprehend materials placed in the technical appendices.

The EIR must be written in a factual and objective manner. The document must provide a good faith effort of full disclosure. EIRs that attempt to "bias" the document in favor of, or against the project are unacceptable.

The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports (CEQA Guidelines §15148). Other documents may be incorporated by reference, provided that the referenced document is summarized in the EIR and is made available for public inspection at a public place identified in the EIR, such as City offices (CEQA Guidelines §15150).

The EIR shall be printed double-sided to reduce the amount of paper consumed where practicable. It is permissible to print certain graphics single-sided and to start major sections on a front-facing page. Other exceptions may be permitted at the discretion of City staff.

## 2.0 EIR Format

All City EIRs shall follow the general outline provided below in order to provide environmental document consistency and assist the City with providing efficient and streamlined reviews.

The following is an outline of the preferred general format of the EIR to be used for City projects:

- Cover 3.1
- Cover Page 3.2
- Table of Contents 3.3
- List of Abbreviations/ Acronyms 3.4
- List of Commenters and Responses to Comments (Included in Final EIR) 3.5
- Executive Summary 3.6
- Introduction of Project 3.7
- Environmental Setting 3.8
- Project Description 4.0
- Environmental Analysis 5.0
- Additional CEQA Required Analysis 6.0
- Alternatives 7.0
- References 8.0

### 3.0 EIR Introductory Chapters

This section provides guidance for the chapter headings and general content requirements for the introductory chapters of the EIR.

#### 3.1 Cover

The cover refers to the front exterior of the EIR. No slogans or company logos should appear. A picture representing the project may be included at the discretion of City staff. The cover must only include the following information:

- Name of Project
- Type of Project/State Clearinghouse Number
- Lead Agency (City) and address
- Date (to be revised upon each iteration/screencheck)

Each screencheck is to be numbered accordingly and identified as DRAFT until presented as Final (i.e., 1<sup>st</sup> Screencheck DRAFT, 2<sup>nd</sup> Screencheck DRAFT, Public Review Draft EIR, Screencheck Final EIR, and Final EIR).

#### 3.2 Cover Page

The cover page refers to the first page on the interior of the EIR. The cover page must include the following information:

- Type of Project/ State Clearinghouse Number
- Name of Project
- Lead Agency (City) and address
- EIR Consultant's name and address
- Project Applicant's name and address
- Identification of discretionary permits including City permit numbers
- Date (see above)

#### 3.3 Table of Contents

The Table of Contents is a mandatory section pursuant to CEQA Guidelines §15122 and must facilitate use of the EIR.

The Table of Contents must include a list of figures, tables, and appendices. Figures and tables must be numbered sequentially by chapter (i.e., Figure 1-1), or by section (i.e., Figure 4.5-8). Technical appendices must be identified by letter and subject (e.g., Appendix B – Biological Resources Report).

Pages must be numbered sequentially by chapter.

### 3.4 List of Abbreviations/Acronyms

The List of Abbreviations/Acronyms must appear directly following the Table of Contents and must contain all abbreviations and acronyms used throughout the EIR, including technical, legal, and industry-related terms. The list must be alphabetical and clearly arranged.

The first time an abbreviation or acronym is utilized within an EIR, the full name must be provided followed by the form of abbreviation that will be used throughout the remainder of the document to represent that name.

### 3.5 List of Commenters/ Responses to Comments (Included in Final EIR)

This information should be added to the front of the Final EIR and should include the following:

- Introduction and explanation of Final EIR content requirements pursuant to CEQA Guidelines §15132.
- List of the comment letters received in tabular format, including alphanumerical numbering of the letter, name of commenter or agency, and date received.
- Discussion of CEQA requirement to respond to substantive environmental comments.
- Comment letters separated by comment numbering, and followed by responses to each letter.
- Identification of additions, corrections and/or revisions to the Draft EIR as a result of comments received presented in tabular format including the page where changes has been made, chapter/section of EIR affected, and details of the change.
- Discussion of whether changes made to the EIR as a result of comments received would trigger the requirement for recirculation of the Draft EIR.

### 3.6 Executive Summary

The Executive Summary satisfies the requirements set forth in Guidelines §15123. The Executive Summary must be as concise as possible, using clear simple language, and in any case, should not exceed 15 pages. It is imperative that the Executive Summary is accurate and updated consistent with the project description and analysis within the EIR. The Executive Summary Chapter shall include an introduction to the project, project overview, discussion of the EIR process, a list of known controversial issues, a brief description of the project alternatives, and a summary table.

#### 3.6.1 Introduction

This section includes an overview to the document including issue areas analyzed and an explanation of the analysis process.

### 3.6.2 Project Overview

This section provides a very, abbreviated discussion of the project including project description, location, and setting.

### 3.6.3 EIR Process

This section provides a description of the procedural requirements of CEQA related to the EIR process and includes relevant dates including issuance of the Notice of Preparation (NOP) and periods of public review.

### 3.6.5 Areas of Controversy

This section includes a list of areas of known controversy including issues raised by the applicant, City, or commenters. This section also includes identification of issues to be resolved by the decision making body including whether and how to mitigate significant effects, choices among project alternatives, conformance with City regulations and/or plans, and whether the project should be approved in light of irreversible commitment of non-renewable resources.

### 3.6.6 Project Alternatives

This section provides a brief summary of each project alternative, the significant effects associated with the alternatives, and which alternative is identified as environmentally superior.

### 3.6.7 Summary Table

A summary table that provides a summary of project impacts, mitigation measures and conclusions must be included.

## 3.7 Introduction (Chapter 1.0)

This chapter explains the purpose for the CEQA process and reasons for the preparation of an EIR.

### 3.7.1 Type of EIR

This section includes a discussion of the type of EIR being presented and an explanation for that choice. If relevant, this section will include a discussion of prior CEQA review (i.e., preparing a subsequent or supplemental EIR).

### 3.7.2 List of Project Approvals

This section includes a list of project approvals/discretionary permits for which the EIR is intended to be used and the agencies that are expected to use the EIR in their decision-making.

### 3.7.3 Statement of Legal Authority

This section provides a brief discussion identifying that the EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA and the CEQA Guidelines.



### 3.7.4 Responsible/Trustee Agencies

This section provides a list of responsible and/or trustee agencies associated with the project approvals.

### 3.7.5 Scope of EIR

This section provides a summary of the environmental process to date including the date the NOP was issued and periods of public review, issue areas analyzed in the EIR, and a summary of any comments received in response to the NOP and where these issues are addressed in the EIR.

This section also includes a summary of where, throughout the EIR, all required discussion pursuant to CEQA may be found. This section also includes a textual summary of each chapter and what information/discussion it contains.

### 3.7.6 Incorporation by Reference

This section is based on CEQA Guidelines §15150 which allows for the incorporation “by reference all or portions of another document...[and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The physical address where technical appendices are available for review must be provided.

## 3.8 Environmental Setting (Chapter 2.0)

This chapter generally includes a discussion of “baseline” physical environmental conditions of and in the vicinity of the project, including topography, vegetation/habitats, circulation, surrounding land uses and/or ownerships, geographic features such as lakes, streams, and canyons, and the major infrastructure both serving and in the vicinity of the proposed project.

The “baseline” normally constitutes the environmental conditions as they existed at the time the NOP is published, or if no NOP is published, at the time environmental analysis is commenced (CEQA Guidelines §15125(a)). CEQA case law has set precedence for deviations in this definition of the baseline physical conditions. If a deviation is used, the reasons supporting the deviation must be supported by substantial evidence.

Note that special baseline rules for military base reuse is included in Public Resources Code §21083.8.1 and Guidelines §15229.

Unless otherwise directed by staff, the description of the environmental baseline conditions shall be based on the existing legal condition of the property, prior to any unauthorized activities (e.g., grading, clearing) or actions taken in preparation for the project, such as septic testing or geotechnical investigations.

This section also includes a discussion of the following details of the project:

- regional setting and location

- local setting and location
- surrounding land uses and development

### 3.8.1 Planning Context

This section provides details of the project in relation to City plans and should include figures to further depict project details such as existing and proposed General Plan and Zoning designations, if relevant.

### 3.8.2 Existing Physical Site Conditions

This section includes a discussion of the physical environmental condition for purposes of establishing the setting for the EIR. The discussion of the existing conditions should typically include, but not be limited to, the following topics, as appropriate:

- Land Use
- Aesthetic/Topographical Features
- Air Quality and Climate Conditions
- Known Cultural Resources and Tribal Cultural Resources
- Existing Geology and Soils
- Hydraulic Conditions
- Noise Sources in the Project Vicinity
- Transportation Conditions
- Existing Utilities and Service Providers
- Vegetation
- Wildlife

## 4.0 Project Description (EIR Chapter 3.0)

The project description is the focus of much CEQA litigation concerning EIRs. Therefore, it is imperative that the content be included in sufficient detail and that the project description be accurate, complete, and consistent throughout the EIR.

This chapter of the EIR provides all of the information required to be included in the Project Description pursuant to CEQA Guidelines §15124.

### 4.1 Project Location

The precise location and boundaries of the project site must be described. Regional, vicinity, and topographic location maps must be included to identify the boundaries of the project site and its location in relationship to surrounding land uses.

### 4.2 Statement of Objectives

The EIR shall include a clearly written statement of objectives which will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings, or a statement of overriding considerations if

required. The statement of objectives should include the underlying purpose of the project (see CEQA Guidelines §15124(b)).

### 4.3 Project's Component Parts

The narrative explanation shall be supplemented by a project plan or map of appropriate scale and legibility. Details of any project phasing must also be included in this section and must be supported by an illustration on the project plan or map, if possible. All of the steps in project implementation must be described including planning, phasing, steps in project implementation, acquisition, construction, off-site improvements, operation, and decommissioning, if applicable. Important elements of a project description are discussed below.

Appropriate subheadings may be added in this section to provide a complete and detailed project description. At a minimum a site plan should be provided. Additional figures to represent the proposed project may be needed.

#### 4.3.1 Associated Project Actions

A subheading should be included to identify the associated discretionary actions that would be required to implement the project such as discussion of proposed changes to a site's General Plan designation, zoning, and all required permits and approvals.

#### 4.3.2 Project Technical Characteristics

This includes a general description of the project's technical, economic, and environmental characteristics. Key characteristics could include some or all of the following:

- All on-site and off-site access improvements;
- All on-site and off-site infrastructure improvements (e.g., water, sewer, storm water);
- Grading and construction characteristics including length and timing of construction, and types of equipment; and
- Operational characteristics such as hours of operation and description of activities associated with the project such as special events or other uses.

Any off-site improvements and/or off-site ground disturbance required for the project must be included.

### 4.4 City Review Process

This section includes a discussion of City departments and divisions that were responsible for reviewing the EIR for technical accuracy.

## 4.5 Related Environmental Review and Consultation Requirements

This section includes a tabular list of all government agencies that are expected to use the EIR and provides a summary of the subsequent actions associated with the project.

## Section 5 Environmental Analysis (Chapter 4.0)

In accordance with CEQA Guidelines §§15126–15126.4, EIR Chapter 4.0, Environmental Analysis, includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could occur from planning, acquisition, constructing, and/or operation of the project.

### 5.1 Explanation of Impacts

The introduction to this chapter should provide an overview of the environmental analysis including a list of the subject areas included within the chapter and an explanation of the types of impacts that could occur.

#### 5.1.1 Explanation of Cumulative Impacts

There shall be an explanation of the cumulative impacts analysis as required by CEQA Guidelines §15130(a) and identification of whether the cumulative analysis is based on (a) a list of past, present, and “probable future projects” producing related or cumulative impacts, regardless of whether they are under the same jurisdiction as the lead agency; or (b) a summary of projections contained in the General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact as required pursuant to CEQA Guidelines §15130(b). If utilizing the list of projects methodology, a cumulative development location map and list of projects shall be included. Thereafter, the specific analysis of cumulative impacts is included within each individual section.

### 5.2 Subject Area Analysis

Subject areas generally follow the order as shown in the CEQA Guidelines Appendix G; however, the applicant/consultant can consult with staff to determine the best order as prescribed by the project. Each subject area analysis must include a discussion as detailed in the following subsections.

#### 5.2.1 Existing Conditions

This section describes the relevant existing environmental conditions only in the detail necessary to enable the reader to understand the following discussion of significant effects associated with the subject area. For example, aesthetics would include a visual account of the project site and surrounding area, scenic vistas or scenic resources in proximity, and potential sources of light and glare.

### 5.2.2 Applicable Regulatory Requirements

This section includes a discussion of federal, state and local regulations that apply to the project site or project, relative to the subject area. Local regulations should include relevant portions of the General Plan and Municipal Code.

### 5.2.3 Methodologies for Determining Impacts

This section includes an explanation of how impacts are measured or determined. It could include modeling, Geographic Information Systems search, site visit, or any other means usually relied upon to determine a level or measure of impact.

### 5.2.4 Basis for Determining Significance

This section cites the thresholds used to determine significance along with its sources and an explanation of its application.

### 5.2.5 Impact Analysis

This section applies the methods that were used to evaluate the resource and any effects that will occur as a result of project implementation as it relates to the threshold. Each threshold is reiterated and the analysis identifies impacts as either direct or indirect, and either short- or long-term. A final statement of significance is included at the end of each analysis.

### 5.2.6 Cumulative Analysis

This section provides an analysis of cumulative impacts based on the method of analysis previously disclosed (list of projects or projection method).

### 5.2.7 Significance of Impacts before Mitigation

This section reiterates the final conclusions reached related to whether a significant impact would occur.

### 5.2.8 Mitigation

This section proposes mitigation measures that would reduce any identified significant impacts. If no impacts are identified this section may state, "No mitigation is required."

### 5.2.9 Significance of Impacts after Mitigation

This section summarizes the application of the proposed mitigation with an explanation of how/why the proposed measure would (or would not) reduce significant impacts to less than significant levels. If no mitigation is required, this section does not need to be included.

## Section 6 CEQA Mandated Analysis (Chapter 5.0)

This chapter of the EIR includes other mandated analysis including whether there would be significant environmental effects of a project which cannot be avoided if the proposed project is implemented (CEQA Guidelines §15126(b)), significant, irreversible

environmental changes that would be involved in the proposed action should it be implemented (CEQA Guidelines §15126.2(c)), and ways in which the proposed project could be growth inducing CEQA Guidelines §15126.2(d).

Additionally, this chapter of the EIR includes a discussion of those effects found not to be significant as part of the Initial Study process (CEQA Guidelines §15128).

## **Section 7 Project Alternatives (Chapter 6.0)**

This chapter of the EIR is intended to implement the requirements set forth in CEQA Guidelines §15126.6. Organization of the Alternatives Chapter is described in the following sections.

### **7.1 Introduction and Explanation of Alternative Selection**

The introduction to the Project Alternatives chapter includes an explanation for the inclusion of project alternatives, identifying any environmental effect previously discussed in Chapter 4.0 that cannot be mitigated to below a level of significance after the implementation of project design features, mandatory regulatory requirements, and feasible mitigation measures. The chapter provides a list and summary of those alternatives selected which represent the CEQA mandated reasonable range of alternatives.

### **7.2 Alternative Sites**

Pursuant to CEQA Guidelines §15126.6(f)(1), the EIR must identify any alternative project sites that were considered and why they were rejected. If no alternative sites were selected, this section must briefly explain why none were included. Factors that may be taken into account when addressing feasibility of alternatives are site suitability, economic viability, availability of infrastructure, whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

### **7.3 Alternative Analysis**

This section provides the comparative discussion of potential impacts that would result from implementation of the alternatives as compared to the project. A table showing a comparison of impacts for each alternative, including the proposed project must be included.

## **Section 8 EIR References (Chapter 7.0)**

EIR references must include a list of all persons who assisted in the preparation of the document, all documents incorporated by reference and all documents and websites referenced throughout the EIR.

### **8.1 Persons Involved in the Preparation of the EIR**

This list must clearly identify: (1) all staff, agencies, and organizations who prepared the EIR; and (2) all Federal, State, or local agencies, organizations, and individuals who were consulted during its preparation. The list must indicate the name, affiliation, and a very brief explanation of each individual's role in the preparation of the EIR (CEQA Guidelines §15129.)

### **8.2 Documents Incorporated by Reference**

This list identifies reports, studies, and supporting documentation used in the preparation of the EIR and incorporated by reference within the EIR. This section includes a statement indicating that a copy of the referenced reports, studies, and supporting documentation is a matter of public record and is generally available to the public at a specific location to be referenced in the document.

### **8.3 Documents and Websites Consulted**

This list must provide adequate references to documents cited in the EIR. References that were heavily relied upon in the EIR analysis and which have a limited circulation must include a location where the public can readily access and review the document (CEQA Guidelines §15150).