

**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

Date: September 5, 2023

To: Responsible Agencies and Trustee Agencies/ Interested Organizations and Individuals

Subject: **Notice of Preparation of an Environmental Impact Report for Bay & Day Commerce Center Project**

Lead Agency:

City of Moreno Valley
Community Development Department
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92553
Contact: Danielle Harper-Scott, Associate Planner
(951) 413-3224
danielleh@moval.org

EIR Consulting Firm:

T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602
Contact: David Ornelas
(714) 505-6360

The City of Moreno Valley ("City"), as the Lead Agency under the California Environmental Quality Act (CEQA) will prepare an Environmental Impact Report (EIR) for the Bay & Day Commerce Center ("Project"). In accordance with Section 15082 of the CEQA Guidelines, the City has issued this Notice of Preparation (NOP) to provide responsible and trustee agencies and interested parties with information describing the proposed Project and its potential environmental effects.

Due to the time limits mandated by State law, your response to this NOP must be sent at the earliest possible date, but no later than 30 days (the close of this NOP review period) after receipt of this notice or October 5, 2023.

Please send your response to Danielle Harper-Scott at the City of Moreno Valley address listed above. Please include the name, phone number, and address of a contact person in your response. If your agency or organization will be a responsible or trustee agency for this Project, please so indicate.

Project Title: Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076)

Location: 9.95 acres at the southwest corner of Day Street and Bay Avenue, Moreno Valley, Riverside County, California. The Project Site comprises Assessor Parcel Numbers 263-230-001, -003, -004, -025. Refer to Figure 1.

Description: The Project includes the following discretionary actions under consideration by the City of Moreno Valley:

- **PEN23-0074 (Plot Plan)** provides a development plan to develop the Project Site with a 193,745 square foot industrial building (inclusive of ground floor and mezzanine office space), a truck court with loading docks, passenger vehicle parking areas, and necessary site improvements (i.e., landscaping, walls/fences, lighting, signage, and utility infrastructure improvements/connections). The building is designed to be approximately 45.5 feet tall measured from the finished floor to the top of the highest parapet. The Project is a speculative development proposal; no occupant has been identified for the Project. For analysis purposes, the Project will be evaluated as a warehouse land use that is assumed to be operational 24 hours per day, 7 days per week. Refer to Figure 2.
- **PEN23-0075 (Tentative Parcel Map)** proposes to consolidate existing Assessor Parcel Numbers (APNs) 263-230-001, -003, -004, -025 into a single legal parcel with an approximate area of 9.6 net acres.
- **PEN23-0076 (Change of Zone)** proposes to amend the City of Moreno Valley Zoning Map to change the zoning designation for the Project Site from “Business Park” to “Light Industrial.” Although the land use proposed by the Project is allowed under the existing zoning designation for the Project Site, a Change of Zone is required to develop a building that is larger than the 50,000 square feet that is allowed by right under existing zoning. Refer to Figure 3.

PROJECT SETTING

The Project Site is in the City of Moreno Valley, which is located in western Riverside County, California. The City of Moreno Valley is situated north of the City of Perris, northwest of the City of Hemet, west of the City of Beaumont, east of the City of Riverside, and northeast of the unincorporated Riverside County communities of Mead Valley and Woodcrest.

The Project Site abuts the west side of Day Street and the south side of Bay Avenue, and is located approximately 650 feet north of Alessandro Boulevard. Three of the four parcels comprising the Project Site are vacant, undeveloped, and fenced. There are no existing structures on the vacant, undeveloped parcels and these parcels are regularly disced for weed abatement and contain a mixture of disturbed land and non-native grassland, with a few scattered non-native trees. The one developed parcel within the Project Site, which comprises approximately 2.3 acres in the north-central portion of the Site, contains seven detached single-family dwelling units and multiple outbuildings. Refer to Figures 4 and 5.

ENVIRONMENTAL ISSUES TO BE EVALUATED IN THE EIR

The City of Moreno Valley has determined that an EIR will be prepared for the Project based on its potential to cause significant environmental effects. The EIR will be prepared as a “Project” EIR pursuant to CEQA Guidelines Section 15161. The following issues are anticipated to be addressed:

- | | |
|--------------------------------------|---------------------------------|
| • Aesthetics | • Mineral Resources |
| • Agriculture and Forestry Resources | • Noise |
| • Air Quality | • Population and Housing |
| • Biological Resources | • Public Services |
| • Cultural Resources | • Recreation |
| • Energy | • Transportation |
| • Geology and Soils | • Tribal Cultural Resources |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |
| • Hazards and Hazardous Materials | • Wildfire |

- Hydrology and Water Quality
- Land Use and Planning
- Mandatory Findings of Significance

The EIR will assess the effects of the Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic objectives while lessening or eliminating any potentially significant Project related impacts. A Mitigation Monitoring and Reporting Program also will be developed as required by Section 15150 of the CEQA Guidelines.

This NOP is subject to a minimum 30-day public review period per Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082. During the public review period, public agencies, interested organizations, and individuals have the opportunity to comment on the proposed Project and identify those environmental issues that have the potential to be impacted by the Project and should be addressed further by the City of Moreno Valley in the EIR.

SCOPING MEETING

In accordance with Section 21083.9(a)(2) of the Public Resources Code and CEQA Guidelines Section 15082(c), the City will hold a public scoping meeting, where agencies, organizations, and members of the public will receive a brief presentation on the Project. Although the primary purpose of the scoping meeting is to meet with representatives of involved agencies to assist the lead agency in determining the scope and content of the environmental information that responsible or trustee agencies may require, members of the public will be provided with an opportunity to submit brief oral comments at this scoping meeting not exceeding three minutes. However, members of the public and relevant agencies are requested to provide their comments in writing, via email or mail, to the contact address shown above. The scoping meeting will be held on September 20, 2023, at 6:00 PM at the Moreno Valley City Hall (City Council Chambers), 14177 Frederick Street, Moreno Valley, California 92552.

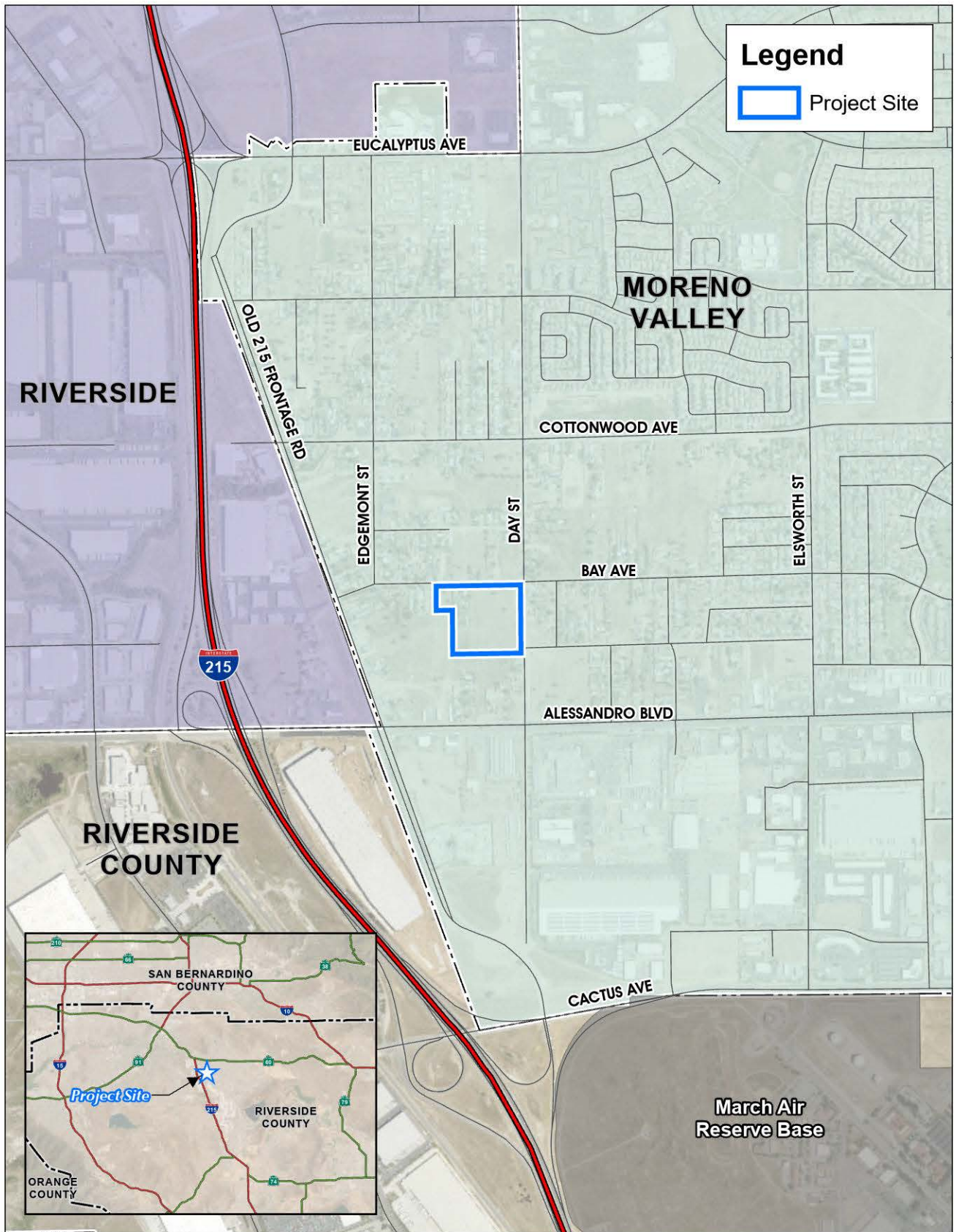
Please contact the Community Development Department, Planning Division at (951) 413-3206 if you have any questions.

Sincerely,

Sean P. Kelleher
Community Development Director

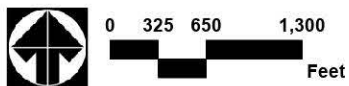
Enclosures:

- Figures 1 – Location Map
- Figures 2 – Site Plan
- Figures 3 – Change of Zone
- Figures 4 – Aerial Photograph
- Figures 5 – Site Photos

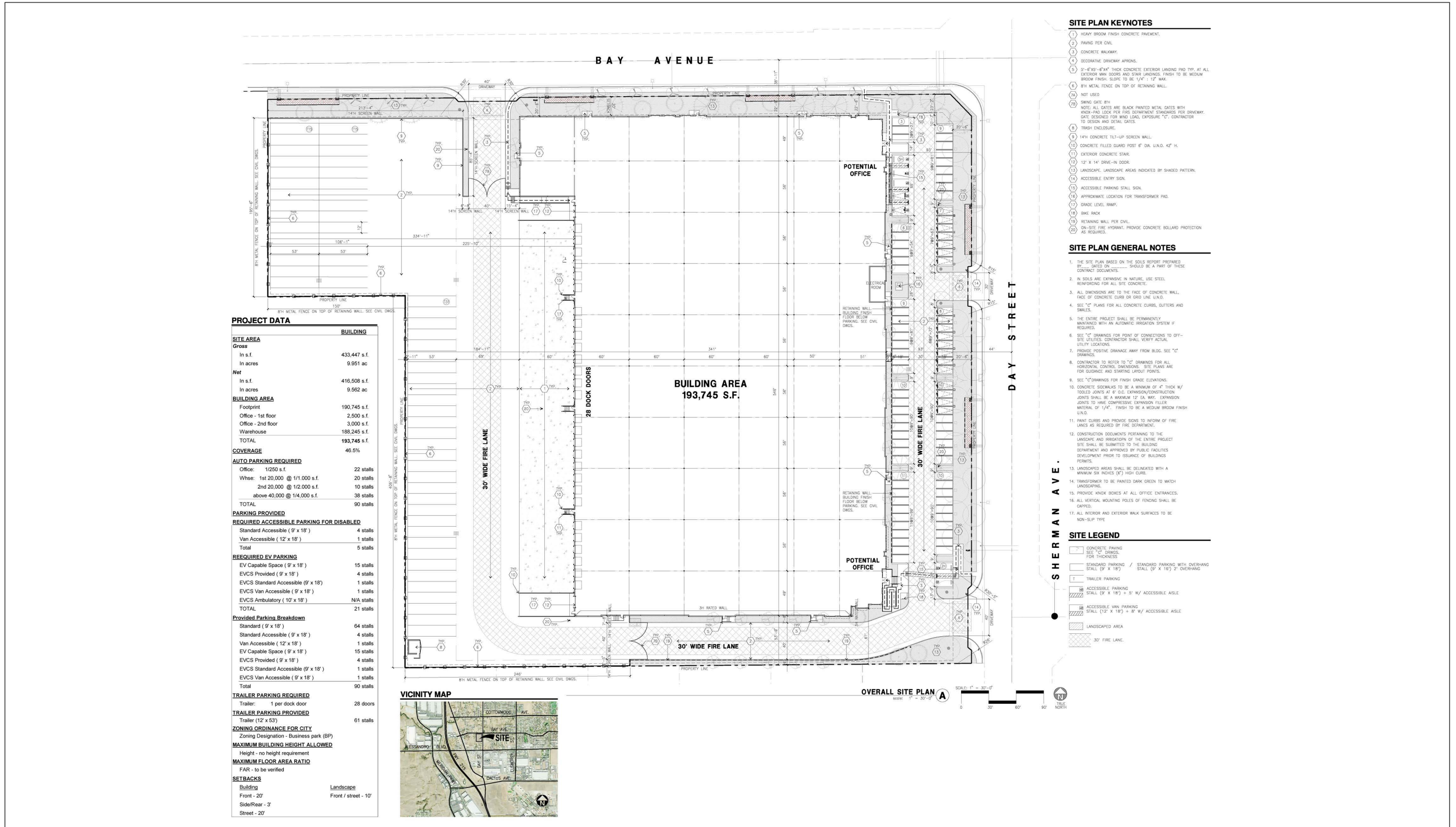


Source(s): Esri, RCIT (2023)

Figure 1



Location Map



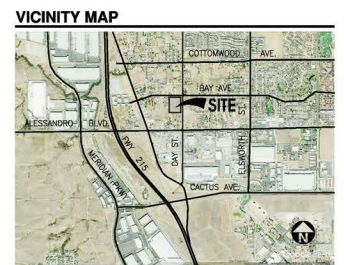
PROJECT DATA

SITE AREA	
Gross	
In s.f.	433,447 s.f.
In acres	9.951 ac
Net	
In s.f.	416,508 s.f.
In acres	9.562 ac
BUILDING AREA	
Footprint	190,745 s.f.
Office - 1st floor	2,500 s.f.
Office - 2nd floor	3,000 s.f.
Warehouse	188,245 s.f.
TOTAL	193,745 s.f.
COVERAGE	46.5%
AUTO PARKING REQUIRED	
Office: 1/250 s.f.	22 stalls
Whse: 1st 20,000 @ 1/1,000 s.f.	20 stalls
2nd 20,000 @ 1/2,000 s.f.	10 stalls
above 40,000 @ 1/4,000 s.f.	38 stalls
TOTAL	90 stalls
PARKING PROVIDED	
REQUIRED ACCESSIBLE PARKING FOR DISABLED	
Standard Accessible (9' x 18')	4 stalls
Van Accessible (12' x 18')	1 stalls
Total	5 stalls
REQUIRED EV PARKING	
EV Capable Space (9' x 18')	15 stalls
EVCS Provided (9' x 18')	4 stalls
EVCS Standard Accessible (9' x 18')	1 stalls
EVCS Van Accessible (9' x 18')	1 stalls
EVCS Ambulatory (10' x 18')	N/A stalls
TOTAL	21 stalls
Provided Parking Breakdown	
Standard (9' x 18')	64 stalls
Standard Accessible (9' x 18')	4 stalls
Van Accessible (12' x 18')	1 stalls
EV Capable Space (9' x 18')	15 stalls
EVCS Provided (9' x 18')	4 stalls
EVCS Standard Accessible (9' x 18')	1 stalls
EVCS Van Accessible (9' x 18')	1 stalls
Total	90 stalls
TRAILER PARKING REQUIRED	
Trailer: 1 per dock door	28 doors
TRAILER PARKING PROVIDED	
Trailer (12' x 53')	61 stalls
ZONING ORDINANCE FOR CITY	
Zoning Designation - Business park (BP)	
MAXIMUM BUILDING HEIGHT ALLOWED	
Height - no height requirement	
MAXIMUM FLOOR AREA RATIO	
FAR - to be verified	
SETBACKS	
Building	Landscape
Front - 20'	Front / street - 10'
Side/Rear - 3'	
Street - 20'	

- SITE PLAN KEYNOTES**
- HEAVY BROOM FINISH CONCRETE PAVEMENT.
 - PAVING PER CIVIL.
 - CONCRETE WALKWAY.
 - DECORATIVE DRIVEWAY APRONS.
 - 3'-6"x3'-6"x4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS AND STAIR LANDINGS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" = 12" MAX.
 - 8" METAL FENCE ON TOP OF RETAINING WALL.
 - NOT USED.
 - SWING GATE 8" H.
 - NOTE: ALL GATES ARE BLACK PAINTED METAL GATES WITH KNOCK-PAD LOCK PER FIRE DEPARTMENT STANDARDS. PER DRIVEWAY GATE DESIGNED FOR WIND LOAD, EXPOSURE "C". CONTRACTOR TO DESIGN AND DETAIL GATES.
 - TRASH ENCLOSURE.
 - 14" CONCRETE TILT-UP SCREEN WALL.
 - CONCRETE FILLED GUARD POST 6" DIA. UNQ.D. 42" H.
 - EXTERIOR CONCRETE STAIR.
 - 12' X 14' DRIVE-IN DOOR.
 - LANDSCAPE: LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
 - ACCESSIBLE ENTRY SIGN.
 - ACCESSIBLE PARKING STALL SIGN.
 - APPROXIMATE LOCATION FOR TRANSFORMER PAD.
 - GRADE LEVEL RAMP.
 - 8" H. RACK.
 - RETAINING WALL PER CIVIL.
 - ON-SITE FIRE HYDRANT. PROVIDE CONCRETE BOLLARD PROTECTION AS REQUIRED.

- SITE PLAN GENERAL NOTES**
- THE SITE PLAN BASED ON THE SOILS REPORT PREPARED BY _____ DATED ON _____ SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.
 - IN SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
 - ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE UNQ.D.
 - SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SIMILES.
 - THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM IF REQUIRED.
 - SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
 - PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
 - CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
 - SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
 - CONCRETE SIZES SHALL BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". FINISH TO BE A MEDIUM BROOM FINISH UNQ.D.
 - PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
 - CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDINGS PERMITS.
 - LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB.
 - TRANSFORMER TO BE PAINTED DARK GREEN TO MATCH LANDSCAPING.
 - PROVIDE KNOX BOXES AT ALL OFFICE ENTRANCES.
 - ALL VERTICAL MOUNTING POLES OF FENCING SHALL BE CAPPED.
 - ALL INTERIOR AND EXTERIOR WALK SURFACES TO BE NON-SLIP TYPE.

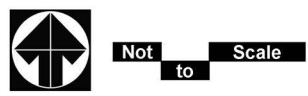
- SITE LEGEND**
- CONCRETE PAVING SEE "C" DRAWINGS FOR THICKNESS
 - STANDARD PARKING / STANDARD PARKING WITH OVERHANG STALL (9' x 18') / STALL (9' x 18') 2' OVERHANG
 - TRAILER PARKING
 - ACCESSIBLE PARKING STALL (9' x 18') + 51" W/ ACCESSIBLE AISLE
 - ACCESSIBLE VAN PARKING STALL (12' x 18') + 8' W/ ACCESSIBLE AISLE
 - LANDSCAPED AREA
 - 30' FIRE LANE.



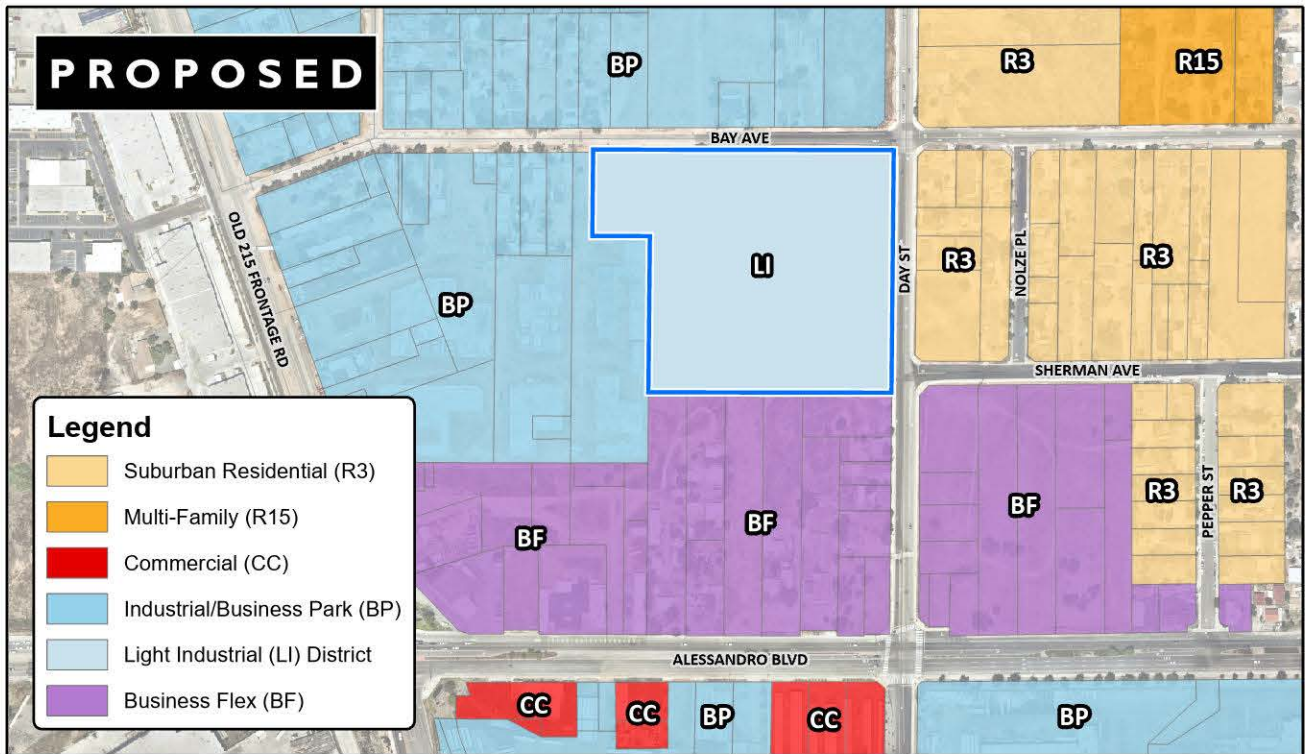
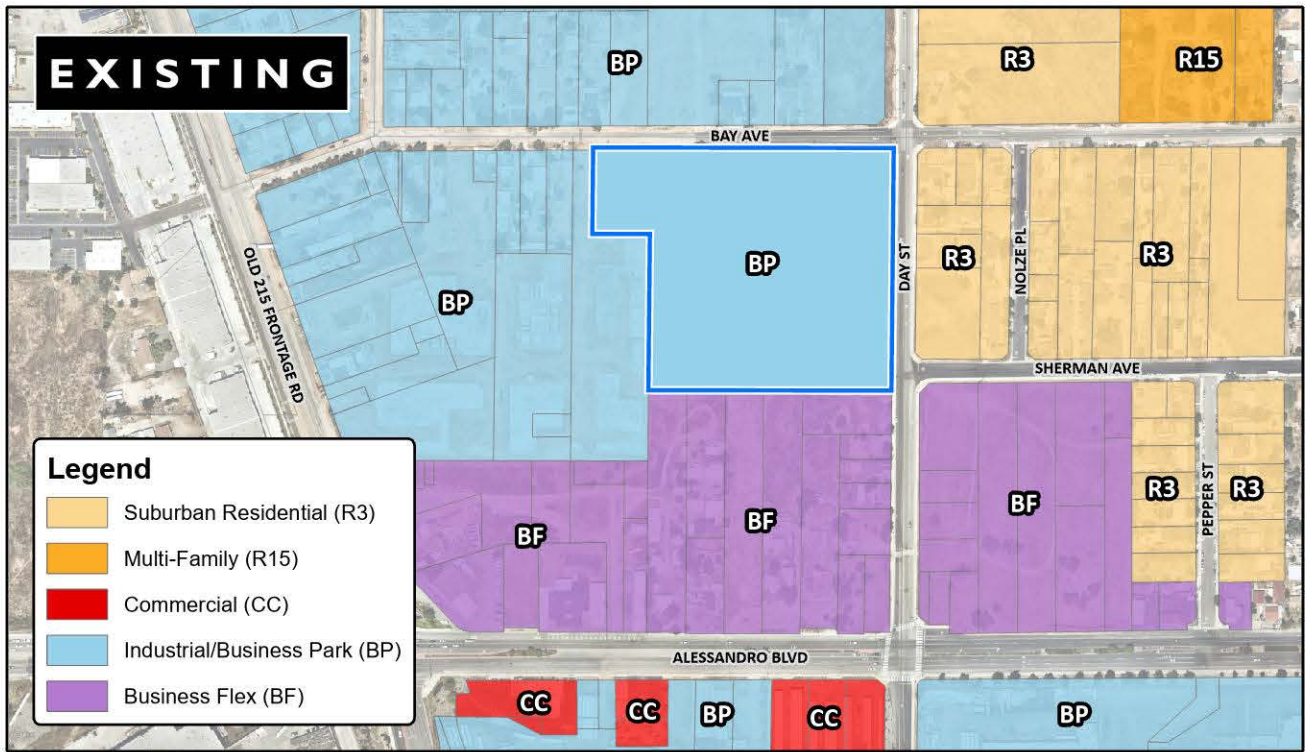
OVERALL SITE PLAN A SCALE: 1" = 30'-0"

Source(s): HPA (July 2023)

Figure 2

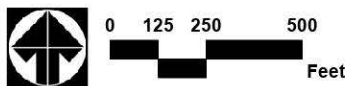


Site Plan



Source(s): City of Moreno Valley (2021), Nearmap (2023), Esri, RCIT (2023)

Figure 3

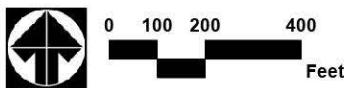


Change of Zone



Source(s): Esri, Nearmap (2023), RCIT (2023)

Figure 4



Aerial Photograph

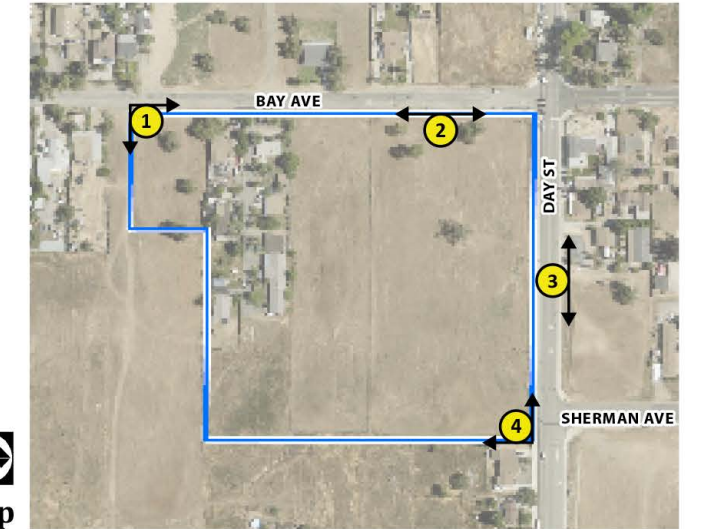


Figure 5

Not to Scale

Site Photographs



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

September 18, 2023

Danielle Harper-Scott, Associate Planner
Community Development Department
City of Moreno
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92553
danielleh@moval.org

Sean Kelleher, Manager
Planning Division
City of Moreno
14177 Frederick Street
Moreno Valley, CA 92553
PlanningEmail@moval.org

Jane Halstead, City Clerk
Office of the City Clerk
City of Moreno
14177 Frederick Street
Moreno Valley, CA 92553
dept_cityclerk@moval.org

Re: CEQA and Land Use Notice Request for Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076)

Dear Ms. Halstead, Mr. Kelleher, and Ms. Harper-Scott,

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the project known as the Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076), including any and all actions related or referring to the development of a 193,745 square foot industrial building (inclusive of ground floor and mezzanine office space), a truck court with loading docks, passenger vehicle parking areas, and necessary site improvements, located at the southwest corner of Day Street and Bay Avenue (APN: 263-230-001, -003, -004, -025), in the City of Moreno Valley (“Project”).

We hereby request that the City of Moreno Valley (“City”) send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

August 30, 2023

CEQA and Land Use Notice Request for Coachella Airport Business Park Project

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- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Madeline Dawson
Layne Fajeau
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
madeline@lozeaudrury.com
layne@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Madeline Dawson
Legal Assistant
Lozeau | Drury LLP



September 15, 2023

Danielle Harper-Scott, Associate Planner
City of Moreno Valley
14177 Fredreck Street
Moreno Valley, CA 92553

RE: Bay and Day Commerce Center Project, SCH #2023090050

Dear Ms. Harper-Scott:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Bay and Day Commerce Center Project. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a

¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

September 15, 2023

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copy of this document to this letter, and it is also available online.³ We encourage you to consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Sincerely,



CHRISTIE VOSBURG
Supervising Deputy Attorney General

For ROB BONTA
Attorney General

³ <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

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In carrying out its duty to enforce laws across California, the California Attorney General’s Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies regarding warehouse projects, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau’s work on warehouse projects, collecting information gained from the Bureau’s review of hundreds of warehouse projects across the state.³ It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.⁴ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, nearly all of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁵ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. In 2020, the Ports of Los Angeles, Long Beach, and Oakland collectively accounted for over 34% of all United States international container trade.⁶ The Ports of Los Angeles and Long Beach alone generate about 35,000 container truck trips every day.⁷ Accordingly, the South Coast Air Basin now contains approximately 3,000 warehouses of over 100,000 square feet each, with a total warehouse capacity of approximately 700 million square feet, an increase of 20 percent over the last five years.⁸ This trend has only accelerated, with e-commerce growing to

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa>; *People of the State of California v. City of Fontana* (Super. Ct. San Bernardino County, No. CIVSB2121829); *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ This September 2022 version revises and replaces the prior March 2021 version of this document.

⁴ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁵ As used in this document, “warehouse” or “logistics facility” is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers.

⁶ Data from the Bureau of Transportation Statistics, Container TEUs (Twenty-foot Equivalent Units) (2020), <https://data.bts.gov/stories/s/Container-TEU/x3fb-aeda/> (Ports of Los Angeles, Long Beach, and Oakland combined for 14.157 million TEUs, 34% of 41.24 million TEUs total nationwide) (last accessed September 18, 2022).

⁷ U.S. Dept. of Transportation, Federal Highway Administration, *FHWA Operations Support – Port Peak Pricing Program Evaluation* (2020), available at <https://ops.fhwa.dot.gov/publications/fhwahop09014/sect2.htm> (last accessed September 18, 2022).

⁸ South Coast Air Qual. Mgmt. Dist., *Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305*, at 7-8, 41 (May 2021).

13% of all retail sales and 2021 being a second consecutive record year for new warehouse space leased.⁹ The latest data and forecasts predict that the next wave of warehouse development will be in the Central Valley.¹⁰

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹¹ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹² The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents.

These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts and systemic vulnerability. For example, a comprehensive study by the South Coast Air Quality Management District found that communities located near large warehouses scored far higher on California’s environmental justice screening tool, which measures overall pollution and demographic vulnerability.¹³ That

⁹ U.S. Census Bureau News, Quarterly Retail E-Commerce Sales 4th Quarter 2021 (February 22, 2022), https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf (last accessed September 18, 2022); CBRE Research, *2022 North America Industrial Big Box Report: Review and Outlook*, at 2-3 (March 2022), available at <https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report> (last accessed September 18, 2022).

¹⁰ CBRE Research, *supra* note 9, at 4, 36; New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹¹ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (last accessed September 18, 2022) (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts> (last accessed September 18, 2022); Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (last accessed September 18, 2022) (DPM).

¹² Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (last accessed September 18, 2022) (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

¹³ South Coast Air Quality Management District, “Final Socioeconomic Assessment for Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305” (May 2021), at 4-5.

study concluded that, compared to the South Coast Air Basin averages, communities in the South Coast Air Basin near large warehouses had a substantially higher proportion of people of color; were exposed to more diesel particulate matter; had higher rates of asthma, cardiovascular disease, and low birth weights; and had higher poverty and unemployment rates.¹⁴ Each area has its own unique history, but many of these impacts and vulnerabilities reflect historic redlining practices in these communities, which devalued land and concentrated poverty, racial outgroups, and pollution into designated areas.¹⁵

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically guide warehouse development, we encourage local governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and direct sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take many forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors¹⁶ can help attract investment while avoiding conflicts between warehouse facilities and residential communities. Transition zones with lighter industrial and commercial land uses may also help minimize conflicts between residential and industrial uses.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related general plan elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help

¹⁴ *Id.* at 5-7.

¹⁵ Beginning in the 1930s, federal housing policy directed investment away from Black, immigrant, and working-class communities by color-coding neighborhoods according to the purported “riskiness” of loaning to their residents. In California cities where such “redlining” maps were drawn, nearly all of the communities where warehouses are now concentrated were formerly coded “red,” signifying the least desirable areas where investment was to be avoided. See University of Richmond Digital Scholarship Lab, Mapping Inequality, <https://dsl.richmond.edu/panorama/redlining/#loc=12/33.748/-118.272&city=los-angeles-ca> (Los Angeles), <https://dsl.richmond.edu/panorama/redlining/#loc=13/32.685/-117.132&city=san-diego-ca> (San Diego), <https://dsl.richmond.edu/panorama/redlining/#loc=11/37.81/-122.38&city=oakland-ca> (Oakland), <https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca> (Stockton), <https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca> (Fresno) (all last accessed September 18, 2022).

¹⁶ In this document, “sensitive receptors” refers to residences, schools, public recreation facilities, health care facilities, places of worship, daycare facilities, community centers, or incarceration facilities.

jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹⁷

Local ordinances and good neighbor policies that set development standards for all warehouses in the jurisdiction are a critical and increasingly common tool that serve several goals. When well-designed, these ordinances direct investment to local improvements, provide predictability for developers, conserve government resources by streamlining project review processes, and reduce the environmental impacts of industrial development. While many jurisdictions have adopted warehouse-specific development standards, an ordinance in the City of Fontana provides an example to review and build upon.¹⁸ Good neighbor policies in Riverside County and by the Western Riverside Council of Government include additional measures worth consideration.¹⁹

The Bureau encourages jurisdictions to adopt their own local ordinances that combine the strongest policies from those models with measures discussed in the remainder of this document.

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The

¹⁷ For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹⁸ <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Signed%20Fontana%20Ordinance.pdf> (last accessed September 18, 2022).

¹⁹ For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (last accessed September 18, 2022) (Riverside County); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (last accessed September 18, 2022) (Western Riverside Council of Governments).

information should be in a format that is easy to navigate and understand for members of the affected community.

- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the affected community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community liaison to the surrounding community.
- Requiring signage in public view at warehouse facilities with contact information for a local designated representative for the facility operator who can receive community complaints, and requiring any complaints to be answered by the facility operator within 48 hours of receipt.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per California Air Resources Board (CARB) guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.²⁰
- Providing adequate amounts of on-site parking to prevent trucks and other vehicles from parking or idling on public streets and to reduce demand for off-site truck yards.
- Establishing setbacks from the property line of the nearest sensitive receptor to warehouse dock doors, loading areas, and truck drive aisles, and locating warehouse dock doors, loading areas, and truck drive aisles on the opposite side of the building from the nearest sensitive receptors—e.g., placing dock doors on the north side of the facility if sensitive receptors are near the south side of the facility.
- Placing facility entry and exit points from the public street away from sensitive receptors—e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Ensuring heavy duty trucks abide by the on-site circulation plans by constructing physical barriers to block those trucks from using areas of the project site restricted to light duty vehicles or emergency vehicles only.
- Preventing truck queuing spillover onto surrounding streets by positioning entry gates after a minimum of 140 feet of space for queuing, and increasing the distance by 70 feet for every 20 loading docks beyond 50 docks.
- Locating facility entry and exit points on streets of higher commercial classification that are designed to accommodate heavy duty truck usage.
- Screening the warehouse site perimeter and onsite areas with significant truck traffic (e.g., dock doors and drive aisles) by creating physical, structural, and/or vegetative buffers that prevent or substantially reduce pollutant and noise dispersion from the facility to sensitive receptors.
- Planting exclusively 36-inch box evergreen trees to ensure faster maturity and four-season foliage.
- Requiring all property owners and successors in interest to maintain onsite trees and vegetation for the duration of ownership, including replacing any dead or unhealthy trees and vegetation.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Including signs and drive aisle pavement markings that clearly identify onsite circulation patterns to minimize unnecessary onsite vehicle travel.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

²⁰ CARB, Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted in some scenarios. CARB, Concept Paper for the Freight Handbook (December 2019), available at https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf (last accessed September 18, 2022).

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation.²¹
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is required regardless of CEQA.
- Disclosing air pollution from the entire expected length of truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin, local jurisdiction, or other truncated endpoint. All air pollution associated with the project must be considered, regardless of where those impacts occur.

²¹ CEQA Guidelines § 15369.

- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California’s Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be hybrid electric-diesel or zero-emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring all heavy-duty vehicles engaged in drayage²² to or from the project site to be zero-emission beginning in 2030.

²² “Drayage” refers generally to transport of cargo to or from a seaport or intermodal railyard.

- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of

- trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
 - Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
 - Designing to LEED green building certification standards.
 - Providing meal options onsite or shuttles between the facility and nearby meal destinations.
 - Posting signs at every truck exit driveway providing directional information to the truck route.
 - Improving and maintaining vegetation and tree canopy for residents in and around the project area.
 - Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
 - Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
 - Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound

pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

- Disclosing and considering the significance of short-term noise levels associated with all aspects of project operation (i.e. both on-site noise generation and off-site truck noise). Considering only average noise levels may mask noise impacts sensitive receptors would consider significant—for example, the repeated but short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Planning and enforcing truck routes that avoid passing sensitive receptors.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Requiring preparation and approval of a truck routing plan describing the facility's hours of operation, types of items to be stored, and truck routing to and from the facility to designated truck routes that avoids passing sensitive receptors. The plan should include measures for preventing truck queuing, circling, stopping, and parking on public streets, such as signage, pavement markings, and queuing analysis and enforcement. The plan should hold facility operators responsible for violations of the truck routing plan, and a revised plan should be required from any new tenant that occupies the property before a business license

is issued. The approving agency should retain discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.
- Using full cut-off light shields and/or anti-glare lighting.
- Requiring submission of a property maintenance program for agency review and approval providing for the regular maintenance of all building structures, landscaping, and paved surfaces.
- Using cool pavement to reduce heat island effects.

- Planting trees in parking areas to provide at least 35% shade cover of parking areas within fifteen years to reduce heat island impacts.
- Using light colored roofing materials with a solar reflective index of 78 or greater.
- Including on-site amenities, such as a truck operator lounge with restrooms, vending machines, and air conditioning, to reduce the need for truck operators to idle or travel offsite.
- Designing skylights to provide natural light to interior worker areas.
- Installing climate control and air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.



Community Development
Department
Planning Division

City of Arts & Innovation

October 5, 2023

Danielle Harper-Scott
Associate Planner
Community Development Department
14177 Fredrick Street
Moreno Valley, CA 92553

Subject: **City of Riverside's Review a Notice of Preparation of an Environmental Impact Report for the Bay & Day Commerce Center Project**

Dear Ms. Harper-Scott:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Bay & Day Commerce Center Project.

The City of Riverside (City) understands that the proposal includes a plot plan to develop the site with a 193,745-square-foot industrial building along with other site improvements; a tentative parcel map to consolidate surrounding parcels into a single parcel; and a change of zone to amend the zoning designation from Business Park to Light Industrial.

Given the proximity to the City of Riverside, the City would like to provide the following comments:

Community and Economic Development Department – Planning Division:

- The project site is adjacent to various sensitive receptors in the City of Moreno Valley including existing single-family homes. As such, the City recommends that the project design conform with the City's 2020 Good Neighbor Guidelines for Siting New and/or Modified Industrial Facilities and implementing Zoning regulations to the greatest extent feasible.
<https://riversideca.gov/cedd/sites/riversideca.gov.cedd/files/pdf/planning/2021/Good%20Neighbor%20Guidelines.pdf>
 - Specifically, preparation of a Health Risk Assessment for any new warehousing and distribution facilities located within 1,000 feet sensitive receptors, including residential zones or uses, and application of any recommended mitigation measures are strongly encouraged.
 - Building sizes are recommended to be limited to no more than 10,000 square feet within 200 feet of sensitive receptors (i.e., residential uses). The total quantity of development is recommended to be limited to 100,000 square feet within 800 feet of sensitive receptors.
 - Driveways, loading areas, docks, truck wells and internal circulation routes should also be oriented away from sensitive receptors.

Public Works – Traffic Engineering Division:

- Requests the opportunity to review the scope and traffic analysis. The analysis should include the intersection of Alessandro @ Sycamore Canyon and Alessandro @ Old 215 Frontage Road. The traffic analysis should also include the intersections and roadways located in the City of Riverside's [traffic study guidelines](#).

The City appreciates your consideration of the comments provided in this letter. Should you have any questions regarding this letter, please contact me at (951) 826-5944, or by e-mail at mtaylor@riversideca.gov.

We thank you again for the opportunity to provide comments on this proposal and look forward to working with you in the future.

Sincerely,



Matthew Taylor
Principal Planner

cc: Patricia Lock Dawson, Mayor
Riverside City Council Members
Mike Futrell, City Manager
Rafael Guzman, Assistant City Manager
Jennifer A. Lilley – Community and Economic Development Director
Maribeth Tinio, City Planner
Gil Hernandez, Public Works Director
Phaedra Norton, City Attorney



10/05/2023

VIA EMAIL ONLY

Danielle Harper-Scott, Associate Planner
Community Development Department
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552
Email: danielleh@moval.org

RE: NOP Comments for Bay & Day Commerce Center Project

Dear Ms. Harper-Scott,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Bay & Day Commerce Center Project (the "Project"). The Project proposes a 193,745 square foot industrial building inclusive of ground floor and mezzanine office space.

The NOP identifies the Project's potentially significant impacts under CEQA to include all environmental considerations. CARE CA respectfully requests a complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project. In addition, CARE CA requests that you consider the following comments:

Air Quality & Public Health: CARE CA has a particular interest in air quality and public health. Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. Therefore, the DEIR must include a Health Risk Assessment.

Industrial Uses: The DEIR should provide details of any and all proposed future industrial/warehouse uses of the Project, clearly articulated and quantified. If planned operations are unknown, the DEIR must consider all reasonably foreseeable uses including higher intensity uses such as cold storage and subsequent potential use of transportation

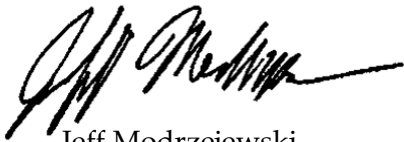
refrigeration units (TRUs) during Project operations. Ideally, the DEIR should study a combination of the five primary logistics-type uses at the site, including providing justification and square footage assumed for each use analyzed to ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated.

If the Project will not include cold storage, then the DEIR must include California Air Resources Board (CARB) recommended design measures in the Mitigation Monitoring and Reporting Program (MMRP). CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcels to prohibit use of transport refrigeration units (TRUs).

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director



South Coast Air Quality Management District

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SENT VIA E-MAIL:

October 5, 2023

danielleh@moval.org

Danielle Harper-Scott, Associate Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92553

**Notice of Preparation of a Draft Environmental Impact Report for the
Bay & Day Commerce Center (PEN 23-0074, PEN 23-0075, PEN 23-0076)
(Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses (electronic versions of all emission calculation spreadsheets, air quality modeling, and health risk assessment input and output files, not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁵ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁶.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁷ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁸. According to the MATES V carcinogenic risk interactive map, the area surrounding the Proposed Project has an estimated cancer risk of over 352 in one million⁹. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

⁵ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁶ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁷ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁸ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁹ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/mates-v-data-visualization).

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,¹⁰ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,¹¹ and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹²

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹³ and the Heavy-Duty Low NOx Omnibus Regulation¹⁴, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentivize the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹⁵ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.

¹⁰ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

¹¹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

¹² Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹³ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹⁴ CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹⁵ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NO_x) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 193,745-square-foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance

obligation¹⁶. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁷.

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters¹⁸, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Draft EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Draft EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

SW

RVC230913-11

Control Number

¹⁶ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁷ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

¹⁸ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



10/05/2023

VIA EMAIL ONLY

Danielle Harper-Scott, Associate Planner
Community Development Department
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552
Email: danielleh@moval.org

RE: NOP Comments for Bay & Day Commerce Center Project

Dear Ms. Harper-Scott,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Bay & Day Commerce Center Project (the "Project"). The Project proposes a 193,745 square foot industrial building inclusive of ground floor and mezzanine office space.

The NOP identifies the Project's potentially significant impacts under CEQA to include all environmental considerations. CARE CA respectfully requests a complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project. In addition, CARE CA requests that you consider the following comments:

Air Quality & Public Health: CARE CA has a particular interest in air quality and public health. Estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. Therefore, the DEIR must include a Health Risk Assessment.

Industrial Uses: The DEIR should provide details of any and all proposed future industrial/warehouse uses of the Project, clearly articulated and quantified. If planned operations are unknown, the DEIR must consider all reasonably foreseeable uses including higher intensity uses such as cold storage and subsequent potential use of transportation

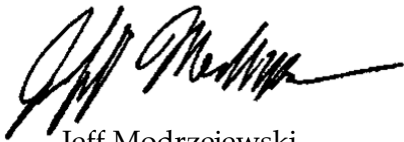
refrigeration units (TRUs) during Project operations. Ideally, the DEIR should study a combination of the five primary logistics-type uses at the site, including providing justification and square footage assumed for each use analyzed to ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated.

If the Project will not include cold storage, then the DEIR must include California Air Resources Board (CARB) recommended design measures in the Mitigation Monitoring and Reporting Program (MMRP). CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcels to prohibit use of transport refrigeration units (TRUs).

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Modrzejewski", with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

Law Office of Abigail Smith
A Professional Corporation

2305 Historic Decatur Road, Suite 100, San Diego, CA 92106

Abigail A. Smith, Esq.
Email: abby@socalceqa.com
Telephone: (951) 808-8595

VIA E-MAIL ONLY

October 5, 2023

City of Moreno Valley
Attn: Danielle Harper-Scott, Associate Planner
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553
danielleh@moval.org

***Re: Comments on Notice of Preparation (NOP)– Bay & Day Commerce Center Project
(PEN 23-0074, PEN23-0075, PEN23-0075)***

To the City of Moreno Valley:

Sierra Club provides the following comments on the Notice of Preparation (NOP) for the Bay & Day Commerce Center Project (PEN 23-0074, PEN23-0075, PEN23-0075).

Because the Project proposes a large warehouse distribution facility adjacent to existing homes, Sierra Club urges the City to evaluate through the Draft Environmental Impact Report (Draft EIR) all feasible and reasonable alternatives to the proposed Project that involve less intensive development. In particular, the building should be designed, oriented, and appropriately buffered to minimize impacts to neighboring residential uses.

The forthcoming Draft EIR should evaluate all feasible mitigation measures for any environmental impacts that are found to be significant, notably air quality mitigation measures. These measures can include electrification of on-site equipment; restrictions on diesel trucks; and sustainable building design measures such as “cool roofs,” concrete paving, and solar energy.

In addition, the Draft EIR should evaluate all feasible measures aimed at reducing the Project’s greenhouse gas emission impacts. In particular the City should evaluate measures that reduce vehicle miles traveled (“VMT”) to ensure compatibility with local and regional land use planning documents.

We look forward to review of the Draft EIR. Thank you for including my office on the noticing list for future CEQA documents related to the Project.

October 5, 2023

Page 2

City of Moreno Valley – Notice of Preparation

Sincerely,

A handwritten signature in black ink that reads "Abigail Smith". The script is cursive and fluid, with the first letters of each word being capitalized and larger than the rest of the letters.

Abigail Smith

From: [George Hague](#)
To: [Danielle Harper-Scott](#)
Cc: [City Clerk](#)
Subject: Sierra Club's Bay and Day (B&D) warehouse project NOP comments
Date: Thursday, October 5, 2023 1:14:47 PM
Attachments: [AG warehouse-best-practices March 21.pdf](#)

Warning: External Email – Watch for Email Red Flags!

Good afternoon Ms Harper-Scott,
2023

October 5,

Re: Notice of Preparation (NOP) on the Bay and Day (B&D) Warehouse Project.

The Sierra Club hopes the following comments on the B&D's NOP will help you make the warehouse proposed near homes have less impacts on families, workers and the environment in our non-attainment area.

The entire Draft EIR must show how the project is going to reduce the current pollution burdens and other socio-economic impacts suffered by those who live within the same census tract as the proposed warehouse — as can be read below from CalEnviroScreen.

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6065042505 relative to other census tracts.

Population 3,542

Overall Percentiles

CalEnviroScreen 4.0 Percentile	99
Pollution Burden Percentile	95
Population Characteristics Percentile	98

Exposures

Ozone	99
Particulate Matter 2.5	64
Diesel Particulate Matter	64
Toxic Releases	80
Traffic	84
Pesticides	27
Drinking Water	67



Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

In carrying out its duty to enforce laws across California, the California Attorney General's Bureau of Environmental Justice (Bureau)¹ regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws. When necessary, the Bureau submits comment letters to lead agencies, and in rare cases the Bureau has filed litigation to enforce CEQA.² This document builds upon the Bureau's comment letters, collecting knowledge gained from the Bureau's review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals.³ While CEQA analysis is necessarily project-specific, this document provides information on feasible best practices and mitigation measures, the overwhelming majority of which have been adapted from actual warehouse projects in California.

I. Background

In recent years, the proliferation of e-commerce and rising consumer expectations of rapid shipping have contributed to a boom in warehouse development.⁴ California, with its ports, population centers, and transportation network, has found itself at the center of this trend. For example, in 2014, 40 percent of national container cargo flowed through Southern California, which was home to nearly 1.2 billion square feet of warehouse facilities.⁵ In the Inland Empire alone, 150 million square feet of new industrial space was built over the last decade,⁶ and 21 of the largest 100 logistics leases signed in 2019 nationwide were in the Inland

¹ <https://oag.ca.gov/environment/justice>.

² <https://oag.ca.gov/environment/ceqa/letters>; *South Central Neighbors United et al. v. City of Fresno et al.* (Super. Ct. Fresno County, No. 18CECG00690).

³ Anyone reviewing this document to determine CEQA compliance responsibilities should consult their own attorney for legal advice.

⁴ As used in this document, "warehouse" or "logistics facility" is defined as a facility consisting of one or more buildings that stores cargo, goods, or products on a short or long term basis for later distribution to businesses and/or retail customers.

⁵ Industrial Warehousing in the SCAG Region, Task 2. Inventory of Warehousing Facilities (April 2018), http://www.scag.ca.gov/Documents/Task2_FacilityInventory.pdf at 1-1, 2-11.

⁶ Los Angeles Times, *When your house is surrounded by massive warehouses*, October 27, 2019, <https://www.latimes.com/california/story/2019-10-27/fontana-california-warehouses-inland-empire-pollution>.

Empire, comprising 17.5 million square feet.⁷ This trend has not slowed, even with the economic downturn caused by COVID-19, as e-commerce has continued to grow.⁸ Forecasts predict that the Central Valley is where a new wave of warehouse development will go.⁹

When done properly, these activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NO_x)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.¹⁰ Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.¹¹ The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.

⁷ CBRE, *Dealmakers: E-Commerce & Logistics Firms Drive Demand for Large Warehouses in 2019* (January 23, 2020), <https://www.cbre.us/research-and-reports/US-MarketFlash-Dealmakers-E-Commerce-Logistics-Firms-Drive-Demand-for-Large-Warehouses-in-2019>; see also CBRE, *E-Commerce and Logistics Companies Expand Share Of Largest US Warehouse Leases, CBRE Analysis Finds* (Feb. 25, 2019), <https://www.cbre.us/about/media-center/inland-empire-largest-us-warehouse-leases> (20 of the largest 100 warehousing leases in 2018 were in the Inland Empire, comprising nearly 20 million square feet).

⁸ CBRE, 2021 U.S. Real Estate Market Outlook, Industrial & Logistics, <https://www.cbre.us/research-and-reports/2021-US-Real-Estate-Market-Outlook-Industrial-Logistics>; Kaleigh Moore, *As Online Sales Grow During COVID-19, Retailers Like Montce Swim Adapt And Find Success*, FORBES (June 24, 2020), available at <https://www.forbes.com/sites/kaleighmoore/2020/06/24/as-online-sales-grow-during-covid-19-retailers-like-montce-swim-adapt-and-find-success/>.

⁹ New York Times, *Warehouses Are Headed to the Central Valley, Too* (Jul. 22, 2020), available at <https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html>.

¹⁰ California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO_x); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

¹¹ Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

II. Proactive Planning: General Plans, Local Ordinances, and Good Neighbor Policies

To systematically address warehouse development, we encourage governing bodies to proactively plan for logistics projects in their jurisdictions. Proactive planning allows jurisdictions to prevent land use conflicts before they materialize and guide sustainable development. Benefits also include providing a predictable business environment, protecting residents from environmental harm, and setting consistent expectations jurisdiction-wide.

Proactive planning can take any number of forms. Land use designation and zoning decisions should channel development into appropriate areas. For example, establishing industrial districts near major highway and rail corridors but away from sensitive receptors can help avoid conflicts between warehouse facilities and residential communities.

In addition, general plan policies, local ordinances, and good neighbor policies should set minimum standards for logistics projects. General plan policies can be incorporated into existing economic development, land use, circulation, or other related elements. Many jurisdictions alternatively choose to consolidate policies in a separate environmental justice element. Adopting general plan policies to guide warehouse development may also help jurisdictions comply with their obligations under SB 1000, which requires local government general plans to identify objectives and policies to reduce health risks in disadvantaged communities, promote civil engagement in the public decision making process, and prioritize improvements and programs that address the needs of disadvantaged communities.¹²

The Bureau is aware of four good neighbor policies in California: Riverside County, the City of Riverside, the City of Moreno Valley, and the Western Riverside Council of Governments.¹³ These policies provide minimum standards that all warehouses in the jurisdiction must meet. For example, the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors, and it requires a number of design features to reduce truck impacts on nearby sensitive receptors. The Riverside County policy requires vehicles entering sites during both construction and operation to meet certain California Air Resources Board (CARB) guidelines, and it requires community benefits agreements and supplemental funding contributions toward additional pollution offsets.

The Bureau encourages jurisdictions to adopt their own local ordinances and/or good neighbor policies that combine the most robust policies from those models with measures discussed in the remainder of this document.

¹² For more information about SB 1000, see <https://oag.ca.gov/environment/sb1000>.

¹³ <https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf> (Riverside County); <https://riversideca.gov/planning/pdf/good-neighbor-guidelines.pdf> (City of Riverside); http://qcode.us/codes/morenovalley/view.php?topic=9-9_05-9_05_050&frames=on (City of Moreno Valley); <http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId=> (Western Riverside Council of Governments).

III. Community Engagement

Early and consistent community engagement is central to establishing good relationships between communities, lead agencies, and warehouse developers and tenants. Robust community engagement can give lead agencies access to community residents' on-the-ground knowledge and information about their concerns, build community support for projects, and develop creative solutions to ensure new logistics facilities are mutually beneficial. Examples of best practices for community engagement include:

- Holding a series of community meetings at times and locations convenient to members of the affected community and incorporating suggestions into the project design.
- Posting information in hard copy in public gathering spaces and on a website about the project. The information should include a complete, accurate project description, maps and drawings of the project design, and information about how the public can provide input and be involved in the project approval process. The information should be in a format that is easy to navigate and understand for members of the affected community.
- Providing notice by mail to residents and schools within a certain radius of the project and along transportation corridors to be used by vehicles visiting the project, and by posting a prominent sign on the project site. The notice should include a brief project description and directions for accessing complete information about the project and for providing input on the project.
- Providing translation or interpretation in residents' native language, where appropriate.
- For public meetings broadcast online or otherwise held remotely, providing for access and public comment by telephone and supplying instructions for access and public comment with ample lead time prior to the meeting.
- Partnering with local community-based organizations to solicit feedback, leverage local networks, co-host meetings, and build support.
- Considering adoption of a community benefits agreement, negotiated with input from affected residents and businesses, by which the developer provides benefits to the community.
- Creating a community advisory board made up of local residents to review and provide feedback on project proposals in early planning stages.
- Identifying a person to act as a community liaison concerning on-site construction activity and operations, and providing contact information for the community relations officer to the surrounding community.

IV. Warehouse Siting and Design Considerations

The most important consideration when planning a logistics facility is its location. Warehouses located in residential neighborhoods or near other sensitive receptors expose community residents and those using or visiting sensitive receptor sites to the air pollution, noise, traffic, and other environmental impacts they generate. Therefore, placing facilities away from sensitive receptors significantly reduces their environmental and quality of life harms on local

communities. The suggested best practices for siting and design of warehouse facilities does not relieve lead agencies' responsibility under CEQA to conduct a project-specific analysis of the project's impacts and evaluation of feasible mitigation measures and alternatives; lead agencies' incorporation of the best practices must be part of the impact, mitigation and alternatives analyses to meet the requirements of CEQA. Examples of best practices when siting and designing warehouse facilities include:

- Per CARB guidance, siting warehouse facilities so that their property lines are at least 1,000 feet from the property lines of the nearest sensitive receptors.¹⁴
- Creating physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas where sensitive receptors are likely to be present, such as homes, schools, daycare centers, hospitals, community centers, and parks.
- Providing adequate areas for on-site parking, on-site queuing, and truck check-in that prevent trucks and other vehicles from parking or idling on public streets.
- Placing facility entry and exit points from the public street away from sensitive receptors, e.g., placing these points on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Locating warehouse dock doors and other onsite areas with significant truck traffic and noise away from sensitive receptors, e.g., placing these dock doors on the north side of the facility if sensitive receptors are adjacent to the south side of the facility.
- Screening dock doors and onsite areas with significant truck traffic with physical, structural, and/or vegetative barriers that adequately prevent or substantially reduce pollutant dispersal from the facility towards sensitive receptors.
- Posting signs clearly showing the designated entry and exit points from the public street for trucks and service vehicles.
- Posting signs indicating that all parking and maintenance of trucks must be conducted within designated on-site areas and not within the surrounding community or public streets.

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

Emissions of air pollutants and greenhouse gases are often among the most substantial environmental impacts from new warehouse facilities. CEQA compliance demands a proper accounting of the full air quality and greenhouse gas impacts of logistics facilities and adoption of all feasible mitigation of significant impacts. Although efforts by CARB and other authorities to regulate the heavy-duty truck and off-road diesel fleets have made excellent progress in reducing the air quality impacts of logistics facilities, the opportunity remains for local jurisdictions to further mitigate these impacts at the project level. Lead agencies and developers

¹⁴ California Air Resources Board (CARB), Air Quality and Land Use Handbook: A Community Health Perspective (April 2005), at ES-1. CARB staff has released draft updates to this siting and design guidance which suggests a greater distance may be warranted under varying scenarios; this document may be found on CARB's website and is entitled: "California Sustainable Freight Initiative: Concept Paper for the Freight Handbook" (December 2019).

should also consider designing projects with their long-term viability in mind. Constructing the necessary infrastructure to prepare for the zero-emission future of goods movement not only reduces a facility's emissions and local impact now, but it can also save money as regulations tighten and demand for zero-emission infrastructure grows. In planning new logistics facilities, the Bureau strongly encourages developers to consider the local, statewide, and global impacts of their projects' emissions.

Examples of best practices when studying air quality and greenhouse gas impacts include:

- Fully analyzing all reasonably foreseeable project impacts, including cumulative impacts. In general, new warehouse developments are not ministerial under CEQA because they involve public officials' personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site's applicable zoning and/or general plan land use designation. CEQA Guidelines § 15369.
- When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
- Preparing a quantitative air quality study in accordance with local air district guidelines.
- Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
- Refraining from labeling compliance with CARB or air district regulations as a mitigation measure—compliance with applicable regulations is a baseline expectation.
- Fully analyzing impacts from truck trips. CEQA requires full public disclosure of a project's anticipated truck trips, which entails calculating truck trip length based on likely truck trip destinations, rather than the distance from the facility to the edge of the air basin. Emissions beyond the air basin are not speculative, and, because air pollution is not static, may contribute to air basin pollution. Moreover, any contributions to air pollution outside the local air basin should be quantified and their significance should be considered.
- Accounting for all reasonably foreseeable greenhouse gas emissions from the project, without discounting projected emissions based on participation in California's Cap-and-Trade Program.

Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

- Requiring off-road construction equipment to be zero-emission, where available, and all diesel-fueled off-road construction equipment, to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable

bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than two minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.

Examples of measures to mitigate air quality and greenhouse gas impacts from operation include:

- Requiring that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds 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. Facility operators shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all

dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.

- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Achieving certification of compliance with LEED green building standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.

- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.
- Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.
- Verifying that construction equipment has properly operating and maintained mufflers.
- Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- Limiting operation hours to daytime hours on weekdays.
- Paving roads where truck traffic is anticipated with low noise asphalt.
- Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if

truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- Designing, clearly marking, and enforcing truck routes that keep trucks out of residential neighborhoods and away from other sensitive receptors.
- Installing signs in residential areas noting that truck and employee parking is prohibited.
- Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- Consulting with the local public transit agency and securing increased public transit service to the project area.
- Designating areas for employee pickup and drop-off.
- Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- Constructing roadway improvements to improve traffic flow.
- Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead agency, to be updated annually.
- Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- Directing all lighting at the facility into the interior of the site.

- Using full cut-off light shields and/or anti-glare lighting.
- Using cool pavement to reduce heat island effects.
- Installing climate control in the warehouse facility to promote worker well-being.
- Installing air filtration in the warehouse facility to promote worker well-being.

IX. Conclusion

California's world-class economy, ports, and transportation network position it at the center of the e-commerce and logistics industry boom. At the same time, California is a global leader in environmental protection and environmentally just development. The guidance in this document furthers these dual strengths, ensuring that all can access the benefits of economic development. The Bureau will continue to monitor proposed projects for compliance with CEQA and other laws. Lead agencies, developers, community advocates, and other interested parties should feel free to reach out to us as they consider how to guide warehouse development in their area.

Please do not hesitate to contact the Environmental Justice Bureau at ej@doj.ca.gov if you have any questions.

Lead from Housing 99

Environmental Effects

Cleanup Sites	83
Groundwater Threats	15
Hazardous Waste	57
Impaired Waters	0
Solid Waste	67

Sensitive Populations

Asthma	69
Low Birth Weight	94
Cardiovascular Disease	85

Please note that the B&D warehouse census tract contains more than 3,500 people and the Draft EIR must address impacts to these people caused directly, indirectly and cumulatively by the project as well as from the traffic patterns of its diesel trucks.

The City's General Plan Update (GPU) and Climate Action Plan (CAP) are inadequate and currently in litigation by the State Attorney General. The B&D warehouse project cannot rely on these GPU/CAP documents for their project.

“Communities in Moreno Valley experience some of the highest levels of air pollution in the state. We're intervening today so that those communities do not continue to bear the brunt of poor land use decisions that site warehouses outside their doors. At the California Department of Justice, we're fighting day in and day out for communities who live at the intersection of poverty and pollution.” said Attorney General Bonta.

This project is outside the doors of homes whose census tract already contain some of the worse pollution in the state. The proposed B&D warehouse as well as its diesel truck traffic are very close to homes and will add cumulatively to this community's pollution burden — the city is supposed to be reducing those burdens. **There are many conditions that the city needs to require of the project instead of making suggestions or using weasel words like “should” or “consider” which mean nothing instead of words like “shall” or “will” or “must” that actually require actions when writing mitigations and conditions of approval.**

The city continues to approve projects without requiring measurable mitigations for different pollutions and greenhouse gas (GHG) impacts as well as other measures to reduce impacts on both the environment and residents. **The following are**

areas following litigation that Moreno Valley developers have agreed to include in their warehouse projects that our city must require of this project to help reduce its burden on the residents/environment in our non-attainment area to show they accept being part of the solution and not a leading cause of Climate Change or as Sierra Club prefers Climate Disruption:

—Provide \$32,000 per home impacted on the north, east, south, and west for a non-portable HVAC/Air filtrations system to provide some relief from unhealthy pollution and dual pane windows to reduce noise. This includes needed upgrades for any duct work and electrical panels. This must include not only those homes in the middle of the project, but also those immediately to the north, east, south, west — including those directly across Bay and Day Streets.

--Trees must be used as part of the solid screen buffering treatment along the perimeter of the property that provide a solid overlapping wall of evergreen, drought tolerant trees, which grow at least 50 feet tall. No palm trees shall be used. Trees maintained for life of project and replace dead or dying trees immediately with a tree of a similar species. Trees help reduce pollution drifting offsite and help reduce GHG.

—Trees must have their own dedicated irrigation system and provided sufficient water for the life of the warehouse. This separate system must be installed to allow trees to continue to be watered when watering other plants must be stopped in a drought to conserve water. Trees must also be allowed to reach their full width/height with no pruning that would limit that from happening.

--Within a maximum of ten (10) years, parking lot trees shall shade a minimum of 50% of employee/visitor parking space pavement, unless otherwise covered by solar carport structures. Reducing heat gain is important in urban areas.

--Lights of all exterior lighting fixtures must be compliant with the Mount Palomar Lighting Standards (as indicated in Riverside County Ordinance No. 655). Adhering to the International Dark Sky Standards such as the light color of all Project exterior lighting must be 2,700 Kelvin or below needs to be required. Continuing to destroy our night sky is not acceptable and reducing glare makes it safer.

--Developer shall ensure through tenant lease(s) or other appropriate means that all outdoor on-site cargo handling and similar equipment (including, but not limited to the following forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks and tractors) shall be equipped with “self-adjusting” back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day.

--All motorized equipment (including, but not limited to the following forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks and tractors) must be electric/zero emissions with infrastructure to support all electric equipment installed prior to occupancy.

—The warehouse must install photovoltaic (PV) solar arrays to provide at least 50% of the anticipated electricity used by the entire project facility, equipment, and vehicles, inclusive of anticipated project operations and electric vehicle charging, prior to certificate of occupancy. Solar arrays shall be maintained fully operational for at least 25 years. Within 18 months of certificate(s) of occupancy of the first full-use, business operating tenant, Developer shall provide written verification that solar power is sufficient to meet 50% of electricity used by the entire Project site including operation activities and electric vehicle charging. If it is not sufficient, the developer must agree to upgrade solar energy system to supply 55% of the Project site's electricity demands.

---The portion of a building's rooftop that is not covered with solar panels or other utilities shall have a solar reflective index of not less than 78. This material shall be the minimum solar reflective rating of the roof material for the life of the building

—Concrete flatwork and parking lots shall have a reflectance of at least 29.

--At least 15% of all passenger vehicle parking spaces shall be electric vehicle (EV) ready with working Level 2 Quick charge EV charging stations of at least 19 kW installed and operational, prior to building occupancy. These stations must be maintained or replaced with equal or better for the life project. Signs must be posted on these EV parking sites that wrongful use will result in cars being towed at owner's expense. The City's applicable noise standards shall be met during Project operations.

--- The Project shall not cause noise levels to exceed noise standards for residential zones. The Project shall not operate to cause nuisance noise conditions even in cases where the noise is below the City's noise standards. In the event of nighttime loading operations occurring after 9:00 p.m., Developer shall ensure through tenant lease(s) or other appropriate means that all outdoor onsite cargo handling and similar equipment (including, but not limited to the following forklifts, pallet jacks, yard equipment, yard goats, yard hostlers, sweepers, yard trucks and tractors) shall be equipped with "self-adjusting" back-up beepers (alarms) to reduce (or increase) noise levels to no more than 5 decibels above the ambient noise level throughout every 24 hours each day.

—The project must have lockers for bicycles and there must be lockers for electric bicycle that include charging.

—Auxiliary power units (APU) plug-ins must be provided at each warehouse dock door and maintained or improved for life of project. This is very important in our areas where temperatures can be above 90 degrees for an extended period of time.

—The warehouse must be all electric, including HVAC, water heating, refrigeration, ovens, cooktops, and automated equipment shall be powered by electricity for the lifetime of the Project. Natural gas and/or propane shall not be used.

---A minimum of 10% of the big rig parking spaces shall be equipped with electric vehicle infrastructure for future use by electric trucks and big rigs. Expansion capabilities shall be available for future expansion. At least one big-rig charger shall

be installed by year 2026.

—The electrical room must be required to be large enough to accommodate necessary expansion as demand increases to accommodate employee cars and all classes of trucks/vans as they become powered by electricity.

— Verification of LEED Silver equivalency shall be **in the form of the USGBC LEED checklist prepared by a certified LEED professional**

— All graffiti and trash/litter will be removed anywhere on project site weekly and within 48 hours of being notified.

Please note weasel words like “should” or “consider” are not found in the above.

There are also other areas which you must read and implement in the attachment containing the "Attorney General's Warehouse Project: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. CEQA" and the California Air Resources Board's (CARB) "Attachment A Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers" found below my name — both contained in this letter.

The state Attorney General (AG) has provide the warehouse guidelines found attached below in its entirety for “Warehouse Project: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act”. The Sierra Club has cut and pasted a portion of these beginning with section IV on page 4. The B&D warehouse project must incorporate these Best Practices and Mitigation measure into the project to protect residents/workers and the environment. There needs to be full analysis of all of this Best Practices and Mitigations and how they will make the project much better for people and the environment — especially in our non-attainment area and in the project's census tract where many homes are already in the worst 5% of all of California for pollution and other socio-economic impacts as can be read above--- according to CalEnviroScreen. In some cases they are in the worst 1% - like Ozone. This project must show they have done everything to reduce these impacts and not add to them.

The Attorney General (AG) office and others have made these Best Practices and Mitigation Measures for warehouses available to Moreno Valley's Planning Department well before the application by this developer to build a warehouse in this location. Most Moreno Valley planners have also received them either from me or other sources prior to processing this project. There is no excuse for not making them part of this project from day one.

AG's Warehouse Project: Best Practices and Mitigation Measures beginning with section IV on page 4

IV. Warehouse Siting and Design Considerations

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- • When analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, even if the project's individual impacts alone do not exceed the applicable significance thresholds.
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- • Preparing a quantitative health risk assessment in accordance with California Office of Environmental Health Hazard Assessment and local air district guidelines.
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without discounting projected emissions based on participation in California's Cap-and-Trade Program. Examples of measures to mitigate air quality and greenhouse gas impacts from construction are below. To ensure mitigation measures are enforceable and effective, they should be imposed as permit conditions on the project where applicable.

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- • Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- • Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- • Providing electrical hook ups to the power grid, rather than use of diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- • Limiting the amount of daily grading disturbance area.
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- • Requiring all heavy-duty vehicles entering or operated on the project site to be zero emission beginning in 2030.
- • Requiring on-site equipment, such as forklifts and yard trucks, to be electric with the necessary electrical charging stations provided.
- • Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- • Forbidding trucks from idling for more than two minutes and requiring operators to turn off engines when not in use.
- • Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the air district, and the building manager.
- • Installing and maintaining, at the manufacturer's recommended maintenance

intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.

- • Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.

- • Constructing electric truck charging stations proportional to the number of dock doors at the project.

- • Constructing electric plugs for electric transport refrigeration units at every dock door, if the warehouse use could include refrigeration.

- • Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.

- • Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.

- • Requiring all stand-by emergency generators to be powered by a non-diesel fuel.

- • Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.

- • Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

- • Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.

- • Achieving certification of compliance with LEED green building standards.

- • Providing meal options onsite or shuttles between the facility and nearby meal destinations.

- • Posting signs at every truck exit driveway providing directional information to the truck route.
- • Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- • Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- • Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

VI. Noise Impacts Analysis and Mitigation

The noise associated with logistics facilities can be among their most intrusive impacts to nearby sensitive receptors. Various sources, such as unloading activity, diesel truck movement, and rooftop air conditioning units, can contribute substantial noise pollution. These impacts are exacerbated by logistics facilities' typical 24-hour, seven-days-per-week operation. Construction noise is often even greater than operational noise, so if a project site is near sensitive receptors, developers and lead agencies should adopt measures to reduce the noise generated by both construction and operation activities.

Examples of best practices when studying noise impacts include:

- • Preparing a noise impact analysis that considers all reasonably foreseeable project noise impacts, including to nearby sensitive receptors. All reasonably foreseeable project noise impacts encompasses noise from both construction and operations, including stationary, on-site, and off-site noise sources.

- • Adopting a lower significance threshold for incremental noise increases when baseline noise already exceeds total noise significance thresholds, to account for the cumulative impact of additional noise and the fact that, as noise moves up the decibel scale, each decibel increase is a progressively greater increase in sound pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.

Examples of measures to mitigate noise impacts include:

- • Constructing physical, structural, or vegetative noise barriers on and/or off the project site.
- • Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors .
- • Verifying that construction equipment has properly operating and maintained mufflers.
- • Requiring all combustion-powered construction equipment to be surrounded by a noise protection barrier
- • Limiting operation hours to daytime hours on weekdays.
- • Paving roads where truck traffic is anticipated with low noise asphalt.
- • Orienting any public address systems onsite away from sensitive receptors and setting system volume at a level not readily audible past the property line.

VII. Traffic Impacts Analysis and Mitigation

Warehouse facilities inevitably bring truck and passenger car traffic. Truck traffic can present substantial safety issues. Collisions with heavy-duty trucks are especially dangerous for passenger cars, motorcycles, bicycles, and pedestrians. These concerns can be even greater if truck traffic passes through residential areas, school zones, or other places where pedestrians are common and extra caution is warranted.

Examples of measures to mitigate traffic impacts include:

- • Designing, clearly marking, and enforcing truck routes that keep trucks out of

residential neighborhoods and away from other sensitive receptors.

- • Installing signs in residential areas noting that truck and employee parking is prohibited.
- • Constructing new or improved transit stops, sidewalks, bicycle lanes, and crosswalks, with special attention to ensuring safe routes to schools.
- • Consulting with the local public transit agency and securing increased public transit service to the project area.
- • Designating areas for employee pickup and drop-off.
- • Implementing traffic control and safety measures, such as speed bumps, speed limits, or new traffic signs or signals.
- • Placing facility entry and exit points on major streets that do not have adjacent sensitive receptors.
- • Restricting the turns trucks can make entering and exiting the facility to route trucks away from sensitive receptors.
- • Constructing roadway improvements to improve traffic flow.
- • Preparing a construction traffic control plan prior to grading, detailing the locations of equipment staging areas, material stockpiles, proposed road closures, and hours of construction operations, and designing the plan to minimize impacts to roads frequented by passenger cars, pedestrians, bicyclists, and other non-truck traffic.

VIII. Other Significant Environmental Impacts Analysis and Mitigation

Warehouse projects may result in significant environmental impacts to other resources, such as to aesthetics, cultural resources, energy, geology, or hazardous materials. All significant adverse environmental impacts must be evaluated, disclosed and mitigated to the extent feasible under CEQA. Examples of best practices and mitigation measures to reduce environmental impacts that do not fall under any of the above categories include:

- • Appointing a compliance officer who is responsible for implementing all mitigation measures, and providing contact information for the compliance officer to the lead

agency, to be updated annually.

- • Creating a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. For example, retaining a contractor to retrofit/install HVAC and/or air filtration systems, doors, dual-paned windows, and sound- and vibration-deadening insulation and curtains.
- • Sweeping surrounding streets on a daily basis during construction to remove any construction-related debris and dirt.
- • Directing all lighting at the facility into the interior of the site.
- • Using full cut-off light shields and/or anti-glare lighting
- • Using cool pavement to reduce heat island effects.
- • Installing climate control in the warehouse facility to promote worker well-being.
- • Installing air filtration in the warehouse facility to promote worker well-being.

All of the environmental documents for the Bay and Day (B&D) warehouse must incorporate what you read above from the AG into this proposed warehouse project to protect residents within the same census tract as well as warehouse workers from the project site, project's diesel equipment and truck traffic — direct, indirect and cumulative impacts. The impacts to the environment and families/workers will be significantly reduced in our non-attainment area if the project's final documents/staff report/conditions of approval includes what the AG provided above and found in the attachment.

The CARB's "Attachment A on Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers" is found below my name. The Sierra Club believes this project's Draft EIR must incorporate CARB's concerns and strongly worded recommendations for warehouses.....otherwise it will be inadequate.

The California Air Resources Board (CARB) provided Attachment A to the city on the Moreno Valley Trade Center (MVTC), and the Heacock Commerce Center (HCC) warehouses. The city therefore has had this knowledge for the processing of this project's warehouse application and environmental documents.

There is no excuse for the city not to apply/require that which is contained in CARB's Attachment A found below my name from day one of this project. The Sierra Club expects to see them reflected throughout the B&D's Draft EIR.

Please keep me as well as the Sierra Club informed of all documents and meetings related to this project.

Sincerely,
George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Attachment A Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines,

except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved are equal to or exceed that of a Tier 4 engine.

4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.¹
6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRUs) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.²
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project-site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).³
6. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2023. A

list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).⁴ Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.⁵

7. Include contractual language in tenant lease agreements that requires the tenant to be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,⁶ Advanced Clean Trucks Regulation,⁷ Periodic Smoke Inspection Program (PSIP),⁸ and the Statewide Truck and Bus Regulation.⁹
8. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than two minutes while on site.
9. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.
10. Include contractual language in tenant lease agreements, requiring the installing of vegetative walls¹⁰ or other effective barriers that separate loading docks and people living or working nearby.
11. Include contractual language in tenant lease agreements, requiring all emergency generators to be powered by a non-diesel fuel.
12. The project should be constructed to meet CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking, and achieve a certification of compliance with LEED green building standards.