

Cindy Miller

From: Cindy Miller on behalf of Richard Stewart
Sent: Tuesday, December 11, 2012 10:46 AM
To: Cindy Miller
Subject: FW: Agenda Item E.2 Centerpointe West Warehouse Project
Attachments: Planning Commission comment letters.pdf

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 10, 2012 10:20 PM
To: Richard Stewart
Subject: Agenda Item E.2 Centerpointe West Warehouse Project

http://www.ehow.com/list_6060095_health-effects-diesel-exhaust_.html

What are the Health Effects of Diesel Exhaust?

Good evening/morning Council member Stewart,

The City and/or the Developer should have supplied you with responses to the four Final EIR Centerpointe West warehouse comment letters attached below. The public should also have seen responses well before your meeting tonight on the project. The two page Caltrans letter was written on November 19, 2012 well before the Planning Commission as well as your meeting and should have been responded to for the Commissioners. Even the two page November 28th AQMD letter should have had some response prior to the Planning Commission meeting. They should have and still should result in changes to the Conditions of Approval on the Centerpointe West Warehouse project. These two agency are in place to protect the public on project similar to this. Your main role is to also protect the Health, Safety and Welfare of Moreno Valley Residents. You therefore should demand that these letters be thoroughly and completely responded to in writing prior to your vote.

The third of the four letters is what I quickly wrote down during the Planning Commission meeting and used it to address the Commissioners. These last two letters have been in the City's possession for almost two weeks and should also have been responded to in writing prior to your Council meeting. You as well as the public have a right to see the responses to all four letter prior to your vote and the City would be well served to incorporate many of the suggestions into the project prior to a vote on the project.

I still have hope that some Moreno Valley decision makers will represent the people and realize that toxic truck diesel exhaust impacts the health of those who must breath it in on a daily basis like warehouse workers. You might as well encourage our residents to smoke as to provide them jobs as warehouse workers. When time allows please read the above link.

Take care,

George Hague

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

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RECEIVED

NOV 27 2012

CITY OF MORENO VALLEY
Planning Division*Flex your power!
Be energy efficient!*

November 19, 2012

Jeff Bradshaw
Community & Economic Development
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RPT Centerpointe West: SCH# 2012081034 (I-215 PM R35.70)

Mr. Bradshaw,

We have received your request for review of the above mentioned proposal PA12-0019 is a 164,720 sf warehouse building on 7.6 acres at the northeast corner of Cactus Ave. and Fredrick St. PA12-0020 proposes adding 507,720 sf to an existing 779,016 sf warehouse building for a total of 1,286,736 sf on a 18.6 acre site located at the northwest corner of Cactus Ave. and Graham St. PA12-0021 proposes a new 607,920 sf warehouse facility on 30 acre located at the northwest corner of Graham St. and Brodiaea Ave. PA12-022 proposes a Zone Change from BPX to LI for the 7.6 acres located at the northeast corner of Cactus Ave. and Frederick St. in the City of Moreno Valley.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the City of Moreno Valley due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS.

We recommend the following to be provided:

Traffic Study

- Per Table 1.8-1 (Summary of Significant and Unavoidable Impacts), the proposed project will have cumulatively considerable, significant and unavoidable traffic impacts to the I-215 southbound and northbound ramps at Cactus Avenue.
- Per Table 1.10-1 (Summary of Environmental Impacts and Mitigation Measure), a second westbound through lane at the I-215 southbound ramp and Cactus Avenue

"Caltrans improves mobility across California"

Mr. Bradshaw
November 19, 2012
Page 2

intersection is needed to mitigate Opening Year Cumulative traffic impacts. The project will pay the required TUMF share. The City of Moreno Valley must ensure that this mitigation measure is implemented before cumulative traffic impacts generated by this and other projects open.

- At the I-215 northbound ramp and Cactus Avenue intersection, the identified the following improvements per Table 1.10-1. The project will pay the required TUMF share. The City of Moreno Valley must ensure that these mitigation measures are implemented before cumulative traffic impacts generated by this and other projects open
 - Construct a second northbound left-turn lane
 - Re-stripe the existing eastbound shared through/right-turn lane as the third through lane.
 - Construct a dedicated eastbound right-turn lane.
 - Construct a third westbound through lane.
 - Construct a dedicated westbound right-turn lane.
- Appropriate encroachment permit must be obtained from Caltrans for our review and approval when these mitigation measures are constructed.

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at [REDACTED] or myself at [REDACTED] for assistance.

Sincerely,



DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-MAILED: NOVEMBER 28, 2012

November 28, 2012

Mr. John Terrel, Planning Director, johnnt@moval.org
Community & Economic Development Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

**Response to Comments for the Final Environmental Impact Report (Final EIR) for
the Proposed RPT Centerpointe West Prologis Eucalyptus Industrial Park Project
(SCH #2012081034)**

On November 5, 2012, the AQMD staff commented on the Draft EIR for the proposed RPT Centerpointe West Prologis Eucalyptus Industrial Park Project. This letter addresses the lead agency's responses to our comments, which AQMD staff received on November 20, 2012.

Based on the lead agency's responses, the AQMD staff appreciates the lead agency's inclusion of operational mitigation measures in its building design that encourage bicycle and pedestrian usage to the site; includes the use of solar panel to reduce on-site energy consumption; and design and operational criteria under the Leadership in Energy and Environmental Design (LEED) designed to reduce energy consumption that would benefit the region by also reducing the associated operational emissions.

The AQMD staff is concerned, however, that all feasible mitigation recommended to reduce the estimated significant regional mobile source emissions from trucks operating at the site were not included in the Final CEQA document thus missing the opportunity to reduce the project's truck tail-pipe emissions. The lead agency stated that many of the lead agency's proposed measures are already incorporated in the City Municipal Code Section 9.05.050 based on the Western Association of Governments (WRCOG) Good Neighbor Guidelines (Guidelines). Upon review of that portion of the code, measures directed to implementing a clean fuel goal from the Guidelines were not included in the Final EIR. Specifically, Goal Number 5 establishes a diesel minimization plan for on- and off-site diesel mobile sources to be implemented with new projects. Some of the benefits of this WRCOG goal include: 1) establishing a long-term goal for the facility to eliminate diesel emissions at the facility, and 2) reduce associated facility on- and off-road diesel emissions. Finally, the AQMD proposed measures are also consistent with the WRCOG Good Neighbor Guidelines Goal Number 5 recommendations: 1) Require all warehouse/distribution centers to operate the cleanest vehicles possible; 2) Provide incentives for warehouse/distribution centers and corporations which partner with trucking companies that operate the cleanest vehicles available; and 3) Encourage the

installation of clean fuel fueling stations at facilities. The AQMD staff encourages the lead agency to reconsider implementation of known strategies now at the design stage in order to reduce the estimated long-term significant impacts to the region from trucks operating at the proposed site.

The AQMD staff further disagrees with the characterization that neither the lead agency nor the project applicant can require as part of the lease or as a condition of owner occupancy that heavy duty trucks meet engine emission standards, implement a phase-in schedule or other measures recommended in the AQMD letter. Although CARB regulates engine and fuel specifications, the recommended goals including Goal Number 5 in the WRCOG Guidelines are under the powers of the local jurisdiction through its lease and land use authority, which can mitigate the project truck impacts. Further, the recommended mitigation measures would not require development of new emission standards. Rather, it would require the lead agency to use its existing authority to mandate the kind of activity happening onsite.¹ If the proposed 2010 truck requirement is infeasible, then the lead agency and project applicant should evaluate a less stringent phase-in schedule for clean trucks to reduce significant air quality impacts.

The AQMD staff further disagrees that project mobile source emission impact are overestimated or double-counted for warehouse centers like the proposed project. Based on the lead agency's analysis based on a trip rate from warehouse truck studies, 996 daily truck trips are estimated to operate at the site based on the increased warehouse capacity. This is new activity to the project site and surrounding area. Since there isn't a fixed pool of heavy-duty trucks operating in the region that simply change their routes ending up at different locations, the increased capacity is based on increased demand from where the goods are manufactured, delivered to and/or transferred throughout the basin for delivery to local and/or out of basin markets. This increased goods-movement activity creates new heavy-duty truck trips and associated emissions from the increased trips and miles traveled created by the goods movement from these additional truck activities.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final Environmental Impact Report. The AQMD staff is available to work with the Lead Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at [REDACTED] if you have any questions regarding these comments.

¹ Note that many other lead agencies in the region have included clean fleet requirements for some projects that go beyond existing regulations, including the Ports, Riverside County, the City of Banning, etc.

Mr. John Terrel,
Planning Director

3

November 28, 2012

Sincerely,



Ian MacMillan
Program Supervisor, Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:GM
Attachment

SBC121120-07
Control Number

Copy: Mr. Jeff Bradshaw, Associate Planner, JeffreyB@moval.org

Planning Commission Public Hearing

Item 2 - PA12-0019, PA12-0020, PA12-0021 and PA12-0022

Date Nov 29, 2012

Dear Commissioners,

The Centerpointe west warehouse project will significantly impact SR 60 - especially when added to those projects which are in the planning pipeline that would result in more warehousing. The Sierra Club believes the FEIR is inadequate until the necessary cumulative impacts to SR 60 between Market Street in Riverside to the City of Beaumont are fully analyzed.

Traffic engineer Michael Lloyd knows of the Court decision on the Villages of Lakeview^(VOL). The County used a very small radius for traffic impacts related to the VOL project. The Court's ruling shot this down as well as related impacts like air quality/GHG. The City of Moreno Valley likewise required a small radius for traffic analysis and related impacts like air quality/GHG. While this project is smaller than VOL, but cumulative and with diesel trucks it is very significant and therefore impact from traffic needs to be fully analyzed as mentioned above about SR 60.

Thank you, George Hague Moreno Valley Group Sierra Club

Johnson & Sedlack

ATTORNEYS at LAW

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November 29, 2012

Moreno Valley Planning Commission
14177 Frederick Street
Moreno Valley, CA 92553
Facsimile: (951) 413-3210

VIA FACSIMILE AND EMAIL

RE: RPT Centerpointe West Project Final Environmental Impact Report (P12-057)

Greetings Planning Commissioners:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, our firm hereby submits these comments after reviewing the Final Environmental Impact Report ("FEIR") on the RPT Centerpointe West Project. Johnson & Sedlack hereby incorporates all comments previously submitted.

We respectfully ask that you disapprove this project. As discussed in the comment letter dated November 5, 2012, and further explained herein, the EIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA").

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

Unfortunately, the EIR fails as an informational document. First, the EIR misleads the public and decision-makers as to the extent and severity of project impacts. Second, the EIR does not contain sufficient information to support its findings.]

For example, Response to Comment JS-7 fails to address why impacts to Biological Resources, Cultural Resources, Geology and Soils, and Hydrology and Water Quality were not evaluated in the DEIR. Typical of the Responses to Comments, the response attempts to avoid the comment by referring to the commenter's statements as "opinions," even though the comment clearly refers to statutes.

In addition, the EIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision-makers of the analytical pathway taken from facts to conclusions.

Moreover, CEQA requires that *where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted*. In this way, CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the EIR concludes that *unavoidable* adverse impacts will result to/from the following: air quality, noise, and traffic/transportation. Feasible mitigation measures exist which would reduce these impacts, and which have not been required of this project. This is contrary to the requirements of CEQA, and the additional feasible mitigation must be required of this project.

Findings of Fact and Statement of Overriding Considerations

Traffic/Transportation

Impacts to traffic were found to be significant and unavoidable. The traffic mitigation measures are stated to be infeasible to the extent that the implementation thereof is beyond the control of the applicant or within the jurisdiction of another agency. The lead agency under CEQA has an obligation to adopt feasible, certain, and enforceable mitigation. The lead agency cannot avoid its obligation to adopt certain and enforceable mitigation by declaring impacts to be significant and unavoidable.

There is no indication in the record as to when the traffic improvements will be implemented. Fee-based mitigation is inadequate where the improvements are tied to funds which are uncertain to occur. There is no timeline for the improvements or any showing that improvements will be made within a reasonable time-frame. In addition, there is no indication as to how much funding has already been collected, if any. The TUMF and DIF programs do not appear to be disclosed in the record. The fact that traffic impacts have been determined to be "significant" does not insulate the City from adopting certain and enforceable mitigation.

Furthermore, while "Opening Year" conditions were determined to be significant, it is probable that any future conditions will also be significant where there is no reasonable time-frame for the implementation of the necessary traffic improvement measures. To leave citizens to endure years of significant traffic impacts, without any assurance in the record as to when improvements will be made, is not an acceptable result under CEQA, regardless of whether the impacts are determined to be "significant and unavoidable."

Air Quality

As to air quality, both operational and cumulative, the City has not adopted all feasible mitigation to lessen significant impacts. Thus, the finding that these impacts are significant

and unavoidable is improper under CEQA. (Pub. Res. C. § 21081 (a), (b); Guidelines § 15091 (a)(3).)

Noise

Again, the City has not adopted all feasible mitigation to lessen significant impacts and, therefore, a finding that significant short-term construction noise impacts are unavoidable is improper.

Statement of Overriding Considerations

As previously noted, the EIR still fails to evaluate a reasonable range of project alternatives, among other things, because the reduced density alternative appears to have the same significant impacts as the proposed project and it does not meet basic project objectives as required. (Guidelines § 15126.6 (a).) The “no project/existing alternative” is shown to make significant project impacts much *worse*. Together, this analysis does not constitute a reasonable range of project alternatives. Further, the purportedly environmentally superior reduced scale alternative has not been shown to be infeasible based on substantial evidence. (Guidelines § 15091 (a)(3), (b).) Without such adequate findings regarding project alternatives and/or mitigation measures, the Statement of Overriding Considerations cannot be adopted. (Pub. Res. C. § 21081 (a), (b).)

The Statement of Overriding Considerations (“SOC”) is not supported by the required substantial evidence. (Pub. Res. C. §§ 21081 (b), 21081.5) The SOC is also not based on overriding policy benefits of the project but rather improperly represents requirements of the project. First, the project is *required* to be consistent with the City’s General Plan; this cannot be said to be an overriding policy benefit of the project. Second, the fact that the project transitions the site into a “productive light industrial use” is merely a description of the project, not an overriding benefit. Third, the fact that the project is located near freeways and a major street “for the convenience of operations” is a help to the *applicant* but not to the citizens where traffic impacts to roadways and freeway ramps are shown to be significant and unmitigable. Fourth, the purported fact that the project creates employment “opportunities” for the City and surrounding communities is not supported by data, for example, the number and type of jobs created, and whether these are in fact local jobs. Indeed, whether the project will in fact create employment is highly uncertain (see Attachments A and B). Finally, the fact that the project provides “adequate” infrastructure, etc., is simply a necessity of the project, not overriding benefits to the community at large.

Cumulative Impacts

The EIR fails as an informational document by failing to consider the World Logistics Project and the Prologis Eucalyptus Project, among others.

Response to Comment JS-9 is unreasoned and conclusory. The response does not explain why the World Logistics Project and the Prologis Eucalyptus Project were not included in the

cumulative analysis. The response merely states that those projects are accounted for in the ambient growth rate, without any supporting evidence.

Comment SC-5 notes that, in addition to the World Logistics Project and the Prologis Eucalyptus Project, the West Ridge Commerce Center and the VIP warehouse projects are also not included in the Cumulative Project List. The EIR is therefore inadequate. The Response to Comment SC-5 states that these projects are accounted for in the ambient growth rate, but does not provide any supporting evidence.

Aesthetics

The finding of less than significant impact remains unsupported in the FEIR. As noted in our prior comments, the EIR fails to provide sufficient information to make *any* finding with respect to aesthetics impacts. The EIR lacks information regarding parking, landscaping, building design, buffering, signs, lighting, etc.

The Responses to Comments unreasonably suggest that requiring the project to conform to city standards necessarily means the project will have a less than significant impact. Any project, in any city, would have to conform to the city's standards. Without any accompanying information, this statement of conformance to city standards is meaningless.

Response to Comment JS-6 is completely unresponsive. The response merely repeats the conclusory statement contained in the DEIR, the precise concern of the commenter. The response directs the commenter to Responses JS-1 through JS-3, neither of which respond to the comment.

Response to Comment JS-14 does not provide any insight into the project's impact on aesthetics. The response regurgitates the same vague information contained in the DEIR and relies on the same conclusory statements which the commenter expressed concern about.

Air Quality, Greenhouse Gases

The EIR fails as an informational document by misleading the public and decision-makers with respect to the project's impact on air quality. This issue was discussed in numerous comments, but remains unaddressed. To illustrate, Response to Comment JS-3 fails to address the commenter's concern regarding the misleading nature of referring to three years of construction as a single phase. In fact, the response exacerbates the commenter's concern by stating that "[t]he single phase of construction is comprised of multiple elements or stages." In addition, rather than responding to the commenter's concern regarding the relatively long-term nature of noise and traffic impacts, the response unreasonably states that because there is an expected cessation date, these impacts are temporary. The addition of a cessation date does not make impacts "temporary," as a cessation date could be set for 50 years from the start of a project.

The EIR also fails by not incorporating all feasible mitigation and/or failing to find such measures to be infeasible. Some examples of these instances, though not all by far, are listed below.

The FEIR concludes that in spite of the fact that the project's VOC and NOx operational emissions exceed SCAQMD thresholds, no mitigation is required. Responses to Comments state that there are no feasible means to reduce these emissions. This "finding" of infeasibility is not supported by any evidence, and is suspicious in light of the many seemingly feasible mitigation measures recommended by commenters. The Responses to Comments, rather than actually addressing *why* the mitigation measures were found infeasible, blanketly rejects, without any supporting evidence, or ignores them all together.

Response to Comment AQMD-2 fails to respond to the comment made with regard to consideration of the mitigation measures proposed in AQMD's attachment. The response merely discusses two additional mitigation measures, and ignores all other proposed measures. In addition, the response states that emissions thresholds for VOCs and NOx would persist without any supporting evidence.

Response to Comment AQMD-4 is a good example of several comments lumped together in which the bulk of the comments are ignored. The response fails to address *any* specific mitigation measure proposed in the comment. Moreover, the response unreasonably suggests that because most vehicle emissions associated with the project are outside the applicant's control, mitigation measures which would reduce emissions from vehicles within the applicant's control are not important.

Response to Comment JS-5 is unresponsive in that it does not explain how the DEIR accounts for impacts to nearby sensitive receptors. The response merely states that the March Lifecare Campus is "noted" in the DEIR and claims that the DEIR "presents and considers maximum impact scenarios regarding truck impacts at sensitive receptors," without any supporting evidence. Furthermore, the response completely ignores the commenter's concern regarding DEIR traffic assumptions. Instead of addressing the comment, the response refers to the fact that trucks using alternate routes will impact noise and traffic along those routes as an "opinion."

Response to Comment JS-30 does not respond to the comment made regarding the EIR's flawed assumption that truck traffic will only use a route to/from I-215. Johnson & Sedlack reiterate its concern that impacts to sensitive receptors have been improperly and inadequately evaluated.

Response to Comment SC-6 does not respond to the questions posed regarding ensuring the protection of sensitive receptors and on-site workers. Stating that an assessment of health risks to on-site workers is not required does not respond to the question asked. Moreover, noting that exposure is projected to be below the threshold does not respond to *how* the project will protect sensitive receptors from harmful pollutants.

Response to Comment SC-13 is completely unresponsive.

Response to Comment SC-16 only addresses LEED certification, but does not address the numerous proposed mitigation measures which would decrease greenhouse gas emissions.

Response to Comment WMD-4 does not respond to the comment made regarding implementation of an in-house recycling program.

Mitigation Measure 4.3.2, Mitigation Measure 4.3.5, and Mitigation Measure 4.4.6 only require that a sign be posted but do not require compliance with the measures delineated on the sign. These mitigation measures are therefore insufficient.

Biological Resources

The EIR fails in its informational role to sufficiently describe the project's impact on biological resources. The FEIR does not clarify the extent or likelihood of this impact.

Geology and Soils

The FEIR fails to address the major concern regarding impacts to geology and soils: no geotechnical report has been prepared for the project. The project is located on expansive soil, giving rise to potentially significant impacts.

Response to Comment JS-8 is unresponsive and conclusory. The response does not address why, or under what legal authority, the DEIR is deferring preparation of a geotechnical study for the project. Instead, the response cites to geotechnical studies prepared for *other* projects, does not discuss the findings of those studies, and concludes that impacts are less than significant.

Response to Comment JS-44 completely fails to respond to the comment regarding where the soils will be obtained from and/or removed to.

Response to Comment JS-45 does not address how potential mitigation measures for a non-existent geotechnical study can be certain.

Land Use/Planning

As discussed in Comment JS-53, this project does not discourage access through residential areas, and is thereby inconsistent with Policy 2.5.4 of the General Plan. Mere placement near I-215 does not itself discourage access, as I-215 can become extremely congested.

Noise

Response to Comment JS-60 is unresponsive as to why a permanent increase in ambient noise levels is not considered a significant impact.

Traffic/Transportation

Response to Comment WMD-2 fails to respond to the majority of issues raised in the comment. The response does not address the failure of the DEIR/TIA to account for the two driveways across from Building 2 along Frederick Street. Perhaps more egregiously, the response does not discuss any traffic safety or congestion issues associated with these driveways. The response

merely dismisses the commenter's concerns by stating that the two driveways generate "nominal traffic volumes."

Response to Comment WMD-3 is unresponsive in that it summarily rejects consideration of alternate mitigation measures to reduce significant traffic impacts. The response states that impacts are beyond the applicant's control and fails to consider coordinating with the city or others in order to mitigate impacts.

Implementation of Mitigation Measure 4.2.2 is uncertain to occur. The improvement depends on the collection of funds through the TUMF Program, there is no timeline provided for the improvement, and there is no detail as to how much funding has already been collected, if any.

Mitigation Measure 4.2.3 is also uncertain to occur. The improvement depends on the collection of funds through the TUMF Program, there is no timeline provided for the improvement, and there is no detail as to how much funding has already been collected, if any.

Mitigation Measures 4.2.4, 4.2.5, and 4.2.6 are similarly uncertain to occur. The measures themselves do not even provide a certain source for funds, as funds will be collected from the "TUMF and/or DIF program(s)."

Alternatives

This project fails to make adequate findings *based on substantial evidence* that the environmentally superior alternative is infeasible. In fact, the environmentally superior alternative satisfies most, if not all, the project objectives and significantly reduces project impacts, particularly with regards to air quality in an area known to have some of the worst air quality in the nation. At the least, the environmentally superior alternative must be implemented in lieu of the project.

Desired Actions

For the above reasons and those previously submitted, we respectfully ask that you deny the project and deny certification of the FEIR.

Thank you for your consideration of the above comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

ATTACHMENT A



MORENO VALLEY: Skechers' warehouse has caused net job loss

Now that Skechers has moved into its giant Moreno Valley hub, it's actually employing fewer Inland-area workers than before



/CONTRIBUTED IMAGE

1 of 2



BY JACK KATZANEK | STAFF WRITER | February 01, 2012; 08:23 PM | [Comments \(0\)](#)

Skechers' massive distribution center in Moreno Valley was supposed to provide a refreshing boost to the job market in a city that badly needed one.

But apparently the opening of the 1.8 million-square-foot facility four months ago created few, if any job opportunities for would-be workers in Moreno Valley and the surrounding area.

In fact, the closing of Skechers' five distribution centers in Ontario when the shoe manufacturer consolidated its distribution operations meant a net loss of as many as 400 jobs in Inland Southern California.

Skechers' managers in Moreno Valley did not return several phone calls seeking comment. A spokesperson for Michael Greenberg, the company's president, said all comment would come from executives in Moreno

The Moreno Valley distribution center, larger than 40 football fields and more than a half-mile from end-to-end, currently has about 600 people working there, said Barry Foster, Moreno Valley's economic development director.

"I know they transferred a lot of people from Ontario," Foster said. "The last time I talked to them they said 600 jobs, and said a lot are coming from Ontario."

Foster, Riverside County officials and others in Moreno Valley say they know of no local recruitment events by the company, meaning that few, if any, jobs for local workers were added.

"People called and I had to refer them to (Skechers') website," said Oscar Valdepeña, president and CEO of the Moreno Valley Chamber of Commerce.

Valdepeña added that Skechers' executives have not reached out to the chamber.

As many as 1,000 people worked at Skechers now-closed warehouses in Ontario, a number that fluctuated during seasonal shifts in demand for the company's products. That means now there are as many as 400 fewer Skechers employees in the Inland area.

When the company was preparing to relocate, it filed four notices under the California Worker Adjustment and Retraining Notification Act, or WARN Act, the law that mandates that large firms planning to lay off at least 50 people give workers 30 days notice of the layoffs. According to state records, Skechers said it would terminate 339 people at four Ontario locations on Oct. 31.

NEW HIRES PROMISED

This appears to contradict the public statements made when the distribution center in Moreno Valley was being planned and built. It was touted by its developer, elected officials and Skechers' executives as a big help to the city's economy.

Moreno Valley's unemployment was 14.4 percent in December, the highest of any of Riverside County's five largest cities, according to state data.

At the March 2010 groundbreaking attended by then-Gov. Arnold Schwarzenegger, Greenberg, Skechers' president, said the warehouse would employ 1,000 people — including 500 new hires.

Marion Ashley, the Riverside County supervisor who represents Moreno Valley, echoed that prediction of 1,000 jobs in January 2011. Ashley did not return a call seeking comment.

Moreno Valley Mayor Richard Stewart said he knows of one Moreno Valley man who was hired for an engineering job, but he doesn't know about any organized local recruiting.

"I don't know if it was word of mouth or what," Stewart said.

Despite that, he said he still believes Skechers will create an economic boost for the city, from sales of food and fuel to workers and, possibly from people who might decide to move to Moreno Valley.

Iddo Benzeevi, president and CEO of Highland Fairview Properties, the project's developer, has suggested on several occasions that the project would yield 2,500 jobs.

Highland Fairview is leasing the property to Skechers for 20 years, a deal worth \$240 million.

Benzeevi also is seeking to build more distribution facilities in the mostly undeveloped eastern area of Moreno

could include many more distribution properties.

Benzeevi emphasized he doesn't speak for Skechers, but he said the shoe company came to Moreno Valley in good faith and never promised a specific number of jobs.

"Skechers came in goodwill to the community and made a substantial investment," Benzeevi said. "Yes, they might only have 600 employees, but I think they should be commended."

The distribution center is a fully modernized operation, and Benzeevi said that efficiency is critical.

"That may create different kinds of jobs, at the expense of some others. They require different skill sets for different people," Benzeevi said.

TECH TRUMPS JOBS

It isn't uncommon for a distribution center that invests heavily in automation to need fewer employees, said John Wu, director of the Leonard Transportation Center, which teaches advanced skills in logistics and goods movement at Cal State San Bernardino.

"In some places, you have workers who walk into trucks and carry goods out by hand," Wu said. "Some are so highly automated they can be run by 20 or 30 people, even if it's a million square feet."

Foster, the city economic development director, said that he's heard that Skechers is happy with the move to Moreno Valley. He said putting all its distribution operations under one roof could save the company several million dollars annually.

He added that Skechers has the capacity to expand and add workers.

However, financial conditions at Manhattan Beach-based Skechers do not seem to favor an expansion, at least in the short term. Sales for the shoe company declined 25 percent in the third quarter of 2011 from the same three-month period in 2010, which had been a record quarter for the company. The third quarter is the most recent reporting period for the publicly traded company.

Also, the company recorded a \$30 million loss in the second quarter, mostly because of weak demand for the firm's toning shoes.

REAL ESTATE: Montecastro's \$30 million fraud trial under way

REAL ESTATE: Six straight months of gains

RIVERSIDE: "Save the Mt. Rubidoux Cross" shirts popular

WORKFORCE: Canada construction work has perks, details

BANNING: Man suspected of making his own moonshine

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LOMA LINDA: innovative procedure done at Children's Hospital

SCHOOLS: Foundations provide materials, enrichment

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News



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[INTERACTIVE MAP: Riverside Festival of Lights](#)



[Pac-12 in TV standoff with DirecTV, Charter](#)

Business



REAL ESTATE:
[Montecastro's \\$30 million fraud trial under way](#)

ATTACHMENT B

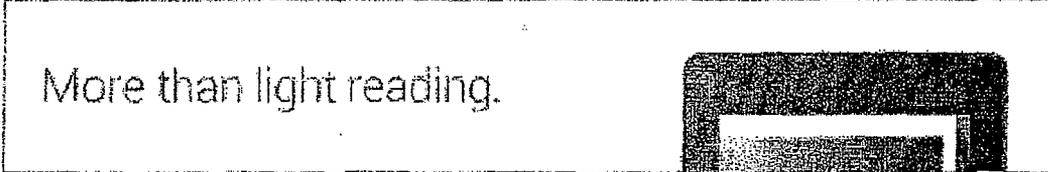
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POLITICS EDUCATION TEXAS



THE NEW AMERICAN JOB

As California Warehouses Grow, Labor Issues Are a Concern



Monica Almeida/The New York Times

In Moreno Valley, Calif., where much of the state's logistics industry is based, a new distribution center is being built.

By JENNIFER MEDINA
Published: July 22, 2012

MORENO VALLEY, Calif. — As the freeway snakes toward this city an hour's drive east of Los Angeles, the strip malls gradually give way to the warehouses that supply their goods. There are dozens and dozens of them — in some places, the gray squat buildings are the only things visible from the road — a labyrinth of sprawling distribution centers

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for retailers that include Walgreens and Wal-Mart, Toyota and Home Depot.

PRINT

REPRINTS

The New American Job

Challenges in Logistics

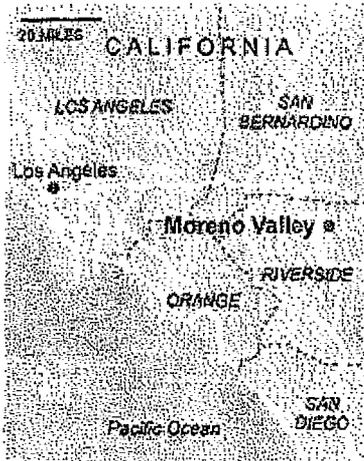
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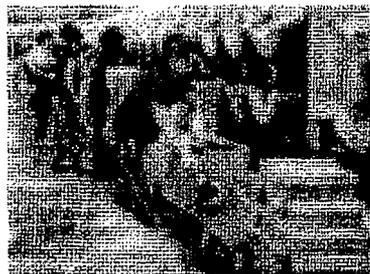
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The New York Times

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Monica Almeida/The New York Times

Skechers opened a warehouse in the city last year.

[Enlarge This Image](#)

In the last decade or so, Moreno Valley and the rest of the Inland Empire have become the nation's largest hub of distribution warehouses, where workers sort the imported goods that come through Los Angeles ports. In the industry, known as logistics, those goods are prepared for and delivered to stores across the country.



By most estimates, Inland Empire, with its \$300 billion piece of the industry, is the country's most bustling trade gateway. Lured by "cheap dirt," as many here put it, companies are only increasing their demands for large tracts of land in the region.

Still reeling from the economic downturn, many community leaders in the Inland Empire say they are desperate for jobs, particularly for low-skilled workers, many of whom lost their jobs in construction after the housing collapse. They see the region's warehouses and related delivery industries — which now employ an estimated 200,000 people, more than Salt Lake City's population — as the best way out of the doldrums, seeing salvation in the form of shipping containers.

"We know we face challenges, and these bring in jobs and pump up the economy right away," said Barry Foster, the director of economic development for Moreno Valley. Last year, the footwear company Skechers opened a worldwide distribution center here, and the city is also moving toward approving plans for a 40-million-square-foot warehouse complex.

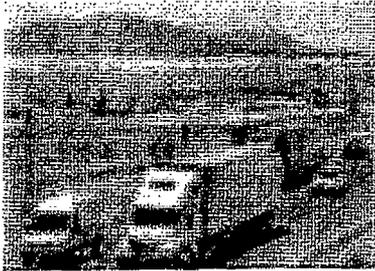
"We need to get to the point where we have a job for every household," Mr. Foster said. "Right now we have half of that. These are good jobs that would keep people who are living here working here and have a foothold into the middle class."



[Go to Cor](#)



Lea
ALSO I



Monica Almeida/The New York Times
Another view of the Sketchers warehouse in Moreno Valley.

But there are plenty of skeptics. Environmentalists say the parade of trucks has a dangerous impact on the air in the area, contributing to an already high rate of asthma in children. Labor advocates say a vast majority of the jobs provide just minimum wage, often without benefits.

In some warehouses, workers are paid based on how much work they complete, like the number of trucks they empty. In October, a state investigation found that two staffing agencies that supply workers to Wal-Mart distribution centers failed to provide workers with proper information about their wages, making it unclear how much they were earning on the job. The state fined the two staffing agencies more than \$1 million.

Julie A. Su, the California labor commissioner, has heard many complaints about the industry since taking office last year. But she said investigations were often stymied because so many warehouses use staffing agencies, which classify workers as temporary, even though they may work for years in the same building.

There are frequent complaints that workers are told to show up each morning — often with the reminder that the first to arrive will be the most likely to get work — only to be informed that there is no work for them that day. Under state law, in those cases, workers are to be paid for two hours, but many say they rarely are.

“There seems to be an unfortunate model of subcontracting used to cut costs and really depress the working conditions,” Ms. Su said. “It really reflects the economy moving to this kind of day-labor system in a way that really can destabilize the economy.”

After the state investigation, Warehouse Workers United, a union-backed advocacy group, filed a lawsuit in federal court against the agencies in October, saying workers were “forced to work long hours under oppressive conditions for legally inadequate pay” that was below the state minimum wage of \$8 an hour.

The criticism has done little to slow the growth so far. As of now, there are more than 400 million square feet of warehouses and distribution centers spread through the Inland Empire, roughly the amount of office space in Midtown Manhattan. Dozens more large buildings are being built on speculation, with investors confident that companies will eagerly come in.

For higher-skilled jobs, annual salaries do reach into the middle class, with workers bringing in an average of \$46,000. In this area, where unemployment reaches above 15 percent in several cities, such jobs are sorely needed.

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“Construction is obviously in great trouble, and here is a place where we can just keep adding jobs — it is the only industry adding thousands of jobs,” said John Husing, a local economist who has enthusiastically endorsed the growth of the industry. “You can have people come here and find a robust blue-collar work force eager for employment.”

Workers in the warehouses frequently complain that it is difficult to know who is in charge at the distribution centers, where multiple subcontractors operate in the same building and workers receive different pay depending on which agency they work with, although the jobs are almost identical.

Limber Herrera, 28, has worked in the logistics industry in the area for more than five years. He now makes \$12 an hour emptying shipping containers at a distribution center that processes goods for Wal-Mart. These days, his concerns are less about pay than basic safety at work.

“There’s nobody who cares about our health — there’s just pressure to empty cases at a fast pace,” said Mr. Herrera, who is part of a complaint that Warehouse Workers United filed last week with the state. “All the dust we inhale, all the heavy things we have to lift with all our strength and no support, it’s very hard.”

Over all, the warehouse and logistics industry accounts for roughly 10 percent of all jobs in the Inland Empire, more than any other private industry. But some economists have pointed out that earnings vary widely, with the median annual salary around \$32,000. And even that figure does not take into account the thousands of workers who are employed by staffing agencies making minimum wage.

Iddo Benzevi, the chief executive of Highland Fairview, which owns the 1.8-million-square-foot distribution center leased by Skechers, said that he planned to open several more facilities and that warehouses would increasingly rely on more skilled workers to operate computers.

“This is the center for all of the trade in the world,” he said. “You can get to much of the country with a drive of just a few hours.”

The Skechers warehouse is filled with machines that use sophisticated technologies to make basic processes move more quickly and often with little human assistance. Skechers executives said they employed 550 to 800 people in the warehouse depending on the season, but they declined to give any information about the kinds of jobs available and the salaries employees receive.

Some local critics have said the new center has done little to generate new jobs, since many of them were simply moved from six smaller warehouses the company had operated for several years in Ontario, about 20 miles to the west.

INSIDE 1
"It's attractive because it's something that governments can take advantage of now," said Jordan Levine, the director of economic research at Beacon Economics, a research and consulting firm. "There's no need to have to recruit an educated work-force base or have a lot of strategy around."

He added: "All that stuff takes time and money and decades to bear fruit. This is far more expedient."

A version of this article appeared in print on July 23, 2012, on page A9 of the New York edition with the headline: As California Warehouses Grow, Labor Issues Are a Concern.

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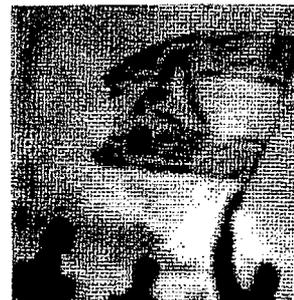
Kim Jong-un Seems to Get a New Title: Heartthrob

OPINION »

The Score: The Reconstruction of Rome

How Robert Beaser fought 1970s orthodoxies to find his voice as a composer.

SPORTS »



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Still Grieving, Lokomotiv Is Winning Anew

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ATTACHMENT C

RAYMOND W. JOHNSON, Esq., AICP LEED GA
26785 Camino Seco
Temecula, CA 92590
(951) 506-9925



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

City Planning:

Current Planning

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

General Plan

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

Environmental Analysis

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

Representation:

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

Education:

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

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA

Johnson & Sedlack, Attorneys at Law

26785 Camino Seco
Temecula, CA 92590
[REDACTED]

12/97- Present

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

Planning-Environmental Solutions

26785 Camino Seco
Temecula, CA 92590
[REDACTED]

8/94- Present

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

San Bernardino County Planning Department

Environmental Team
385 N. Arrowhead
San Bernardino, CA 92415
[REDACTED]

6/91-8/94

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

San Bernardino County Planning Department

General Plan Team
385 N. Arrowhead
San Bernardino, CA 92415
[REDACTED]

6/91-6/92

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

San Bernardino County Planning Department

North Desert Regional Planning Team

15505 Civic

Victorville, CA

6/90-6/91

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

Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway

Lee's Summit, MO 64063

2/86-6/90

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

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

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

Contemporary Concepts Inc.

Lee's Summit, MO

9/78-5/84

Owner

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

Environmental Design Association

Lee's Summit, Mo.

Project Coordinator

6/77-9/78

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

City of Lee's Summit, MO

220 SW Main

Lee's Summit, MO 64063

Community Development Director

4/75-6/77

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

Howard Needles Tammen & Bergendoff

9200 Ward Parkway

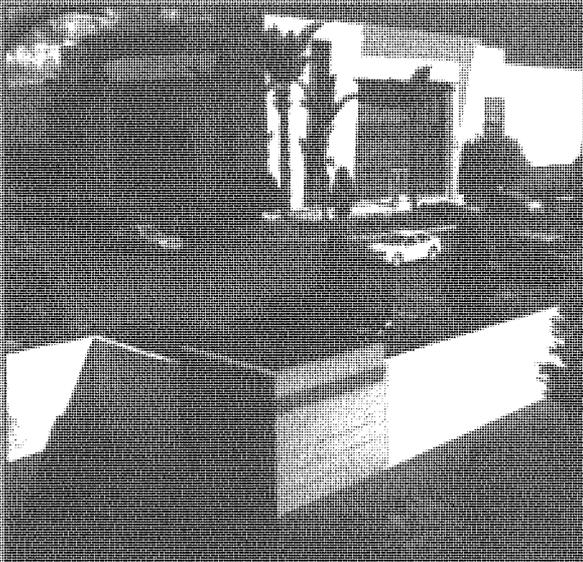
Kansas City, MO 64114

██████████
Economist/Planner

5/73-4/75

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

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



STATUS: PLANNED

WEST RIDGE INDUSTRIAL PARK SOUTH SIDE OF SR 60 BETWEEN QUINCY ST. AND REDLANDS BLVD.

14 ON LOCATION MAP

PROJECT FEATURES:

- +/- 1 million sq. ft. logistics facility

DEVELOPER:

Ridge Property Trust
Dennis Rice

drice@rptrust.com

BROKER:

Lee & Associates
Jeff Ruscigno

jruscigno@lee-assocs.com

HIGHLAND FAIRVIEW CORPORATE PARK SOUTH OF SR 60 BETWEEN REDLANDS BLVD. AND THEODORE ST.

15 ON LOCATION MAP

PROJECT FEATURES:

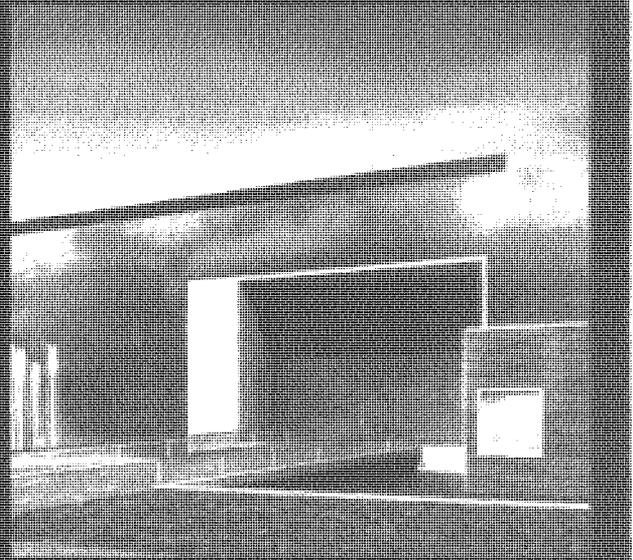
- 265.3 Acres
- Phase 1: +/- 1.8 million sq. ft. industrial warehouse
- Phase 2: +/- 2.6 million sq. ft. mixed-use at build-out

DEVELOPER:

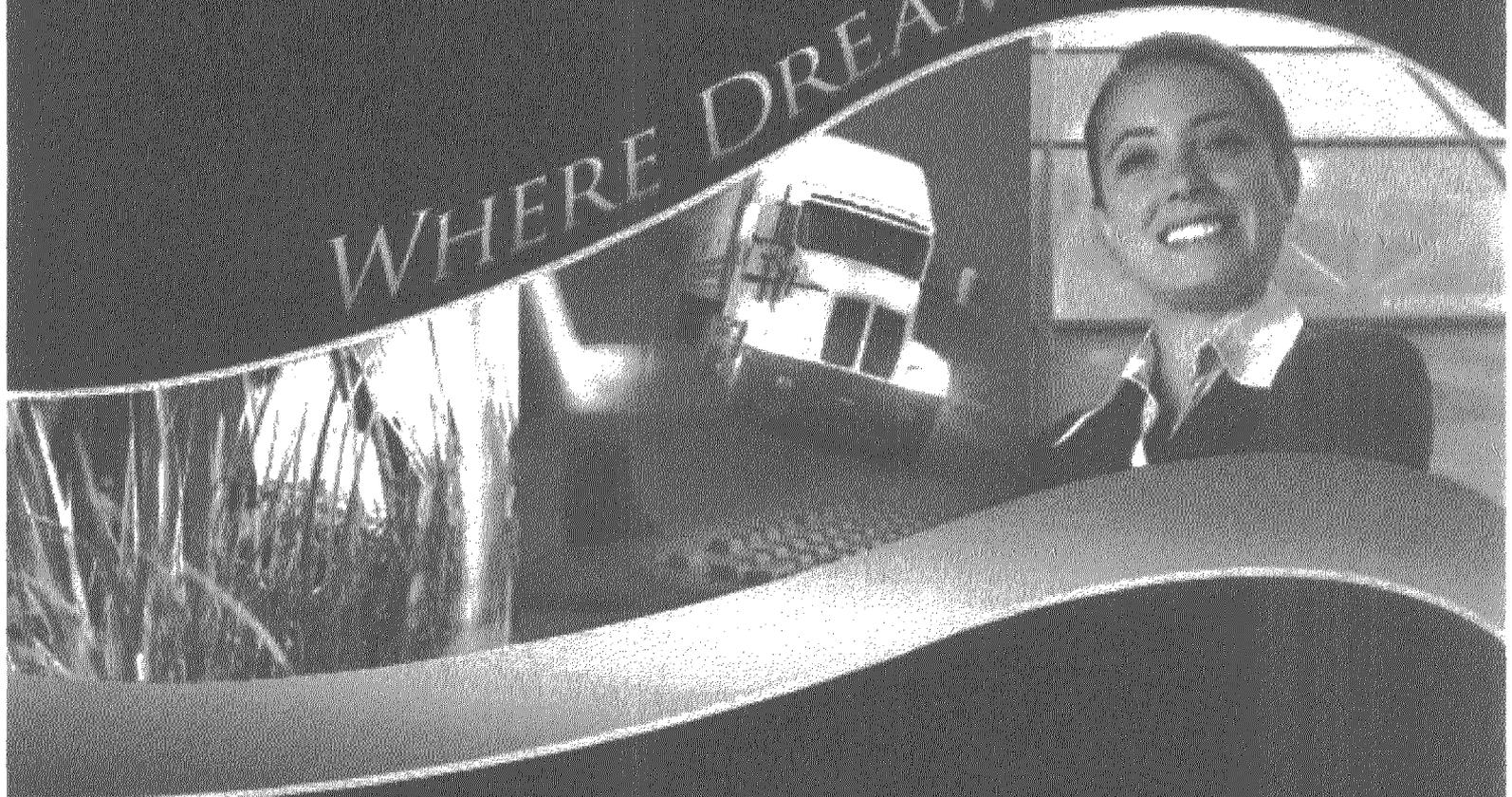
Highland Fairview Properties
Wayne Peterson

wpeterson@highlandfairview.com

STATUS: PLANNED

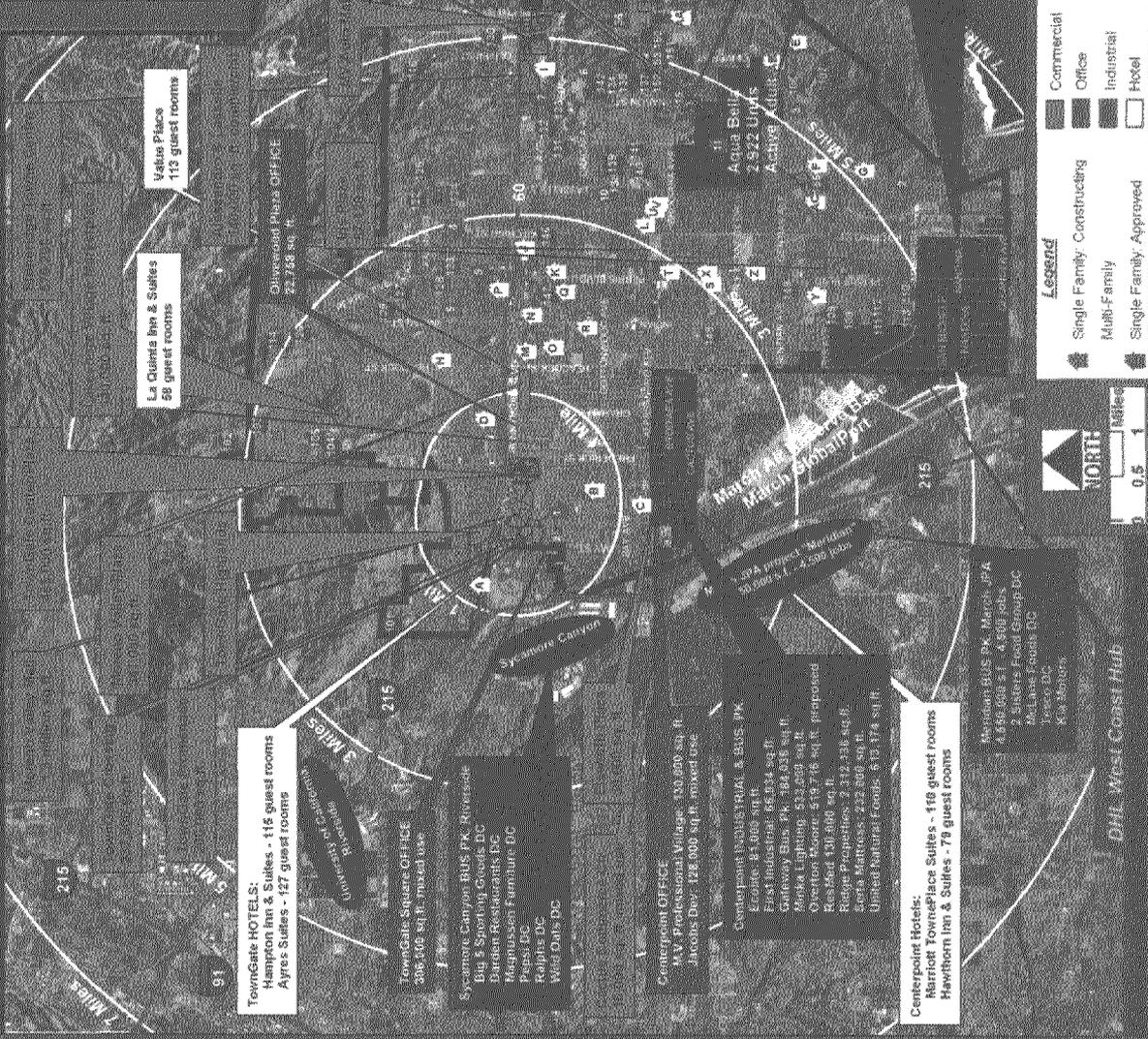
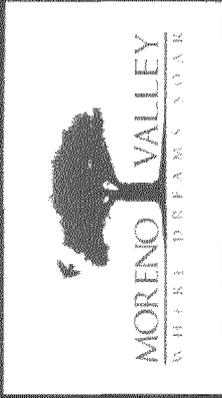


WHERE DREAMS SOAR



MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
951.413.3460



SINGLE FAMILY: CONSTRUCTING

MAP No. 08	TRACT	COUNT	Map No. 08	TRACT	COUNT
1	34039	67	7	32928	129
2	30318	177	8	32925	20
3	28200	247	9	32715	36
4	31069	55	10	31259	17
5	31319	31	11	33532	2922
6	28334	205			
TOTAL UNITS		3,181			

SINGLE FAMILY: APPROVED

MAP No. 08	TRACT	COUNT	MAP No. 08	TRACT	COUNT
01	34726	75	128	32389	182
02	31594	78	131	36236	88
03	31428	74	132	31391	33
04	32545	174	133	31394	32
05	31414	36	134	31398	87
06	30258	86	135	31771	26
07	30258	83	136	31977	52
08	34131	31	137	32485	60
09	33819	15	138	32545	54
10	31442	43	139	32529	19
11	33524	8	140	31604	12
12	32719	20	141	31569	72
13	32719	26	142	32968	72
14	32025	214	143	32983	30
15	31028	73	144	32375	7
16	31028	59	145	32978	19
17	31028	75	146	32618	17
18	31028	58	147	31950	7
19	32441	24	148	32111	8
20	32962	31	149	32150	843
21	32966	47	150	31590	150
22	31517	63	151	32344	32
23	31527	7	152	32548	107
24	34426	105	153	32248	63
25	33386	6	154	32654	32
26	32126	20	155	30706	20
27	31621	32			
TOTAL UNITS		3,299			

MULTI-FAMILY

MAP No. 08	TRACT	COUNT	MAP No. 08	TRACT	COUNT
A	PA027027	330	B	PA037028	26
B	PA037028	194	C	PA037028	18
C	PA037028	74	D	PA037028	19
D	PA037028	360	E	PA037028	20
E	PA037028	90	F	PA037028	271
F	PA037028	172	G	PA037028	24
G	PA037028	227	H	PA037028	54
H	PA037028	72	I	PA037028	32
I	PA037028	274	J	PA037028	32
J	PA037028	90	K	PA037028	214
K	PA037028	159	L	PA037028	268
L	PA037028	40	M	PA037028	112
M	PA037028	12	N	PA037028	195
N	PA037028	50	O	PA037028	128
O	PA037028	16			
TOTAL UNITS		3,465			

CITY OF MORENO VALLEY
 14177 Frederick St.
 Moreno Valley, CA 92552
 951.413.3460
 www.moreno-valley.ca.us



MORENO VALLEY INDUSTRIAL CENTER
 PERRIS BLVD. AND RIVARD RD.

12 ON LOCATION MAP

PROJECT FEATURES:

- 355,920 sq. ft.
- Entitled to 569,200 sq. ft. with adjacent building
- 30' Clearance height
- ESFR sprinklers
- 180' Truck court
- 65' Deck high doors
- 2' Grade level doors
- Along established truck route
- Convenient access to I-215

STATUS: ENTITLED

BROKER:

CBRE

Ian Deyries

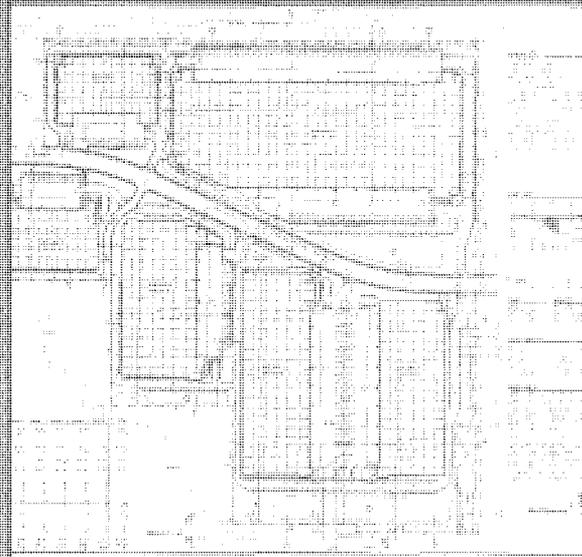
ian.deyries@cbre.com

PROLOGIS
 SOUTH SIDE OF SR 60 BETWEEN PETTIT ST & QUINCY ST.

13 ON LOCATION MAP

PROJECT FEATURES:

- +/- 2.2 million square feet
- 6 buildings
 - 168,342 sq. ft. building #1
 - 161,112 sq. ft. building #2
 - 160,602 sq. ft. building #3
 - 339,223 sq. ft. building #4
 - 393,102 sq. ft. building #5
 - 325,038 sq. ft. building #6
- Freeway visibility
- Convenient access to SR 60 and I-10



STATUS: PLANNED/CONCEPTUAL

DEVELOPER:

Prologis

Michael Del Santo

mdeisanto@prologis.com



RIVERSIDE COUNTY
DISTRICT ATTORNEY

3960 ORANGE STREET
RIVERSIDE, CALIFORNIA 92501-3643
951-955-5520

PAUL E. ZELLERBACH
DISTRICT ATTORNEY

October 22, 2013

Ms. Jane Halstead
Moreno Valley City Clerk
14177 Frederick St.
Moreno Valley, CA 92552

Subject: **Preservation of Evidence Demand**

Dear Ms. Halstead:

The Riverside County District Attorney's Office has learned that the Moreno Valley City Council will consider adopting Resolution No. 2013-82, a "Resolution Adopting Updated Records Retention Schedules and Authorizing Destruction of Certain City Records" at its regular meeting on October 22, 2013.

The District Attorney's Office has reason to believe that litigation may result from matters currently under investigation with regard to the City of Moreno Valley and that relevant evidence potentially may be destroyed if Resolution No. 2013-82 is passed and implemented. This information may be in the City of Moreno Valley's possession or control and the City has a duty to preserve that information.

Therefore, the District Attorney's Office demands that the City of Moreno Valley immediately take action to protect and preserve until further notice any of that information that is in its possession or under its control until further notice.

Specifically, the District Attorney's Office demands that the City of Moreno Valley immediately suspend deletion, overwriting and/or any other destruction of records and electronic stored information (hereinafter "ESI") connected, either directly or indirectly, to the following:

- All records and ESI associated with or concerning Highland Fairview, Iddo Benzeevi, Jerry Stephens, Tom Owings, Marcelo Co, Jesse Molina, Victoria Baca, Richard Stewart, Yxstian Gutierrez and Michael Geller.
- All records and ESI associated with or concerning all City of Moreno Valley elected and appointed public officials and Department Heads.

- All records and ESI associated with or concerning pending or approved development construction projects, infrastructure and/or new infrastructure projects located in the City of Moreno Valley.
- All records and ESI associated with or concerning communications to and from City of Moreno Valley employees, elected and/or appointed public officials regarding the hiring, employment and discharge of former City Manager Henry Garcia.
- All records and ESI associated with or concerning the following development projects: Skechers, World Logistic Center, Prologis, Aquabella Development, Ridge Property Development and Nason Street infrastructure improvements.

The District Attorney's Office is specifically demanding that you preserve all documents, tangible things and ESI potentially associated with or concerning the matters identified above for the time frame of January 1, 2008 to present.

ESI, as used in this demand, should be afforded the broadest possible definition and includes (by way of example and not as an exclusive list) any and all information electronically, magnetically or optically stored as:

- Digital communications (e.g., e-mail, voice mail, instant messaging);
- Word processed documents (e.g., Word or WordPerfect documents and drafts);
- Spreadsheets and tables (e.g., Excel or Lotus 123 worksheets);
- Accounting Application Data (e.g., QuickBooks, Money, Peachtree data files);
- Image and Facsimile Files (e.g., .PDF, .TIFF, .JPG, .GIF images);
- Sound Recordings (e.g., .WAV and .MP3 files);
- Video and Animation (e.g., .AVI and .MOV files);
- Databases (e.g., Access, Oracle, SQL Server data, SAP);
- Contact and Relationship Management Data (e.g., Outlook, ACT!);
- Calendar and Diary Application Data (e.g., Outlook PST, Yahoo, blog tools);
- Online Access Data (e.g., Temporary Internet Files, History, Cookies);
- Presentations (e.g., PowerPoint, Corel Presentations)
- Network Access and Server Activity Logs;
- Project Management Application Data;
- Computer Aided Design/Drawing Files; and,
- Back Up and Archival Files (e.g., Zip, .GHO)

All ESI must be preserved so that it can be retrieved at a later time. The information must be preserved in its original electronic form so that all information contained within it,

Jane Halstead, Moreno Valley City Clerk

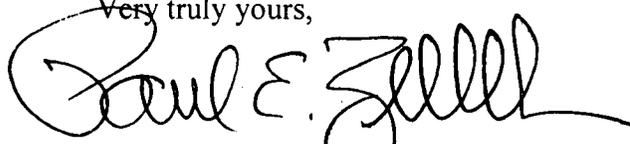
October 22, 2013

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whether visible or not, is also available for inspection. It is not sufficient to make a hard copy of electronic communication.

Thank you for your anticipated cooperation.

Very truly yours,



PAUL E. ZELLERBACH
Riverside County District Attorney

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CITY CLERK
MORENO VALLEY
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Victoria Baca
Moreno Valley City Council
14177 Frederick St.
Moreno Valley, CA 92552

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