

Indian Street Commerce Center Final Environmental Impact Report



Prepared for
City of Moreno Valley

November 2016



FINAL ENVIRONMENTAL IMPACT REPORT

for the

Indian Street Commerce Center Project

Prepared for:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
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Prepared by:

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November 2016

Table of Contents

<u>Section</u>	<u>Page</u>
1.0 Introduction	1-1
1.1 Overview	1-1
1.2 Content and Format.....	1-1
1.3 Draft EIR Commentors.....	1-1
1.4 Lead Agency and Point of Contact.....	1-2
1.5 Project Summary	1-2
2.0 Revisions and Errata Corrections.....	2-1
2.1 Introduction	2-1
2.2 Revisions	2-1
3.0 Comments and Responses.....	3-1
3.1 Introduction	3-1
4.0 Mitigation Monitoring Plan.....	4-1
4.1 Introduction	4-1
4.2 Mitigation Monitoring and Reporting	4-2

Attachment A: AB 52 Consultation Documentation

List of Tables

<u>Table</u>	<u>Page</u>
3-1 Draft EIR Commentors.....	3-2
4.2-1 Mitigation Monitoring Plan.....	4-3

1.0 INTRODUCTION

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (DEIR), constitutes the Final EIR for the Indian Street Commerce Center Project (Project). The DEIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The DEIR was circulated for public review and comment from August 25 through October 10, 2016.

1.2 CONTENT AND FORMAT

Subsequent to this introductory Section 1.0, Section 2.0 of this Final EIR presents revisions and errata corrections to the DEIR text. Responses to comments received on the DEIR are presented at Final EIR Section 3.0. The EIR Mitigation Monitoring Plan is presented at Final EIR Section 4.0.

1.3 DRAFT EIR COMMENTORS

1.3.1 Overview

The complete list of Draft EIR commentors, along with copies of comment letters and responses to comments, is presented at Section 3.0 of this Final EIR. The following list identifies the comment letters received in regard to the Draft EIR:

- Governor's Office of Planning and Research, State Clearinghouse
- March Air Reserve Base
- South Coast Air Quality Management District
- Eastern Municipal Water District
- Moreno Valley Environmental and Historical Preservation Board

- Moreno Valley Unified School District
- Pechanga Cultural Resources
- Johnson & Sedlack
- Lozeau Drury
- SoCal Environmental Justice Alliance

1.3.2 Presentation of Comments and Responses

All comment letters received in regard to the Draft EIR are included, along with corresponding responses, in their entirety at Final EIR Section 3.0, *Comments and Responses*.

1.4 LEAD AGENCY AND POINT OF CONTACT

The Lead Agency for the Project and EIR is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Ms. Julia Descoteaux, Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located in the southern portion of the City of Moreno Valley, in western Riverside County. The Project site is located approximately one-half mile westerly of Perris Boulevard and is bounded by Indian Street to the east. Grove View Road (alignment) comprises the Project site northerly boundary. March Air Force Base is located approximately one-third mile westerly of the Project site.

1.5.2 Project Overview

The Project includes the proposed Indian Street Commerce Center Project, and all facilities proposed within the Project site, on- and off-site supporting improvements, and associated discretionary actions necessary to realize the development. In summary, the Project proposes approximately 446,350 square feet of light industrial uses within an approximately 19.64-acre site. As currently proposed, 347,080 square feet of the Project building area would be allocated for distribution warehouse uses; 89,270 square feet would be assigned to manufacturing uses; and 10,000 square feet would be assigned to office uses. The Project does not include a refrigerated/cold storage component.

1.5.3 Project Objectives

The primary goal of the Project is to develop high quality light industrial/business park uses accommodating a variety of prospective tenants. Complementary Project Objectives include the following:

- Implement the City's General Plan through development that is consistent with the General Plan Community Development Element and applicable General Plan Goals, Objectives, Policies and Programs;
- Implement the Moreno Valley Industrial Area Plan through development that is consistent with the Area Plan land uses and development concepts, and in total supports the Area Plan Vision;
- Provide adequate roadway and wet and dry utility infrastructure to serve the Project;
- Accommodate warehouse and manufacturing uses that are compatible with adjacent land uses;
- Provide an attractive, efficient and safe environment for warehouse uses that is cognizant of natural and man-made conditions;
- Accommodate a mix of warehouse and manufacturing uses responsive to current and anticipated market demands;
- Establish new development that would increase locally available employment opportunities and would further the City's near-term and long-range fiscal goals and objectives; and

- Establish new development that would increase locally available employment opportunities thereby improving jobs/housing balance within the City.

1.5.4 Discretionary Actions

1.5.4.1 Lead Agency Discretionary Actions and Permits

Requested decisions, or discretionary actions, necessary to realize the Project include, but may not be limited to the following:

- **Certification of the EIR (City Case #P16-003).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;
- **Plot Plan Review and Approval** to include Project design and architectural reviews;
- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and
- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements would provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

CEQA Guidelines Section 15124 also states that the EIR should, to the extent known, include a list of all the agencies expected to use the EIR in their decision-making (Responsible Agencies) and a list of permits and other approvals required to implement the project. Based on the current Project design concept, the anticipated permits to realize the proposal (and associated Responsible Agencies) will likely include, but are not limited to, the following:

- Tribal Resources consultation with requesting Tribes as provided for under *AB 52, Gatto. Native Americans: California Environmental Quality Act*;
- Permitting may be required by/through the Regional Water Quality Control Board (RWQCB) pursuant to requirements of the City's National Pollutant Discharge Elimination System (NPDES) Permit;
- Permitting may be required by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment or land uses that may be implemented within the Project area; and
- Various construction, grading, and encroachment permits allowing implementation of the Project facilities.

2.0 REVISIONS AND ERRATA CORRECTIONS

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2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. Text changes are presented under the chapter or topical section of the Draft EIR where they are located. The revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 REVISIONS

2.2.1 Revisions to Draft EIR Section 4.1, Transportation/Traffic

As a matter of clarification, the following sub-section is added to the Draft EIR.

4.1.2.5 Study Area Freeway Mainline Segments

The Project TIA (EIR Appendix B) incorporates a Supplemental Basic Freeway Segment Analysis. The Supplemental Analysis evaluates freeway segments of the SR-91, SR-60, and I-215 Freeways based on Caltrans traffic study guidelines and reflecting actual vehicle-based peak hour directional volumes. Freeway segments evaluated in the Supplemental Analysis are identified below.

<u>ID</u>	<u>Freeway</u>	<u>Direction</u>	<u>Segment</u>
<u>1</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>I-15 Freeway to McKinley St.</u>
<u>2</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>McKinley St. to Riverwalk Pkwy.</u>

<u>ID</u>	<u>Freeway</u>	<u>Direction</u>	<u>Segment</u>
<u>3</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Riverwalk Pkwy. To Magnolia Av.</u>
<u>4</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Magnolia Av. to La Sierra Av.</u>
<u>5</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>La Sierra Av. to Tyler Av.</u>
<u>6</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Tyler Av. to Van Buren Bl.</u>
<u>7</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Van Buren Bl. to Adams St.</u>
<u>8</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Adams St. to Madison St.</u>
<u>9</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Madison St. to Arlington Av.</u>
<u>10</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Arlington Av. to Central Av.</u>
<u>11</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Central Av. to 14th St.</u>
<u>12</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>14th St. to University Av.</u>
<u>13</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>University Av. to Spruce St.</u>
<u>14</u>	<u>SR-91</u>	<u>Eastbound</u>	<u>Spruce St. to I-215 Freeway</u>
<u>15</u>	<u>SR-60</u>	<u>Westbound</u>	<u>I-215 Freeway to Day St.</u>
<u>16</u>	<u>SR-60</u>	<u>Westbound</u>	<u>Day St. to Frederick St.</u>
<u>17</u>	<u>I-215</u>	<u>Southbound</u>	<u>SR-60/SR-91 Freeway to Blaine St.</u>
<u>18</u>	<u>I-215</u>	<u>Southbound</u>	<u>Blaine St. to University Av.</u>
<u>19</u>	<u>I-215</u>	<u>Southbound</u>	<u>University Av. to Martin Luther King Bl.</u>
<u>20</u>	<u>I-215</u>	<u>Southbound</u>	<u>Martin Luther King Bl. to Central Av.</u>
<u>21</u>	<u>I-215</u>	<u>Southbound</u>	<u>Central Av. to Box Springs Rd.</u>
<u>22</u>	<u>I-215</u>	<u>Southbound</u>	<u>Box Springs Rd. to SR-60/I-215 Freeway</u>
<u>23</u>	<u>I-215</u>	<u>Southbound</u>	<u>SR-60 Freeway to Eucalyptus Av.</u>
<u>24</u>	<u>I-215</u>	<u>Southbound</u>	<u>Eucalyptus Av. to Alessandro Bl.</u>
<u>25</u>	<u>I-215</u>	<u>Southbound</u>	<u>Alessandro Bl. to Cactus Av.</u>
<u>26</u>	<u>I-215</u>	<u>Southbound</u>	<u>Cactus Av. to Van Buren Bl.</u>
<u>27</u>	<u>I-215</u>	<u>Southbound</u>	<u>Van Buren Bl. to Harley Knox Bl.</u>
<u>28</u>	<u>I-215</u>	<u>Southbound</u>	<u>Harley Knox Bl. to Ramona Exwy.</u>
<u>29</u>	<u>I-215</u>	<u>Southbound</u>	<u>Ramona Exwy. to Nuevo Rd.</u>
<u>30</u>	<u>SR-91</u>	<u>Westbound</u>	<u>I-15 Freeway to McKinley St.</u>
<u>31</u>	<u>SR-91</u>	<u>Westbound</u>	<u>McKinley St. to Riverwalk Pkwy.</u>
<u>32</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Riverwalk Pkwy. To Magnolia Av.</u>
<u>33</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Magnolia Av. to La Sierra Av.</u>
<u>34</u>	<u>SR-91</u>	<u>Westbound</u>	<u>La Sierra Av. to Tyler Av.</u>
<u>35</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Tyler Av. to Van Buren Bl.</u>
<u>36</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Van Buren Bl. to Adams St.</u>
<u>37</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Adams St. to Madison St.</u>
<u>38</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Madison St. to Arlington Av.</u>
<u>39</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Arlington Av. to Central Av.</u>
<u>40</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Central Av. to 14th St.</u>
<u>41</u>	<u>SR-91</u>	<u>Westbound</u>	<u>14th St. to University Av.</u>
<u>42</u>	<u>SR-91</u>	<u>Westbound</u>	<u>University Av. to Spruce St.</u>
<u>43</u>	<u>SR-91</u>	<u>Westbound</u>	<u>Spruce St. to I-215 Freeway</u>
<u>44</u>	<u>SR-60</u>	<u>Eastbound</u>	<u>I-215 Freeway to Day St.</u>
<u>45</u>	<u>SR-60</u>	<u>Eastbound</u>	<u>Day St. to Frederick St.</u>

<u>46</u>	<u>I-215</u>	<u>Northbound</u>	<u>SR-60/SR-91 Freeway to Blaine St.</u>
<u>47</u>	<u>I-215</u>	<u>Northbound</u>	<u>Blaine St. to University Av.</u>
<u>48</u>	<u>I-215</u>	<u>Northbound</u>	<u>University Av. to Martin Luther King Bl.</u>
<u>49</u>	<u>I-215</u>	<u>Northbound</u>	<u>Martin Luther King Bl. to Central Av.</u>
<u>50</u>	<u>I-215</u>	<u>Northbound</u>	<u>Central Av. to Box Springs Rd.</u>
<u>51</u>	<u>I-215</u>	<u>Northbound</u>	<u>Box Springs Rd. to SR-60/I-215 Freeway</u>
<u>52</u>	<u>I-215</u>	<u>Northbound</u>	<u>SR-60 Freeway to Eucalyptus Av.</u>
<u>53</u>	<u>I-215</u>	<u>Northbound</u>	<u>Eucalyptus Av. to Alessandro Bl.</u>
<u>54</u>	<u>I-215</u>	<u>Northbound</u>	<u>Alessandro Bl. to Cactus Av.</u>
<u>55</u>	<u>I-215</u>	<u>Northbound</u>	<u>Cactus Av. to Van Buren Bl.</u>
<u>56</u>	<u>I-215</u>	<u>Northbound</u>	<u>Van Buren Bl. to Harley Knox Bl.</u>
<u>57</u>	<u>I-215</u>	<u>Northbound</u>	<u>Harley Knox Bl. to Ramona Exwy.</u>
<u>58</u>	<u>I-215</u>	<u>Northbound</u>	<u>Ramona Exwy. to Nuevo Rd.</u>

2.2.1 Revisions to Draft EIR Section 4.3, Global Climate Change and Greenhouse Gas Emissions

As a matter of clarification, the DEIR text at page 4.3-38 is amended as follows:

As substantiated in the preceding discussions, the Project would conflict with attainment of GHG emissions reductions identified in the AB 32 Scoping Plan. **The City of Moreno Valley Climate Action Strategy (CAS) GHG emissions reduction target is predicated on AB 32 Scoping Plan GHG emissions reductions target. The fact that the Project would not achieve the AB 32 GHG Scoping Plan emissions reductions target leads to the conclusion that the Project would likewise not achieve the CAS GHG emissions reductions target.** Further, GHG emissions generated by the Project would exceed GHG emissions significance thresholds established by the City of Moreno Valley.

2.2.2 Revisions to Draft EIR Section 4.8, Cultural Resources

Based on comments received from the Pechanga Band of Luiseño Indians, the following text (Draft EIR page 4.8-16) is revised as follows:

As previously mentioned, a sacred lands search request was sent to the Native American Heritage Commission (NAHC). ~~; a response was received on January 28, 2016. On January 29, 2016, 1~~ Letters were sent to 21 local Native American representatives wishing to be informed of projects within their traditional territories. ~~To date, one~~ **A response to the**

NAHC sacred lands search request has been received from the Rincon Band of Luiseño Indians (Tribe). In the response, the Tribe Rincon Band of Luiseño Indians representative states that although the Project site is within the Luiseño Aboriginal Territory, it is not located within Rincon's Historic Boundaries. The Tribe Rincon Band of Luiseño Indians representative also states that they do not have any additional information regarding the site.

Additionally, the Pechanga Band of Luiseño Indians submitted comments on the Notice of Preparation in April 2016. The Pechanga Band of Luiseño Indians NOP Response is noted at EIR Table 1.7-1, List of NOP Respondents and Summary of NOP Comments, and the Pechanga Band of Luiseño Indians NOP Response is provided at EIR Appendix A. The Pechanga Band of Luiseño Indians submitted a formal request to consult with the Lead Agency under AB 52 on February 22, 2016. Formal consultation with the lead Agency occurred on April 25, 2016 and through email/telephone communication thereafter.

During the consultation, the Pechanga Band of Luiseño Indians informed the City that the Project is located within a Traditional Cultural Landscape (TCL), a type of Tribal Cultural Resource (TCR). Although the Project development will impact a TCR, Pechanga did not request formal mitigation measures to address the cumulative and potential direct impacts this Project may have; thus, conditions of approval were requested that would include both archaeological and Native American monitoring as well as the standard City Inadvertent Finds language.

Additionally, the mitigation measures presented within the Draft EIR are amended as follows:

~~4.8.2 If previously unidentified prehistoric/Native American resources are identified, a qualified archaeologist must be notified and, in consultation with the local Native American representative(s), be recovered and analyzed in accordance with CEQA guidelines, and curated at the University of California, Riverside, Archaeological Research Unit; the Western Center; or with the appropriate Native American repository (e.g., Pechanga facility in Temecula). In addition, an archaeological monitoring program should be initiated and continued until the archaeological consultant concludes the program is no longer necessary.~~

4.8.2 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and that the monitor has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project archaeologist, with input from the Pechanga Tribe, shall prepare a Cultural Resources Monitoring Plan (CRMP) to document protocols for inadvertent finds, to determine potential protection measures from further damage and destruction for any identified archaeological resource(s)/tribal cultural resources (TCRs), outline the process for monitoring and for completion of the final Phase IV Monitoring Report. If any archaeological and/or TCRs are identified during monitoring, these will also be documented and addressed per standard archaeological protocols in the Phase IV report, with the exception of human remains which will be addressed per Mitigation Measure 4.8.6. The Project Archaeologist shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.3 At least 30 days prior to the issuance of a grading permit, the Applicant shall contact the Pechanga Band of Luiseño Indians to develop a Cultural Resources Treatment Agreement and shall provide evidence to the City of Moreno Valley that the professionally qualified Native American monitor(s) has been secured,

and that the Tribe shall be allowed to monitor all mass grading and trenching activities. The Tribal representative(s) shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.4 If, during mass grading and trenching activities, the Archaeological or Pechanga Monitors suspect that an archaeological resource and/or TCR may have been unearthed, the monitor identifying the potential resources, in consultation with the other monitor as appropriate, shall immediately halt and redirect grading operations in a 50-foot radius around the find to allow identification and evaluation of the suspected resource. The Native American monitor(s) or appropriate representative(s) and the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. The archaeological monitor and Pechanga monitor(s) or appropriate representative(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). All sacred sites, should they be encountered within the Project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.8.5 Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

“If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Pechanga representatives are not present, the construction supervisor is obligated to halt work in a 50-foot radius around the find and call the Project archaeologist and the Pechanga representatives to the site to assess the significance of the find.”

4.8.6 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to

California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

4.8.7 Prior to building permit issuance, the Project archaeologist shall prepare a final Phase IV Monitoring Report as outlined in the CRMP, which shall be submitted to the City Planning Division, Pechanga Band of Luiseño Indians, and the Eastern Information Center at the University of California, Riverside. The report shall document Project impacts to archaeological and tribal cultural resources, if any. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the Project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility or the Western Science Center in Hemet at the landowners discretion.

3.0 COMMENTS AND RESPONSES

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3.1 INTRODUCTION

The following Section presents written comments received pursuant to public review of the DEIR, and provides responses to those comments as required by California Code of Regulations, Title 14 (hereinafter, “CEQA Guidelines”) Sections 15089, 15132, and 15088. Specifically, CEQA Guidelines Section 15088 (a) requires that: “[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.” The 45-day comment period on the Draft EIR commenced on August 25 and concluded October 10, 2016.

In summary, the City’s written responses describe the disposition of significant environmental issues raised and any necessary revisions to the Draft EIR are made as a result of the comments. Substantive revisions and errata corrections to the Draft EIR are presented in Section 2.0 of this Final EIR. Additionally, the City’s written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR’s conclusions.

3.1.1 Comments Received

The following Section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been generally organized by state/federal agencies; county/regional agencies; and local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been

numbered. Table 3-1 lists all DEIR commentors and the designation assigned to each. Commentor correspondence and correlating responses are presented subsequently. Comments have been reproduced verbatim and without grammatical or typographical correction.

Table 3-1
DEIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State/Federal Agencies		
State Clearinghouse	SCH	October 11, 2016
March Air Reserve Base	MARB	October 7, 2016
South Coast Air Quality Management District	AQMD	September 20, 2016
County/Regional Agencies		
Eastern Municipal Water District	EMWD	September 29, 2016
Moreno Valley Environmental and Historical Preservation Board	EHPB	October 13, 2016
Moreno Valley Unified School District	MVUSD	September 27, 2016
Pechanga Cultural Resources	PCR	October 10, 2016
Individuals and Organizations		
Johnson & Sedlack	JS	October 10, 2016
Lozeau Drury	LD	October 6, 2016
SoCal Environmental Justice Alliance	SEJA	October 7, 2016



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

October 11, 2016

RECEIVED

OCT 17 2016

CITY OF MORENO VALLEY
Planning Division

Julia Descoteaux
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: Indian Street Commerce Center Project
SCH#: 2016031036

Dear Julia Descoteaux:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 10, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2016031036
Project Title Indian Street Commerce Center Project
Lead Agency Moreno Valley, City of

Type EIR Draft EIR
Description The project proposes approx. 446,350 sq. ft. of light industrial uses within an approx. 19.64-acre site. As currently proposed, 357,080 sq. ft., or approx. 80 percent of the Project building area would be allocated for distribution warehouse uses; the remaining 89,270 sq. ft., or approx. 20 percent of the Project building area would be assigned to manufacturing uses.

Lead Agency Contact

Name Julia Descoteaux
Agency City of Moreno Valley
Phone 951-413-3209 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long
Cross Streets Indian Street/Grove View Road
Parcel No. 316-210-019, -+020, -057, -077
Township **Range** **Section** **Base**

Proximity to:

Highways I-215
Airports March Air Reserve Base
Railways
Waterways
Schools Various
Land Use Present Use: Vacant/Zoning: Industrial (I)/General Plan Designation: Business Park/Light Industrial (BP/LI)

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Noise; Toxic/Hazardous; Traffic/Circulation; Water Quality; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 08/25/2016 **Start of Review** 08/25/2016 **End of Review** 10/10/2016

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2016031036

Response SCH-1

State Clearinghouse receipt of the Indian Street Commerce Center Project Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2016031036) and dates of the public review period for the Draft EIR (August 25 through October 10, 2016) are also acknowledged.



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

7 October 2016

MEMORANDUM FOR CITY OF MORENO VALLEY
ATTN: JULIA DESCOTEAUX
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
14177 FREDERICK STREET
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

FROM: 452d Mission Support Group/Civil Engineers
Base Operating Support
610 Meyer Drive, Bldg. 2403
March ARB CA 92518-2166

SUBJECT: Indian Street Commerce Center, Draft Environmental Impact Report P16-003

1. The March Air Reserve Base (MARB) review of the proposed 446,350 square foot light industrial warehouse building on 19.54 acres, located approximately one-half mile westerly of Perris Boulevard and is bounded by Indian Street to the east, is provided in this memorandum.

MARB-1

2. This property is not located within any of the MARB Accident Potential Zones or Clear Zone for Runway 14/32. While the proposed use may be consistent with the Riverside County Airport Land Use Compatibility Plan (RCALUC) zoning and land use guidelines, the proposed project presents a concern due to the location to the Clear Zone (CZ) at the south end of the runway. Buildings in this area should not be used for high-density functions since the objective of the land use guidelines in and around APZ's is to restrict people-intensive uses due to a greater risk of aircraft incident in these areas. There are restrictions on land uses and heights of natural objects and man-made objects in the vicinity of air installations that may obstruct the airspace, attract birds, cause electromagnetic or thermal interference, or produce dust, steam, smoke, or light emissions to provide for safety of flight and the public welfare.

MARB-2

3. The site is located within an area that is exposed to elevated levels of noise from the base's flying operations; reference the AICUZ for MARB for the noise contours for this area. A more recent model can be found within the Land Use Compatibility Plan (LUCP) adopted by the RCALUC dated November 13, 2014. The document titled, "Background Data: March Air Reserve Base/Inland Port Airport Environs," is an insert to the LUCP. Referencing Exhibit MA-4 from the aforementioned insert, it would appear this project resides within an area that is subject to 65 dB Community Noise Equivalent Level (CNEL). As such, the employees of this proposed development would be subject to noise occurrences that may generate complaints to the base and the community leadership. Employees and regularly received public may require protection using noise abatement (noise level reduction) provided in the construction design.

MARB-3

Additionally, hearing protection for employees may be required by Occupational Safety and Health Administration (OSHA) or other agencies as it relates to safety and health in a high noise level work environment.

MARB-3
(cont'd)

4. In referencing a map of the area, this site is approximately .28 miles, just east of the Clear Zone at the approach end of Runway 32. Approximately 27% of recorded Air Force accidents have historically taken place (AICUZ, FIG B-3) in the Clear Zone area. As such, there will be an elevated accident potential risk to developments on this site.

MARB-4

5. The MARB position is the development is compatible with guidance found in AFI 32-7063, dated 18 December 2015, titled Air Installations Compatible Use Zones Program. The following are some mitigation steps that could and should be implemented, and it would be our desire that all such steps are researched and implemented.

- BMPs must be reviewed by the Base and must not introduce hazards related to birdstrikes
- Solar panels or any reflective materials on the rooftop are prohibited
- Noise level hazards must be mitigated
- Personnel density in the floor area should be considered. Although this development is outside the APZs ,those that are within APZ1 are not allowed to exceed the 25 persons/acre

MARB-5

6. March ARB looks forward to receiving notification of the final site plans and public hearings.

7. Thank you for the opportunity to review and comment on this proposed development. If you have questions, please contact Ms. Denise Hauser at (951) 655-4862.

MARB-6



SEAN P. FEELEY
Base Civil Engineer

March Air Reserve Base
452d Mission Support Group/Civil Engineers
Base Operating Support
610 Meyer Drive, Building 2403
March ARB, CA 92518

Letter Dated October 7, 2016

Comment MARB-1

1. The March Air Reserve Base (MARB) review of the proposed 446,350 square foot light industrial warehouse building on 19.54 acres, located approximately one-half mile westerly of Perris Boulevard and is bounded by Indian Street to the east, is provided in this memorandum.

Response MARB-1

The commentor's brief summary of the Project is correct with the exception of the site acreage. The correct acreage as presented within the Draft EIR is 19.64 acres.

Comment MARB-2

2. This property is not located within any of the MARB Accident Potential Zones or Clear Zone for Runway 14/32. While the proposed use may be consistent with the Riverside County Airport Land Use Compatibility Plan (RCALUC) zoning and land use guidelines, the proposed project presents a concern due to the location to the Clear Zone (CZ) at the south end of the runway. Buildings in this area should not be used for high-density functions since the objective of the land use guidelines in and around APZ's is to restrict people-intensive uses due to a greater risk of aircraft incident in these areas. There are restrictions on land uses and heights of natural objects and man-made objects in the vicinity of air installations that may obstruct the airspace, attract birds, cause electromagnetic or thermal interference, or produce dust, steam, smoke, or light emissions to provide for safety of flight and the public welfare.

Response MARB-2

The commentor presents concerns regarding the location of the Project site in relation to the MARB runway. In this regard, the commentor is referred to Draft EIR Section 4.5, *Hazards/Hazardous Materials*, which contains the following discussion:

“The Project site lies within the area regulated under the 2014 Riverside County ALUCP for March ARB/IPA (ALUCP) and the 2005 March Air Reserve Base Air Installation Compatibility Use Zone Study (MARB AICUZ, AICUZ). The compatibility zones and associated criteria set forth in the ALUCP provide noise and safety compatibility protection equivalent to or greater than correlating criteria presented in the AICUZ (ALUCP, p.1). *The analysis presented herein reflects the more stringent criteria established under the ALUCP [emphasis added].*

Under the ALUCP, the Project site is overlain by Compatibility Zones B2 and C1 (please refer to [Draft EIR] Figure 4.5-1). Basic Compatibility Criteria for these Zones are also presented at [Draft EIR] Figure 4.5-1. Project consistency with applicable Zone Criteria is summarized below.

Zone B2

The westerly portion of the Project site is overlain by Zone B2, as delineated under the ALUCP. Consistent with the Basic Compatibility Criteria for Zone B2, this portion of the Project site would not be developed, nor otherwise accommodate, any of the following: children’s schools; daycare centers; libraries; hospitals; congregate care facilities; hotels/ motels; places of assembly; buildings with more than three above ground habitable floors; noise-sensitive outdoor non-residential uses; critical community infrastructure facilities; or hazards to flight.

Consistent with other development conditions articulated for Zone B2, the Project site plan and building design concepts comply with the following

criteria: Project structures would be located as far as possible from extended runway centerline(s); sound attenuation would be provided for all Project office uses in Zone B2 ensuring that interior noise levels would not exceed 45 dBA CNEL (please refer also to EIR Section 4.4, *Noise*); above-ground bulk storage of hazardous materials is not proposed or required.

The Project does not propose designs or uses that would not encroach on restricted air space(s) nor would the Project structures otherwise would adversely affect airfield operations. Federal Aviation Administration (FAA) airspace review has been completed for the Project, and the FAA has issued *No Hazard to Air Navigation Determinations* for all Project facilities; the Riverside County ALUC has reviewed the Project and determined the Project to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP (please refer to EIR Appendix I, Airport Compatibility Documentation). The Project does not propose or require facilities or uses that would generate electromagnetic radiation; an aviation easement would be recorded against all properties within Zone B2.

Zone C1

The easterly portion of the Project site is overlain by ALUCP Zone C1. Consistent with the Basic Compatibility Criteria for Zone C1, this portion of the Project site would not be developed with, nor otherwise accommodate any of the following: children's schools; daycare centers; libraries; hospitals; congregate care facilities; places of assembly; noise-sensitive outdoor non-residential uses; or hazards to flight.

Consistent with other development conditions articulated for Zone C1, the Project site plan concept and concept building designs comply with the following criteria: critical community infrastructure facilities are not

required or proposed; above-ground bulk storage of hazardous materials is not required or proposed; sound attenuation would be provided for all Project office uses in Zone B2 ensuring that interior noise levels would not exceed 45 dBA CNEL (please refer also to EIR Section 4.4, *Noise*). The Project does not propose or require facilities or uses that would generate electromagnetic radiation; deed notice and disclosure would be provided for all properties within Zone C1. The Project does not propose designs or uses that would not encroach on restricted air space(s) nor would the Project structures otherwise would adversely affect airfield operations. Federal Aviation Administration (FAA) airspace review has been completed for the Project, and the FAA has issued *No Hazard to Air Navigation Determinations* for all Project facilities; the Riverside County ALUC has reviewed the Project and determined the Project to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP (please refer to EIR Appendix I, Airport Compatibility Documentation). The Project does not propose or require facilities or uses that would generate electromagnetic radiation; an avigation easement would be recorded against all properties within Zone B2.

Other Considerations

As noted at EIR Section 3.0, *Project Description*, the Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power (approximately 160,350 kWh/year) to serve all Project office areas (*Project Description*, p. 3-19). Given the Project's proximity to March ARB/IPA, there is the potential for the Project PV solar panel array to cause reflective glare that could adversely affect March ARB/IPA operations. The Federal Aviation Administration recommends analysis of these potential glare impacts employing the Sandia National Laboratories Solar Glare Hazard Analysis Tool (SGHAT). The SGHAT analysis of the concept Project PV panel array design (please refer to EIR Appendix I, Airport Compatibility

Documentation) indicates that, if implemented, the Project PV solar panels would not result in or cause significant glare impacts that would adversely affect operations of March ARB/IPA.

As indicated in the preceding discussions, the Project site is overlain by Compatibility Zones B2 and C1, and the Project does not lie within nor is affected by the clear Zone (CZ) at the south end of the March ARB/IPA runway(s). Moreover, the Project buildings and development intensities are consistent with development Compatibility Criteria established by the ALUCP. The ALUCP Compatibility Criteria are as restrictive, or are more restrictive than AICUZ criteria cited by the commentor. It is also noted that the Riverside County ALUC has reviewed the Project and determined the Project to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP (please refer to EIR Appendix I, Airport Compatibility Documentation).

Based on the preceding, the Draft EIR concluded that the potential for the Project to result in or cause a safety hazard for people residing or working in the Project or to adversely affect airport operations was less-than-significant. While the commentor's concerns will be forwarded to the decision-making body, revision of the Draft EIR is not required; results and conclusions are not affected.

Comment MARB-3

3. The site is located within an area that is exposed to elevated levels of noise from the base's flying operations; reference the AICUZ for MARB for the noise contours for this area. A more recent model can be found within the Land Use Compatibility Plan (LUCP) adopted by the RCALUC dated November 13, 2014. The document titled, "Background Data: March Air Reserve Base/Inland Port Airport Environs," is an insert to the LUCP. Referencing Exhibit MA-4 from the aforementioned inset, it would appear this project resides within an area that is subject to 65 dB Community Noise Equivalent Level (CNEL). As such, the employees of this proposed development would be subject to noise occurrences that may generate complaints to the base and the community leadership. Employees and regularly received public may require protection using noise abatement (noise level reduction) provided in the construction design.

Additionally, hearing protection for employees may be required by Occupational Safety and Health Administration (OSHA) or other agencies as it relates to safety and health in a high noise level work environment.

Response MARB-3

The noise contour boundaries that are used to determine potential aircraft-related noise impacts associated with MARB are presented within the Riverside County ALUCP (presented as Draft EIR Figure 4.4-5). The Project site is located within the 60 to 65 dBA CNEL noise level contours, and therefore, represents a normally acceptable land use based on Riverside County ALUCP compatibility criteria. For the Project warehouse office uses, typical building construction practices would achieve 20 dBA noise attenuation, yielding interior noise levels of 40 to 45 dBA, consistent with applicable ALUCP and County-wide criteria.¹ It is also noted that the Riverside County ALUC has reviewed the Project and determined the Project to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP (please refer to EIR Appendix I, Airport Compatibility Documentation).

Comment MARB-4

4. In referencing a map of the area, this site is approximately .28 miles just east of the Clear Zone at the approach end of Runway 32. Approximately 27% of recorded Air Force accidents have historically taken place (AICUZ FIG B-3) in the Clear Zone area. As such, there will be an elevated accident potential risk to developments on this site.

Response MARB-4

The commentor summarizes Clear Zone accident statistics. As detailed in the previous responses, the Project site is not located within the AICUZ/ALUCP Clear Zone Areas. Further, the Project site would not be developed with, nor otherwise accommodate, any of the uses prohibited by the ALUCP. Additionally, Project structures would be located

¹ "For office uses, the [maximum acceptable] interior standard shall be CNEL 45 dB, the same as the countywide criterion." *March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan*, p. 2.

as far as possible from extended runway centerline(s). Federal Aviation Administration (FAA) airspace review has been completed for the Project, and the FAA has issued *No Hazard to Air Navigation Determinations* for all Project facilities; the Riverside County ALUC has reviewed the Project and determined the Project to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP (please refer to EIR Appendix I, Airport Compatibility Documentation). As also noted above, the EIR analysis reflects and responds to criteria established under the ALUCP. The ALUCP criteria is equivalent to, or is more stringent and restrictive than, the AICUZ parameters cited by the commentor.

Based on the preceding, the Project complies with applicable criteria established under the ALUCP/AICUZ, thereby minimizing potential risk to developments on the Project site. The results and conclusions of the Draft EIR are not affected; no revisions are necessary.

Comment MARB-5

5. The MARB position is the development is compatible with guidance found in AFI 32-7063, dated 18 December 2015, titled Air Installations Compatible Use Zones Program. The following are some mitigation steps that could and should be implemented, and it would be our desire that all such steps are researched and implemented.

- *BMPs must be reviewed by the Base and must not introduce hazards related to birdstrikes*
- *Solar panels or any reflective materials on the rooftop are prohibited*
- *Noise level hazards must be mitigated*
- *Personnel density in the floor area should be considered. Although this development is outside the APZs, those that are within APZI are not allowed to exceed the 25 persons/acre.*

Response MARB-5

The commentor provides some measures they feel should be implemented by the Project. The City has considered the measures suggested by the commentor; responses are provided in the following table.

Recommended Measure	Remarks
BMPs must be reviewed by the Base and must not introduce hazards related to birdstrikes.	The Project has already been reviewed by the FAA and the Riverside County ALUC. The Project was found to be consistent with the March Air Reserve Base/Inland Port Airport ALUCP. No hazards related to BMPs or birdstrikes were identified. (please refer to EIR Appendix I, <i>Airport Compatibility Documentation</i>).
Solar panels or any reflective materials on the rooftop are prohibited.	<p>Draft EIR Section 3.4.10, <i>Energy Efficiency/Sustainability</i> states:</p> <p>“The Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power to serve all Project office areas. Energy savings from such a PV system is preliminarily estimated at 160,350 kilowatt hours per year. Alternatively, as a Condition of Approval, the Project would be required to obtain an equivalent amount of electricity from a utility provider that receives its energy from renewable (non-fossil fuel) sources, and provide documentation to this effect to the City.”</p> <p>The complete prohibition of solar panels within the AFI 32-7063 is inaccurate, as evidenced by the following text:</p> <p>“3.6.3.1. Glint/Glare potential from Photovoltaic (PV) Panels. The potential for glint and glare from PV panels is extremely rare. However, depending on materials or the siting of the panels, there may be the potential for glint and glare impacts to Air Traffic Control (ATC) cabs and or pilots on approach to airfields. Use the Department of Energy’s Sandia National Laboratory Solar Glare Hazard Analysis Tool (SGHAT), in accordance with DODI 4165.57, to determine whether PV arrays could create a glint/glare problem within HAFZ.” (AFI 32-7063 Page 21)</p> <p>The FAA also recommends analysis of potential glare impacts associated with the PV system employing SGHAT.</p>

Recommended Measure	Remarks
	Consistent with the AFI/FAA recommendations summarized above, a SGHAT analysis was prepared for the project and is provided at EIR Appendix I The SGHAT analysis of the concept Project PV panel array design indicates that, if implemented, the Project PV solar panels would not result in or cause significant glare impacts that would adversely affect operations of March ARB/IPA (please refer to EIR Appendix I, <i>Airport Compatibility Documentation</i>).
Noise level hazards must be mitigated.	As concluded within Draft EIR Section 4.4, <i>Noise</i> , the Project would not result in significant noise hazards associated with MARB/IPA. As such, no mitigation is required. Please refer also to Response MARB-3.
Personnel density in the floor area should be considered. Although this development is outside the APZs, those that are within APZI are not allowed to exceed the 25 persons/acre.	As referenced by the commentor, the Project site is not located within an area subject to density restrictions. As such, this suggestion is not applicable to the Project.

All potential MARB/IPA interface impacts have been properly evaluated within the Draft EIR, as evidenced by the Project's consistency with the March Air Reserve Base/Inland Port Airport ALUCP and the FAA's issuance of a *No Hazard to Air Navigation Determinations* for all Project facilities. No revisions to the Draft EIR are warranted or necessary.

Comment MARB-6

6. March ARB looks forward to receiving notification of the final site plans and public hearings.

7. Thank you for the opportunity to review and comment on this proposed development. If you have questions, please contact Ms. Denise Hauser at (951) 655-4862.

Response MARB-6

Notification of availability of final site plans and public hearings will be provided as requested. Commentor contact information is noted.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL AND USPS:

juliad@moval.org

September 20, 2016

Julia Descoteaux, Associate Planner
City of Moreno Valley
Community Development Department
Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

RECEIVED
SEP 26 2016
CITY OF MORENO VALLEY
Planning Division

**Draft Environmental Impact Report (Draft EIR) for the Proposed
Indian Street Commerce Center Project P16-003 (SCH NO. 2016031036)**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

The Lead Agency proposes to develop an approximately 19.64-acre site for approximate 446,350 square feet of warehouse distribution and light industrial uses including 347,080 square feet of warehouse use; 89,270 square feet of manufacturing use; and 10,000 square feet allocated for offices uses. Parking for both buildings totals 589 parking stalls, 342 trailers spaces and a total of 196 loading dock doors. The proposed project is expected to generate approximately 940 total daily trips including 360 daily trucks.¹ Construction is expected to begin in January 2017 and be completed, based on market conditions, in August 2018.

The Lead Agency has determined that operating emissions primarily from mobile sources will exceed the SCAQMD recommended regional significance threshold for Oxides of Nitrogen (NOx). The SCAQMD staff therefore recommends additional measures to reduce the mobile source impacts during operations. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.

AQMD-1

¹ DEIR, Appendix B - Traffic Impact Analysis (Urban Crossroads, June 29, 2016), Page 58, Table 4-3, Project Trip Generation (Actual Vehicles).

Julia Descoteaux

2

September 20, 2016

Sincerely,

Jillian Wong

Jillian Wong, Ph.D.
Planning and Rules Manager
Planning, Rule Development & Area Sources

Attachment

JW:GM

RVC160830-10
Control Number

Mitigation Measures for Operational Air Quality Impacts (Mobile Sources)

1. Since the proposed project will exceed the recommended SCAQMD significance threshold for NO_x during operations, mainly from mobile sources, the SCAQMD staff recommends the following additional mitigation measures to further reduce those significant project impacts:

Recommended Additions:

- a) Limit the daily number of trucks allowed at the facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.
- b) Require the use of 2010 compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail and vendor supply delivery trucks) at commercial/retail sites upon project build-out. Other measures such as incentives, phase-in schedules for clean trucks, etc., should also be considered.
- c) Because the proposed Project generates significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in of the cleanest truck technologies that are available. For example, natural gas trucks, certified below the current emissions standards can provide a substantial reduction in emissions and therefore a reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency and project applicant.
- d) At a minimum, require upon occupancy that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, or other similar funds. Should funds be awarded, the occupant should also be required to accept and use them.
- e) Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) shall include EV charging stations² to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric charging stations.

AQMD-2


² http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf

Julia Descoteaux

4

September 20, 2016

- f) Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- g) Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas or restricted routes.
- h) Provide food options, fueling, truck repair and or convenience stores on-site to minimize the need for trucks to traverse through residential neighborhoods.
- i) Improve traffic flow by signal synchronization.



AQMD-2
(cont'd)

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Letter Dated September 20, 2016

Comment AQMD-1

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

The Lead Agency proposes to develop an approximately 19.64-acre site for approximate 446,350 square feet of warehouse distribution and light industrial uses including 347,080 square feet of warehouse use; 89,270 square feet of manufacturing use; and 10,000 square feet allocated for offices uses. Parking for both buildings totals 589 parking stalls, 342 trailers spaces and a total of 196 loading dock doors. The proposed project is expected to generate approximately 940 total daily trips including 360 daily trucks.¹ Construction is expected to begin in January 2017 and be completed, based on market conditions, in August 2018.

The Lead Agency has determined that operating emissions primarily from mobile sources will exceed the SCAQMD recommended regional significance threshold for Oxides of Nitrogen (NO_x). The SCAQMD staff therefore recommends additional measures to reduce the mobile source impacts during operations. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the Lead Agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. The SCAQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.

Response AQMD-1

Commentor summary description of the Project is materially correct.

South Coast Air Quality Management District (SCAQMD) comments provided on the Draft EIR for the proposed Indian Street Commerce Center Project are acknowledged. Responses to SCAQMD concerns regarding the operational air quality impacts are provided herein.

All comments provided by SCAQMD have been considered. Pursuant to *CEQA Guidelines* §15088 (b), written responses to SCAQMD comments will be provided to SCAQMD a minimum of 10 days prior to the Lead Agency decision(s) regarding certification of the EIR. SCAQMD contact information provided (Gordon Mize, phone: [909] 396-3302) is acknowledged.

Comment AQMD-2

Mitigation Measures for Operational Air Quality Impacts (Mobile Sources)

1. Since the proposed project will exceed the recommended SCAQMD significance threshold for NOx during operations, mainly from mobile sources, the SCAQMD staff recommends the following additional mitigation measures to further reduce those significant project impacts:

Recommended Additions:

a) Limit the daily number of trucks allowed at the facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.

b) Require the use of 2010 compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail and vendor supply delivery trucks) at commercial/retail sites upon project build-out. Other measures such as incentives, phase-in schedules for clean trucks, etc., should also be considered.

c) Because the proposed Project generates significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in of the cleanest truck technologies that are available. For example, natural gas trucks, certified below the current emissions standards can provide a substantial reduction in emissions and therefore a reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency and project applicant.

d) At a minimum, require upon occupancy that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1 B, or other similar funds. Should funds be awarded, the occupant should also be required to accept and use them.

e) Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) shall include EV charging stations to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric charging stations.

f) Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.

g) Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas or restricted routes.

h) Provide food options, fueling, truck repair and or convenience stores on-site to minimize the need for trucks to traverse through residential neighborhoods.

i) Improve traffic flow by signal synchronization.

Response AQMD-2

SCAQMD recommends additional measures to be included in the EIR as mitigation for the Project’s operational-source air emissions impacts. The City has considered the additional mitigation measures recommended by the commentor, and presents responses in the following table. Results and conclusions of the EIR are not affected.

Recommended Measure	Remarks
<p>Limit the daily number of trucks allowed at the facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the project through CEQA prior to allowing this higher activity level.</p>	<p>The Project proposes a design to accommodate high-cube warehouse and light industrial building occupants. CEQA requires that an EIR evaluate the proposed Project based on reasonable assumptions and foreseeable actions. The number of truck trips that the Project is expected to generate is based on Institute of Transportation Engineers (ITE) and SCAQMD recommendations, which rely on surveyed data from other high cube warehouse and light industrial buildings, which is reasonable and reliable information.</p> <p>The commentor does not present any evidence that truck trips associated with the Project would be greater than disclosed in the Draft EIR. Instituting a cap on the number of trucks that can access the Project’s building is not required under CEQA, nor would it be feasible for the City of Moreno Valley to monitor and enforce such a requirement. The Draft EIR has made reasonable assumptions based on substantial evidence by using ITE and SCAQMD recommendations based on the Project’s design and expected occupant type.</p> <p>Additionally, imposing a trip cap would not avoid or substantially lessen the estimated NOx emissions; in fact, if trucks could be turned away for exceeding a trip cap, this measure could result in the unintended adverse effect of resulting in trucks queuing on surrounding streets in the vicinity of the project until midnight of the following day.</p>

Recommended Measure	Remarks
	<p>Moreover, in practical terms the commentor’s suggested measure already exists as a matter of law as any substantive revisions or changes to any aspect of the Project evaluated in the EIR (including, but not limited to, increased or otherwise altered truck trip generation) would be subject to additional environmental analysis. This alone obviates the need for the measure offered by the commentor. For these reasons, the recommended measure is not included as mitigation.</p>
<p>Require the use of 2010 compliant diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail and vendor supply delivery trucks) at commercial/retail sites upon project build-out. Other measures such as incentives, phase-in schedules for clean trucks, etc., should also be considered.</p> <p>Because the proposed Project generates significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in of the cleanest truck technologies that are available. For example, natural gas trucks, certified below the current emissions standards can provide a substantial reduction in emissions and therefore a reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency and project applicant.</p> <p>At a minimum, require upon occupancy that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1 B, or other similar funds. Should funds be awarded, the occupant should also be required to accept and use them.</p>	<p>With respect to diesel emissions, the Lead Agency generally supports the use of alternative-source fuels. The Project would not however result in potentially significant health risks impacts related to diesel emissions or diesel-powered trucks. There is no nexus between the Project diesel emissions and suggested mitigation.</p> <p>With regard to vehicle-source regional NOx emissions impacts, as noted herein, neither the lead Agency or the Applicant can meaningfully control vehicular-source NOx emissions, and reductions of these emissions in general has been realized through regulatory actions and as the result of the transition to newer and cleaner fuels and fuel-efficient technologies. In combination, regulatory actions and transition to newer/cleaner fuels and energy-efficient technologies are expected to result in significant, Basin-wide reductions in PM₁₀/PM_{2.5}, NO_x, VOC, CO emissions.</p> <p>With respect to the commentor’s proposed imposition of 2010 model year emissions standards, the Lead Agency supports compliance with incumbent vehicle emissions standards, and encourages voluntary use of vehicles that surpass incumbent emissions standards. That said, under the current Truck and Bus Regulation (CARB, 2008) all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck</p>

Recommended Measure	Remarks
	<p>engines. Pursuant to the Regulation, older, heavier trucks, i.e., those with pre-2000 year engines and a gross vehicle weight rating (GVWR) greater than 26,000 pounds are already required to have installed a PM filter and must be replaced with a 2010 engine within the timeframe 2015 - 2020, depending on the model year. As of 2015 under the Regulation, heavier pre-1994 trucks must be upgraded to 2010 engines and newer trucks are thereafter required to be replaced over the next eight years.</p> <p>Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean 2007-2009 engines are not required to be replaced until 2023. Lighter trucks (those with a GVWR of 14,001 to 26,000 pounds) must adhere to a similar schedule, and will all be replaced by 2020. Further, nearly all trucks that are not required under the Truck and Bus Regulation to be replaced by 2015 are required to be upgraded with a PM filter by that date. Therefore, most heavy-duty trucks entering the Project site already meet or exceed 2010 emission standards, or would do so in the near-term. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.</p> <p>In the context of the Truck and Bus Regulation, the only effect of the commentor's proposed mitigation measure would be to require the upgrade or replacement of newer, relatively cleaner trucks accessing the Project site a few years sooner prior than would be mandated by the Truck and Bus Regulation. As such, the measure offered by the commentor would at best expedite the reduction of Project truck emissions, yielding a nominal reduction in NOx over the approximately 5 years between the Project Opening Year (2018) and full implementation of the Truck and Bus Regulation in 2023. This marginal reduction in emissions that may result from the</p>

Recommended Measure	Remarks
	<p>commentor’s proposed mitigation measure would not avoid nor significantly reduce Project operational-source NOx emissions, and Project NOx emissions would remain significant and avoidable.</p> <p>Further, the commentor’s proposed measure would not demonstrably reduce Basin-wide NOx emissions. That is, just because the measure would prohibit older trucks access to the Project site, by no means does the measure preclude their operation elsewhere within the Basin. The measure would in effect direct these older vehicles and associated emission to numerous other warehouses at other Basin locales, with no net reduction in Basin-wide NOx emissions.</p> <p>Federal and State agencies are charged with regulating and enforcing vehicle emission standards. It is not feasible for the City of Moreno Valley staff to effectively enforce a prohibition on trucks from entering the property that are otherwise permitted to operate in California and access other properties in the city, region, and state. Even if the City were to apply such a restriction, it would merely cause warehouse operators using older truck fleets to locate in another area within in the South Coast Air Basin where the restriction does not apply, thereby resulting in no improvement to regional air quality. Furthermore, if a truck that did not meet this requirement were to attempt access to the site and be denied, there would be more idling emissions and travel emissions associated with that truck. Suggesting that the City of Moreno Valley require more stringent controls than either the federal government or State of California is neither practical nor feasible for the City to effectively enforce.</p> <p>For the reasons listed above, the commentor’s proposed measures are not incorporated in the EIR.</p>

Recommended Measure	Remarks
	Please refer also to Response JS-4.
<p>Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) shall include EV charging stations to encourage the use of low or zero-emission vehicles. Prior to building permit issuance, the City shall verify building plans contain electric charging stations.</p>	<p>The comment suggests that trucks that run at least partially on electricity are projected to become available “during the life of the project.” It is unclear whether this statement refers to the life of the RTP or the life of the proposed Project. Nonetheless, given that electric vehicles are still an emerging technology, charging stations are assumed to “fill in the gap” so that electric vehicles, which still tend to have short distance ranges, can refuel and would not be stranded in areas where recharging facilities are scarce. Providing more extensive facilities, especially with respect to trucks, based on the assumption that commercial electrical trucks will be in common use in the future, is very speculative. Such an approach presupposes that the electrical recharging infrastructure can be provided now when the future technology for commercial electrical trucks is not currently available. It is possible that electrical infrastructure installed now would not support future, presently unknown, technology.</p> <p>Further, this comment pre-supposes that, in a future where electrical vehicles are in widespread use, electrical refueling would be provided at logistics and light industrial facilities and presumably other private businesses, in contrast to the way fuel is now dispensed, via gas stations where fuel is paid for “at the pump.” In fact, some gasoline service stations now provide electric charging stations in addition to gasoline fuel points. It is just as likely, and arguably more likely, that electricity for vehicle charging would be supplied and dispensed in the future in a similar manner as gasoline is currently provided.</p> <p>Additionally, installing infrastructure alone to support electric vehicle charging stations would</p>

Recommended Measure	Remarks
	<p>not result in any demonstrable, quantifiable reduction in NOx emissions and would therefore not avoid or substantially lessen the Project's significant air quality impact.</p> <p>The commentor's reference to the City of Los Angeles requirement that 5 percent of all vehicle parking spaces (including trucks) include charging stations is not comparable to the proposed Project. Trucks that access the Project site are expected to spend only a minimal amount of time on-site (enough time to unload/load their trailer and complete any necessary administrative tasks). Based on expected building occupant types, is not anticipated that trucks will spend enough time on-site to connect to a charging station and recharge a battery. This measure is therefore not included as mitigation. Note: EV charging spaces to be provided per Calgreen 2016.</p>
<p>Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.</p>	<p>The Project has been designed with adequate stacking at the entry point of the facility to assure that trucks do not queue on public streets.</p>
<p>Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas or restricted routes.</p> <p>Provide food options, fueling, truck repair and or convenience stores on-site to minimize the need for trucks to traverse through residential neighborhoods.</p>	<p>Off-site truck traffic would be restricted to designated truck routes within the City, thereby minimizing the potential for truck travel through residential neighborhoods. Moreover, there is no nexus between the recommended measures and the Project's potential operational-source air quality impacts. That is, the Project would not result in any significant localized impacts due to truck traffic.</p> <p>It was also suggested that the project include the onsite provision of "food options" and other services (fueling, truck repair and/or convenience stores) in order to minimize trucks traversing through residential neighborhoods. However, this measure would primarily relate to health risks associated with diesel particulates (for which the project would have a less than significant impact), and would not serve to meaningfully reduce the project's NOx emissions. In addition, food and fuel services</p>

Recommended Measure	Remarks
	<p>are available and accessible to the project site without the need to traverse residential neighborhoods. Given this, there is no basis to find that the provision of on-site services would reduce or avoid a significant and unavoidable impact of the project.</p> <p>The recommended measures are not required and would not demonstrably reduce any of the Project's potentially significant impacts. These measures are therefore not included as mitigation.</p>
<p>Improve traffic flow by signal synchronization.</p>	<p>The Lead Agency, through its periodic review of area traffic conditions and through implementation of capital improvements programs already ensures that traffic signal synchronization responds to City traffic flow dynamics. Signal synchronization that may be required of the Project would be implemented through the Project Conditions of Approval.</p> <p>The Lead Agency as a matter of course monitors and reviews area traffic flows and modifies areawide traffic signal synchronization accordingly. City Conditions of Approval for new developments respond to any signal synchronization requirements not otherwise addressed. The recommended measure is already implemented by the Lead Agency through other means and is therefore not included as mitigation.</p>



September 29, 2016

Ms. Julia Descoteaux
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552



Subject: NOA – Indian Street Commerce Center (Vogel Industrial Project, PPI 2016-289)
Location: Approximately ½ mile westerly of Perris Blvd., bounded by Indian Street to the east, and Grove View Road (alignment) at northerly boundary

Thank you for the opportunity to review the above-referenced project. The subject project requires either water, recycled water and/or sewer service from EMWD. The detail of the proposed development requires a submittal to EMWD by the project proponent. Upon receipt of submittal, EMWD will review further and provide requirements for obtaining service(s) which include but not limited to:

1. Discuss potential candidacy for recycled water service
2. Review of the project within the context of existing infrastructure
3. Evaluation of the project’s preliminary design and points of connections
4. Formal Application for Service detailing applicable fees and deposits to proceed with EMWD approved service connections.

EMWD-1

To begin the submittal process the project proponent may contact EMWD’s New Business Department at:

Eastern Municipal Water District
New Business Department
2270 Trumble Rd
Perris CA 92570
(951) 928-3777 Extension 2081

Ms. Julia Descoteaux
September 29, 2016
Page 2

Sincerely,

Elena Navarre

Elena Navarre
Eastern Municipal Water District
New Business Department
Eastern Municipal Water District

/EMN

Attachment

Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92572

Letter Dated September 29, 2016

Comment EMWD-1

Thank you for the opportunity to review the above-referenced project. The subject project requires either water, recycled water and/or sewer service from EMWD. The detail of the proposed development requires a submittal to EMWD by the project proponent. Upon receipt of submittal, EMWD will review further and provide requirements for obtaining service(s) which include but not limited to:

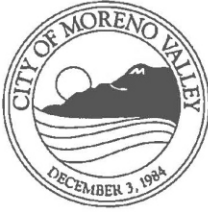
- 1. Discuss potential candidacy for recycled water service*
- 2. Review of the project within the context of existing infrastructure*
- 3. Evaluation of the project's preliminary design and points of connections*
- 4. Formal Application for Service detailing applicable fees and deposits to proceed with EMWD approved service connections.*

To begin the submittal process the project proponent may contact EMWD's New Business Department at:

*Eastern Municipal Water District
New Business Department
2270 Trumble Rd
Perris CA 92570
(951) 928-3777 Extension 2081*

Response EMWD-1

The commentor lists EMWD submittal requirements for provision of service(s). No comments on the Draft EIR are provided. EMWD documentation and submittal process requirements are acknowledged. EMWD contact information is noted. Results and conclusions of the EIR are not affected.



Community Development Department
Planning Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley CA 92552-0805
Telephone: 951.413-3206
FAX: 951.413-3210

To: Julia Descoteaux
Liaison for the Environmental and Historical Preservation Board
City of Moreno Valley Planning Division

Dear Ms. Descoteaux,

The Environmental and Historical Preservation Board met on September 12, 2016 to discuss the Draft Environmental Report for the Indian Street Commerce Center project (P16-003). Based on the discussion, the Board determined the potential environmental impacts of the project were adequately addressed in the document. The Air Quality impacts (as addressed in the document) will be below significant levels and are not going to cause any violations to National Ambient Air Quality Standards (NAAQS) and/or the California Ambient Air Quality Standards (CAAQS).

EHPB-1

Respectfully,



Date: 10/13/16

Keith Mullins
Chair
Environmental and Historical Preservation Board

Environmental and Historical Preservation Board
14177 Frederick Street
Moreno Valley, CA 92552

Letter Dated October 13, 2016

Comment EHPB-1

The Environmental and Historical Preservation Board met on September 12, 2016 to discuss the Draft Environmental Report for the Indian Street Commerce Center project (P16-003). Based on the discussion, the Board determined the potential environmental impacts of the project were adequately addressed in the document. The Air Quality impacts (as addressed in the document) will be below significant levels and are not going to cause any violations to National Ambient Air Quality Standards (NAAQS) and/or the California Ambient Air Quality Standards (CAAQS).

Response EHPB-1

The commentor states generally that the EIR analysis of potential environmental impacts is determined to be adequate; and specifically concurs with the EIR findings that the Project would not cause or result in any NAAQS or CAAQS violations. The Lead Agency appreciates the commentor's response and participation in review of the Project specifically and in the CEQA process generally. Results and conclusions of the EIR are not affected.



Board of Education
Jesus M. Holguin, President
Denise Fleming, Ed.D., Vice President
Cleveland Johnson, Clerk
Gary E. Baugh, Ed.S.
Patrick W. Kelleher

Superintendent of Schools
Judy D. White, Ed.D.

Moreno Valley Unified School District

25634 Alessandro Boulevard
Moreno Valley, California 92553
951-571-7500
www.mvusd.net

The mission of Moreno Valley Unified School District is to ensure all students graduate high school prepared to successfully enter into higher education and/or pursue a viable career path.

September 27, 2016

City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

RECEIVED
SEP 29 2016
CITY OF MORENO VALLEY
Planning Division

Attn: Julia Descoteaux, Associate Planner

SUBJECT: Response to DEIR P16-003, Indian Street Commerce Center

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Indian Street Commerce Center project, P16-003.

The Moreno Valley Unified School District, Facilities and Planning Department, has reviewed this document.

We understand that this proposed project would result in certain significant but unavoidable adverse impacts to Air Quality, Greenhouse Gas Emissions, and Transportation/Traffic as described with the DEIR.

With that in mind, we have no comments to submit on this DEIR; specifically as it does not fall within the Moreno Valley Unified School District, and this project does not directly impact any of our schools due to the distance from the project and any of our nearest schools.

Thank you and best regards,

Alice Grundman
Interim Director
Facilities Planning & Development
MORENO VALLEY UNIFIED SCHOOL DISTRICT
23301 Dracaea Avenue
Moreno Valley, CA 92553
grundman@mvusd.net

MVUSD-1

/cla

Moreno Valley Unified School District
25634 Alessandro Boulevard
Moreno Valley, CA 92553

Letter Dated September 27, 2016

Comment MVUSD-1

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Indian Street Commerce Center project, P16-003.

The Moreno Valley Unified School District, Facilities and Planning Department, has reviewed this document.

We understand that this proposed project would result in certain significant but unavoidable adverse impacts to Air Quality, Greenhouse Gas Emissions, and Transportation/Traffic as described with the DEIR.

With that in mind, we have no comments to submit on this DEIR; specifically as it does not fall within the Moreno Valley Unified School District, and this project does not directly impact any of our schools due to the distance from the project and any of our nearest schools.

Response MVUSD-1

The commentor summarizes significant impacts identified and disclosed in the EIR. Should the Project be approved, the Lead Agency is required to, and would, adopt a Statement of Overriding Considerations acknowledging the Project's significant and unavoidable impacts. The Lead Agency appreciates the commentor's response and participation in review of the Project specifically and in the CEQA process generally. Results and conclusions of the EIR are not affected.



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

Committee Members:
Mary Bear Magee
Evie Gerber
Darlene Miranda
Richard B. Searce, III
Michael Vasquez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

October 10, 2016

VIA E-MAIL and USPS

Ms. Julia Descoteaux
Associate Planner
City of Moreno Valley, Planning Division
14177 Frederick Street
P.O Box 88005
Moreno Valley, CA 92552-0805

Re: Pechanga Tribe Comments on the Notice of Availability for the Draft Environmental Impact Report, Indian Street Commerce Center Project, PA16-0002, P16-003

Dear Ms. Descoteaux:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

PCR-1

The Tribe is disconcerted that the DEIR fails to document the AB 52 consultation that occurred between Pechanga and the City during preparation of the environmental documents. The Tribe submitted a formal request to consult under AB 52 February 22, 2016 and submitted further comments on the Notice of Preparation in April 2016. Formal consultation with the City also occurred on April 25, 2016 and through email/telephone communication thereafter.

During the consultation, Pechanga informed the City that the Project is located within a Traditional Cultural Landscape (TCL), a type of Tribal Cultural Resource (TCR). Although the Project development will impact a TCR, Pechanga did not request formal mitigation measures to

Pechanga Comment Letter to the City of Moreno Valley
Re: Pechanga Tribe Comments on Indian St. Commerce
October 10, 2016
Page 2

address the cumulative and potential direct impacts this Project may have; thus, conditions of approval were requested that would include both archaeological and Native American monitoring as well as the standard City Inadvertent Finds language. None of our requests were incorporated in the DEIR. Additional comments are below.

PCR-1
(cont'd)

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), traditional cultural landscapes (TCLs), and other tribal cultural resources (TCRs) in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as the close proximity of the Project to the Tribal reservation lands.

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project property and is the closest affiliated tribe to the Property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on Projects in the nearby vicinity of the proposed Project and has specific knowledge of cultural resources and sacred places near the proposed Project which we have shared with the City on previous occasions on this and other projects.

PCR-2

The Tribe welcomes the opportunity to meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

PCR-3

The proposed Project is located in a highly sensitive region of Luiseño territory – a traditional cultural landscape, and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

Pechanga Comment Letter to the City of Moreno Valley
Re: Pechanga Tribe Comments on Indian St. Commerce
October 10, 2016
Page 3

As outlined above, the DEIR fails to document the AB 52 consultation that occurred between the City and the Pechanga Tribe. In those consultations, a traditional cultural landscape, a type of tribal cultural resource, was identified. Pechanga and the City determined that, as a result of the archaeological study, no physical resources were identified on the surface of the Project, within its boundaries. Thus, the impacts to the TCL would be on a cumulative basis, unless subsurface resources were identified during earthmoving activities. The DEIR again fails to address this concern and to address the tribal values, as only a tribe can provide, mandated by AB 52.

As construction personnel are not qualified to identify archaeological artifacts or TCRs, the solitary mitigation measure 4.8.2 is not appropriate nor will it sufficiently mitigate any finds of subsurface resources to a level of below significance. Because the Project will be excavating in to native soils below the plow zone (over 18 inches), it is appropriate to have both an archaeological monitor (to address the scientific needs of CEQA) and a Pechanga Native American monitor (to identify TCRs) during all earthmoving activities. As the City completely failed to acknowledge the AB 52 consultation efforts, we request that the following language be included as both mitigation measures and conditions of approval. We request that these measures/conditions of approval be incorporated into the final EIR and any other final environmental documents approved by the City (underlines are additions, strikethroughs are deletions).

~~4.8.2 If previously unidentified prehistoric/Native American resources are identified, a qualified archaeologist must be notified and, in consultation with the local Native American representative(s), be recovered and analyzed in accordance with CEQA guidelines, and curated at the University of California, Riverside, Archaeological Research Unit; the Western Center; or with the appropriate Native American repository (e.g., Pechanga facility in Temecula). In addition, an archaeological monitoring program should be initiated and continued until the archaeological consultant concludes the program is no longer necessary.~~

PCR-4

Archaeologist Retained/CRMP Prepared: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and that the monitor has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project archaeologist, with input from the Pechanga Tribe, shall prepare a Cultural Resources Monitoring Plan (CRMP) to document protocols for inadvertent finds, to determine potential protection measures from further damage and destruction for any identified archaeological resource(s)/tribal cultural resources (TCRs), outline the process for monitoring and for completion of the final Phase IV Monitoring Report. If any archaeological and/or TCRs are identified during monitoring, these will also be documented and addressed per standard archaeological protocols in the Phase IV report, with the exception of

Pechanga Comment Letter to the City of Moreno Valley
Re: Pechanga Tribe Comments on Indian St. Commerce
October 10, 2016
Page 4

human remains which will be addressed per MM 4.8.6. The Project Archaeologist shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.3 Tribal Monitor Retained: At least 30 days prior to the issuance of a grading permit the Applicant shall contact the Pechanga Band of Luiseño Indians to develop a Cultural Resources Treatment Agreement and shall provide evidence to the City of Moreno Valley that the professionally qualified Native American monitor(s) has been secured, and that the Tribe shall be allowed to monitor all mass grading and trenching activities. The Tribal representative(s) shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.4 Inadvertent Finds: If, during mass grading and trenching activities, the Archaeological or Pechanga Monitors suspect that an archaeological resource and/or TCR may have been unearthed, the monitor identifying the potential resources, in consultation with the other monitor as appropriate, shall immediately halt and redirect grading operations in a 50-foot radius around the find to allow identification and evaluation of the suspected resource. The Native American monitor(s) or appropriate representative(s) and the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. The archaeological monitor and Pechanga monitor(s) or appropriate representative(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.8.5 Grading Plans: Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Pechanga representatives are not present, the construction supervisor is obligated to halt work in a 50-foot radius around the find and call the project archaeologist and the Pechanga representatives to the site to assess the significance of the find."

4.8.6 Human Remains State Law: If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California

PCR-4

Pechanga Comment Letter to the City of Moreno Valley
Re: Pechanga Tribe Comments on Indian St. Commerce
October 10, 2016
Page 5

Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

4.8.7 Final Phase IV Report: Prior to building permit issuance, the Project archaeologist shall prepare a final Phase IV Monitoring Report as outlined in the CRMP, which shall be submitted to the City Planning Division, Pechanga Band of Luiseño Indians, and the Eastern Information Center at the University of California, Riverside. The report shall document project impacts to archaeological and tribal cultural resources, if any. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility or the Western Science Center in Hemet, at the landowners discretion.

PCR-4
(cont'd)

The Pechanga Tribe looks forward to continuing to work together with the City of Moreno Valley in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you.

PCR-5

Sincerely,



Anna Hoover
Deputy THPO/Cultural Analyst

Cc Pechanga Office of the General Counsel

Pechanga Cultural Resources
P.O. Box 2183
Temecula, CA 92592

Letter Dated October 10, 2016

Comment PCR-1

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe is disconcerted that the DEIR fails to document the AB 52 consultation that occurred between Pechanga and the City during preparation of the environmental documents. The Tribe submitted a formal request to consult under AB 52 February 22, 2016 and submitted further comments on the Notice of Preparation in April 2016. Formal consultation with the City also occurred on April 25, 2016 and through email/telephone communication thereafter.

During the consultation, Pechanga informed the City that the Project is located within a Traditional Cultural Landscape (TCL), a type of Tribal Cultural Resource (TCR). Although the Project development will impact a TCR, Pechanga did not request formal mitigation measures to address the cumulative and potential direct impacts this Project may have; thus, conditions of approval were requested that would include both archaeological and Native American monitoring as well as the standard City Inadvertent Finds language. None of our requests were incorporated in the DEIR. Additional comments are below.

Response PCR-1

The commentor requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the “Project”). The City acknowledges the request of the Pechanga Band of Luiseno Indians for consultation, and will work with tribal representatives to this end, pursuant to all applicable regulations. Additionally, as requested, the Pechanga Band of Luiseno Indians will be added to the City’s list of organizations receiving notifications of public meetings and information related to the proposed Project.

AB 52 consultation between the Tribe and the Lead Agency is acknowledged and the EIR has been amended accordingly, as presented in Section 2.0, *Revisions and Errata Corrections*. AB 52 consultation documentation is provided at Attachment A to this Final EIR.

Comment PCR-2

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe’s, aboriginal territory as evidenced by the existence of Luiseño place names, tóota yixélval (rock art, pictographs, petroglyphs), traditional cultural landscapes (TCLs), and other tribal cultural resources (TCRs) in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe’s cultural ties to this area as well as the close proximity of the Project to the Tribal reservation lands.

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area that comprises the Project property and is the closest affiliated tribe to the Property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on Projects in the nearby vicinity of the proposed Project and has specific knowledge of cultural resources and sacred places near the proposed Project which we have shared with the City on previous occasions on this and other projects.

The Tribe welcomes the opportunity to meet with the City to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired.

Response PCR-2

The commentor cites affiliation of the Project site with the Pechanga Band of Luiseño Indians (Tribe) because of the Tribe's cultural ties to this area as well as the proximity of the Project site to the Tribal reservation lands. The commentor further notes the Tribe's legal and cultural interest in the Project based on the Tribe's affiliation with the Project site and surrounding geographic area. Tribe affiliation with the Project site and Tribe legal and cultural interest in the Project based on Tribal affiliations are recognized. Results and conclusions of the EIR are not affected.

Comment PCR-3

REQUESTED TRIBAL INVOLVEMENT AND MITIGATION

The Pechanga Band is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work.

The proposed Project is located in a highly sensitive region of Luiseño territory – a traditional cultural landscape, and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location.

Response PCR-3

The commentor states no opposition to the Project, but expresses concerns regarding potential impacts to Native American cultural resources. The commentor summarizes the Tribe's qualifying expertise based on general knowledge and experience with the Project area, and knowledge of culturally-sensitive areas and oral tradition. Commentor concerns regarding potential impacts to Native American cultural resources, and the Tribe's expertise in anticipating the potential presence of such resources and their identification is acknowledged. Results and conclusions of the EIR are not affected.

Comment PCR-4

As outlined above, the DEIR fails to document the AB 52 consultation that occurred between the City and the Pechanga Tribe. In those consultations, a traditional cultural landscape, a type of tribal cultural resource, was identified. Pechanga and the City determined that, as a result of the archaeological study, no physical resources were identified on the surface of the Project, within its boundaries. Thus, the impacts to the TCL would be on a cumulative basis, unless subsurface resources were identified during earthmoving activities. The DEIR again fails to address this concern and to address the tribal values, as only a tribe can provide, mandated by AB 52.

As construction personnel are not qualified to identify archaeological artifacts or TCRs, the solitary mitigation measure 4.8.2 is not appropriate nor will it sufficiently mitigate any finds of subsurface resources to a level of below significance. Because the Project will be excavating in to native soils below the plow zone (over 18 inches), it is appropriate to have both an archaeological monitor (to address the scientific needs of CEQA) and a Pechanga Native American monitor (to identify TCRs) during all earthmoving activities. As the City completely failed to acknowledge the AB 52 consultation efforts, we request that the following language be included as both mitigation measures and conditions of approval. We request that these measures/conditions of approval be incorporated into the final EIR and any other final environmental documents approved by the City (underlines are additions, strikethroughs are deletions).

~~4.8.2 If previously unidentified prehistoric/Native American resources are identified, a qualified archaeologist must be notified and, in consultation with the local Native American~~

~~representative(s), be recovered and analyzed in accordance with CEQA guidelines, and curated at the University of California, Riverside, Archaeological Research Unit; the Western Center; or with the appropriate Native American repository (e.g., Pechanga facility in Temecula). In addition, an archaeological monitoring program should be initiated and continued until the archaeological consultant concludes the program is no longer necessary.~~

Archaeologist Retained/CRMP Prepared: Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and that the monitor has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project archaeologist, with input from the Pechanga Tribe, shall prepare a Cultural Resources Monitoring Plan (CRMP) to document protocols for inadvertent finds, to determine potential protection measures from further damage and destruction for any identified archaeological resource(s)/tribal cultural resources (TCRs), outline the process for monitoring and for completion of the final Phase IV Monitoring Report. If any archaeological and/or TCRs are identified during monitoring, these will also be documented and addressed per standard archaeological protocols in the Phase IV report, with the exception of human remains which will be addressed per MM 4.8.6. The Project Archaeologist shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.3 Tribal Monitor Retained: At least 30 days prior to the issuance of a grading permit the Applicant shall contact the Pechanga Band of Luiseño Indians to develop a Cultural Resources Treatment Agreement and shall provide evidence to the City of Moreno Valley that the professionally qualified Native American monitor(s) has been secured, and that the Tribe shall be allowed to monitor all mass grading and trenching activities. The Tribal representative(s) shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.8.4 **Inadvertent Finds:** If during mass grading and trenching activities, the Archaeological or Pechanga Monitors suspect that an archaeological resource and/or TCR may have been unearthed, the monitor identifying the potential resources, in consultation with the other monitor as appropriate, shall immediately halt and redirect grading operations in a 50-foot radius around the find to allow identification and evaluation of the suspected resource. The Native American monitor(s) or appropriate representative(s) and the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. The archaeological monitor and Pechanga monitor(s) or appropriate representative(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

4.8.5 **Grading Plans:** Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

“If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Pechanga representatives are not present, the construction supervisor is obligated to halt work in a 50-foot radius around the find and call the project archaeologist and the Pechanga representatives to the site to assess the significance of the find.”

4.8.6 **Human Remains State Law:** If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

4.8.7 Final Phase IV Report: Prior to building permit issuance, the Project archaeologist shall prepare a final Phase IV Monitoring Report as outlined in the CRMP, which shall be submitted to the City Planning Division, Pechanga Band of Luiseño Indians, and the Eastern Information Center at the University of California, Riverside. The report shall document project impacts to archaeological and tribal cultural resources, if any. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility or the Western Science Center in Hemet at the landowners discretion.

Response PCR-4

The commentor notes AB 52 consultation that has occurred between the Tribe and the Lead Agency. The Draft EIR is amended to note AB 52 consultation between the Tribe and the Lead Agency and AB 52 consultation documentation is attached to this Final EIR (please refer also to Response PCR-1). The commentor requests alternative Mitigation to address the Tribe's concerns regarding potential impacts to Cultural Resources and Tribal Cultural Resources that may result from the Project. The EIR is amending accordingly to include the commentor's suggested Mitigation Measures, as presented in Final EIR Sections 2.0, *Revisions and Errata Corrections* and 4.0, *Mitigation Monitoring Plan*. With application of EIR Mitigation Measures 4.8.2 through 4.8.7 revised pursuant to the commentor's requests, potential impacts to Cultural Resources and Tribal Cultural Resources would be less-than-significant.

Comment PCR-5

The Pechanga Tribe looks forward to continuing to work together with the City of Moreno Valley in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov once you have had a chance to review these comments if you have any comments or concerns. Thank you.

Response PCR-5

The Lead Agency appreciates the commentor's response and participation in review of the Project specifically and in the CEQA process generally. Commentor contact information is noted.

Johnson & Sedlack

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October 10, 2016

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VIA US MAIL AND E-MAIL

RE: Comments on Draft Environmental Impact Report for Indian Street Commerce Center Project (SCH No. 2016031036) (Assessor's Parcel Numbers 316-210-019; 316-210-020; 316-210-057; and 316-210-077)

Greetings:

On behalf of the Sierra Club and Residents for a Livable Moreno Valley, I hereby submit these comments on the Draft Environmental Impact Report (EIR) for the Indian Street Commerce Center, Environmental Impact Report Case #P16-003 (SCH No. 2016031036).¹

PROJECT DESCRIPTION AND SUMMARY

The Project proposes development of 446,350 square feet of light industrial uses on a 19.64-acre site. As proposed, 347,080 square feet would be dedicated for distribution warehouse uses, 89,270 square feet would be dedicated to manufacturing, and 10,000 square feet would be dedicated for office uses. The Project would include approximately 35 loading dock doors along the southerly portion of the warehouse. Access to the Project site would be from two driveways on Indian Street along the eastern side of the Project site. Driveway 1 would provide access for passenger vehicles, while Driveway 2 would provide access to trucks.

The site is presently vacant and undeveloped. The site is located in the southern portion of the City approximately one-half mile west of Perris Boulevard and is bounded by Indian Street to the east and Grove View Road (alignment) to the north. March Air Reserve Base is located approximately one-third mile west of the Project site.

JS-1

¹ In order to conserve paper, the citations herein are only provided electronically, unless otherwise noted. Please include the documents cited in your review of these comments as if they were attached. If any hyperlink and/or webpage does not function properly, please contact Johnson & Sedlack and we will be happy to provide you with a hard copy of the document.

October 10, 2016
Page 2

Having reviewed the Draft EIR, we have the following comments, concerns, and recommendations:

↑ JS-1
cont'd.

GENERAL COMMENTS

The California Environmental Quality Act (“CEQA”) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

The EIR truck trip distribution is unsupported, and Project impacts to traffic and air quality would be potentially more significant if revised to reflect an accurate trip distribution. The EIR should be revised and recirculated using the EIR assumption regarding trip distribution for the Traffic Impact Analysis.

Several potentially significant impacts are omitted from full evaluation in the EIR including, impacts to/from geology/soils and utilities/service system. The EIR should be revised to evaluate these impacts. The EIR also fails to adequately evaluate and disclose impacts to/from, but not limited to, air quality, health risks, global climate change and greenhouse gas emissions, and transportation/traffic. (Public Resources Code § 21002.1(a), (e); State CEQA Guidelines § 15128, 15126, 15123.) The EIR also fails to adopt all feasible mitigation to reduces the Project’s significant impacts to air quality, greenhouse gas emissions, and transportation/traffic.

JS-2

For these reasons and as set forth below, the EIR should be revised and recirculated, and additional mitigation incorporated into any proposed Project set out for City approval. Currently, the EIR fails as an informational document and the conclusions in the EIR are unsupported by substantial evidence.

TRANSPORTATION/TRAFFIC

The statement that regional VMT and vehicular source emissions are reduced because: “Distribution warehouse uses proposed by the Project act to reduce truck travel distances and truck trips within the region by consolidating and reducing requirements for single-delivery vendor truck trips,” is unsupported by any evidence. (DEIR p. 3-20.) The EIR should consider regional VMT for the Project based on actual trip lengths, likely with a substantial portion travelling to/from the Ports of Los Angeles and Long Beach.

Appendix B states, “The truck trip distribution patterns have been developed based on the anticipated travel patterns for the high-cube warehousing trucks.” (Indian Street Commerce Center Traffic Impact Analysis, p. 59.) Project truck trip distribution is completely unsupported by anticipated travel patterns. The EIR assumes that 50% of all delivery trips will travel to and from the Project and the Port of Los Angeles/Long Beach, 10% go East on the State Route 60, 20% go to San Diego, 10% go to the Inland Empire, 5% go to Perris destinations and the remaining 5% to Moreno Valley destinations. However, the Traffic Impact Analysis anticipates 95% of the inbound truck trips to be from SR-60 to I-215

JS-3

October 10, 2016
Page 3

southbound. There is no reason for this finding when the EIR assumes 20% of trips would be traveling north from San Diego.

The evaluation of traffic impacts fails to consider impacts to alternate routes and city streets if traffic on highways becomes too congested. Intersection and roadway impacts should be re-evaluated accounting for a more reasonable number of northbound trips on I-215 and evaluating Project impacts on I-91 and I-10.

JS-3
cont'd.

Mitigation should be adopted requiring that the Project pay into a transportation mitigation fee program for impacts to the state highway system should a fee program be adopted in the future between the City and Caltrans.

AIR QUALITY

The EIR assumes a 61-mile trip length for vehicle trips, but the EIR does not state whether this a one-way or round-trip assumption. The EIR should clarify that vehicles will travel 61-miles one-way to/from the Project site.

The EIR finds that the Project would result in significant operational impacts to NO_x. Additional mitigation measures requiring cleaner trucks for the Project should be implemented in light of these emissions. As stated by SCAG:

The two air pollutants of greatest concern in Southern California are nitrogen oxides (NO_x) and fine particulate matter (PM_{2.5}). The South Coast Air Basin is classified as an extreme non-attainment area per the federal ambient ozone standard, with a required attainment date of 2023. By approximately 2031, a second, more stringent federal ozone standard must be attained. The federal Clean Air Act requires the region to demonstrate timely attainment of these standards or federal sanctions may result, such as interruption or curtailment of funding for transportation projects. To attain the federal ozone standards the region will need broad deployment of zero- and near-zero-emission transportation technologies in the 2023 to 2035 timeframe.” [emphasis added] (Southern California Association of Governments’ (SCAG’s) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).)

JS-4

Moreover, in the Inland Empire, increase distribution warehousing and truck travel to and from the ports of Los Angeles and Long Beach are anticipated to cause “substantial congestion problems due to the increased truck volumes on regional highways.” (*Id.*) In light of the fact that this Project and cumulative Projects are anticipated to exacerbate the substantial NO_x and PM_{2.5} problems in the Southern California region, a mitigation measure requiring that all trucks accessing the site meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, should be adopted for this Project.

The following additional mitigation is also feasible and should be adopted to reduce this effect:

1. The operator/user of any industrial uses shall become SmartWay Partner.*
2. The operator/user of any industrial uses shall meet SmartWay 1.25 ratings.*

JS-5

October 10, 2016
Page 4

3. The operator/user of any industrial uses shall use only freight companies that meet SmartWay 1.25 ratings.*
4. All heavy trucks accessing the site shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The developer shall establish a diesel minimization plan (DMP) to implement the regulations of the California Air Resources Board pursuant to a faster schedule than required by law. The DMP shall require the phase in or new or retrofitted trucks so that by 2020 all trucks with GVWR greater than 16,000lbs that visit the Project site and/or are owned or operated by a Project tenant shall meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Articles 4.5, Section 2025. The DMP shall also require that all 53-foot or longer box-type trailers are equipped with low-rolling resistance tires by 2015. From the date of Project approval and for six years thereafter, Developer (and/or purchaser/tenant/owner/operator, as required by contract provision) shall maintain evidence of compliance with the DMP. Developer, tenant, or purchaser shall maintain a log including license plates, engine model year, retrofit technology if applicable, and engine family name of all trucks accessing the Project site. 10% of the truck fleets for any industrial uses shall be 2010 model compliant upon Project opening, and increase that percentage at least 20% per year until 100% of trucks operating onsite are 2010 compliant.
6. Diesel yard trucks (holsters, yard goats, etc.) shall be prohibited from use onsite.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels.
9. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Utilize electrical equipment for landscape maintenance. Prohibit gas powered equipment for landscape maintenance.*
11. Utilize electric yard trucks (aka yard goats, hostlers).*
12. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
13. Plant at least 50% low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.*
14. Plant Low-OFP, native, drought-resistant tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.*
15. Concrete, instead of asphalt, shall be used for parking areas. Concrete shall have an initial solar reflectance value of at least .30 as determined in accordance with American Society of Testing and Materials (ASTM) Standards E 1980 or E1918.
16. Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the buildings during the summer and allow sunlight to strike the building during the winter months.*
17. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lands that reduce standard black asphalt paving by 10% or more.*
18. Project driveways and parking areas shall be concrete instead of asphalt. Concrete shall have an initial solar reflectance value of at least .30 as determined in accordance with American Society of Testing and Materials (ASTM) Standards E 1980 or E1918.
19. Provide shuttle service to food service establishments/commercial areas.*

JS-5
cont'd.

- 20. Roof area shall be constructed with materials with an initial installation Solar Reflective Index Value of at least 39 or greater than the values specified and set forth in CalGreen 2013 Table A5.106.11.2.2.
 - 21. All hot water heaters installed by Developer shall be powered either through solar cells mounted on the roof of the building, solar water heating, or through other on-site renewable power.*
 - 22. No diesel-powered generator of any type shall be used at any time on the Project site.*
 - 23. The site shall be developed to meet, but not exceed, the number of parking stalls required by local zoning requirements.
- (*Would also reduce GHG emissions)

JS-5
cont'd.

Health risk impacts from the Project should be modeled along all proposed truck routes for the Project, not merely receptors within 1,000 feet of the Project site. The “source” aka trucks, will pass closer to homes and schools if they travel north from the site. It would be preferable if the Project were developed with curb cutouts and other means to deter trucks from traveling north passed residences on Indian Avenue or Perris Boulevard, and were instead directed south to Harley Knox and I-215. Cumulative health risk impacts should be quantified. Health risk impacts should be weighted to account for children at the nearby schools.

JS-6

GLOBAL CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

The EIR concludes that the Project would cause a significant and unmitigated impact to greenhouse gas (GHG) emissions. Yet, the EIR fails to recommend adoption of all feasible mitigation for the Project. “The Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power to serve all Project office areas. Energy savings from such a PV system is preliminary estimated at 160,350 kilowatt hours per year. Alternatively, as a Condition of Approval, the Project would be required to obtain an equivalent amount of electricity from a utility provider that receives its energy from renewable (non-fossil fuel) sources, and provide documentation to this effect to the City.” (DEIR p. 1-7.) The Project should be conditioned to install the maximum supported amount of PV. There should be no alternative condition regarding purchasing an equivalent amount of electricity from a utility provider that receives its energy from renewable sources. It is feasible to require this design concept as mitigation and it is also feasible to require both the installation of solar panels and purchase of green energy from the utility company.

JS-7

The following additional mitigation should also be incorporated to reduce impacts to GHG emissions:

- 1. All operators on the Project site shall provide electric vehicle (EV) and compressed natural gas (CNG) vehicles in vehicles fleets.
- 2. Implement a parking fee for single-occupancy vehicle commuters.
- 3. Charge reduced or no parking fee for EVs and CNG vehicles.
- 4. Install a minimum of five EV charging stations onsite, at least three of which are DC Fastcharge/Quickcharge, with the remainder meeting at least EVSE Level 2 standards.
- 5. All buildings shall be constructed to LEED Platinum standards.
- 6. Require operators/users to implement a parking cash-out program for non-driving employees.
- 7. Require each user to establish a carpool/vanpool program.
- 8. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.

9. Provide direct, safe, attractive pedestrian access from Project to transit stops and adjacent development.
10. Provide direct, safe bicycle access to adjacent bicycle routes.
11. Provide showers and lockers for employees bicycling or walking to work.
12. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.
13. Provide shuttle service to transit stations/multimodal centers.
14. Install an ozone destruction catalyst on all air conditioning systems.
15. Purchase only green/renewable power from the electric company.
16. Install solar water heating systems to general all hot water requirements.
17. Require the Project to participated in any existing Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. If no TMA exists, the Project shall establish a TMA.

JS-7
cont'd.

BIOLOGICAL RESOURCES

A small number of ornamental pines and Chinaberry trees exist in the southwesterly portion of the Project site. The EIR fails to disclose how and why these trees came to be present onsite and if they have any historic or cultural value.

JS-8

GEOLOGY AND SOILS

The EIR does not evaluate impacts to geology and soils as a potentially significant Project impact. The Initial Study states, “The Project Geotechnical Study indicates that soils within the Project site have a low expansion potential, but would require attention during Project design and maintenance.” (IS p. 3-18) The issues that “require attention” are not discussed or disclosed in the EIR. Additionally, the EIR states, “The Project Geotechnical Study in total indicates that the Project site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project.” (DEIR p. 1-15.) Based on the discrepancy between the DEIR and Initial Study and the lack of analysis of the soils with a low expansion potential, the decision to not evaluate geology and soil impacts in greater detail is unsupported.

JS-9

UTILITIES AND SERVICE SYSTEMS

The EIR does not evaluate impacts to utility and service systems as a potentially significant Project impact. This decision to not evaluate whether sufficient water supplies are available to serve the Project from existing entitlements and resources in detail is not supported.

JS-10

In January 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency as California entered its four consecutive year of drought.² Governor Brown then issued twenty-five percent statewide mandatory water reductions in April 2015.³ Most recently, Governor Brown

² Governor Brown Declares Drought State of Emergency, Office of Governor Edmund G. Brown Jr., January 1, 2014 <<https://www.gov.ca.gov/news.php?id=18368>>.

³ Governor Brown Directs First Ever Statewide Mandatory Water Reductions, Office of Governor Edmund G. Brown Jr., April 1, 2015 <<https://www.gov.ca.gov/news.php?id=18910>>.

October 10, 2016
Page 7

issued an additional state order to continue current actions and implement new actions in response to drought conditions.⁴ Despite the El Nino weather system bringing a slightly above average snowpack, the drought will likely continue.⁵ Additionally, California has agreed to gradually reduce the state's use of its 4.4 million acre-feet apportionment of the Colorado River by 2017.⁶

JS-10
cont'd.

While a Water Supply Assessment may not be required pursuant to the Water Code, Project impacts to water supply should nevertheless be assessed in the EIR given drought conditions and the continuing application of use restrictions pursuant to Executive Order.

ALTERNATIVES

The EIR finds that the Reduced Intensity Alternative, and alternative that would develop 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, is the "environmentally superior alternative." Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible. (Public Resources Code § 21002; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597; State CEQA Guidelines § 15126.6(b).) The Reduced Intensity Alternative would avoid the Project's GHG impacts and significantly lessen impacts to transportation/traffic and air quality. Thus, this Alternative should be development instead of the Project.

The EIR states that the Reduced Intensity Alternative would "substantially diminish attainment of three fundamental Project Objectives." (DEIR p. 5-57.) However, this is incorrect as the Alternative would be able to meet the basic objectives of the Project:

JS-11

- Implement the City's General Plan through development that is consistent with the General Plan Community Development Element and applicable General Plan Goals, Objectives, Policies and Programs.

The Alternative would still implement the City's General Plan by developing the vacant Project site with 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, consistent with the current Business Park/Light Industrial General Plan Land Use designation.

- Implement the Moreno Valley Industrial Area Plan through development that is consistent with the Area Plan land uses and development concepts, and in total supports the Area Plan Vision.

⁴ Governor Brown Issues Executive Order to Bolster State's Drought Response, Office of Governor Edmund G. Brown Jr., November 13, 2015 <<https://www.gov.ca.gov/news.php?id=19191>>.

⁵ California Farmers Brace for Water Shortage Despite El Nino,

⁶ Colorado River Aqueduct, the Metropolitan Water District of Southern California, <http://www.mwdh2o.com/AboutYourWater/Sources%20of%20Supply/Pages/Imported.aspx#tabs-State_Water_Project_SWP_>.

October 10, 2016
Page 8

The Alternative would implement the Moreno Valley Industrial Area Plan by developing the Project site with 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, consistent with the current Industrial Zoning designation under the MVIAP.

- Establish new development that would increase locally available employment opportunities and would further the City's near-term and long-range fiscal goals and objectives.

As the Alternative would develop the currently vacant Project site with manufacturing and high cube warehousing uses, the Alternative would generate new employment beyond what currently exists in the City.

As the Reduced Intensity Alternative all Project objectives and substantially reduce or avoid the significant impacts of the Project, it should be adopted rather than the Project.

CONCLUSION

We appreciate the opportunity to offer comments on this Project, and thank you for your consideration of these comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

JS-11
cont'd.

JS-12

Attachments and Electronic Citations

- (1) *CalEEMod User's Guide*, Appendix E, Large Warehouse and Distribution Center Trip Rates, available at www.caleemod.com
- (2) *Warehouse Truck Trip Study Data Results and Usage*, SCAQMD Mobile Source Committee, July 25, 2014
<<http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-qualityanalysis/finaltrucktripstudymisc072514.pdf?sfvrsn=2>. >
- (3) *The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, < <http://www.aqmd.gov/docs/default-source/students/health-effects.pdf?sfvrsn=0> >
- (4) *Diesel and Health in America: the Lingering Threat*, Clean Air Task Force, February 2005,
<http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>
- (5) *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3.
<http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf.>
- (6) U.S. Department of Housing and Urban Development. (March 2009) *The Noise Guidebook*. < <https://www.onecpd.info/resource/313/hud-noise-guidebook/>>
- (7) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects*. <<http://www.nonoise.org/library/suter/suter.htm>>
- (8) 2013 Traffic Volumes on California State Highways, Caltrans (2013), < <http://traffic-counts.dot.ca.gov/2013all/>>

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
 - Review and supervision of preparation of EIR's and joint EIR/EIS's
 - Preparation of Negative Declarations
 - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
 - Sierra Club
 - San Bernardino Valley Audubon Society
 - Sea & Sage Audubon Society
 - San Bernardino County Audubon Society
 - Center for Community Action and Environmental Justice
 - Endangered Habitats League
 - Rural Canyons Conservation Fund
 - California Native Plant Society
 - California Oak Foundation
 - Citizens for Responsible Growth in San Marcos
 - Union for a River Greenbelt Environment
 - Citizens to Enforce CEQA
 - Friends of Riverside's Hills
 - De Luz 2000
 - Save Walker Basin
 - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law

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12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions

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8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department

Environmental Team
 385 N. Arrowhead
 San Bernardino, CA 92415
 (909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department

General Plan Team
 385 N. Arrowhead
 San Bernardino, CA 92415
 (909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

San Bernardino County Planning Department

North Desert Regional Planning Team
 15505 Civic
 Victorville, CA
 (619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway
 Lee's Summit, MO 64063
 (816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.

Lee's Summit, MO

9/78-5/84

Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association

Lee's Summit, Mo.

Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

City of Lee's Summit, MO

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff

9200 Ward Parkway

Kansas City, MO 64114

(816) 333-4800

Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.

Johnson & Sedlack
26785 Camino Seco
Temecula, CA 92590

Letter Dated October 10, 2016

Comment JS-1

On behalf of the Sierra Club and Residents for a Livable Moreno Valley, I hereby submit these comments on the Draft Environmental Impact Report (EIR) for the Indian Street Commerce Center, Environmental Impact Report Case #P16-003 (SCH No. 2016031036).

PROJECT DESCRIPTION AND SUMMARY

The Project proposes development of 446,350 square feet of light industrial uses on a 19.64-acre site. As proposed, 347,080 square feet would be dedicated for distribution warehouse uses, 89,270 square feet would be dedicated to manufacturing, and 10,000 square feet would be dedicated for office uses. The Project would include approximately 35 loading dock doors along the southerly portion of the warehouse. Access to the Project site would be from two driveways on Indian Street along the eastern side of the Project site. Driveway 1 would provide access for passenger vehicles, while Driveway 2 would provide access to trucks.

The site is presently vacant and undeveloped. The site is located in the southern portion of the City approximately one-half mile west of Perris Boulevard and is bounded by Indian Street to the east and Grove View Road (alignment) to the north. March Air Reserve Base is located approximately one-third mile west of the Project site.

Having reviewed the Draft EIR, we have the following comments, concerns, and recommendations:

Response JS-1

The commentor's representative role is noted. The summary of Project uses and total acreage to be developed, as stated by the commentor, is materially correct. The detailed Project Description is presented at Draft EIR Section 3.0.

Comment JS-2

GENERAL COMMENTS

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

The EIR truck trip distribution is unsupported, and Project impacts to traffic and air quality would be potentially more significant if revised to reflect an accurate trip distribution. The EIR should be revised and recirculated using the EIR assumption regarding trip distribution for the Traffic Impact Analysis.

Several potentially significant impacts are omitted from full evaluation in the EIR including, impacts to/from geology/soils and utilities/service system. The EIR should be revised to evaluate these impacts. The EIR also fails to adequately evaluate and disclose impacts to/from, but not limited to, air quality, health risks, global climate change and greenhouse gas emissions, and transportation/traffic. (Public Resources Code § 21002.1(a), (e); State CEQA Guidelines § 15128, 15126, 15123.) The EIR also fails to adopt all feasible mitigation to reduce the Project's significant impacts to air quality, greenhouse gas emissions, and transportation/traffic.

For these reasons and as set forth below, the EIR should be revised and recirculated, and additional mitigation incorporated into any proposed Project set out for City approval. Currently, the EIR fails as an informational document and the conclusions in the EIR are unsupported by substantial evidence.

Response JS-2

The commentor summarizes CEQA informational and disclosure precepts. The EIR appropriately responds to and conforms with the intent and purpose of CEQA.

The commentor then provides various incorrect assertions regarding the EIR analyses of Transportation/Traffic, Air Quality, Geology/Soils, Health Risks, Global Climate Change/Greenhouse Gas Emissions, and Utilities/Service Systems; and summarizes the comments presented within the remainder of the letter. The commentor offers an opinion regarding the adequacy of the Draft EIR.

The commentor assertions regarding the EIR are in total inaccurate and incorrect. Commentor opinions regarding adequacy of the EIR are noted. Specific responses to commentor statements are presented below.

Comment JS-3

TRANSPORTATION/TRAFFIC

The statement that regional VMT and vehicular source emissions are reduced because: "Distribution warehouse uses proposed by the Project act to reduce truck travel distances and truck trips within the region by consolidating and reducing requirements for single-delivery vendor truck trips," is unsupported by any evidence. (DEIR p. 3-20.) The EIR should consider regional VMT for the Project based on actual trip lengths, likely with a substantial portion travelling to/from the Ports of Los Angeles and Long Beach.

Appendix B states, "The truck trip distribution patterns have been developed based on the anticipated travel patterns for the high-cube warehousing trucks." (Indian Street Commerce Center Traffic Impact Analysis, p. 59.) Project truck trip distribution is completely unsupported by anticipated travel patterns. The EIR assumes that 50% of all delivery trips will travel to and from the Project and the Port of Los Angeles/Long Beach, 10% go East on the State Route 60, 20% go to San Diego, 10% go to the Inland Empire, 5% go to Perris destinations and the remaining 5% to Moreno Valley destinations. However, the Traffic Impact Analysis anticipates

95% of the inbound truck trips to be from SR-60 to I-215 southbound. There is no reason for this finding when the EIR assumes 20% of trips would be traveling north from San Diego.

The evaluation of traffic impacts fails to consider impacts to alternate routes and city streets if traffic on highways becomes too congested. Intersection and roadway impacts should be re-evaluated accounting for a more reasonable number of northbound trips on I-215 and evaluating Project impacts on I-91 and I-10.

Mitigation should be adopted requiring that the Project pay into a transportation mitigation fee program for impacts to the state highway system should a fee program be adopted in the future between the City and Caltrans.

Response JS-3

The commentor offers an opinion regarding factors that tend to reduce vehicle miles traveled. Empirically, trip consolidation as occurs at distribution warehouse facilities increases the load per vehicle, diminishes the number of single vehicle trips over a given distance, acting to reduce vehicle miles traveled within the region. The main benefits of consolidation and increasing the load factor per vehicle include a reduction in the number of vehicles traveling within the Study Area and surrounding region, as well as reductions in congestion, VMT and pollution. Reductions in VMT that may be achieved by the Project design and location are qualitative aspects of the Project and are not considered as mitigating factors in the EIR quantitative analyses. That is, the EIR quantitative analyses do not take credit for any VMT reductions that could accrue to the Project.

The commentor states that the EIR should consider regional VMT for the Project based on actual trip lengths. This is indeed the analytic protocol employed in the EIR. Please refer to EIR p. 4.2-37, 4.2-38, relevant text excerpted below.

For the Project mobile-source emissions, air quality impacts have been evaluated employing assumptions and protocols reflected in the South

Coast Air Quality Management District *Draft Warehouse Truck Trip Study* (SCAQMD) December 2014 (*Draft Warehouse Truck Trip Study*); and reflecting likely maximum trip lengths as follows:

- For passenger car trips, the CalEEMod default for a one-way trip length of 16.6 miles was assumed.

- For heavy duty trucks, average trip length were employed reflecting distances from the Project site to the far edges of the South Coast Air Basin (SCAB.)
 - Project site to the Port of Los Angeles/Long Beach: 80 miles;
 - Project site to East on State Route 60: 30 miles;
 - Project site to San Diego County line: 60 miles;
 - Project site to Inland Empire: 50 miles;
 - Project site to Perris destinations: 10 miles;
 - Project site to Moreno Valley destinations: 10 miles.

Assuming that 50% of all delivery trips will travel to and from the Project and the Port of Los Angeles/Long Beach, 10% go East on the State Route 60, 20% go to San Diego, 10% go to the Inland Empire, 5% go to Perris destinations and the remainder as Moreno Valley destinations. The average truck trip length is calculated as 61 miles.

Results and conclusions of the EIR are not affected.

The commentor incorrectly represents Trip Distribution information provided in the EIR. Specifically, the commentor states “the Traffic Impact Analysis anticipates 95% of the inbound truck trips to be from SR-60 to I-215 southbound. There is no reason for this finding when the EIR assumes 20% of trips would be traveling north from San Diego.” The EIR does NOT assume 20% of trips would be traveling north from San Diego.

Project Truck Distribution is graphically depicted at EIR Figure 4.1-7 (TIA Exhibit 4-2), reproduced on the following page. As indicated, 95 percent of the inbound trips would access the Project via southbound I-215. Twenty percent of the outbound trips would travel southbound via I-215. Contrary to the commentor's assertion, there is no assumed "20% of trips would be traveling north from San Diego."

Results and conclusions of the EIR are not affected.

The commentor speculates on potential traffic impacts under vague, unknown and unspecified traffic congestion conditions, i.e, when conditions are "*too congested.*" The EIR evaluates and discloses likely maximum traffic impacts consistent with accepted traffic impact modeling protocols including substantiated and vetted congestion analyses and trip distribution protocols. The commentor offers no evidence for congestion analyses or trip distribution protocols other than those presented in the EIR. Results and conclusions of the EIR are not affected.

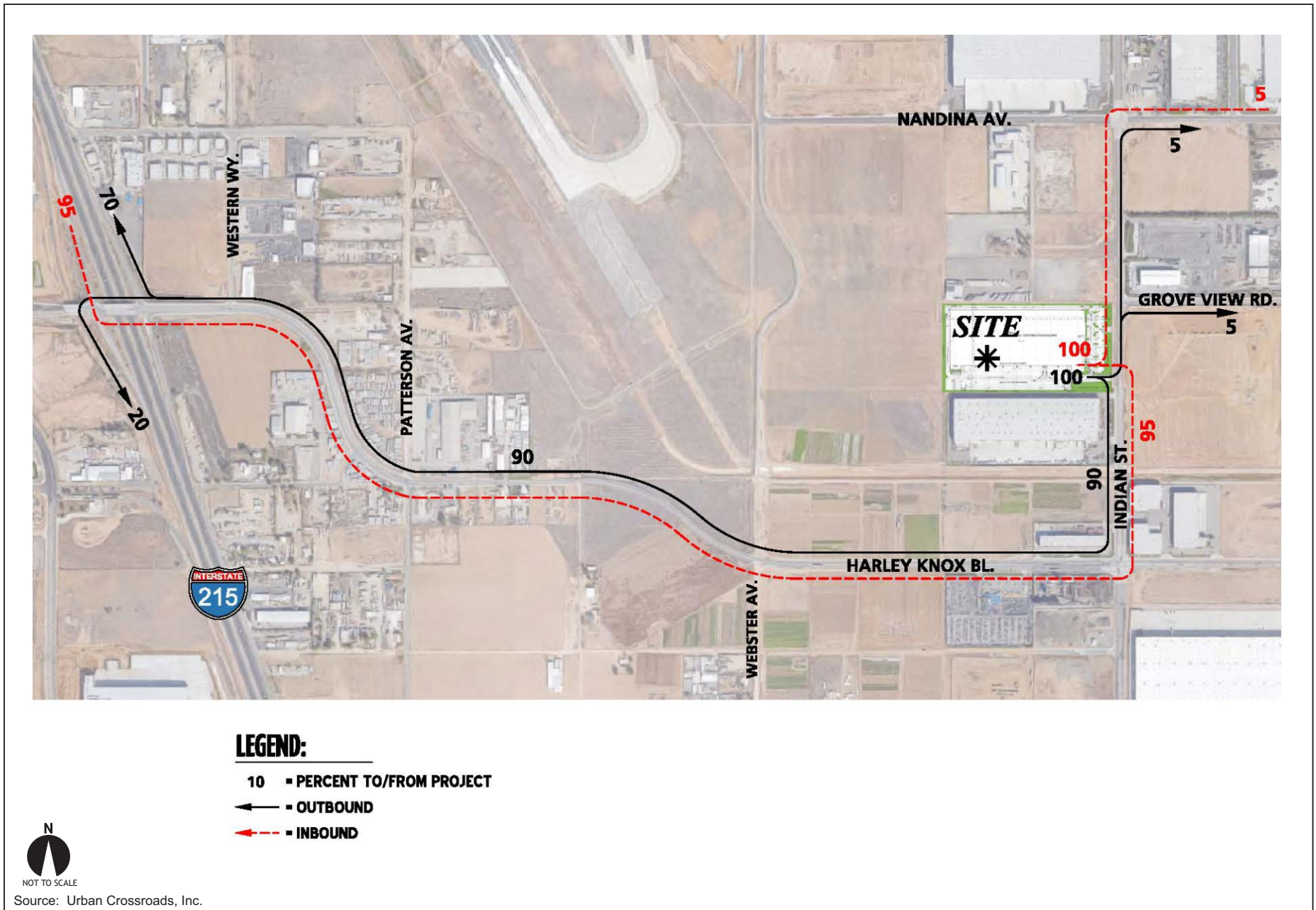


Figure 4.1-7
Project (Truck) Trip Distribution

Comment JS-4

AIR QUALITY

The EIR assumes a 61-mile trip length for vehicle trips, but the EIR does not state whether this a one-way or round-trip assumption. The EIR should clarify that vehicles will travel 61-miles one-way to/from the Project site.

The EIR finds that the Project would result in significant operational impacts to NOX. Additional mitigation measures requiring cleaner trucks for the Project should be implemented in light of these emissions. As stated by SCAG:

The two air pollutants of greatest concern in Southern California are nitrogen oxides (NOX) and fine particulate matter (PM2.5). The South Coast Air Basin is classified as an extreme nonattainment area per the federal ambient ozone standard, with a required attainment date of 2023. By approximately 2031, a second, more stringent federal ozone standard must be attained. The federal Clean Air Act requires the region to demonstrate timely attainment of these standards or federal sanctions may result, such as interruption or curtailment of funding for transportation projects. To attain the federal ozone standards the region will need broad deployment of zero and near-zero-emission transportation technologies in the 2023 to 2035 timeframe.” [emphasis added] (Southern California Association of Governments’ (SCAG’s) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).)

Moreover, in the Inland Empire, increase distribution warehousing and truck travel to and from the ports of Los Angeles and Long Beach are anticipated to cause “substantial congestion problems due to the increased truck volumes on regional highways.” (Id.) In light of the fact that this Project and cumulative Projects are anticipated to exacerbate the substantial NOX and PM2.5 problems in the Southern California region, a mitigation measure requiring that all trucks accessing the site meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, should be adopted for this Project.

Response JS-4

The commentor is uncertain whether average truck trip lengths reflected in the EIR are one-way or round trip. To clarify, truck trip lengths are for one-way travel. Results and conclusions of the EIR are not affected.

As noted by the commentor, the EIR concludes that even with application of mitigation, Project operational-source NO_x emissions impacts would be significant and unavoidable. The commentor suggests that additional mitigation measures requiring cleaner trucks for the Project should be implemented in light of these emissions.

In response, please note that mobile-source vehicle tail pipe emissions cannot be materially controlled or mitigated by the Lead Agency or the Project Applicant. Rather, these emissions sources are regulated by CARB and USEPA. As summarized at EIR 4.2.5, Regional Air Quality Trends, as the result of CARB and USEPA actions, Basin-wide vehicular-source emissions have been reduced dramatically over the past years and are expected to further decline as clean vehicle and fuel technologies improve. Future CARB and USEPA actions could be expected to have a positive effect on Project-related vehicular-source emissions, resulting in incremental reductions in vehicular-source emissions when compared to either the Project AQIA emissions estimates. Further, the Applicant cannot control the type or quality of vehicles accessing the Project site.

The commentor notes air pollutants of concern and non-attainment conditions in Southern California. Regional and local air quality conditions are identified at EIR p. 4.2-16, Table 4.2-2 (reproduced below), including non-attainment conditions cited by the commentor.

**Table 4.2-2
Attainment Status of Criteria Pollutants in the South Coast Air Basin (SCAB)**

Pollutant	State Designation	Federal Designation
Ozone (1-hour)	Non-attainment	No Standard
Ozone (8-hour)	Non-attainment	Extreme Non-attainment ¹

**Table 4.2-2
Attainment Status of Criteria Pollutants in the South Coast Air Basin (SCAB)**

Pollutant	State Designation	Federal Designation
Particulate Matter (PM ₁₀)	Non-attainment	Serious Non-attainment
Particulate Matter (PM _{2.5})	Non-attainment	Non-attainment
Carbon Monoxide	Attainment	Attainment/Maintenance
Nitrogen Dioxide	Non-attainment ²	Attainment/Maintenance
Sulfur Dioxide	Attainment	Attainment
Lead	Attainment/Non-attainment ³	Attainment/Non-attainment ⁴
All others	Attainment/Unclassified	Attainment/Unclassified

Source: Indian Street Commerce Center Air Quality Impact Analysis, City of Moreno Valley (Urban Crossroads, Inc.) July 7, 2016.

Notes:

¹ The USEPA approved redesignation from Severe 17 to Extreme Nonattainment on May 5, 2010, effective June 4, 2010.

² The SCAB was reclassified from attainment to non-attainment for nitrogen dioxide on March 25, 2010.

³ Los Angeles County was reclassified from attainment to non-attainment for lead on March 25, 2010; the remainder of the SCAB is in attainment of the State standard.

⁴ The Los Angeles County portion of the SCAB is classified as non-attainment for lead; the remainder of the SCAB meets State attainment standards.

The commentor cites to Southern California Association of Governments (SCAG) 2012-2035 RTP/SCS discussions regarding necessary actions to achieve federal ozone attainment standards – *“To attain the federal ozone standards the region will need broad deployment of zero and near-zero-emission transportation technologies in the 2023 to 2035 timeframe.” [emphasis added] (Southern California Association of Governments’ (SCAG’s) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).)”*

Project support of attainment standards is discussed in the EIR. As discussed in the EIR, the Project is consistent with the Basin Air Quality Management Plan (AQMP) and the Project attributes and features are consistent with and support AQMP air pollution reduction strategies and promote timely attainment of AQMP air quality standards (EIR pp. 4.2-28 – 4.2-31). The EIR also discusses general air quality trends documented by SCAQMD and CARB, indicating comparatively improved air quality over historic conditions, with a future similar trend line. Relevant EIR discussions are excerpted below.

4.2.5 REGIONAL AIR QUALITY TRENDS

SCAQMD is the agency responsible for regulating stationary air pollution sources within the Basin.² To these ends, SCAQMD develops comprehensive plans and regulatory programs for the region in order to attain federal air quality standards by dates specified under federal law. SCAQMD responsibilities also include attainment of state air quality standards at the earliest achievable date, employing reasonably available control measures.

SCAQMD rule development through the 1970s and 1980s realized substantial improvement in Basin air quality. Subsequent SCAQMD pollution prevention and control programs developed during the 1990s relied on: (i) development and application of cleaner technologies; (ii) add-on emission controls; and (iii) uniform CEQA review throughout the Basin. Industrial-source air pollutant emissions within the Basin have been significantly reduced through this approach. Additionally, Basin-wide vehicular-source emissions have been reduced by technologies implemented at the state level by the California Air Resources Board (CARB).

4.2.5.1 Criteria Pollutants Reduced Basin-wide

Air Quality Management Plans (AQMPs) prepared and periodically updated by SCAQMD establish air quality attainment targets and related strategies intended to achieve federal and state air quality standards. The Basin's historical improvement in air quality since the 1970's is the direct result of the comprehensive, multi-year air pollution reduction strategies outlined in the AQMP(s), and by utilizing uniform CEQA review throughout the Basin. Under the AQMPs, Ozone, NO_x, VOC, and CO

² Separately, the California Air Resources Board (CARB) regulates mobile-source air pollutants within the Basin.

emissions within the Basin have demonstrably decreased since 1975, with continuing substantive decreases anticipated through 2020.

Diminished air pollutant emissions with the Basin are primarily the result of replacement of older vehicles with newer more fuel-efficient and/or alternative fuel vehicles; and increasingly effective motor vehicle emissions controls, including evaporative emissions controls. Because of the mandated controls on motor vehicles and the replacement of older polluting vehicles, although vehicle miles traveled in the Basin continue to increase, NO_x and VOC levels continue to decrease. NO_x emissions resulting from electric power generation have also decreased, largely due to use of cleaner fuels and renewable energy. Relative decreases in ambient levels of Ozone, particulate matter (PM₁₀ and PM_{2.5}), and CO are also evident Basin-wide. Ozone air quality in the SCAB has improved substantially over historic conditions. For example:

- During the 1960s, maximum 1-hour concentrations exceeded 0.60 ppm. Currently, maximum measured concentrations approximate 0.20 ppm or less;
- The 2007 peak 8-hour indicator value for Ozone was 42 percent lower than the 1988 value;
- The 2008 three-year average of the maximum 8-hour concentration for Ozone was over 41 percent lower than in 1990; and
- The number of days that the Basin Ozone levels exceeded state and federal standards has also declined dramatically.

Trends for particulate matter emissions (PM₁₀ and PM_{2.5}) also show an overall improvement when compared to historic conditions. Direct

emissions of PM₁₀ have remained somewhat constant in the Basin and direct emissions of PM_{2.5} have decreased slightly since 1975. Area-wide sources (fugitive dust from roads, dust from construction and demolition, and other sources) contribute the greatest amount of direct particulate matter emissions. Despite the overall decrease, ambient concentrations still exceed the State annual and 24-hour PM₁₀ standards; and the Basin is also currently designated as nonattainment under the State and national PM_{2.5} standards. Measures adopted under the Basin PM_{2.5} State Implementation Plan (SIP), as well as programs to reduce ozone and diesel particulate matter (DPM) will help in reducing regional ambient PM_{2.5} levels.

CO concentrations in the Basin have also decreased markedly when compared to past conditions — evidenced by more than 72 percent in the peak 8-hour CO indicator since 1988. The number of CO exceedance days has also declined. During 1988, there were 73 days above the State standard and 65 days above the national standard. However, since 2003, there were no exceedance days for either standard. The Basin in its entirety is now designated as attainment for both the state and national CO standards. Ongoing reductions from motor vehicle control programs should continue the downward trend in ambient CO concentrations.

4.2.5.2 Diesel Emissions and Diesel Particulate Matter (DPM) Reduced Basin-wide

CARB and the Ports of Los Angeles and Long Beach have adopted regulations acting to reduce levels of DPM. In summary, these regulations require that older, more polluting trucks be replaced with newer, cleaner trucks. These regulatory requirements have yielded reductions in DPM emissions generated per mile traveled and associated reductions in ambient DPM levels within the Basin. Further DPM emissions reductions

are anticipated as additional inefficient and polluting vehicles are retired from service.

DPM emissions are a known source of increased cancer risks. Paralleling the decline in Basin-wide DPM levels noted above, information available from CARB indicates that overall cancer risk throughout the basin has had a declining trend since 1990. Additional reductions in diesel risk exposure are anticipated to result from CARB's Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. The key elements of the Plan include: retrofit emission control devices for older diesel engines; adoption of stringent standards for new diesel engines; and reduced sulfur content of diesel fuel to protect advanced technology emission control devices on newer diesel engines.

[DEIR, pp. 4.2-21 - 4.2-24]

To summarize:

- The Project cannot materially or meaningfully control vehicular-source NOx emissions, and Project vehicular-source emissions are appropriately recognized as significant and unavoidable in the EIR.
- The Project would not interfere with or obstruct attainment of air quality standards. Moreover, Basin air quality trends as affected by increasingly stringent regulations and vehicle turnover evidence improvement when compared to historic conditions.
- The Project would comply with all air quality regulations, including those more stringent regulations that may be implemented, and over time would accommodate transition to newer/cleaner vehicles.

Results and conclusions of the EIR are not affected.

The commentor states “[i]n light of the fact that this Project and cumulative Projects are anticipated to exacerbate the substantial NO_x and PM_{2.5} problems in the Southern California region, a mitigation measure requiring that all trucks accessing the site meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025, should be adopted for this Project.”

It is first noted that the Project would not result in or cause potentially significant PM_{2.5} emissions impacts. CEQA does not require mitigation for impacts determined to be less-than-significant.

With regard to vehicle-source NO_x impacts, as noted herein, neither the lead Agency or the Applicant can meaningfully control vehicular-source NO_x emissions, and reductions of these emissions in general has been realized through regulatory actions and as the result of the transition to newer and cleaner fuels and fuel-efficient technologies. In combination, regulatory actions and transition to newer/cleaner fuels and energy-efficient technologies are expected to result in significant, Basin-wide reductions in PM₁₀/PM_{2.5}, NO_x, VOC, CO emissions.

With respect to the commentor’s proposed imposition of 2010 model year emissions standards, the Lead Agency supports compliance with incumbent vehicle emissions standards, and encourages voluntary use of vehicles that surpass incumbent emissions standards. That said, under the current Truck and Bus Regulation (CARB, 2008) all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Pursuant to the Regulation, older, heavier trucks, i.e., those with pre-2000 year engines and a gross vehicle weight rating (GVWR) greater than 26,000 pounds are already required to have installed a PM filter and must be replaced with a 2010 engine within the timeframe 2015 - 2020, depending on the model year. As of 2015 under the Regulation, heavier pre-1994 trucks must be upgraded to 2010 engines and newer trucks are thereafter required to be replaced over the next eight years.

Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean 2007-2009 engines are not required to be replaced until 2023. Lighter trucks (those with a GVWR of 14,001 to 26,000 pounds) must adhere to a similar schedule, and will all be replaced by 2020. Further, nearly all trucks that are not required under the Truck and Bus Regulation to be replaced by 2015 are required to be upgraded with a PM filter by that date. Therefore, most heavy-duty trucks entering the Project site already meet or exceed 2010 emission standards, or would do so in the near-term. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

In the context of the Truck and Bus Regulation, the only effect of the commentor's proposed mitigation measure would be to require the upgrade or replacement of newer, relatively cleaner trucks accessing the Project site a few years sooner prior than would be mandated by the Truck and Bus Regulation. As such, the measure offered by the commentor would at best expedite the reduction of Project truck emissions, yielding a nominal reduction in NO_x over the approximately 5 years between the Project Opening Year (2018) and full implementation of the Truck and Bus Regulation in 2023. This marginal reduction in emissions that may result from the commentor's proposed mitigation measure would not avoid nor significantly reduce Project operational-source NO_x emissions, and Project NO_x emissions would remain significant and avoidable.

Further, the commentor's proposed measure would not demonstrably reduce Basin-wide NO_x emissions. That is, just because the measure would prohibit older trucks access to the Project site, by no means does the measure preclude their operation elsewhere within the Basin. The measure would in effect direct these older vehicles and associated emission to numerous other warehouses at other Basin locales, with no net reduction in Basin-wide NO_x emissions.

For the reasons listed above, the commentor's proposed measure is not incorporated in the EIR.

Results and conclusions of the EIR are not affected.

Comment JS-5

The following additional mitigation is also feasible and should be adopted to reduce this effect:

- 1. The operator/user of any industrial uses shall become SmartWay Partner.**
- 2. The operator/user of any industrial uses shall meet SmartWay 1.25 ratings.**
- 3. The operator/user of any industrial uses shall use only freight companies that meet SmartWay 1.25 ratings.**
- 4. All heavy trucks accessing the site shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.**
- 5. The developer shall establish a diesel minimization plan (DMP) to implement the regulations of the California Air Resources Board pursuant to a faster schedule than required by law. The DMP shall require the phase in or new or retrofitted trucks so that by 2020 all trucks with GVWR greater than 16,000lbs that visit the Project site and/or are owned or operated by a Project tenant shall meet or exceed 2010 model year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Articles 4.5, Section 2025. The DMP shall also require that all 53-foot or longer box-type trailers are equipped with lowrolling resistance tires by 2015. From the date of Project approval and for six years thereafter, Developer (and/or purchaser/tenant/owner/operator, as required by contract provision) shall maintain evidence of compliance with the DMP. Developer, tenant, or purchaser shall maintain a log including license plates, engine model year, retrofit technology if applicable, and engine family name of all trucks accessing the Project site. 10% of the truck fleets for any industrial uses shall be 2010 model compliant upon Project opening, and increase that percentage at least 20% per year until 100% of trucks operating onsite are 2010 compliant.*
- 6. Diesel yard trucks (holsters, yard goats, etc.) shall be prohibited from use onsite.**
- 7. Install catalytic converters on gasoline-powered equipment.**
- 8. Where diesel powered vehicles are necessary, require the use of alternative diesel fuels.*
- 9. Electrical powered equipment shall be utilized in-lieu of gasoline-powered engines where technically feasible.**
- 10. Utilize electrical equipment for landscape maintenance. Prohibit gas powered equipment for landscape maintenance.**

11. Utilize electric yard trucks (aka yard goats, hostlers).*
12. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
13. Plant at least 50% low-ozone forming potential (Low-OFP) trees and shrubs, preferably native, drought-resistant species, to meet city/county landscaping requirements.*
14. Plant Low-OFP, native, drought-resistant tree and shrub species, 20% in excess of that already required by city or county ordinance. Consider roadside, sidewalk, and driveway shading.*
15. Concrete, instead of asphalt, shall be used for parking areas. Concrete shall have an initial solar reflectance value of at least .30 as determined in accordance with American Society of Testing and Materials (ASTM) Standards E 1980 or E1918.
16. Orient 75 percent or more of buildings to face either north or south (within 30 degrees of N/S) and plant trees and shrubs that shed their leaves in winter nearer to these structures to maximize shade to the buildings during the summer and allow sunlight to strike the building during the winter months.*
17. Provide grass paving, tree shading, or reflective surface for unshaded parking lot areas, driveways, or fire lands that reduce standard black asphalt paving by 10% or more.*
18. Project driveways and parking areas shall be concrete instead of asphalt. Concrete shall have an initial solar reflectance value of at least .30 as determined in accordance with American Society of Testing and Materials (ASTM) Standards E 1980 or E1918.
19. Provide shuttle service to food service establishments/commercial areas.*
20. Roof area shall be constructed with materials with an initial installation Solar Reflective Index Value of at least 39 or greater than the values specified and set forth in CalGreen 2013 Table A5.106.11.2.2.
21. All hot water heaters installed by Developer shall be powered either through solar cells mounted on the roof of the building, solar water heating, or through other on-site renewable power.*
22. No diesel-powered generator of any type shall be used at any time on the Project site.*
23. The site shall be developed to meet, but not exceed, the number of parking stalls required by local zoning requirements.

(*Would also reduce GHG emissions)

Response JS-5

The commentor states: *“The following additional mitigation is also feasible and should be adopted to reduce this effect.”* The effect alluded to by the commentor is unclear. If the effect is reduction in operational-source PM_{2.5} emissions, as noted previously, Project operational-source PM_{2.5} emissions impacts are substantiated in the DEIR to be less-than-significant (DEIR p. 4.2-40, et al.), and no additional mitigation is required.

The commentor here offers numerous additional measures assumed to generally reduce air quality impacts. The nexus of the measures with potentially significant impacts identified in the EIR is however at best unclear, and there is no demonstrated nexus between the offered measures and their presumed potential to reduce operational-source NO_x exceedances identified within the Draft EIR. Further, the commentor provides no substantiated efficacy of the measures offered. In summary, the commentor offers no evidence or discussion as to how the measures relate to, or would reduce Project operational-source NO_x emissions impacts.

Nor are the suggested measures’ feasibility³ and applicability to the Project meaningfully considered or established by the commentor. The predominance of the measures apparently address stationary/fixed sources and/or construction-source emissions (Measures 6 – 22) and would not meaningfully or even measurably reduce Project operational source NO_x emission, 99.5 percent of which are generated by mobile sources. Other measures offered by the commentor (Measure 5) apparently address DPM emissions. As substantiated in the EIR, Project DPM emissions impacts are determined to be less-than-significant (DEIR pp. 4.2-54 – 4.2-65) Other measures offered by the commentor (Measure 23) are policy level actions, clearly beyond the scope of the Project under consideration and beyond the control of the Applicant, with no demonstrated or quantified reduction in the Project’s operational-source NO_x emissions. Measure 4, requiring trucks to conform to 2010 emissions standards is

³ The term feasible is not to be construed as “within the realm of possibilities.” The State Resources Agency, the State Agency charged with implementing CEQA’s regulatory scheme, has defined feasible, “for purposes of CEQA review, as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

addressed previously at Response JS-4, and is substantiated to be of little or no benefit in reducing Project operational-source NO_x emissions. Measures 1-3 offered by the commentor refer to various “Smartway Commitments” with no indication of if or how these commitments would reduce Project operational-source NO_x emissions.

Mitigation incorporated in the EIR is governed by rule of reason and feasibility. Public Resources Code Section 21002 establishes that the reason for adopting feasible mitigation measures is to substantially lessen or avoid significant adverse environmental impacts. All feasible mitigation measures that would substantively reduce air quality impacts have been incorporated in the EIR. The commentor offers no feasible measures that would substantively reduce project operational-source NO_x emissions. CEQA does not require a project to implement or consider every possible alternative or mitigation measure.

Lastly, it should be recognized that the Project operational-source air quality analyses, consistent with SCAQMD guidance and CalEEMod protocols, necessarily assume that all vehicle trips generated by the Project are “new” trips within the region. In practice, new land use projects (such as the proposed Indian Street Commerce Center Project) tend to redistribute existing trips and emissions sources within the region, rather than generate entirely new trips and emissions. The net effect being an overestimation of likely regional air quality impacts as presented in the DEIR and Project air quality analyses.

Results and conclusions of the EIR are not affected.

Comment JS-6

Health risk impacts from the Project should be modeled along all proposed truck routes for the Project, not merely receptors within 1,000 feet of the Project site. The “source” aka trucks, will pass closer to homes and schools if they travel north from the site. It would be preferable if the Project were developed with curb cutouts and other means to deter trucks from traveling north passed residences on Indian Avenue or Perris Boulevard, and were instead directed south to

Harley Knox and I-215. Cumulative health risk impacts should be quantified. Health risk impacts should be weighted to account for children at the nearby schools.

Response JS-6

The commentor offers Health Risk Assessment (HRA) modeling protocols other than those employed in the EIR, and suggests that in some manner health risks greater than those identified in the EIR would result. The commentor offers site design suggestions that would in some manner reduce potential health risks. The commentor errs on all accounts. From a general standpoint, the HRA was conducted precisely to protocols promulgated by the SCAQMD. The modeling identifies risk factors from emissions within a hypothetical 100-meter grid surrounding the site. The location of the closest residential, school, and business (worker exposure) are then overlaid within the grid. The modeling outputs therefore identify the risk factor within the grid boundaries and those values are used in the analysis. The precise techniques are detailed within the HRA (page 20), which is presented as Draft EIR Appendix C.

The Draft EIR analysis presents and considers maximum impact scenarios regarding DPM-source impacts at sensitive receptors. The Project Health Risk Assessment reflects potential maximum impacts through assumed concentrated vehicle traffic emissions within the Project site, in combination with area sources. None of the exposures approach the identified thresholds. These combined emissions would exceed any transient emissions from a portion of Project traffic distributed along area roads as suggested by the commentor.

In regard to the use of appropriate school child assumptions, Table 2-3, *Exposure Assumptions for Individual Cancer Risk*, of the HRA (presented in its entirety at Draft EIR Appendix C), notes:

“To represent the unique characteristics of the school-based population, the assessment employed the U.S. Environmental Protection Agency’s guidance to develop viable dose estimates based on reasonable maximum exposures (RME). RME’s are defined as the

“highest exposure that is reasonably expected to occur” for a given receptor population. As a result, lifetime risk values for the student population were adjusted to account for an exposure duration of 180 days per year for nine (9) years. The 9 year exposure duration is also consistent with OEHHA Recommendations and consistent with the exposure duration utilized in school-based risk assessments for various schools within the Los Angeles County Unified School District (LAUSD) that have been accepted by the SCAQMD.”

The DEIR addresses the Project contributions to cumulative health risk impacts, substantiated to be less-than-significant and not cumulatively considerable (DEIR pp. 4.2-64, 4.2-65) Based on the preceding discussion, the DEIR accurately describes, models, and analyzes Project-specific and cumulative cancer and non-cancer health risks. No revisions are necessary. Nexus of the commentor’s suggested “curb cutouts” in reducing DPM-source health risks is at best speculative, and the commentor offers no indication of any measurable reduction in health risks so-achieved. More importantly, the DEIR substantiates that the Project will not result in potentially significant health risks, and modification of the Project design or imposition of mitigation is not required. That is, CEQA does not require mitigation for impacts determined to be less-than-significant.

Results and conclusions of the EIR are not affected.

Comment JS-7

GLOBAL CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

The EIR concludes that the Project would cause a significant and unmitigated impact to greenhouse gas (GHG) emissions. Yet, the EIR fails to recommend adoption of all feasible mitigation for the Project. “The Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power to serve all Project office areas. Energy savings from such a PV system is preliminary estimated at 160,350 kilowatt hours per year. Alternatively, as a Condition of Approval, the Project would be required to obtain an equivalent amount of electricity from a utility provider that receives its energy from

renewable (non-fossil fuel) sources, and provide documentation to this effect to the City.” (DEIR p. 1-7.) The Project should be conditioned to install the maximum supported amount of PV. There should be no alternative condition regarding purchasing an equivalent amount of electricity from a utility provider that receives its energy from renewable sources. It is feasible to require this design concept as mitigation and it is also feasible to require both the installation of solar panels and purchase of green energy from the utility company.

The following additional mitigation should also be incorporated to reduce impacts to GHG emissions:

- 1. All operators on the Project site shall provide electric vehicle (EV) and compressed natural gas (CNG) vehicles in vehicles fleets.*
- 2. Implement a parking fee for single-occupancy vehicle commuters.*
- 3. Charge reduced or no parking fee for EVs and CNG vehicles.*
- 4. Install a minimum of five EV charging stations onsite, at least three of which are DC Fastcharge/Quickcharge, with the remainder meeting at least EVSE Level 2 standards.*
- 5. All buildings shall be constructed to LEED Platinum standards.*
- 6. Require operators/users to implement a parking cash-out program for non-driving employees.*
- 7. Require each user to establish a carpool/vanpool program.*
- 8. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
- 9. Provide direct, safe, attractive pedestrian access from Project to transit stops and adjacent development.*
- 10. Provide direct, safe bicycle access to adjacent bicycle routes.*
- 11. Provide showers and lockers for employees bicycling or walking to work.*
- 12. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.*
- 13. Provide shuttle service to transit stations/multimodal centers.*
- 14. Install an ozone destruction catalyst on all air conditioning systems.*
- 15. Purchase only green/renewable power from the electric company.*
- 16. Install solar water heating systems to general all hot water requirements.*

17. Require the Project to participated in any existing Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. If no TMA exists, the Project shall establish a TMA.

Response JS-7

As stated by the commentor, the Draft EIR concludes that the Project will have significant and unavoidable impacts in this regard. As stated at page 53 of the GHG Analysis (presented as Appendix D to the Draft EIR):

“The Project will result in approximately 1,338.22 MTCO₂e per year (approximately 11% of total Project GHG emissions) from construction, area, energy, waste, water usage, and on-site emissions. In addition, the Project has the potential to result in an additional 10,816.76 MTCO₂e per year (approximately 89% of total Project GHG emissions) from mobile sources...”

Since neither the Project Applicant nor the Lead Agency can substantively or materially affect reductions in Project mobile-source GHG emissions (mobile source emissions sources are regulated by CARB and USEPA), no feasible mitigation to reduce these emissions exists.

The commentor states that the Project should be conditioned to install the “maximum” amount of PV, and that the Lead Agency should not consider or allow other solutions (e.g., obtaining equivalent energy from other clean renewable sources) that may achieve equivalent GHG emissions reductions. The Lead Agency disagrees. Incorporation of solar panels or use of energy from other renewable clean power sources would have substantively the same net effect in reducing GHG emissions. The performance standard would be for the clean energy solution to provide 160,350 kilowatt hours per year. The Lead Agency reserves the prerogative to determine the means to achieve this performance standard. Please refer also to EIR Section 3.0, *Project Description*, relevant discussion excerpted below.

The Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power to serve all Project office areas. Energy savings from such a PV system is preliminarily estimated at 160,350 kilowatt hours per year. Alternatively, as a Condition of Approval, the Project would be required to obtain an equivalent amount of electricity from a utility provider that receives its energy from renewable (non-fossil fuel) sources, and provide documentation to this effect to the City (DEIR p. 3-19).

The commentor lists numerous other measures that may, in some manner reduce GHG emissions, but offers no evidence or substantiation of the relevance or effectiveness of these measures for the instant Project.

Continuing, in *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (“SCOPE”) (2011) 197 Cal.App.4th 1042, opponents challenged an EIR, which concluded that the increased GHG emissions associated with Project sources would be significant, and that there were no feasible mitigation measures to reduce the impact to a less-than-significant level. The opponents challenged this latter claim, citing a comprehensive list of suggested mitigation measures for GHG emissions prepared by the California Attorney General’s office.

In response, the Court ruled that the city was not required to address the feasibility of each of the numerous measures recommended by the Attorney General, distinguishing cases where courts faulted an agency for not considering specific, potentially feasible measures (see, e.g., 197 Cal.App.4th at 1055 (“Considering the large number of possible mitigation measures . . . as well as the [opponent’s admission] that not all measures would be appropriate for every project, it is unreasonable to impose on the city an obligation to explore each and every one.”)).

The Court’s holding in SCOPE is analogous to the Project at issue, where the Project building would be constructed to maximize building efficiency, in accordance with City

and California Building Code requirements. Additionally, the Project in total would surpass, by a minimum of 5%, incumbent performance standards established under the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (Title 24, Title 24 Energy Efficiency Standards), and would incorporate PV power systems (or equivalent measures) further reducing energy consumption and related production of GHG emissions. Project design features and operational programs that would collectively act to reduce GHG emissions are presented in the EIR. Relevant EIR text is excerpted below.

3.4.10 Energy Efficiency/Sustainability

Energy-saving and sustainable design features and operational programs would be incorporated into all facilities developed pursuant to the Project. Notably, the Project in total would provide sustainable design features necessary to achieve a “Certified” rating under the United States Green Building Council’s Leadership in Energy & Environmental Design (LEED) programs. The Project also incorporates and expresses the following design features and attributes promoting energy efficiency and sustainability.

- The Project design concept allows for inclusion of a photo-voltaic electrical generation system (PV system) capable of generating sufficient power to serve all Project office areas. Energy savings from such a PV system is preliminarily estimated at 160,350 kilowatt hours per year. Alternatively, as a Condition of Approval, the Project would be required to obtain an equivalent amount of electricity from a utility provider that receives its energy from renewable (non-fossil fuel) sources, and provide documentation to this effect to the City.
- All on-site cargo handling equipment (CHE) would be powered by non-diesel fueled engines.

- Regional vehicle miles traveled (VMT) and associated vehicular-source emissions are reduced by the following Project design features/attributes:
 - Sidewalks along the Project site's Indian Street frontage would be constructed as part of the Project, and would connect to existing and planned sidewalks to the north and south of the Project site. Facilitating pedestrian access encourages people to walk instead of drive. The Project would not impose barriers to pedestrian access and interconnectivity.
 - Distribution warehouse uses proposed by the Project act to reduce truck travel distances and truck trips within the region by consolidating and reducing requirements for single-delivery vendor truck trips.
- To reduce water demands and associated energy use, development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).⁴ Development proposals within the Project site would also be required to implement the following:
 - Landscaping palette emphasizing drought tolerant plants consistent with provisions of the MVIAP and/or City of Moreno Valley requirements;

⁴ Reduction of 20% indoor water usage is consistent with the current CalGreen Code performance standards for residential and non-residential land uses. Per CalGreen, the reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code.

- Use of water-efficient irrigation techniques consistent with provisions of the MVIAP and/or City of Moreno Valley requirements;
- U.S. Environmental Protection Agency (EPA) Certified WaterSense labeled or equivalent faucets, high-efficiency toilets (HETs), and other plumbing fixtures.

[DEIR pp. 3-19, 3-20]

Notwithstanding the GHG emission reductions that may be achieved by the measures listed above, the preponderance (approximately 89 percent) of Project GHG emissions would be generated by motor vehicles. As an industrial distribution warehouse Project, there are no feasible measures to reduce or restrict the number of vehicles traveling to and from the site to a level where the net increase in GHG emissions would be substantively reduced; or that would reduce GHG emissions below the City's threshold of significance.

In this latter regard, the Court noted further that emissions from vehicle exhaust are controlled by the state and federal government, and were therefore outside the control of the Lead Agency or the Project Applicant. This is consistent with the EIR presentation and analysis of the Project's potential GHG emissions impacts.

In sum, remarks and measures offered by the commentor do not appear to identify any substantive inadequacy within the EIR, and merely suggests the commentor's belief that "something could be done" to reduce GHG emissions. Particularly in light of the Court's ruling in SCOPE, these potential other mitigation measures are not required to be discussed in the DEIR. All feasible mitigation measures to reduce Project GHG emissions have been adequately and appropriately addressed within the DEIR, and no further response is necessary. Results and conclusions of the DEIR are not affected.

Comment JS-8

BIOLOGICAL RESOURCES

A small number of ornamental pines and Chinaberry trees exist in the southwesterly portion of the Project site. The EIR fails to disclose how and why these trees came to be present onsite and if they have any historic or cultural value.

Response JS-8

The commentor correctly references a portion of the onsite vegetation, and then states: “[t]he EIR fails to disclose how and why these trees came to be present onsite and if they have any historic or cultural value.” This is incorrect and immaterial. Draft EIR Section 4.7.2.2., *Biologic Setting*, states:

“As a result of routine maintenance and weed abatement activities, undisturbed native plant communities are no longer present within the boundaries of the Project site. The site consists of a heavily disturbed, undeveloped field that is dominated by tumbleweed (*Salsola tragus*). A small number of ornamental pines (*Pinus* sp.) and Chinaberry (*Melia azedarach*) trees are found in the southwestern portion of the Project site.”

Determining how or why these trees exist onsite is neither possible, nor necessary. The Draft EIR determined that, due to extensive disturbance of the Project site, no special-status plant species are considered to be present onsite (including the species mentioned by the commentor).

Further, the Cultural Resources Survey (summarized at Draft EIR Section 4.8) references the onsite trees (“Vegetation consisted of short, dry grasses and weeds and a few immature trees.” [Draft EIR page 4.8-3]) and determined that the property lacks any evidence of historic or prehistoric archaeological resources and should be considered clear of any such resources.

Results and conclusions of the Draft EIR are not affected; no revisions are necessary.

Comment JS-9

GEOLOGY AND SOILS

The EIR does not evaluate impacts to geology and soils as a potentially significant Project impact. The Initial Study states, "The Project Geotechnical Study indicates that soils within the Project site have a low expansion potential, but would require attention during Project design and maintenance." (IS p. 3-18) The issues that "require attention" are not discussed or disclosed in the EIR. Additionally, the EIR states, "The Project Geotechnical Study in total indicates that the Project site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project." (DEIR p. 1-15.) Based on the discrepancy between the DEIR and Initial Study and the lack of analysis of the soils with a low expansion potential, the decision to not evaluate geology and soil impacts in greater detail is unsupported.

Response JS-9

The commentor contends that the EIR does not evaluate impacts to geology and soils as a potentially significant Project impact. This is incorrect. Project impacts related to Geology and Soils were determined to be less-than-significant through the Initial Study process. A Project-specific analysis was prepared (*Geotechnical Investigation, Proposed Warehouse Development, Southwest Corner of Indian Avenue and Grove View Road, Moreno Valley, California* [NorCal Engineering] July 21, 2014) for the site.

The text presented by the commentor does not represent a "discrepancy," rather the commentor quotes the EIR incompletely and out of context. The following text is excerpted from the Initial Study (Page 3-18, presented Draft EIR Appendix A):

"The Project Geotechnical Study indicates that soils within the Project site have a low expansion potential, but would require attention during Project design and maintenance (Project Geotechnical Study, p. 15). The Project Geotechnical Study provides Expansive Soils Guidance (Project Geotechnical Study, p. 21) that would ensure the Project would not be affected by any expansive soils that may be encountered in the course of Project development. Further, the Project would be required to comply with the requirements of a final City-approved geotechnical report,

and applicable provisions of the Uniform Building Code (UBC) and California Building Code (CBC) that would act to minimize any expansive soil concerns that may be encountered. Based on the preceding, the potential for the Project to expose people or structures to potential substantial adverse effects, involving expansive soils is less-than-significant.”

Section 8.0, *Conclusions and Recommendations*, of the Geotechnical Study states that “[b]ased upon our evaluations, the proposed development is acceptable from a geotechnical engineering standpoint. By following the recommendations and guidelines set forth in our report, the structures and grading will be safe from excessive settlements under the anticipated design loadings and conditions.” The Project would be required to comply with these guidelines, as mandated by the City as part of the Project Building Permit processes.

Based on the preceding discussion, the commentor’s assertion that “the decision to not evaluate geology and soil impacts in greater detail is unsupported” is inaccurate. Discussions of geology and soil impacts as presented within the Initial Study and Draft EIR are sufficient to ensure significant impacts in this regard are avoided; no revisions are necessary. Results and conclusions of the EIR are not affected.

Comment JS-10

UTILITIES AND SERVICE SYSTEMS

The EIR does not evaluate impacts to utility and service systems as a potentially significant Project impact. This decision to not evaluate whether sufficient water supplies are available to serve the Project from existing entitlements and resources in detail is not supported.

In January 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency as California entered its four consecutive year of drought. Governor Brown then issued twenty-five percent statewide mandatory water reductions in April 2015. Most recently, Governor Brown issued an additional state order to continue current actions and implement new actions in response to drought conditions. Despite the El Nino weather system bringing a slightly above

average snowpack, the drought will likely continue. Additionally, California has agreed to gradually reduce the state's use of its 4.4 million acre-feet apportionment of the Colorado River by 2017.

While a Water Supply Assessment may not be required pursuant to the Water Code, Project impacts to water supply should nevertheless be assessed in the EIR given drought conditions and the continuing application of use restrictions pursuant to Executive Order.

Response JS-10

The commentor contends that the EIR does not evaluate impacts to utility and service systems as a potentially significant Project impact, specifically referring to potential Project impacts on water supplies. This is incorrect. Water demand is analyzed within Section 3.0, *Environmental Evaluation*, of the Initial Study provided as Draft EIR Appendix A. (Checklist Item XVIII, *Utilities and Service Systems*).

The Eastern Municipal Water District (EMWD) is the primary water purveyor for the City and would provide water service to the Project, and communications with EMWD have begun in this regard. As stated within the Initial Study, water demands of the Project are consistent with, and are anticipated under the EMWD 2010 Urban Water Management Plan (UWMP). That is, the water demand planning reflected in the UWMP takes into account anticipated development of the City pursuant to the General Plan. In this regard, the UWMP reflects and anticipates light industrial development proposed by the Project. Therefore, the Initial Study determined that Project impacts to water demand would be less-than-significant.

In the time since the Initial Study has been completed, EMWD has adopted the updated 2015 UWMP (June 2016), which responds to the conservation efforts referenced by the commentor.

As presented at page xi of the 2015 UWMP, “[i]n addition to significant conservation efforts made since the enactment of SBx7-7, the 2015 UWMP also documents EMWD’s

significant per capita water use reduction as a result of emergency requirements set by the State Water Resources Control Board (SWRCB). In response to California Governor Brown's April 2014 Proclamation declaring severe drought conditions in the state of California, the SWRCB has required water suppliers to reduce water usage statewide. EMWD was assigned a required demand reduction of 28 percent relative to 2013 water usage. This 2015 UWMP documents EMWD's significant per capita water use reduction in response to the SWRCB's water conservation requirements."

Further, page xv of the 2015 UWMP concludes, "EMWD has the ability to meet current and projected water demands through 2040 under normal, historic single-dry and historic multiple-dry year conditions using a combination of imported water from MWD and existing local supply resources."

As illustrated by the preceding text, the UWMP substantiates that there would be sufficient water supplies to meet all EMWD Service Area demands, including water demands of the Project. No revision to the Draft EIR is warranted in this regard. Results and conclusions of the EIR are not affected.

Comment JS-11

ALTERNATIVES

The EIR finds that the Reduced Intensity Alternative, and alternative that would develop 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, is the "environmentally superior alternative." Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible. (Public Resources Code § 21002; Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 597; State CEQA Guidelines § 15126.6(b).) The Reduced Intensity Alternative would avoid the Project's GHG impacts and significantly lessen impacts to transportation/traffic and air quality. Thus, this Alternative should be development instead of the Project.

The EIR states that the Reduced Intensity Alternative would “substantially diminish attainment of three fundamental Project Objectives.” (DEIR p. 5-57.) However, this is incorrect as the Alternative would be able to meet the basic objectives of the Project:

- *Implement the City’s General Plan through development that is consistent with the General Plan Community Development Element and applicable General Plan Goals, Objectives, Policies and Programs.*

The Alternative would still implement the City’s General Plan by developing the vacant Project site with 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, consistent with the current Business Park/Light Industrial General Plan Land Use designation.

- *Implement the Moreno Valley Industrial Area Plan through development that is consistent with the Area Plan land uses and development concepts, and in total supports the Area Plan Vision.*

The Alternative would implement the Moreno Valley Industrial Area Plan by developing the Project site with 71,420 square feet of general light industrial uses and 285,660 square feet of high cube warehouse/distribution center uses, consistent with the current Industrial Zoning designation under the MVIAP.

- *Establish new development that would increase locally available employment opportunities and would further the City’s near-term and long-range fiscal goals and objectives.*

As the Alternative would develop the currently vacant Project site with manufacturing and high cube warehousing uses, the Alternative would generate new employment beyond what currently exists in the City.

As the Reduced Intensity Alternative all Project objectives and substantially reduce or avoid the significant impacts of the Project, it should be adopted rather than the Project.

Response JS-11

The commentor correctly states that the Draft EIR identifies the Reduced Intensity Alternative as the environmentally superior alternative. However, the scope and total overall development would be substantively reduced under the Reduced Intensity Alternative. The resulting diminishment of the Project Objectives, including substantive reduction in economic benefits to the City and region, and limited jobs creation would act to substantially reduce the feasibility of this Alternative.

With regard to the contention that the City must adopt the Reduced Intensity Alternative, the key consideration is that alternatives in an EIR must be potentially feasible (CEQA Guidelines, Section 15126.6(a)). Agency decision makers ultimately decide what is “actually feasible.” (*California Native Plant Society v. City of Santa Cruz* (“CNPS”) (2009) 177 Cal. App. 4th 957, 981). Under CEQA, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509; *CNPS, supra*, 177 Cal. App. 4th at p. 1001; *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

The City of Moreno Valley, as CEQA lead agency, has discretion to approve the project, deny the project, or instead decide to adopt one of the alternatives; however, the City is not legally required to adopt an alternative simply because it is the environmentally superior alternative. The alternatives analysis is presented in an EIR to allow for a comparison between a proposed project and other development scenarios, in order to allow for fully-informed decision-making. Should a lead agency decide to approve a project despite one or more significant and unavoidable environmental impacts, it is permitted to do so by way of adopting a Statement of Overriding Considerations. (CEQA Guidelines Section 15093). Therefore, the City is not required to adopt the

Reduced Intensity Alternative; however, this alternative will be considered by the Planning Commission in light of the EIR and all relevant evidence in the record.

The ultimate decision to approve the Project, an Alternative to the Project, or to deny the Project resides with the Lead Agency. The commentor's remarks are forwarded to the decision makers. Results and conclusions of the EIR are not affected.

Comment JS-12

CONCLUSION

We appreciate the opportunity to offer comments on this Project, and thank you for your consideration of these comments.

Response JS-12

The City appreciates the commentors participation in the CEQA process. Comments provided will be reviewed by the decision-makers during Project deliberations.



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Via Email and U.S. Mail

October 6, 2016

Julia Descoteaux, Associate Planner
City of Moreno Valley Planning and
Economic Development Department
14177 Frederick Street
Moreno Valley, California 92552
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Allen Brock, Director
Community Development Dept.
Moreno Valley City Hall
14177 Frederick Street
Moreno Valley, CA 92553
allenb@moval.org

**Re: Comment on DEIR for the Indian Street Commerce Center Project
SCH 2016031036**

Dear Ms. Descoteaux and Mr. Brock:

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in City of Moreno Valley (“LiUNA” or “Commenters”), regarding Draft Environmental Impact Report (“DEIR”) for the the Indian Street Commerce Center Project (SCH 2016031036), including all actions related or referring to the development of the estimated 446,350 square feet of light industrial uses within an approximately 19.64- acre site located approximately one-half mile westerly of Perris Boulevard, bounded by Indian Street to the east and Grove View Road (alignment) as the northerly boundary (“Project”).

LD-1

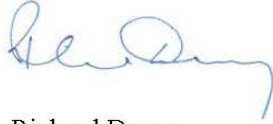
After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. Commenters request that the City of Moreno Valley (“City”) address these shortcomings in a revised draft environmental impact report (“RDEIR”).

LD-2

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

October 6, 2016
LiUNA Comments on Indian Street Commerce Center Project
SCH 2016031036
Page 2 of 3

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Drury". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Richard Drury

Lozeau Drury LLP
410 12th Street
Oakland, CA 94607

Letter Dated October 6, 2016

Comment LD-1

I am writing on behalf of the Laborers International Union of North America, Local Union 1184 and its members living in City of Moreno Valley (“LiUNA” or “Commenters”), regarding Draft Environmental Impact Report (“DEIR”) for the Indian Street Commerce Center Project (SCH 2016031036), including all actions related or referring to the development of the estimated 446,350 square feet of light industrial uses within an approximately 19.64- acre site located approximately one-half mile westerly of Ferris Boulevard, bounded by Indian Street to the east and Grove View Road (alignment) as the northerly boundary (“Project”).

Response LD-1

Authorship and representation stated are acknowledged. The summary Project description provided is materially correct. Please refer also to DEIR Section 3.0, *Project Description*.

Comment LD-2

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. Commenters request that the City of Moreno Valley (“City”) address these shortcomings in a revised draft environmental impact report (“RDEIR”).

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. Galante Vineyards v. Monterey Peninsula Water Management Dist., 60 Cal. App. 4th 1109, 1121 (1997).

Response LD-2

The Commentor provides a summary opinion regarding the need for a revised DEIR. As discussed in the DEIR, the DEIR analysis and conclusions addressing the Project's potential impacts are consistent with applicable CEQA requirements, protocols and methodologies, and are correct and accurate as presented. There is no need to prepare a revised EIR. Results and conclusions of the EIR are not affected.



October 7, 2016

VIA US MAIL AND EMAIL

City Planning Commission & City Council
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Julia Descoteaux, Associate Planner
juliad@moval.org

SUBJECT: COMMENTS ON INDIAN STREET COMMERCE CENTER

To whom it may concern:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Indian Street Commerce Center. Please accept and consider these comments on behalf of SoCal Environmental Justice Alliance.

Project Summary

As we understand it, the Indian Street Commerce Center project proposes approximately 446,350 square feet of light industrial uses within an approximately 19.64-acre site. 347,080 square feet of the Project building area would be allocated for distribution warehouse uses; 89,270 square feet would be assigned to manufacturing uses; and 10,000 square feet would be assigned to office uses. The Project does not include a refrigerated/cold storage component. Approximately 35 loading dock doors would be provided along the warehouse’s southerly face.

SEJA-1

Transportation/Traffic

Section 4.1.2 - Study Area. The DEIR fails to recognize the Freeway Mainline study area in this section. The study area is not introduced until the cumulative impacts are analyzed. The DEIR is misleading by presenting that the source of all traffic will presumably come from the I-215/Harley Knox Boulevard segment. Likely traffic to and from the project site will come from the 91/I-215 interchange and the 60/I-215 interchange. The 91/I-215 interchange is not considered

SEJA-2

at all throughout the DEIR or the TIA. The potential impacts to the 91/I-215 interchange are not analyzed when cumulative impacts could potentially occur at this area. This does not comply with CEQA's requirements for meaningful disclosure.

SEJA-2
(cont'd)

Section 4.1.3 - Level of Service and TIA Methodologies. The TIA and DEIR indicate that regional access will be provided from the I-215 and 60 freeways. The TIA and DEIR fail to consider regional access from the 91 freeway. The 91 freeway is a major transportation corridor providing access to the project site from the ports of Long Beach and Los Angeles. The 91 freeway/I-215 interchange provides access to the project site. The DEIR must be revised to fully analyze the potential impacts the proposed project will have on the 91 freeway, including but not limited to the 91 freeway/I-215 interchange.

SEJA-3

Section 4.1.6.2 - Existing Roadway System. Again, the DEIR and TIA fail to include the 91 freeway in the traffic/transportation analysis. The DEIR and TIA do not fully disclose all regional sources of traffic to the project site, which is likely to have further impacts on the already cumulatively considerable impacts related to traffic. This does not comply with CEQA's requirements for meaningful disclosure.

SEJA-4

Section 4.1.7.2 - Project Trip Distribution. Figures 4.1-6 and 4.1-7 of the DEIR indicate that 30% of passenger car traffic will reach the project site from the I-215/Harley Knox intersection and 20% of passenger car traffic will reach the project site from southbound Indian Street. Indian Street can only be reached by connecting at Perris Boulevard. The Perris Boulevard/60 freeway interchange is not included in the project trip distribution analysis when it has potentially significant impacts to the project trip distribution.

SEJA-5

Section 4.1.9.4 - Impact Statements. The DEIR finds the opening year (2020) with and without project LOS to be deficient at 6 intersections. Mitigation Measures 4.1.1 - payment of fees - is applied to all of the potentially cumulative impacts that follow for opening year roadway segments, and freeway off-ramp queueing. However, the TIA indicates that the following areas are under the jurisdiction of the city of Perris:

ID No. 1 - I-215 SB Ramps/Harley Knox Bl.

ID No. 2 - I-215 NB Ramps/Harley Knox Bl.

ID No. 3 - Western Way / Harley Knox Bl.

ID No. 4 - Patterson Ave. / Harley Knox Bl.

SEJA-6

Payment of fees is not an acceptable mitigation measure when the impact is in a jurisdiction beyond the scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App. 4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees

here is not adequate as there is no evidence mitigation will actually result. Mitigation measure 4.1.1 is uncertain and improperly deferred in violation of CEQA.

SEJA-6
(cont'd)

Section 4.2.7.2 - Air Quality Impact Statements - Regional Impacts. The DEIR gives a sample construction schedule. The construction schedule presents the project in phases; however, phased construction is not required of the project. The DEIR does not present any analysis of impacts or potential mitigation measures from potential overlap of construction phases. There is no statement that the construction phases will not occur concurrently. Also, there is no requirement that the Project be completed over a certain number of days given. Construction may occur faster as well, which would result in significantly greater daily impacts.

The DEIR states, “should construction occur any time after the dates presented here, incremental and aggregate construction-source emissions would likely decrease since emission factors for construction equipment would progressively decrease in the future”. This statement is misleading and assumes a best-case scenario, which is contrary to CEQA’s meaningful disclosure requirement. There is no indication of or requirement for project construction to utilize technology that may or may not exist to reduce emissions. The DEIR continues to state, “This is due to the natural turnover of the older vehicle fleet and replacement with more fuel efficient equipment with enhanced emissions controls; and implementation of more stringent regulations which collectively act to reduce construction-source (and operational-source) emissions.” Will the DEIR be recirculated and analyzed if the project goes beyond the construction dates given? Will it be analyzed against the more stringent regulations that do not exist currently? This statement is misleading and presents a scenario that is circumstantial and uncertain.

SEJA-7

Phased construction with clearly defined descriptions of work during each phase must be required of the proposed project in order for the DEIR mitigation measures and projected impacts to be applicable or relevant. These impacts must be disclosed to the public and decision-makers in a fully revised and recirculated EIR in order to comply with CEQA.

HRA: The HRA presented is unduly optimistic in that it places sensitive receptors, apparently, at the opposite end of their property from where the exposure would take place, rather than at their property lines closest to the project site. HRAs are supposed to be conservative and the modeling should have assessed what might have happened to the receptors given their exposure at their property lines. The DEIR also is inadequate as an informational document in that it does not disclose where the receptors were placed for analysis. Where, exactly, were they placed? The same is true for your worker and schoolchild analysis. As to schoolchildren there is absolutely no basis for not modeling exposures at the adjacent El Portero park playground and fields they are likely to use. The same question is obvious: where did you place the children for purposes of your analysis?

SEJA-8

It also does not appear that the HRA used child-specific analysis for the assessment of risks to children; such an assessment should have been done given that studies show reduced lung capacity and increased asthma in children given increased exposure to the pollutants of concern.

EPA's *Framework for Assessing Health Risk of Environmental Exposures to Children*, which we do not believe the HRA used, 1) provides for a more complete evaluation of the potential for vulnerability at different life stages, including a focus on the underlying biological events and critical developmental periods for incorporating mode of action ("MOA") considerations; 2) evaluates the potential for toxicity after exposure during all developmental life stages; and 3) integrates adverse health effects and exposure information across life stages. The HRA also should not discount the fact that children almost certainly live in the residential community that surrounds the school.

SEJA-8
(cont'd)

Section 4.2.7.2 - Air Quality Impact Statements - Operational Source Emissions. The DEIR indicates that the project will have significant and unavoidable impacts with regards to NOx emissions. MM 4.2.5 does not mitigate the emissions of NOx to levels that are less than significant. The DEIR also details project design features in this section, including that sidewalks will be established along the frontage of the project site, which will encourage people to walk. This project detail is insufficient and misleading as there is no employee walk/biking to work program required to result in fewer passenger car trips to mitigate impacts.

SEJA-9

Section 4.3.4 - Greenhouse Gas Emissions Impact Statements - Project GHG Emissions. The DEIR states that the project's emissions of GHG are significant and unavoidable after mitigation. No mitigation measures are offered other than a reference to project design features and operational programs that would act to "generally reduce Project GHG emissions from area sources, energy sources, and other on-site emissions sources which combined, account for approximately 11 percent of the Project total GHG emissions." How did you quantify the 11 percent reduction? How do you quantify the installation of sidewalks to reduce VMT? What is the correlation between installing sidewalks and reducing VMT when there is no employee bike/walking program discussed or developed? No further mitigation measures are offered. This is inadequate and the DEIR must offer some mitigation measures beyond potential project design features.

SEJA-10

Further, the DEIR states that the project conflicts with the Scoping Plan as well as Moreno Valley's Energy Efficiency and Climate Action Strategy. There are no mitigation measures discussed here either. The details of how the GHG emissions conflict with both documents is not discussed. This does not meet CEQA's meaningful disclosure requirements.

Section 5.2.1 - Cumulative Impacts Related to Transportation/Traffic. The DEIR states that "traffic generated by other known or probable related projects was then added to the TIA ambient traffic growth estimates. These related projects are in part already accounted for in the assumed annual 2 percent increase in ambient traffic growth noted above; and in certain instances, these related projects would likely not be implemented and functional within the 2020 Opening Year time frame assumed for the Project" The DEIR does not provide a list or map of these projects and significantly downplays the impact the cumulative projects have regarding transportation and traffic. There is a map of the cumulative projects buried in the Transportation Impact Analysis as Table 4-4, but the numbers of the projects listed overlap and are difficult to read,

SEJA-11

which makes that map largely useless. Further, burying this information in an Appendix does not comport with the informational and public disclosure purposes of CEQA.

SEJA-11
(cont'd)

Section 5.2.2.6 – Cumulative Impact Analysis. Here you refer to a list of cumulative projects related to TAC emissions impacts. You do not provide a map of those cumulative projects. This does not comply with CEQA’s requirements for meaningful disclosure.

SEJA-12

SoCal Environmental Justice Alliance believes the DEIR for the proposed project fails to comply with CEQA and must be substantially supplemented, amended, and recirculated before the reviewing bodies make a recommendation or decision on the proposed project. The Alliance encourages the city to require the DEIR to address the Environmental Justice Element as outlined in the California General Plan Guidelines and give the Element the same weight as the mandatory elements of the General Plan.

SEJA-13

For these reasons, SCEJA respectfully requests the need for this Project’s DEIR to be substantially supplemented, amended, and recirculated and the City’s denial to certify this DEIR. SoCal Environmental Justice Alliance requests to be notified via email at socaleja@gmail.com regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project.

Sincerely,



Joe Bourgeois
Chairman of the Board
SoCal Environmental Justice Alliance

SoCal Environmental Justice Alliance
No Address Listed

Letter Dated October 7, 2016

Comment SEJA-1

As we understand it, the Indian Street Commerce Center project proposes approximately 446,350 square feet of light industrial uses within an approximately 19.64-acre site. 347,080 square feet of the Project building area would be allocated for distribution warehouse uses; 89,270 square feet would be assigned to manufacturing uses; and 10,000 square feet would be assigned to office uses. The Project does not include a refrigerated/cold storage component. Approximately 35 loading dock doors would be provided along the warehouse's southerly face.

Response SEJA-1

The summary of Project uses and total acreage to be developed, as stated by the commentor, is materially correct. The detailed Project Description is presented at Draft EIR Section 3.0.

Comment SEJA-2

Section 4.1.2 - Study Area. The DEIR fails to recognize the Freeway Mainline study area in this section. The study area is not introduced until the cumulative impacts are analyzed. The DEIR is misleading by presenting that the source of all traffic will presumably come from the 1-215/Harley Knox Boulevard segment. Likely traffic to and from the project site will come from the 91/1-215 interchange and the 60/1-215 interchange. The 91/1-215 interchange is not considered at all throughout the DEIR or the TIA. The potential impacts to the 91/1-215 interchange are not analyzed when cumulative impacts could potentially occur at this area. This does not comply with CEQA's requirements for meaningful disclosure.

Response SEJA-2

The commentor notes that specific listing of freeway segments is not identified as part of the Study Area. As a matter of clarification, freeway segments evaluated in the Project TIA Supplemental Analysis is added to the DEIR text, as presented in Section 2.0, *Revisions and Errata Corrections*.

Since the Project would not contribute 50 or more peak hour trips to the SHS under Existing + Project conditions, a detailed discussion of Project-specific impacts to the SHS is not required. The commentor correctly states that the findings of the Project Mainline Freeway Segment Analysis (presented as Draft EIR Appendix B) is summarized within the discussions of cumulative impacts, versus within the discussion of the Project-specific Study Area.

Under Opening Year Cumulative (2020) conditions, traffic growth along the SR-91 and I-215 Freeway is anticipated to exceed the capacity of existing lanes, and would thus result in a deficient level of service (LOS) for select freeway mainline segments. Notwithstanding, the addition of Project Traffic is not anticipated to result in any new deficiencies. The Project is anticipated to contribute no more than 25 peak hour one-way trips to the deficient freeway mainline segments. As determined by the Draft EIR, there are no feasible mitigation measures that would be in place to reduce the deficient freeway mainline segments under Opening Year Cumulative traffic conditions, and therefore the Draft EIR correctly states that the Project's contribution to these deficient segments is a cumulatively significant and unavoidable impact.

Since the only freeway mainline impacts are cumulative, the Draft EIR correctly presents this analysis within the discussion of cumulative impacts.

The commentor speculates on Project traffic distribution within the Study Area freeway facilities and states that "[I]ikely traffic to and from the project site will come from the 91/1-215 interchange and the 60/1-215 interchange. The 91/1-215 interchange is not considered at all throughout the DEIR or the TIA. The potential impacts to the 91/1-215 interchange are not analyzed when cumulative impacts could potentially occur at this

area. This does not comply with CEQA's requirements for meaningful disclosure." Commentor statements in these regards are incorrect and unsupported.

Specifically, the scope and parameters of the TIA were developed in consultation with the Lead Agency. Approximately 90 percent of the inbound truck trips are expected to come via SR-60 to I-215 southbound and approximately 5 percent of the truck trips are expected to come to the site directly from SR-60 (see TIA Section 4.2, *Project Trip Distribution*). The TIA also acknowledges that outbound trucks are anticipated to be distributed throughout the region, including but not limited to the 91 freeway. However, the amount of Project traffic estimated at the 60/I-215 and 91/I-215 interchanges is expected to be less than 50 peak hour trips, and thus not subject to analysis per City protocols.⁵ Please refer also to Response SEJA-3.

Based on the preceding, revision of the Draft EIR is not required. Results and conclusions are not affected.

Comment SEJA-3

Section 4.1. 3 -Level of Service and TIA Methodologies. The TIA and DEIR indicate that regional access will be provided from the I-215 and 60 freeways. The TIA and DEIR fail to consider regional access from the 91 freeway. The 91 freeway is a major transportation corridor providing access to the project site from the ports of Long Beach and Los Angeles. The 91 freeway/I-215 interchange provides access to the project site. The DEIR must be revised to fully analyze the potential impacts the proposed project will have on the 91 freeway, including but not limited to the 91 freeway/I-215 interchange.

Response SEJA-3

The scope and parameters of the TIA were developed in consultation with the Lead Agency. Approximately 90 percent of the inbound truck trips are expected to come via

⁵ The "50 or more peak hour trips" intersection analytic protocol stipulated in the City Traffic Study Guidelines is consistent with standard industry practice. It is noted further that the 50 peak hour trip threshold is employed by other agencies throughout southern California including Caltrans, County of Riverside, County of San Bernardino, and the County of Orange.

SR-60 to I-215 southbound and approximately 5 percent of the truck trips are expected to come to the site directly from SR-60 (see TIA Section 4.2, *Project Trip Distribution*). The TIA also acknowledges that outbound trucks are anticipated to be distributed throughout the region, including but not limited to the 91 freeway. However, the amount of traffic estimated to utilize the 91 freeway and interchanges along the 91 freeway is anticipated to be less than 50 peak hour trips. The TIA acknowledges that outbound trucks are anticipated to be distributed throughout the region, including but not limited to the 91 freeway. However, the amount of Project traffic estimated at the 91/I-215 interchange would be less than 50 peak hour trips, and thus not subject to analysis per City protocols.⁶ Please refer also to Response SEJA-2.

The Draft EIR correctly states:

“Caltrans has established level of service (LOS) “D” as the minimum acceptable mainline freeway segment operational condition within the Study Area. Employing this threshold, the addition of Project traffic would result in a less-than-significant traffic impact on the analysis segments for Existing Plus Project traffic conditions. Opening Year Cumulative (2020) traffic growth along the SR-91 and I-215 Freeway is anticipated to exceed the capacity of existing lanes, and would thus result in deficient LOS conditions for seven Study Area freeway mainline segments under Opening Year Cumulative (2020) traffic conditions (please refer to Table 4.1-11, below). The addition of Project traffic would not, however, result in any new freeway segment deficiencies. The Project is anticipated to contribute no more than 25 peak hour one-way trips to the deficient freeway mainline segments.”

⁶ The “50 or more peak hour trips” intersection analytic protocol stipulated in the City Traffic Study Guidelines is consistent with standard industry practice. It is noted further that the 50 peak hour trip threshold is employed by other agencies throughout southern California including Caltrans, County of Riverside, County of San Bernardino, and the County of Orange.

As such (and as mentioned previously), further analysis along this route including freeway interchanges is not necessary pursuant to Lead Agency and Caltrans guidance. Revision of the Draft EIR is not required; results and conclusions are not affected.

Comment SEJA-4

Section 4.1.6.2 - Existing Roadway System. Again, the DEIR and TIA fail to include the 91 freeway in the traffic/transportation analysis. The DEIR and TIA do not fully disclose all regional sources of traffic to the project site, which is likely to have further impacts on the already cumulatively considerable impacts related to traffic. This does not comply with CEQA's requirements for meaningful disclosure.

Response SEJA-4

The commentor again incorrectly asserts necessary analysis of the 91 freeway. Please refer to Response SEJA-3, presented above.

Comment SEJA-5

Section 4.1.7.2 - Project Trip Distribution. Figures 4.1-6 and 4.1-7 of the DEIR indicate that 30% of passenger car traffic will reach the project site from the I-215/Harley Knox intersection and 20% of passenger car traffic will reach the project site from southbound Indian Street. Indian Street can only be reached by connecting at Perris Boulevard. The Perris Boulevard/60 freeway interchange is not included in the project trip distribution analysis when it has potentially significant impacts to the project trip distribution.

Response SEJA-5

The commentor incorrectly asserts that potential impacts of Project traffic at Perris Boulevard/60 freeway interchange are required in the trip distribution analysis. As previously mentioned, and presented at Draft EIR Section 4.1.2.1, *Study Area Intersections*, the City of Moreno Valley *Traffic Impact Analysis Preparation Guide* (City TIA Preparation Guide) requires the analysis of all intersections at which a proposed project is anticipated to contribute 50 or more peak hour trips. The "50 or more peak hour trips" intersection analytic protocol stipulated in the City TIA Preparation Guide

is consistent with standard industry practice. The 50 peak hour trip analytic protocol is employed by other agencies throughout southern California including Caltrans, County of Riverside, County of San Bernardino, and the County of Orange.

The Project TIA acknowledges (at Section 4.2, *Trip Distribution*) that the Project is anticipated to send both passenger car and truck traffic east on Nandina Avenue and east on Grove View Road (which then connect to Indian Street, Perris Boulevard, and eventually the Perris Boulevard/60 freeway interchange, as referenced by the commentor). In fact, a total of four total trucks are anticipated to head west on Nandina and/or Grove View Road during the peak hour and only 28 passenger cars are distributed in that direction during the peak hour period. Therefore, these intersections were not studied further as the Project is anticipated to contribute less than 50 peak hour trips. As such, revision of the EIR is not required; results and conclusions of the EIR are not affected.

Comment SEJA-6

Section 4.1.9.4 - Impact Statements. The DEIR finds the opening year (2020) with and without project LOS to be deficient at 6 intersections. Mitigation Measures 4.1.1 -payment of fees – is applied to all of the potentially cumulative impacts that follow for opening year roadway segments, and freeway off-ramp queueing. However, the TIA indicates that the following areas are under the jurisdiction of the city of Perris:

ID No. 1 - I-215 SB Ramps/Harley Knox Bl.

ID No. 2 - I-215 NB Ramps/Harley Knox Bl.

ID No. 3 - Western Way/Harley Knox Bl.

ID No. 4 - Patterson Ave./Harley Knox Bl.

Payment of fees is not an acceptable mitigation measure when the impact is in a jurisdiction beyond the scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th

99, 141.) *Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099, 1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. Mitigation measure 4.1.1 is uncertain and improperly deferred in violation of CEQA.*

Response SEJA-6

The commentor incorrectly reads and interprets the EIR significance conclusions regarding payment of fees and impact significance. The identified significant impacts include the extra-jurisdictional facilities noted by the commentor. Because the Lead Agency does not have plenary control over extra-jurisdictional traffic facilities, a fee payment mechanism [Draft EIR Mitigation Measure 4.1.1] noted by the commentor is incorporated to ensure Project mitigation responsibilities for contributions to impacts at extra-jurisdictional traffic facilities are fulfilled. However, contrary to the commentor's inferences, Project fee payments are not considered to reduce impacts to levels that would be less-than-significant.

In this regard, the Draft EIR clearly states:

Project mitigation responsibilities for incremental contributions to cumulative traffic impacts affecting Study Area facilities are fulfilled by payment of requisite traffic impact fees that would be assigned to the construction of necessary improvements. Notwithstanding, payment of traffic impact fees does not ensure timely completion of those traffic improvements necessary to mitigate potentially significant cumulative traffic impacts affecting the Study Area. In these instances, Project traffic impacts would not be individually significant, but would however be considered cumulatively significant. Pending completion of required improvements, the Project's contributions to cumulative traffic impact deficiencies identified within this Section are therefore cumulatively considerable and the identified cumulative impacts are significant and unavoidable" (DEIR p. 4.1-1, 4.1-2, et al.)

Thus, while the physical improvements identified in the EIR may be capable of mitigating potentially significant impacts, these improvements cannot be assured. Moreover, there are not any plans to improve the affected facilities within the Project's estimated opening date, and the City of Moreno Valley does not have an existing agreement with extra-jurisdictional agencies regarding the improvement or timing of improvements at locations along, or beyond the City of Moreno Valley corporate boundaries.

The commentor's assertion that Mitigation Measure 4.1.1 is "uncertain" is incorrect. The measure ensures that fees required of the Project will be paid. However, the Draft EIR correctly concludes that, even with the payment of fees, these impacts are considered cumulatively significant and unavoidable. Results and conclusions of the EIR are not affected.

Comment SEJA-7

Section 4.2.7.2- Air Quality Impact Statements- Regional Impacts. The DEIR gives a sample construction schedule. The construction schedule presents the project in phases; however, phased construction is not required of the project. The DEIR does not present any analysis of impacts or potential mitigation measures from potential overlap of construction phases. There is no statement that the construction phases will not occur concurrently. Also, there is no requirement that the Project be completed over a certain number of days given. Construction may occur faster as well, which would result in significantly greater daily impacts.

The DEIR states, "should construction occur any time after the dates presented here, incremental and aggregate construction-source emissions would likely decrease since emission factors for construction equipment would progressively decrease in the future". This statement is misleading and assumes a best-case scenario, which is contrary to CEQA's meaningful disclosure requirement. There is no indication of or requirement for project construction to utilize technology that may or may not exist to reduce emissions. The DEIR continues to state, "This is due to the natural turnover of the older vehicle fleet and replacement with more fuel efficient equipment with enhanced emissions controls; and implementation of more stringent regulations which collectively act to reduce construction-source (and operational-source)

emissions.” Will the DEIR be recirculated and analyzed if the project goes beyond the construction dates given? Will it be analyzed against the more stringent regulations that do not exist currently? This statement is misleading and presents a scenario that is circumstantial and uncertain.

Phased construction with clearly defined descriptions of work during each phase must be required of the proposed project in order for the DEIR mitigation measures and projected impacts to be applicable or relevant. These impacts must be disclosed to the public and decision makers in a fully revised and recirculated EIR in order to comply with CEQA.

Response SEJA-7

While the commentor’s assertions regarding phasing would be applicable if the Project were indeed a phased development (such as the construction of several different components and uses, to be constructed over an extended period of time, as would be the case in a Specific Plan for example). The Project proposal is a single building within a relatively limited site. The phases referenced within the Draft EIR are simply the logical progression of the construction process, such as site preparation, grading, building construction, architectural coatings, and paving. Each step in this progression requires completion of the previous construction phase.

The commentor states: “The DEIR does not present any analysis of impacts or potential mitigation measures from potential overlap of construction phases. There is no statement that the construction phases will not occur concurrently. Also, there is no requirement that the Project be completed over a certain number of days given. Construction may occur faster as well, which would result in significantly greater daily impacts.”

The construction schedule, equipment use, and progression of work within the site reflects typical construction schedules for similar projects and is consistent with accepted SCAQMD CalEEMod emissions modeling protocols. SCAQMD is the Responsible Agency for air quality considerations for the City and the Project; has reviewed the Project air quality construction modeling, and has offered no criticism or

comment on the modeling. The commentor speculates that the construction “may occur faster,” resulting in greater daily impacts. There is no evidence or indication that Project construction would occur other than is anticipated in the EIR. Absent further evidence to the contrary, the Lead Agency considers the EIR analysis of Project construction-source air quality impacts to be accurate and adequate. Results and conclusions of the EIR are not affected.

The commentor goes on to state that the construction analysis “assumes a best-case scenario.” The commentor misunderstands the referenced Draft EIR text. Draft EIR page 4.2-32 states:

“Air pollutant emissions based on the construction schedule presented here represents a “worst-case” analysis scenario. That is, should construction occur any time after the dates presented here, incremental and aggregate construction-source emissions would likely decrease since emission factors for construction equipment would progressively decrease in the future. This is due to the natural turnover of the older vehicle fleet and replacement with more fuel efficient equipment with enhanced emissions controls; and implementation of more stringent regulations which collectively act to reduce construction-source (and operational-source) emissions.”

The excerpted text is simply stating that the Project has been evaluated based on current construction equipment emissions requirements. Moving forward, such requirements would only become more stringent. If the Project were to experience significant delays prior to construction, the Project would be required (by State law) to comply with emissions requirements in place at the time of construction. Additionally, a delayed Project could mean the use of newer, more efficient construction equipment. Regardless, future emissions under all scenarios would likely be less significant, and no more significant, than the peak emissions impacts analyzed within the Draft EIR. The EIR in no instances takes credit for potential emissions reductions that may be realized at a future date because of more stringent regulations, use of more efficient equipment

etc. Contrary to the commentor's assertion, the construction-source modeling conducted as part of the Draft EIR presents a worst case scenario. Results and conclusions of the EIR are not affected.

Comment SEJA-8

HRA: The HRA presented is unduly optimistic in that it places sensitive receptors, apparently, at the opposite end of their property from where the exposure would take place, rather than at their property lines closest to the project site. HRAs are supposed to be conservative and the modeling should have assessed what might have happened to the receptors given their exposure at their property lines. The DEIR also is inadequate as an informational document in that it does not disclose where the receptors were placed for analysis. Where, exactly, were they placed? The same is true for your worker and schoolchild analysis. As to schoolchildren there is absolutely no basis for not modeling exposures at the adjacent El Portero park playground and fields they are likely to use. The same question is obvious: where did you place the children for purposes of your analysis?

It also does not appear that the HRA used child-specific analysis for the assessment of risks to children; such an assessment should have been done given that studies show reduced lung capacity and increased asthma in children given increased exposure to the pollutants of concern. EPA's Framework for Assessing Health Risk of Environmental Exposures to Children, which we do not believe the HRA used, 1) provides for a more complete evaluation of the potential for vulnerability at different life stages, including a focus on the underlying biological events and critical developmental periods for incorporating mode of action ("MOA") considerations; 2) evaluates the potential for toxicity after exposure during all developmental life stages; and 3) integrates adverse health effects and exposure information across life stages. The HRA also should not discount the fact that children almost certainly live in the residential community that surrounds the school.

Response SEJA-8

The commentor incorrectly interprets and misapplies HRA modeling protocols. Resulting conclusions regarding the EIR HRA are accordingly incorrect. From a general standpoint, the HRA was conducted precisely to protocols promulgated by the

SCAQMD. The modeling identifies risk factors from emissions within a hypothetical 100-meter grid surrounding the site. The location of the closest residential, school, and business (worker exposure) are then overlaid within the grid. The modeling outputs therefore identify the risk factor within the grid boundaries and those values are used in the analysis. The precise techniques are detailed within the HRA (page 20), which is presented as Draft EIR Appendix C.

At the maximally exposed individual receptor, the maximum incremental cancer risk attributable to Project DPM sources was estimated to be 0.21, which is considerably less than the threshold of 10 in one million. At the same location, non-cancer risks were estimated to be 0.0001, also considerable lower than the applicable threshold of 1. Based on the modeling, these exact results occur anywhere within the 100 meter grid box. The same applies to the worker and school child receptors. These risks factors are all well below the identified thresholds and therefore arguing about precision within the grid box would not alter the modeling results. None of the exposures approach the identified thresholds.

The locations of all individual receptors, workers, and school children are illustrated at Draft EIR Figures 4.2-2 through 4.2-4. These graphics illustrate the locations of all receptors measured, as well as identifying the maximally exposed receptor under each category. Additionally, HRA Section 2.6 specifically identifies the locations of the maximally exposed receptors:

- Individual Receptor: existing residential home situated approximately 3,171 feet southwest of the Project site on Nevada Avenue;
- Worker Receptor: iHerb Inc. Warehouse Distribution Center located at 17825 Indian Street; and
- School Child Receptor: El Potrero Preschool located at 16820 Via Pamplona.

In regard to the use of appropriate school child assumptions, Table 2-3, *Exposure Assumptions for Individual Cancer Risk*, of the HRA (presented in its entirety at Draft EIR Appendix C), notes:

“To represent the unique characteristics of the school-based population, the assessment employed the U.S. Environmental Protection Agency’s guidance to develop viable dose estimates based on reasonable maximum exposures (RME). RME’s are defined as the “highest exposure that is reasonably expected to occur” for a given receptor population. As a result, lifetime risk values for the student population were adjusted to account for an exposure duration of 180 days per year for nine (9) years. The 9 year exposure duration is also consistent with OEHHA Recommendations and consistent with the exposure duration utilized in school-based risk assessments for various schools within the Los Angeles County Unified School District (LAUSD) that have been accepted by the SCAQMD.”

While the commentor is surely correct in the assertion that children “almost certainly live in the residential community that surrounds the school,” the HRA correctly used residential receptors located nearer the Project site, as illustrated at Draft EIR Figure 4.2-2.

Based on the preceding discussion, the HRA accurately describes, models, and analyzes Project cancer and non-cancer health risks. No revisions are necessary. Results and conclusions of the EIR are not affected.

Comment SEJA-9

Section 4.2.7.2 - Air Quality Impact Statements - Operational Source Emissions. The DEIR indicates that the project will have significant and unavoidable impacts with regards to NOx emissions. MM 4.2.5 does not mitigate the emissions of NOx to levels that are less than significant. The DEIR also details project design features in this section, including that sidewalks will be established along the frontage of the project site, which will encourage people to walk. This project detail is insufficient and misleading as there is no employee walk/biking to work program required to result in fewer passenger car trips to mitigate impacts.

Response SEJA-9

The commentor states “. . .Project detail is insufficient and misleading as there is no employee walk/biking to work program required to result in fewer passenger car trips to mitigate NOx impacts.” The commentor incorrectly interprets the EIR.

The commentor correctly states that Mitigation Measure 4.2.5 “does not mitigate the emissions of NOx to levels that are less than significant.” To this end, the Draft EIR concludes that regional operational NOx emissions would be a significant and unavoidable impact of the Project. The Draft EIR further notes that approximately 98 percent of all operational-source emissions (by weight) would be generated by Project mobile sources (traffic). Neither the Project Applicant nor the Lead Agency can substantively or materially affect reductions in Project mobile-source emissions.

Mobile-source vehicle tail pipe emissions cannot be materially or feasibly controlled or mitigated by the Lead Agency or the Project Applicant. Rather, these emissions sources are regulated by CARB and USEPA. As the result of CARB and USEPA actions, Basin-wide vehicular-source emissions have been reduced dramatically over the past years and are expected to further decline as clean vehicle and fuel technologies improve. Future CARB and USEPA actions could be expected to have a positive effect on Project-related vehicular-source emissions, resulting in incremental reductions in vehicular-source emissions when compared to either the Project AQIA emissions estimates.

The Draft EIR is an informational document intended to apprise decision-makers and the general public of Project characteristics, as well as potentially significant environmental impacts associated with the Project. To this end, the Draft EIR presents Project features that may help to reduce the identified significant emission exceedances. However, no emission reductions or credits based on these features are taken, nor are they presented as mitigation. How the commentor misconstrues this level of detail as “misleading” is not understood. Revision of the EIR is not required; results and conclusions of the EIR are not affected.

Comment SEJA-10

Section 4.3.4 - Greenhouse Gas Emissions Impact Statements -Project GHG Emissions. The DEIR states that the project's emissions of GHG are significant and unavoidable after mitigation. No mitigation measures are offered other than a reference to project design features and operational programs that would act to "generally reduce Project GHG emissions from area sources, energy sources, and other on-site emissions sources which combined, account for approximately 11 percent of the Project total GHG emissions." How did you quantify the 11 percent reduction? How do you quantify the installation of sidewalks to reduce VMT? What is the correlation between installing sidewalks and reducing VMT when there is no employee bike/walking program discussed or developed? No further mitigation measures are offered. This is inadequate and the DEIR must offer some mitigation measures beyond potential project design features.

Further, the DEIR states that the project conflicts with the Scoping Plan as well as Moreno Valley's Energy Efficiency and Climate Action Strategy. There are no mitigation measures discussed here either. The details of how the GHG emissions conflict with both documents is not discussed. This does not meet CEQA's meaningful disclosure requirements.

Response SEJA-10

The commentor misunderstands the GHG analysis in general, and the referenced "11 percent" text specifically. The cited text is not referencing an 11 percent reduction in GHG emissions; rather it is stating that area source, energy source, and other on-site emissions sources account of 11 percent of the total Project GHG emissions. As stated at page 53 of the GHG Analysis (presented as Appendix D to the Draft EIR):

"The Project will result in approximately 1,338.22 MTCO₂e per year (approximately 11% of total Project GHG emissions) from construction, area, energy, waste, water usage, and on-site emissions. In addition, the Project has the potential to result in an additional 10,816.76 MTCO₂e per year (approximately 89% of total Project GHG emissions) from mobile sources..."

Since neither the Project Applicant nor the Lead Agency can substantively or materially affect reductions in Project mobile-source GHG emissions (mobile source emissions sources are regulated by CARB and USEPA), no feasible mitigation to reduce these emissions exists, and the Draft EIR correctly concludes that this is a significant and unavoidable impact of the Project. The commentor offers no mitigation that would reduce GHG emissions.

In regards to the Project features listed within the discussion, the Draft EIR simply lists them for informational purposes to apprise decision-makers and the general public of Project characteristics that may help to reduce the identified significant emission exceedances. Emission reductions or credits based on these features if any are consistent with CalEEMod protocols.

The commentor incorrectly states that the Draft EIR does not present a discussion of how the Project would conflict with the Scoping Plan. In point of fact, page 4.3-36 of the Draft EIR contains the following text:

“GHG Emissions are Potentially Significant in Context of CARB AB32 Scoping Plan Emissions Reductions Targets

To further evaluate the potential significance of Project GHG emissions, GHG emissions that would be generated pursuant to development of the Project are compared with GHG emissions targets established under the CARB AB32 Scoping Plan (Scoping Plan). The Scoping Plan provides for a 28.5% reduction in statewide and local GHG emissions by the year 2020, when compared to projected GHG emissions that would result from a continuing year 2005 “Business As Usual” (BAU) Scenario.

As indicated at Table 4.3-5, Project GHG emissions would be reduced by approximately 23.08% when compared to the 2005 BAU scenario; and would not achieve the 28.5% GHG emissions reduction targets established under the Scoping Plan. The GHG emissions reductions targets established under the Scoping Plan are intended to reduce GHG emissions

so as to minimize or preclude significant environmental impacts. Project inconsistency with the Scoping Plan GHG emissions reduction targets would therefore result in levels of greenhouse gas emissions that may either directly or indirectly have a significant impact on the environment. This is a potentially significant cumulative impact.”

Regarding consistency with the City of Moreno Valley Climate Action Strategy (CAS), the City of Moreno Valley CAS GHG emissions reduction target is predicated on AB 32 Scoping Plan GHG emissions reductions target. The fact that the Project would not achieve the AB 32 GHG Scoping Plan emissions reductions target leads to the conclusion that the Project would likewise not achieve the CAS GHG emissions reductions target. As matter of clarification, the text at EIR p. 4.3-38 is amended accordingly.

The Project is otherwise consistent with applicable CAS policies as substantiated within the Project GHG Analysis (EIR Appendix D, Section 2.10) as summarized below.

- Policy R2-T1: Land Use Based Trips and VMT Reduction Policies. Encourage the development of Transit Priority Projects along High Quality Transit Corridors identified in the SCAG Sustainable Communities Plan, to allow a reduction in vehicle miles traveled.

Project consistency: Not applicable.

- Policy R2-T3: Employment-Based Trip Reductions. Require a Transportation Demand Management (TDM) program for new development to reduce automobile travel by encouraging ride-sharing, carpooling, and alternative modes of transportation.

Project consistency: Consistent. Trip reductions are part of the Project’s design features.

- Policy R2-E1: New Construction Residential Energy Efficiency Requirements. Require energy efficient design for all new residential buildings to be 10 percent beyond the current Title 24 standards. (Reach Code)

Project consistency: Not applicable; this measure applies to residential projects.

- Policy R2-E2: New Construction Residential Renewable Energy. Facilitate the use of renewable energy (such as solar (photovoltaic) panels or small wind turbines) for new residential developments. Alternative approach would be the purchase of renewable energy resources offsite.

Project consistency: Not applicable; this measure applies to residential projects.

- Policy R2-E5: New Construction Commercial Energy Efficiency Requirements. Require energy efficient design for all new commercial buildings to be 10% beyond the 2008 Title 24 standards (which were in effect at the time the CAP was adopted). (Reach Code)

Project consistency: Consistent; Current 2013 Title 24 requirements would achieve greater reduction than envisioned by the City's Climate Action Strategy. Further, the Project would be required to comply with any adopted municipal code requirements set forth by the City of Moreno Valley. As such, the Project would be consistent with R2-E5.

- Policy R3-E1: Energy Efficient Development, and Renewable Energy Deployment Facilitation and Streamlining. Updating of codes and zoning requirements and guidelines to further implement green building practices. This could include incentives for energy efficient projects.

Project consistency: Not applicable on a project-level.

- Policy R3-L2: Heat Island Plan. Develop measures that address “heat islands.” Potential measures include using strategically placed shade trees, using paving materials with a Solar Reflective Index of at least 29, an open grid pavement system, or covered parking.

Project consistency: Consistent; the Project will comply with the City of Moreno Valley’s landscaping requirements.

- Policy R2-W1: Water Use Reduction Initiative. Consider adopting a per capita water use reduction goal, which mandates the reduction of water use of 20 percent per capita with requirements applicable to new development and with cooperative support of the water agencies.

Project consistency: Consistent. California Green Building Standards Code, Chapter 5, Division 5.3, Section 5.303.2 requires that indoor water use be reduced by 20 percent. Section 5.304.3 requires irrigation controllers and sensors. Water conservation is part of the Project’s design features.

- Policy R3-W1: Water Efficiency Training and Education. Work with EMWD and local water companies to implement a public information and education program that promotes water conservation.

Project consistency: Not applicable at a project-level.

- Policy R2-S1: City Diversion Program. For Solid Waste, consider a target of increasing the waste diverted from the landfill to a total of 75 percent by 2020.

Project consistency: Consistent; the Project will comply with the City of Moreno Valley’s citywide goal of solid waste reduction. Additionally, the Project will be compliant with the City of Moreno Valley’s Municipal Code 8.80.030 by implementing a Waste Management Plan.

It should also be noted that the CAS does not set forth a numerical Project-level threshold, only measures to be implemented to reduce energy and water consumption and greenhouse gas emissions. The preceding text illustrates that the Project is consistent with the applicable Policies presented within the CAS.

Contrary to the commentor's assertions otherwise, the above response and the EIR in total substantiate and demonstrate compliance with CEQA adequacy and informational requirements. Results and conclusions of the EIR are not affected.

Comment SEJA-11

Section 5.2.1 - Cumulative Impacts Related to Transportation/ Traffic. The DEIR states that "traffic generated by other known or probable related projects was then added to the TIA ambient traffic growth estimates. These related projects are in part already accounted for in the assumed annual 2 percent increase in ambient traffic growth noted above; and in certain instances, these related projects would likely not be implemented and functional within the 2020 Opening Year time frame assumed for the Project" The DEIR does not provide a list or map of these projects and significantly downplays the impact the cumulative projects have regarding transportation and traffic. There is a map of the cumulative projects buried in the Transportation Impact Analysis as Table 4-4, but the numbers of the projects listed overlap and are difficult to read, which makes that map largely useless. Further, burying this information in an Appendix does not comport with the informational and public disclosure purposes of CEQA.

Response SEJA-11

The commentor statements are incorrect and misleading. The commentor fails to include the entire paragraph of excerpted text, leaving out an important detail. The actual text reads:

"Traffic generated by other known or probable related projects was then added to the TIA ambient traffic growth estimates. These related projects are in part already accounted for in the assumed annual 2 percent increase in ambient traffic growth noted above; and in certain instances these related projects would likely not be implemented and functional within

the 2020 Opening Year time frame assumed for the Project. The resultant assumed traffic growth rate employed in the TIA (2 percent annual ambient growth + traffic generated by all related projects) would therefore tend to overstate rather than understate background cumulative traffic impacts under 2020 conditions. [emphasis added]”

The emphasized text explains that while the related projects are in part already accounted for in the assumed annual 2 percent increase in ambient traffic growth, they were added to the ambient growth rate anyway, thus overstating cumulative traffic impacts. No deduction in assumed traffic was taken.

Contrary to the commentor’s suggestion that the role of cumulative development was “downplayed,” the analysis of related projects was an integral TIA component and was conducted in consultation with the Lead Agency. The cumulative project list was developed for this purpose based on information provided by City planning and engineering staff. The cumulative project list includes known and foreseeable projects that are anticipated to contribute traffic to the study area intersections. Adjacent jurisdictions of the County of Riverside, March Joint Powers Authority (JPA), City of Riverside, and the City of Perris were also contacted to obtain the most current list of cumulative projects from their respective jurisdictions. The correspondence and cumulative projects provided by each of the applicable jurisdictions are provided at TIA Appendix 4.1. In total, the TIA identified 262 related projects for inclusion within the analysis.

In response to the commentor’s assertion that information was “buried” within the technical analyses, it is noted that the Draft EIR body text intentionally summarizes the information provided within the technical analyses, and appropriately focuses on identification, disclosure, and mitigation of the Project’s potentially significant impacts. *Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR (CEQA Guidelines, Section 15147. TECHNICAL DETAIL).* Surely, a

comprehensive listing of all 262 related projects is considered “supporting information.”

Revision of the EIR is not required; results and conclusions of the EIR are not affected.

Comment SEJA-12

Section 5.2.2.6 - Cumulative Impact Analysis. Here you refer to a list of cumulative projects related to TAC emissions impacts. You do not provide a map of those cumulative projects. This does not comply with CEQA’s requirements for meaningful disclosure.

Response SEJA-12

The commentor incorrectly states that the DEIR does not provide meaningful disclosure of cumulative TAC impacts. DEIR Section 5.2.2.6 provides a complete listing of all cumulative projects that were considered within the Mobile Source Diesel Health Risk Assessment (HRA) prepared for the Project. That Section goes on to summarize the findings of the HRA, which is provided in its entirety at Draft EIR Appendix C. Consistent with *CEQA Guidelines*, supporting information, such as a location map of all cumulative projects can be found at Exhibit 2-E, *Cumulative Development Within One-Quarter Mile of the Project and Primary Truck Route*, on page 30 of the Project HRA. There is no requirement that the EIR body text include all maps or other information employed in supporting technical studies. Revision of the EIR is not required; results and conclusions of the EIR are not affected.

Comment SEJA-13

SoCal Environmental Justice Alliance believes the DEIR for the proposed project fails to comply with CEQA and must be substantially supplemented, amended, and recirculated before the reviewing bodies make a recommendation or decision on the proposed project. The Alliance encourages the city to require the DEIR to address the Environmental Justice Element as outlined in the California General Plan Guidelines and give the Element the same weight as the mandatory elements of the General Plan.

For these reasons, SCEJA respectfully requests the need for this Project's DEIR to be substantially supplemented, amended, and recirculated and the City's denial to certify this DEIR. SoCal Environmental Justice Alliance requests to be notified via email at socaleja@gmail.com regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project.

Response SEJA-13

The commentor provides an opinion regarding the Draft EIRs compliance with CEQA and recommends the City supplement, amend, and recirculate the document. The Draft EIR was prepared in accordance with Article 9 of the *CEQA Guidelines* (§15120 – 15132) and the documents conclusions are based on substantial evidence in the public record. The Lead Agency disagrees with the commentor and considers the EIR as modified herein to appropriately and adequately respond to all germane CEQA requirements.

While the City appreciates the commentor's participation in the CEQA process, the responses presented above and the detailed information presented in the Draft EIR substantiate that Project impacts are adequately and accurately presented, and that mitigation incorporated in the EIR acts to reduce potentially significant impacts to the extent feasible. Results and conclusions of the EIR are not affected.

4.0 MITIGATION MONITORING PLAN

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring plan has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described at *CEQA Guidelines* Section 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented within this Section at Table 4.2-1.

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Traffic and Circulation</u>				
4.1.1 <i>Prior to the issuance of building permits, the Project Applicant shall pay requisite fees toward the construction of Year 2020 improvements as indicated at following Table 4.1-9 and summarized at Table 4.1-12 and illustrated at Figure 4.1-9 at the conclusion of this Section.</i>	Prior to the issuance of building permits.	Applicant.	City of Moreno Valley.	City shall verify payment of fees at issuance of building permits.
<u>Air Quality</u>				
4.2.1 <i>The following requirements shall be incorporated into Project plans and specifications in order to ensure implementation of SCAQMD Rule 403 and limit fugitive dust emissions:</i>	Prior to building plan check.	Applicant.	City of Moreno Valley.	At building plan check.
<ul style="list-style-type: none"> • <i>All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour;</i> • <i>The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project site are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day; and</i> • <i>The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are limited to 15 miles per hour or less.</i> 				
4.2.2 <i>Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling. This</i>	Prior to the issuance of grading plans.	Applicant.	City of Moreno Valley.	At issuance of grading plans.

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p>requirement is based on the California Air Resources Board regulation in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations, which imposes a requirement that heavy duty trucks not idle for greater than five (5) minutes at any location.</p>				
<p>4.2.3 All off-road diesel-powered construction equipment ≥ 150 hp shall meet California Air Resources Board (CARB) Tier 4 emission standards.</p>	<p>During grading activity.</p>	<p>Construction contractor.</p>	<p>City of Moreno Valley.</p>	<p>Ongoing throughout grading activity.</p>
<p>4.2.4 Only “Zero-Volatile Organic Compounds” paints (no more than 50 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.</p>	<p>Prior to issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of building permits.</p>
<p>4.2.5 The following requirements shall be incorporated into Project plans and specifications:</p> <ul style="list-style-type: none"> • Any gasoline-powered cargo-handling equipment shall be equipped with catalytic converters. • Install signs stating that the idling of trucks shall not exceed three minutes. • Provide preferential parking locations for EVs, CNG vehicles, and carpool/vanpool vehicles. 	<p>Prior to issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of building permits.</p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Hazards/Hazardous Materials</u>				
<p>4.5.1 All plans, construction documents, and contracts shall contain the following or similar language: Contractors and developers are advised that underground Transite pipelines may be encountered within the Project site. If encountered, these features shall be documented and evaluated by a licensed environmental hazards remediation consultant/contractor. A final report of Transite pipe hazards encountered (if any) and associated remedial actions (if any) shall be submitted to the City. Abatement/disposal of asbestos resulting from removal of Transite pipelines shall be accomplished as detailed at EIR Section 4.5.4, Hazardous Waste Handling.</p>	Throughout construction.	Construction contractor.	City of Moreno Valley.	Ongoing throughout construction activity.
<u>Hydrology and Water Quality</u>				
<p>4.6.1 Prior to grading plan approval and the issuance of a grading permit by the City of Moreno Valley, the Project Applicant shall provide evidence to the City that a notice of intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of stormwater associated with construction activities. The SWPPP shall identify Best Management Practices (BMPs) intended to prevent the release of sediment and pollutants into downstream waterways. Examples of construction BMPs to be incorporated in the Project include, but are not limited to, the following:</p>	Prior to issuance of grading permits.	Applicant.	City of Moreno Valley.	At issuance of grading permits.

Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<ul style="list-style-type: none"> • Silt Fences; • Check Dams; • Gravel Bag Berms; • Street Sweeping and Vacuuming; • Sand Bag Barriers; • Storm Drain Inlet Protection; • Wind Erosion Control; • Stabilized Construction Entrance/Exit; and • Entrance/Outlet Tire Wash. 				

Post-construction BMPs to reduce sediments and other pollutants include, but are not limited to, the following:

- *Providing permanent cover to stabilize the disturbed surfaces after construction has been completed;*
- *Incorporating structural BMPs (e.g., grease traps, debris, screens, continuous deflection separators, oil/water separators, drain inlet inserts) into the Project’s design to provide detention and filtering of contaminants in urban runoff prior to discharge to stormwater facilities;*
- *Precluding non-stormwater discharges to the stormwater system; and*
- *Performing monitoring of discharges to the stormwater system.*

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
4.6.2 Prior to the issuance of grading permits, the Project Applicant shall submit a final Water Quality Management Plan (WQMP) to the City of Moreno Valley. The WQMP shall identify Best Management Practices (BMPs) addressing all post-construction pollutant discharges. Examples of BMPs included in the Project’s Preliminary WQMP include the following:	Prior to issuance of grading permits.	Applicant.	City of Moreno Valley.	At issuance of grading permits.

Source Control/Non-Structural BMPs

- Education of property owners, operators, tenants, occupants, or employees;
- Street Sweeping of Private Streets and Parking Lots;
- Drainage facility inspection and maintenance;
- Roof Runoff Controls;
- Efficient Irrigation;
- Protection of Slopes and Channels;
- Storm Drain stenciling and signage;
- Trash Storage Areas and Litter Control;
- Irrigation system and landscape maintenance; and
- Loading dock drainage controls.

Site Design/Structural BMPs

- Maximize permeable areas;
- Minimize street, sidewalk, and parking lot aisle widths;
- Maintain natural drainage patterns;
- Incorporate drought-tolerant landscaping;
- On-site ponding areas or retention facilities to increase

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><i>opportunities for infiltration;</i></p> <ul style="list-style-type: none"> • <i>Convey roof runoff to landscaping/permeable areas prior to discharge to storm drains;</i> • <i>Drain sidewalks and walkways to adjacent landscaped areas; and</i> • <i>Integration of landscaping and drainage designs.</i> 				
<u>Biological Resources</u>				
<p>4.7.1 <i>To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA):</i></p> <ul style="list-style-type: none"> • <i>If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly.</i> • <i>If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified</i> 	<p>Throughout construction.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>Ongoing throughout construction.</p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><i>biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.</i></p> <p>4.7.2 <i>Within 30 days prior to grading, a qualified biologist shall conduct a Project site survey and make a final determination regarding the presence or absence of the burrowing owl. The determination shall be documented and shall be submitted, reviewed, and accepted by the City of Moreno Valley Planning Division prior to the issuance of a grading permit. Survey documentation shall incorporate following provisions:</i></p> <ul style="list-style-type: none"> <i>• In the event that the pre-construction survey identifies no burrowing owls on the property, a grading permit may be issued without restriction.</i> <i>• In the event that the pre-construction survey identifies the presence of burrowing owl(s,) the Applicant shall implement incumbent CDFW burrowing owl mitigation protocols.</i> 	<p><i>Within 30 days prior to disturbance at the Project site.</i></p>	<p><i>Applicant.</i></p>	<p><i>City of Moreno Valley.</i></p>	<p><i>Within 30 days prior to disturbance at the Project site.</i></p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<u>Cultural Resources</u>				
<p>4.8.1 Any excavation exceeding five feet below the current grade shall be monitored by a qualified paleontological monitor. If older alluvial deposits are encountered in shallower contexts, monitoring should be initiated once these deposits area encountered. The paleontological monitoring program should follow the local protocols of the Western Center (Hemet) and a paleontological monitoring plan should be developed prior to the ground altering activities. The extent and duration of the monitoring can be determined once the grading plan is understood and approved.</p>	<p>Throughout grading and excavation activities.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of a building permit.</p>
<p>4.8.2 If previously unidentified prehistoric/Native American resources are identified, a qualified archaeologist must be notified and, in consultation with the local Native American representative(s), be recovered and analyzed in accordance with CEQA guidelines, and curated at the University of California, Riverside, Archaeological Research Unit; the Western Center; or with the appropriate Native American repository (e.g., Pechanga facility in Temecula). In addition, an archaeological monitoring program should be initiated and continued until the archaeological consultant concludes the program is no longer necessary.</p>				

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>4.8.2 Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and that the monitor has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project archaeologist, with input from the Pechanga Tribe, shall prepare a Cultural Resources Monitoring Plan (CRMP) to document protocols for inadvertent finds, to determine potential protection measures from further damage and destruction for any identified archaeological resource(s)/tribal cultural resources (TCRs), outline the process for monitoring and for completion of the final Phase IV Monitoring Report. If any archaeological and/or TCRs are identified during monitoring, these will also be documented and addressed per standard archaeological protocols in the Phase IV report, with the exception of human remains which will be addressed per Mitigation Measure 4.8.6. The Project Archaeologist shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.</u></p>	<p>Prior to issuance of grading permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of grading permits.</p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>4.8.3 At least 30 days prior to the issuance of a grading permit, the Applicant shall contact the Pechanga Band of Luiseño Indians to develop a Cultural Resources Treatment Agreement and shall provide evidence to the City of Moreno Valley that the professionally qualified Native American monitor(s) has been secured, and that the Tribe shall be allowed to monitor all mass grading and trenching activities. The Tribal representative(s) shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.</u></p>	<p>At least 30 days prior to issuance of grading permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of grading permits.</p>
<p><u>4.8.4 If, during mass grading and trenching activities, the Archaeological or Pechanga Monitors suspect that an archaeological resource and/or TCR may have been unearthed, the monitor identifying the potential resources, in consultation with the other monitor as appropriate, shall immediately halt and redirect grading operations in a 50-foot radius around the find to allow identification and evaluation of the suspected resource. The Native American monitor(s) or appropriate representative(s) and the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2. The archaeological monitor and Pechanga monitor(s) or appropriate representative(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). All sacred</u></p>	<p>During mass grading and trenching activities.</p>	<p>Archaeological and/or Pechanga Monitor(s).</p>	<p>Archaeological and Pechanga monitor(s), Applicant, and City of Moreno Valley.</p>	<p>Throughout mass grading and trenching activities.</p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: *To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.*

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>sites, should they be encountered within the Project area, shall be avoided and preserved as the preferred mitigation, if feasible.</u></p> <p><u>4.8.5 Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:</u></p> <p><u>“If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Pechanga representatives are not present, the construction supervisor is obligated to halt work in a 50-foot radius around the find and call the Project archaeologist and the Pechanga representatives to the site to assess the significance of the find.”</u></p>	<p>Prior to issuance of grading permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of grading permits.</p>
<p><u>4.8.6 If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then</u></p>	<p>Throughout construction.</p>	<p>Contractor, Applicant.</p>	<p>City of Moreno Valley.</p>	<p>Throughout construction.</p>

**Table 4.2-1
Indian Street Commerce Center Project
Mitigation Monitoring Plan**

General Note: To facilitate coordination and effective implementation of mitigation measures, the mitigation measures provided herein shall appear on all grading plans, construction specifications, and bid documents. Incorporation of required notations shall be verified by the City prior to issuance of first development permit. Implementation Entities shall comply with listed mitigation requirements.

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Reporting Frequency
<p><u>immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.</u></p>				
<p><u>4.8.7 Prior to building permit issuance, the Project archaeologist shall prepare a final Phase IV Monitoring Report as outlined in the CRMP, which shall be submitted to the City Planning Division, Pechanga Band of Luiseño Indians, and the Eastern Information Center at the University of California, Riverside. The report shall document Project impacts to archaeological and tribal cultural resources, if any. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the Project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility or the Western Science Center in Hemet at the landowners discretion.</u></p>	<p>Prior to issuance of building permits.</p>	<p>Applicant.</p>	<p>City of Moreno Valley.</p>	<p>At issuance of building permits.</p>

Attachment A:
AB 52 Consultation Documentation

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-024-2016-004

February 12, 2016

[VIA EMAIL TO:juliad@moval.org]

Ms. Julia Descoteaux
14177 Frederick Street, P.O. Box 88005
City of Moreno Valley, CA 92252-0805

Re: PA16-0002 & P16-003

Dear Ms. Julia Descoteaux,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the PA16-0002 & P16-003 project. After reviewing the project information provided and conducting a records search of ACBCI cultural registry it was determined that more information is needed. In order for the ACBCI to provide informed comments and recommendations we request the following:

- *A copy of the records search with associated survey reports and site records from the information center.
- *A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.
- *Copies of any cultural resource documentation (report and site records) generated in connection with this project.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at acbc-thpo@aguacaliente.net.

Cordially,

Katie Croft
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS



03-024-2016-004

September 15, 2016

[VIA EMAIL TO:juliad@moval.org]

Ms. Julia Descoteaux
14177 Frederick Street, P.O. Box 88005
City of Moreno Valley, CA 92252-0805

Re: Indian Street Commerce Center

Dear Ms. Julia Descoteaux,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the PA16-0002 & P16-003 project. After reviewing the project information provided and conducting a records search of ACBCI cultural registry it was determined that more information is needed. In order for the ACBCI THPO department to provide informed comments and recommendations we request the following:

*At this time ACBCI defers to the Pechanga Band of Luiseno Indians. This letter shall conclude our consultation efforts.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at acbc-thpo@aguacaliente.net.

Cordially,

Katie Croft
Archaeologist
Tribal Historic Preservation Office
AGUA CALIENTE BAND
OF CAHUILLA INDIANS



PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office, Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

February 22, 2016

Chairperson:
Neal Ibanez

Vice Chairperson:
Bridgett Barcello

Committee Members:
Mary Bear Magee
Evie Gerber
Darlene Miranda
Richard B. Searce, III
Michael Vasquez

Director:
Gary DuBois

Coordinator:
Paul Macarro

Planning Specialist:
Tuba Ebru Ozdil

Cultural Analyst:
Anna Hoover

VIA E-MAIL and USPS

Julia Descoteaux
Case Planner
City of Moreno Valley
Community Development Department
Planning Division
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Pechanga Tribe Request for Consultation Pursuant to AB 52 for the PA16-0002, and P16-003 (First Nandina Logistics).

Dear Ms. Descoteaux;

This letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, “the Tribe” and/or “Payómkawichum”), a federally recognized Indian tribe and sovereign government in response to the AB 52 notice provided by the City of Moreno Valley dated January 28, 2016 and received in our office February 3, 2016.

This letter serves as the Tribe’s formal request to begin consultation under AB 52 for this Project. Per AB 52, we intend to assist the City of Moreno Valley in determining the type of environmental document that should be prepared for this Project (i.e. EIR, MND, ND); with identifying potential tribal cultural resources (TCRs); determining whether potential substantial adverse effects will occur to them; and to develop appropriate preservation, avoidance and/or mitigation measures, as appropriate. Preferred TCR mitigation is always avoidance and the Tribe requests that all efforts to preserve sensitive TCRs be made as early in the development process as possible.

Please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archaeological reports, development plans, conceptual grading plans (if available), and all other applicable documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project, and that these comments be incorporated into the record of approval for this Project.

Pechanga Comment Letter to the City of Moreno Valley
Re: Pechanga Tribe Request: AB 52 PA16-0002, and P16-003 (First Nandina Logistics)
February 22, 2016
Page 2

The Pechanga Tribe asserts that the Project area is part of Payómkawichum (Luiseño), and therefore the Tribe's, aboriginal territory as evidenced by the existence of Payómkawichum cultural resources, named places, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Payómkawichum artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as our extensive history with the City of Moreno Valley and other projects within the area. During our consultation we will provide more specific, confidential information on potential TCRs that may be impacted by the proposed Project.

As you know, the AB 52 consultation process is ongoing and continues until appropriate mitigation has been agreed upon for the TCRs that may be impacted by the Project. As such, under both AB 52 and CEQA, we look forward to working closely with the City of Moreno Valley on ensuring that a full, comprehensive environmental review of the Project's impacts is completed, including addressing the culturally appropriate and respectful treatment of human remains and inadvertent discoveries.

In addition to those rights granted to the Tribe under AB 52, the Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts.

The Pechanga Tribe looks forward to working together with the City of Moreno Valley in protecting the invaluable Pechanga cultural resources found in the Project area. The formal contact person for this Project will be Anna Hoover. Please contact her at 951-770-8104 or at ahoover@pechanga-nsn.gov within 30 days of receiving these comments so that we can begin the consultation process. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "P.P. Anna Hoover".

Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel

RECEIVED

MAR 02 2016

CITY OF MORENO VALLEY
Planning Division



EST. JUNE 19, 1883

February 24, 2016

Attn: Julia Descoteaux, Associate Planner
City of Moreno Valley
Community Development Department, Planning Division
14177 Frederick Street
Moreno Valley, CA 92552- 0805

RE: AB 52 Consultation: PA16-0002 & P16-003; west side of Indian Street, south of Grove View Road (APN's 316-210-019, 020, 057, 077)

The Soboba Band of Luiseño Indians has received your notification pursuant under Assembly Bill 52.

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department. At this time the Soboba Band does not have any specific concerns regarding known cultural resources in the specified areas that the project encompasses, but does request that the appropriate consultation continue to take place between concerned tribes, project proponents, and local agencies. The tribe requests notification of any inadvertent discoveries that may be discovered during the course of the project. Please feel free to contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe", with a long horizontal line extending to the right.

Joseph Ontiveros
Cultural Resource Director
Soboba Band of Luiseño Indians
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Confidentiality: The entirety of the contents of this letter shall remain confidential between Soboba and the City of Moreno Valley. No part of the contents of this letter may be shared, copied, or utilized in any way with any other individual, entity, municipality, or tribe, whatsoever, without the expressed written permission of the Soboba Band of Luiseño Indians.

**MORONGO CULTURAL
HERITAGE PROGRAM**

**12700 PUMARRA RD BANNING, CA 92220
OFFICE 951-755-5025 FAX 951-572-6004**



Date: February 26, 2016

Re: Case No. PA16-0002 & P16-003. A Plot Plan to develop 19.64 acres into a 436,350 square foot warehouse/distribution building located in the Moreno Valley Industrial Area Specific Plan. The project includes 53 dock doors within the truck loading area, employee parking areas and basins.

Dear,
Julia Descoteaux
Moreno Valley
Planning Dept.

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project(s). The tribe greatly appreciates the opportunity to comment on the project. After reviewing our records and consulting with our tribal elders and cultural experts, we would like to respectfully offer the following comments and/or recommendations:

- ___ The project is outside of the Tribe's current reservation boundaries and is not within an area considered to be a traditional use area or one in which the Tribe has cultural ties (i.e. Cahuilla or Serrano Territory). We recommend contacting the appropriate tribes who have cultural affiliation to the project area. We have no further comments at this time.
- ___ The project is outside of the Tribe's current reservation boundaries but within in an area considered to be a traditional use area or one in which the Tribe has cultural ties (i.e. Cahuilla or Serrano Territory). At this time, we are not aware of any cultural resources on the property; however, that is not to say there is nothing present. At this time, we ask that you impose specific conditions regarding all cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications (see Standard Development Conditions attachment).
- X The project is outside of the Tribe's current reservation boundaries but within in an area considered to be a traditional use area or one in which the Tribe has cultural ties (i.e. Cahuilla or Serrano Territory). At this time we ask that you impose specific conditions regarding all cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications (see Standard Development Conditions attachment). Furthermore, we would like to formally request the following:

 - X A thorough records search be conducted by contacting one of the CHRIS (California Historical Resources Information System) Archaeological Information Centers and have a copy of the search results be provided to the tribe.
 - X A comprehensive archaeological survey be conducted of the proposed project property and any APE's (Areas of Potential Effect) within the property. We would also like to request that a tribal monitor be present during the initial pedestrian survey and that a copy of the results be provided to the tribe as soon as it can be made available.

— Morongo would like to request that our tribal monitors be present during any test pit or trenching activities and any subsequent ground disturbing activities during the construction phase of the project.

— The project is located within the current boundaries of the Morongo Band of Mission Indians Reservation. Please contact the Morongo Band of Mission Indians planning department for further details.

Once again, the Morongo Band of Mission Indians appreciates the opportunity to comment on this project. Please be aware that receipt of this letter does not constitute “meaningful” tribal consultation nor does it conclude the consultation process. This letter is merely intended to initiate consultation between the tribe and lead agency, which may be followed up with additional emails, phone calls or face-to-face consultation if deemed necessary. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience.

Very truly yours,

Raymond Huate
Cultural Resource Specialist
Morongo Band of Mission Indians
Email: rhuate@morongo-nsn.gov
Phone: (951) 755-5025

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

Standard Development Conditions

The Morongo Band of Mission Indians asks that you impose specific conditions regarding cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications as follows:

1. If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5.
2. In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.
 - a. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians.
 - b. If requested by the Tribe¹, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

¹ The Morongo Band of Mission Indians realizes that there may be additional tribes claiming cultural affiliation to the area; however, Morongo can only speak for itself. The Tribe has no objection if the archaeologist wishes to consult with other tribes and if the city wishes to revise the condition to recognize other tribes.

From: [Julia Descoteaux](#)
To: rhuaute@morongo-nsn.gov
Subject: RE: PA16-0002, P16-003
Date: Thursday, October 13, 2016 10:50:08 AM

Good Morning Mr. Huaute,

As a result of your letter of February 26th, 2016, I am following up on the AB52 process for this project. A copy of the Cultural Study was sent to you on May 10, 2016 and the Draft EIR on August 26, 2016 for your review. The project is scheduled for the December 8th Planning Commission Hearing. If you would like a consultation meeting, please contact me by October 20th, 2016 to schedule.

Best Regards,
Julia

From: [Ray Huaute](#)
To: [Julia Descoteaux](#)
Subject: RE: Case No. PA16-0002 & P16-003, Indian Street Commerce Center
Date: Thursday, October 27, 2016 9:51:38 AM
Attachments: [image001.png](#)

Hi Juila,

Regarding the project PA16-0002 & P16-003, I see no need for Native American Tribal monitoring. We do however request that we be contacted in the event cultural resources or human remains are inadvertently discovered during ground disturbing activities. Thank you for your cooperation in this matter.

Sincerely,

Raymond Huaute
Cultural Resource Specialist
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220
Phone: (951) 755-5025
Fax: (951) 572-6004
Email: rhuaute@morongo-nsn.gov

From: Julia Descoteaux [<mailto:juliad@moval.org>]
Sent: Tuesday, May 10, 2016 3:31 PM
To: Ray Huaute
Subject: Case No. PA16-0002 & P16-003, Indian Street Commerce Center

Good Afternoon Mr. Huaute,

Per your letter dated February 26, 2016, attached please find the Cultural Study for the above listed project. If you have any questions, please feel free to contact me.

Best Regards,
Julia

Julia Descoteaux
Associate Planner
Community Development
City of Moreno Valley
p: 951.413.3209 | e: juliad@moval.org w: www.moval.org
14177 Frederick St., Moreno Valley, CA 92553

From: [Julia Descoteaux](#)
To: [Daniel McCarthy](#)
Subject: RE: NOP for Indian Street Commerce Center Porject EIR
Date: Tuesday, May 10, 2016 6:12:34 PM

Hi Daniel,

Does this email also complete the AB52 process for this project?

Best Regards,
Julia

From: Daniel McCarthy [mailto:DMcCarthy@sanmanuel-nsn.gov]
Sent: Tuesday, March 15, 2016 10:32 AM
To: Julia Descoteaux
Subject: NOP for Indian Street Commerce Center Porject EIR

Julia,

We received the NOP for the proposed Indian Street Commerce Center Project EIR. Thank you for the opportunity to review and respond. The project is located outside of the Tribe's ancestral territory, therefore we refer you to other tribes with ancestral territories that do include the project location.

Thank you,
Leslie Mouriquand MA, RPA

Daniel McCarthy, MS, RPA
Director
Cultural Resources Management Department
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346
Office: 909 864-8933 x 3248
Cell: 909 838-4175
dmccarthy@sanmanuel-nsn.gov

To ensure a rapid reply concerning all AB 52 Consultation correspondence please use:
SMConsultation@sanmanuel-nsn.gov

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be

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