



# South Coast Air Quality Management District

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E-Mailed: July 3, 2014  
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Mr. Paul Swancott, Project Planner  
City of Murrieta, Planning Department  
701 E. Carson Street  
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## **Review of a Mitigated Negative Declaration for Tentative Parcel Map No. 36493 (TPM-2012-3259) and Development Plan No. 2012-3260**

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. SCAQMD staff is concerned that the proposed document was evaluated with a Mitigated Negative Declaration when the NO<sub>x</sub> operational emissions are considered significant on both project (page 15 of the Initial Study) and cumulative (page 16 of the Initial Study) levels. Since the NO<sub>x</sub> operational emissions impacts are considered significant for project and cumulative impacts to air quality, the lead agency should prepare an EIR for the proposed project. Detailed comments are attached to this cover letter.

We appreciate your willingness to consider these comments and would appreciate a response as well as a copy of the Final Mitigated Negative Declaration prior to the lead agency making any decision on this project. Should you have any questions, don't hesitate to contact James Koizumi at (909) 396-3234.

Sincerely,

A handwritten signature in black ink that reads "Edward Eckerle".

Ed Eckerle  
Program Supervisor  
Planning, Rule Development & Area Sources

Attachment

RVC140606-03  
Control Number  
EE:JK

**Significant Operational Nitrous Oxide Emissions**

SCAQMD staff is concerned that the proposed document was evaluated with a Mitigated Negative Declaration when the NO<sub>x</sub> operational emissions are considered significant for project (page 15 of the Initial Study) and cumulative (page 16 of the Initial Study) impacts to air quality. CEQA Guidelines §15070 states that a public agency shall prepare or have prepared a proposed negative declaration or mitigate declaration for a proposed subject to CEQA when the initial study shows there is no substantial evidence that the project may have a significant effect; or the initial study identifies significant effects, but revisions in project plans or proposals would avoid the effects or mitigate the significant effects, and there is no substantial evidence that the project as revised may have a significant impact on the environment. CEQA Guidelines §15064 states, if there is substantial evidence that a project may have as significant effect on the environment, the agency shall prepare a draft EIR. Since the NO<sub>x</sub> operational emissions impacts are considered significant for project and cumulative impacts to air quality, the lead agency should prepare an EIR for the proposed project.

By not preparing an EIR the lead agency has not provided the public the opportunity to participate in the scoping of the EIR under CEQA Guidelines §15083, review of the EIR under CEQA Guidelines §15087. Part of the public reviews would include the opportunity to suggest alternatives, and the opportunity to comment on the alternatives once developed.

**Land Use Categories**

The operational emissions were estimated using CalEEMod for both the Eastern and Western sites of the proposed project. The land uses chosen to evaluate the Eastern Site were parking lot and regional shopping center. The land uses chosen to evaluate the Western Site were parking lot, hotel and regional shopping center. The trip rates for the regional shopping center in CalEEMod is 42.94 trips per 1,000 square feet per weekday, 49.97 trips per 1,000 square feet per Saturday and 25.24 trips per 1,000 square feet per Sunday. The trip rates for hotels in CalEEMod is 8.17 trips per 1,000 square feet per weekday, 8.19 trips per 1,000 square feet per Saturday and 5.95 trips per 1,000 square feet per Sunday.

Based on the site plan (3\_Project Plans.pdf) there is a service station with gasoline pumps, two banks, four fast food restaurants, and two other restaurants. The trip rates for a service station with gasoline in CalEEMod is 162.8 trips per pump per weekday, 162.8 trips per pump per Saturday and 162.8 trips per pump per Sunday. The trip rates for a convenience mart with gasoline in CalEEMod is 542.6 trips per pump per weekday, 204.47 trips per pump per Saturday and 166.88 trips per pump per Sunday. The trip rates for a bank in CalEEMod is 148.15 trips 1,000 square feet per weekday, 86.32 trips 1,000 square feet per Saturday and 31.9 trips 1,000 square feet per Sunday. The trip rates for a fast food restaurant with a drive thru in CalEEMod is 496.12 trips 1,000 square feet per weekday, 722.03 trips 1,000 square feet per Saturday and 542.72 trips 1,000 square feet per Sunday. The trip rates for a fast food restaurant without a drive thru in CalEEMod is 716 trips 1,000 square feet per weekday, 696 trips 1,000 square feet per Saturday and 500 trips 1,000 square feet per Sunday.

SCAQMD staff acknowledges that the CalEEMod evaluation reflects the land uses chosen in the Traffic Study. However, based on the site plan it appears that the choice of using the regional shopping center and hotel land uses may underestimate the number of trips. The 97.8 percent of

the operational NOx emissions are from vehicles, so operational NOx emissions may be underestimated based on the choice of using the regional shopping center and hotel land uses to represent the proposed project. The EIR should include an analysis justifying the land use choices used to evaluate the proposed project.

### **Health Risk Analysis**

On page 17 of the Initial Study, the analysis states that facilities dispensing at least 3.6 million gallons of fuel per year require special consideration to ensure adequate separation from sensitive receptors. The analysis also states that EPA research indicates the average sales of 780,000 to 1.2 million gallons per year for service stations. The analyses states that based on the number of fueling stations proposed that it is reasonable to assume that the proposed service station would not approach the throughput volume requiring special consideration.

SCAQMD staff does not believe this is clear. At the minimum, a mitigation measure should be included to limit the amount of fuel dispensed to below the 3.6 million gallons of fuel per year. SCAQMD staff suggests that the EIR should include an analysis of the amount of fuel that would generate a health risk of 10 in one million to Vista Murrieta High School. The analysis should be prepared using the same gasoline station health risk procedures used for permit applications, which can be downloaded at [http://www.aqmd.gov/docs/default-source/planning/risk-assessment/gas\\_station\\_hra.pdf?sfvrsn=0](http://www.aqmd.gov/docs/default-source/planning/risk-assessment/gas_station_hra.pdf?sfvrsn=0).

### **Mitigation Measures**

The Mitigated Negative Declaration states that no mitigation measures beyond the General Plan goals and policies were identified as available and a summary of the goals and policies that may apply to the proposed project are listed, but not detailed. The EIR should include a detailed analysis of what mitigation measures from the General Plan are included and emission reductions that may be achieved by these measures. In addition the EIR should include what resources were consulted to attempt to find additional mitigation measures.

### **Project Alternatives**

Since the proposed project is significant for project and cumulative operational impacts to air quality, alternatives should be prepared and presented in the EIR as required by CEQA Guidelines §15126.6.