

**Community & Economic Development Department
Planning Division**

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Date: December 3, 2012
To: Responsible and Trustee Agents/Interested Organizations and Individuals
Subject: **Notice of Preparation of a Draft Environmental Impact Report**

Lead Agency: **Consulting Firm Preparing the Draft EIR:**

CITY OF MORENO VALLEY
Community Development Department
14177 Frederick Street
PO Box 88005
Moreno Valley, California 92552
(951) 413-3209
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17542 East 17th Street
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Contact: Tracy Zinn, AICP

This Notice of Preparation (NOP) includes an Initial Study (IS) that describes the proposed project and the issues to be examined in an Environmental Impact Report (EIR) as required by the California Environmental Quality Act (CEQA). The documentation is provided in the attached CD for your review and comment.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice or January 14, 2013.

Please send your response to Ms. Julia Descoteaux at the City of Moreno Valley address shown 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: First Inland Logistics Center II (Plot Plan PA12-0023)

Location: The Project site is situated in the southern portion of the City of Moreno Valley in the County of Riverside, California. The subject property is located immediately west of Perris Boulevard, south of and adjacent to San Michele Road, approximately 1,150 feet east of Knox Street, and north of and adjacent to Nandina Avenue. The property encompasses Assessor Parcel Numbers (APNs) 316-200-001, 316-200-015, 316-200-019, 316-200-035, and a portion of APN 316-200-034. The Project site encompasses a total of approximately 17.3 acres.

Description: The proposed Project is described in the IS attached to this NOP. The Project includes the following proposed discretionary action by the City of Moreno Valley:

- 1) **Plot Plan PA12-0023.** Plot Plan PA12-0023 proposes a site layout, architectural plans, and landscape design for the one building that is proposed to be constructed on the property. A building having 400,130 square feet of interior floor space is proposed, consisting of 394,130 s.f. of warehouse space and 6,000 s.f. of office and mezzanine space.

ENVIRONMENTAL ISSUES TO BE EVALUATED IN THE EIR

The initial environmental review of projects, such as the First Inland Logistics Center II project, is normally a three-step process governed by the California Environmental Quality Act (CEQA). The first step is for the lead agency, the City of Moreno Valley, to determine whether a project is exempt from CEQA review. The City has determined that this project is not exempt. The typical second step is the preparation of an IS to determine potential impacts of the project on the environment. If the IS determines that the project has the potential to cause one or more significant environmental impacts, the usual third step is to determine whether or not an EIR must be prepared.

In this case, the City of Moreno Valley has already determined that an EIR will need to be prepared based on the scale of the project and the potential for the project to cause environmental effects. Therefore, an EIR will be prepared to evaluate those effects. Because this property has been the subject of previous CEQA environmental review, and approvals are in place that allow for full physical disturbance of the property, the City intends to limit the scope of analysis in the EIR to only those subject areas that were not adequately addressed in prior CEQA documentation in relation to the specific Project under consideration.

In 2008, the City of Moreno Valley approved Tentative Parcel Map No. 35859 (PA07-0165) and two Plot Plans (PA07-0166 and PA07-0167) that covered the southern portion of the Project site in addition to additional land area located to the immediate west. For that project, the City prepared a Mitigated Negative Declaration (SCH No. 2008101041) in compliance with CEQA. In 2011, Addendum No. 1 to the 2008 MND was prepared that addressed minor design modifications to the approved building, parking stall, and driveway arrangements, as well as a proposal to construct an interim truck parking lot on the southern portion of the currently proposed Project site. That project was constructed and the southern portion of the currently proposed Project site is currently developed as an interim truck parking lot, although the original approval of an 180,000 s.f. building remains valid. In 2012, the City of Moreno Valley approved a site plan (P12-061) to allow the expansion of the interim truck parking lot across the northern portion of the Project site. For that project, the City prepared Addendum No. 2 to the 2008 MND in accordance with CEQA, which concluded that expansion of the interim truck parking lot on the northern portion of the Project site would not result in any new or more severe impacts than previously identified in the 2008 MND.

This NOP and the accompanying IS evaluates a newly submitted application for the development of one 400,130 s.f. building on the 17.3-acre Project site. The southern half of the site (approximately 8.4 acres) is developed with the truck parking yard mentioned above and is entitled to be built with an 180,000 s.f. building. The northern half of the site (approximately 8.9

acres) is undeveloped and regularly disked for fire fuel management, but as described above, is entitled to be developed as a truck parking lot.

Based on the information presented in the IS, the following topics will be evaluated in detail in the EIR for the proposed First Inland Logistics Center II Project:

- Air Quality
- Greenhouse Gas Emissions
- Noise
- Transportation/Traffic
- Mandatory Findings of Significance

The IS further describes the anticipated scope of the environmental analysis for each issue.

The EIR will address the short- and long-term effects of the Project on the environment. It also will evaluate the potential for the Project to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Alternatives to the proposed Project will be evaluated that may reduce or avoid environmental impacts that are determined to be significant in the EIR. Mitigation measures applicable from previous CEQA compliance documentation prepared for the subject property (the 2008 MND and its Addenda) would be carried forward as conditions of approval for the proposed Project. For those impacts determined to be significant by the EIR, mitigation measures will be recommended as feasible. A mitigation monitoring program will also be developed as required by Section (§) 15150 of the CEQA Guidelines.

The environmental determination in this NOP is subject to a 30-day public review period per Public Resources § 21080.4 and CEQA Guidelines § 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 affected by the Project and should be addressed further by the City of Moreno Valley in the EIR.

NO SCOPING MEETING

Because the Project does not meet the CEQA Guidelines § 15206 definition of a project having statewide, regional, or areawide significance and does not meet the requirements of a project necessitating a scoping meeting as specified in CEQA Guidelines § 15082(c), the City of Moreno Valley will not hold a scoping meeting.

Please contact the Community & Economic Development Department at (951) 413-3209 if you have any questions.

Sincerely,



Julia Descoteaux
Associate Planner



John C. Terell, AICP
Planning Official

City of Moreno Valley

Initial Study:
First Inland Logistics Center II
(Plot Plan PA12-0023)

Prepared for:

City of Moreno Valley
Planning Division
14177 Frederick Street
Moreno Valley, California 92552

Prepared by:

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DATE: December 3, 2012

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1.0 INTRODUCTION

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1.1 Document Purpose and Scope

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies inform themselves of the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. It also gives other public agencies and the general public an opportunity to comment on the information.

This Initial Study (IS) assesses the potential for physical environmental impacts to occur associated with implementation of the proposed First Inland Logistics Center II project (the “Project”). The Project proposes the construction and operation of one warehouse building containing 400,130 s.f. of interior floor space on a 17.3-acre property in the City of Moreno Valley, Riverside County, California. The 17.3-acre property is located within the boundaries of the Moreno Valley Industrial Area Plan (MVIAP, Specific Plan 208) at the southwest corner of San Michele Road and Perris Boulevard in the City of Moreno Valley.

As part of the City’s permitting and CEQA compliance process, the proposed Project is required to undergo an initial environmental review pursuant to CEQA Guidelines Section 15063. This IS serves as a preliminary analysis prepared by the City of Moreno Valley acting in its capacity as a CEQA Lead Agency to determine the level of environmental review and analysis that will be required for the Project, which could consist of any of the following: environmental impact report (EIR); mitigated negative declaration (MND); negative declaration (ND); addendum to a previously-prepared EIR; or a tiered analysis that relies on the findings and conclusions of a previously-prepared EIR. If the IS concludes, based on substantial evidence in the City’s records, that the Project could have significant effects on the environment that were not previously disclosed as part of a prior CEQA document and concludes that significant adverse impacts cannot be avoided, reduced, or mitigated to below established thresholds of significance, the public agency is required to prepare an EIR and balance the project’s environmental concerns with other goals and benefits in a statement of overriding considerations.

This IS is an informational document that provides the City of Moreno Valley, other public agencies, and the public at-large with an objective assessment of the potential environmental impacts that have the potential to result from implementation of the proposed Project.

1.2 Potential Environmental Effects

The analysis presented in this IS indicates that the proposed Project has the potential to result in one or more significant direct, indirect, and/or cumulative environmental effects to the following environmental subjects:

- Air Quality
- Greenhouse Gas Emissions
- Noise
- Transportation/Traffic
- Mandatory Findings of Significance

Based on the results of the analysis provided in the Environmental Checklist portion of this IS, the proposed Project has the potential to result in significant effects on the environment for which feasible mitigation measures may or may not be available to reduce all of those effects to below established thresholds of significance. Accordingly, and pursuant to Section 15063(b)(1) of the CEQA Guidelines, an EIR will be prepared for the Project and will focus on the issue areas listed above.

1.3 Organization of this Initial Study

This IS includes the following sections:

Section 1.0, Introduction, provides information about CEQA and the requirements for environmental review and explains that an EIR will be prepared for the Project.

Section 2.0, Project Description and Setting, provides information about the Project's location and planning objectives and also includes a description of the proposed Project's physical features and construction and operational characteristics.

Section 3.0, Environmental Checklist, includes the CEQA Environmental Checklist and evaluates the Project's potential to result in significant adverse effects to the physical environment.

Section 4.0, References, provides reference information for all information sources consulted during the preparation of this IS.

2.0 PROJECT DESCRIPTION AND SETTING

2.0 PROJECT DESCRIPTION AND SETTING

2.1 Project Overview

The proposed Project involves the construction and operation of one warehouse building on a 17.3-acre property located at the southwest corner of San Michele Road and Perris Boulevard in the City of Moreno Valley, Riverside County, California. Additional details regarding the Project's purpose, objectives, location, environmental setting, and design, operation, and construction characteristics are included in this section, below.

2.2 Project Background

The proposed Project site is located within the geographical limits of the Moreno Valley Industrial Area Plan (Specific Plan (SP) 208). SP 208 was originally referred to as the Oleander Specific Plan when first approved by the City in 1989, but was renamed as the Moreno Valley Industrial Area Plan in 2001 after 40 acres of additional area was added to the Specific Plan boundaries, bringing the total land area within SP 208 to 1,540 acres. SP 208 was again amended in 2002, which consolidated the Business Park, Mixed Use, Light Industry, and Heavy Industry land use designations of the original Specific Plan with a single "Industrial" land use classification in order to increase flexibility in accommodating economic development opportunities (SP 208, 2002). This Industrial classification is applied to the 17.3-acre First Inland Logistics Center II property, which is the subject of this IS.

The Project site was the subject of previous environmental review under CEQA as part of an EIR certified in 1989 for SP 208 (State Clearinghouse Number 1988080813). In 2008, the City of Moreno Valley approved Tentative Parcel Map No. 35859 (PA07-0165) and two Plot Plans (PA07-0166 and PA07-0167) that covered the southern portion of the Project site in addition to additional land area located to the immediate west. For that project, the City prepared a Mitigated Negative Declaration (2008 MND) in compliance with CEQA. The 2008 MND concluded that all significant environmental effects could be mitigated to below established thresholds of significance. That approved project consisted of a 700,000 s.f. warehouse building (west of the currently proposed Project site) and an 180,000 s.f. warehouse building (on the southern portion of the currently proposed Project site).

In 2011, an Addendum to the 2008 MND was prepared, hereinafter referred to as Addendum No. 1. Addendum No. 1 addressed minor design modifications to the approved buildings, parking stalls, and driveways, as well as a proposal to construct an interim truck parking lot with 213 stalls on the southern portion of the currently proposed Project site (at the approximate location of the originally approved 180,000 s.f. building). That project was constructed and the southern portion of the currently proposed Project site is currently developed as an interim truck parking lot, although the original approval of an 180,000 s.f. building remains valid.

In 2012, the City of Moreno Valley approved a site plan (P12-061) to allow the expansion of the interim truck parking lot on the southern portion of the Project site across the northern portion of the Project site. For this project, the City prepared a second Addendum to the 2008 MND, hereinafter referred to as Addendum No. 2. Addendum No. 2 addressed potential environmental effects

associated with the expansion of the interim truck parking lot from approximately 8.5 acres to approximately 17.0 acres to accommodate a maximum of 487 truck parking stalls, a water quality basin, and screen walls along San Michele Road and Perris Boulevard. Addendum No. 2 concluded that expansion of the interim truck parking lot and associated improvements would not result in any new or more severe impacts than previously identified in the 2008 MND, and all potential environmental impacts would be adequately reduced to below established thresholds of significance with mandatory implementation of the mitigation measures identified in the 2008 MND.

This IS evaluates a newly-submitted application for development of the 17.3-acre Project site, as described below in Subsection 2.3. The southern half of the site (approximately 8.4 acres) is developed with the truck trailer parking yard mentioned above. The northern half of the site (approximately 8.9 acres) is undeveloped, but as described above, is entitled to be developed as an interim truck parking lot.

2.3 Project Location

The City of Moreno Valley is located in the northwestern portion of Riverside County, California. The proposed Project site is located in the western portion of the City of Moreno Valley, about 1.85 miles east of Interstate 215 and 4.85 miles south of State Route 60. Figure 2-1, *Regional Map*, depicts the location of the Project site in context to its regional setting. As shown on Figure 2-2, *Vicinity Map*, and Figure 2-3, *USGS Topographic Map*, the Project site includes 17.3 acres located south of San Michele Road, north of Nandina Avenue, west of Perris Boulevard, and about 1,000 feet east of Knox Street. The property lies within Section 31 of Township 3 South, Range 3 West and includes the following Assessor Parcel Numbers: 316-200-001, 316-200-015, 316-200-019, 316-200-035, and a portion of 316-200-034.

2.4 Environmental Setting and Surrounding Land Uses

The proposed Project site is located in the City of Moreno Valley, positioned on a lowland north of the San Jacinto Mountains and south of the San Bernardino Mountains. The topography of the Project site is relatively flat with an approximate elevation of 1,472 feet above mean sea level (amsl). The northern half of the site (approximately 8.9 acres) is undeveloped and is routinely maintained (*e.g.*, disced) to remove vegetation from the site that may pose a wildland fire hazard. The southern half of the site (approximately 8.4 acres) is improved as a parking lot that is used for truck trailer parking, with a driveway access provided from Nandina Avenue and landscaping provided along the site's frontage with Nandina Avenue and Perris Boulevard. Additional landscaping is provided at the boundary between the existing parking lot in the south and the undeveloped portion of the site in the north.

As shown on Figure 2-4, *Aerial Photograph*, and on Figure 2-5, *Surrounding Land Uses*, the Project site is located in a portion of the City of Moreno Valley that is developing as a center for distribution warehousing and light industrial land uses. Currently, the Project site is surrounded by a mixture of warehouse buildings, undeveloped lands, and other land uses located on properties designated and zoned for industrial development by the City of Moreno Valley. Properties located north and south of Nandina Avenue and west of Perris Boulevard are developed or approved for development with

distribution warehouse buildings. Lands located immediately south of Nandina Avenue across from the proposed Project site, in addition to lands located north of San Michele Road immediately across from the proposed Project site, are designated for industrial development pursuant to the City's General Plan and MVIAP, but are not yet entitled for development with specific projects.

Immediately abutting the proposed Project site on the west is property containing a warehouse building occupied by Harbor Freight Tools with associated parking areas and landscaping that was constructed pursuant to approved Plot Plan PA07-0166, beyond which is a warehouse distribution facility currently occupied by Modular Metal Fabrications, Inc. Lands located north of the site consist of undeveloped land, several existing non-conforming single-family residences, and an automobile junk yard with a large warehouse distribution facility currently occupied by O'Reilly Auto Parts. Land immediately east of the Project site includes undeveloped land and two existing warehouse distribution facilities currently occupied by El Dorado Stone and Walgreens. To the south of the proposed Project site are disturbed lands used for truck trailer parking and one non-conforming single-family residence, south of which is a warehouse distribution facility currently occupied by Harman Distribution Center.

There is one school located within one (1) mile of the proposed Project site: El Potrero Elementary School, located approximately 0.7 mile northeast of the site. In addition, the March Air Reserve Base is located approximately 0.9 mile to the west.

2.5 Description of the Proposed Project

The approval of Plot Plan PA12-0023 is requested of the City of Moreno Valley to implement the proposed Project. No other discretionary actions are required on the part of the City to approve the Project; nonetheless, this IS covers any and all other discretionary and administrative approvals that may be required of the City of Moreno Valley or other governmental agencies to fully implement the proposed Project.

As shown on Figure 2-6, *Plot Plan PA12-0023*, the Project Applicant proposes to construct and operate one warehouse building on a 17.3-acre property in accordance with the "Industrial" land use designation applied to the property by the MVIAP. Although the MVIAP designates an "Industrial Support Area" overlay on the southeastern corner of the site, which allows industrial support uses to occur within 300 feet of the Perris Boulevard/Nandina Avenue intersection, the Project Applicant has elected not to include industrial support uses as part of the proposed Project.

The proposed building is designed to contain 400,130 s.f. of interior floor space consisting of 394,130 s.f. of warehouse space and 6,000 s.f. of office and mezzanine space. The proposed warehouse structure would be 40 feet tall, although architectural projections may exceed 40 feet. Exterior materials are planned to include concrete tilt-up panels and glass windows with blue reflective glazing. The color palette for the exterior building facades includes shades of white and gray.

As shown on Figure 2-7, *Plot Plan Detail*, the front door and office would be positioned at the southeast corner of the building, facing the intersection of Perris Boulevard/Nandina Avenue. A total

of 59 loading docks are planned for loading, unloading, and short-term parking of truck trailers. Parking spaces would be provided in surface lots for passenger car parking and truck trailer parking. Two (2) driveway entrances are proposed at San Michele Road and two (2) driveway entrances are proposed at Nandina Avenue. On the 17.3 acre property, 0.3 acres would be dedicated to the City of Moreno Valley for the widening of San Michele Road, resulting in total net parcel acreage of 17.0 acres. Over the 17.0 net acre parcel, the proposed building calculates to a floor area ratio (FAR) of 0.51.

A conceptual landscape plan accompanies the proposed Plot Plan application and is depicted on Figure 2-8, *Conceptual Landscape Plan*. The landscape plan indicates that trees, shrubs, and groundcovers are proposed to be planted along the property's street frontages at Nandina Avenue, Perris Boulevard, and San Michele Road, at building entries and driveways, in and around proposed detention/water quality basins, around the perimeter of the building except for the west-facing façade where the loading dock doors would occur, and in the passenger car parking areas.

Off-site improvements necessary to implement the proposed Project include improvements to Perris Boulevard and San Michele Road along the Project's frontage. Frontage improvements to Perris Boulevard would consist of curb, gutter, and sidewalk improvements. Improvements to San Michele Road would consist of the widening of San Michele Road (to encompass 0.3 acre of the proposed Project site), and the addition of curb, gutter, sidewalk, and pavement along the Project's frontage. Additional off-site improvements may be identified during the course of the environmental analysis and will be documented in the required EIR.

2.6 Existing General Plan Designation and Zoning

A majority of the Project site is designated "Business Park/Light Industrial (BP)" by the City of Moreno Valley General Plan. The BP designation allows for light industrial land uses that can meet high performance standards. Uses typical to a BP designation generally include but are not limited to research and development, light manufacturing, warehousing and distribution, and multi-tenant industrial uses. The General Plan also identifies the southeastern corner of the proposed Project site as part of a "Commercial (C)" land use designation, which coincides with the MVAIP's "Industrial Support Area" overlay.

In addition to the General Plan, the Project site is subject to the MVIAP. The MVIAP includes specific zoning designations and standards for development within its geographical boundaries and applies an "Industrial (I)" designation to the Project site. The Industrial designation permits a wide range of industrial and industrial/business related support uses, including light manufacturing and storage and distribution facilities. The MVIAP designates the southeastern corner of the site with an "Industrial Support Area" overlay, which allows industrial support uses (e.g., food service, gas stations, office supply, etc.) to occur within 300 feet of the Perris Boulevard/Nandina Avenue intersection.

2.7 *Discretionary Actions*

This IS addresses the potential impacts of the proposed First Inland Logistics Center II project, including all of the associated discretionary actions and approvals required to implement the Project, as well as all subsequent construction and operational activities. As part of the proposed Project, the City of Moreno Valley will consider approval of Plot Plan PA12-0023, as described above in Subsection 2.5. The City of Moreno Valley also will consider the certification of the Environmental Impact Report for the Project (P12-064). Additionally, permits and approvals may be required from other public entities, including but not necessary limited to the Santa Ana Regional Water Quality Control Board, the Riverside County Flood Control and Water Conservation District, and Eastern Municipal Water District.

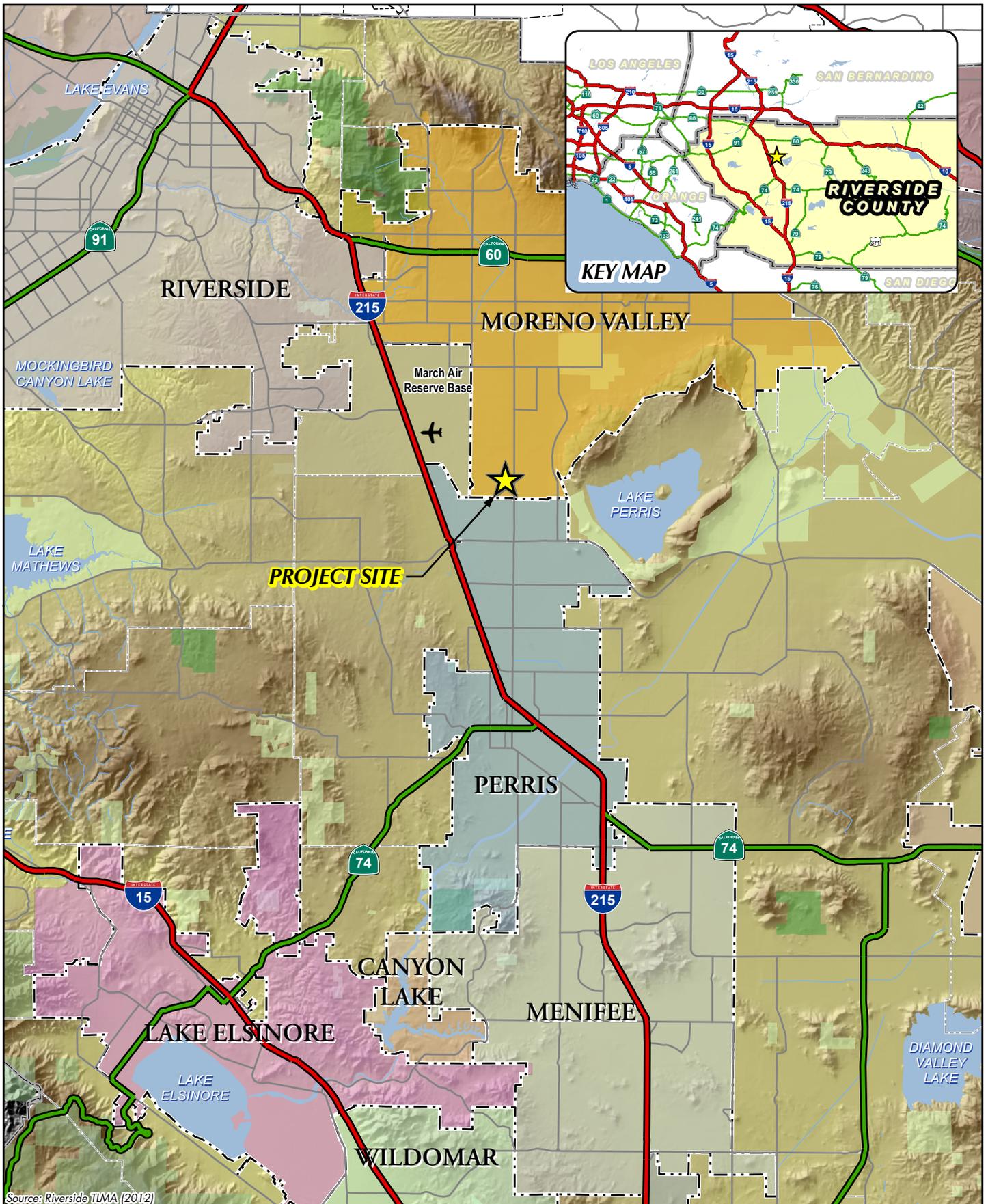
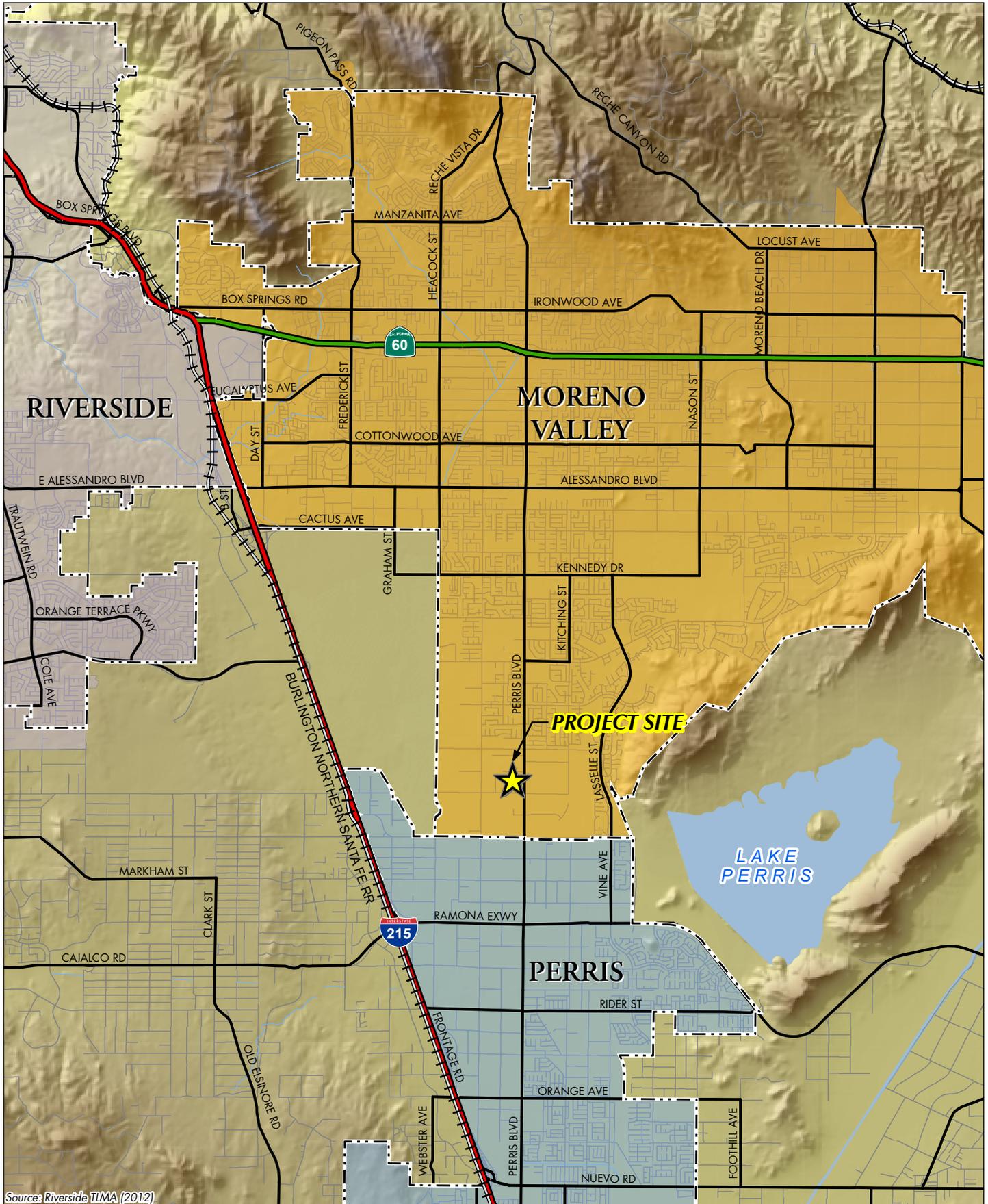


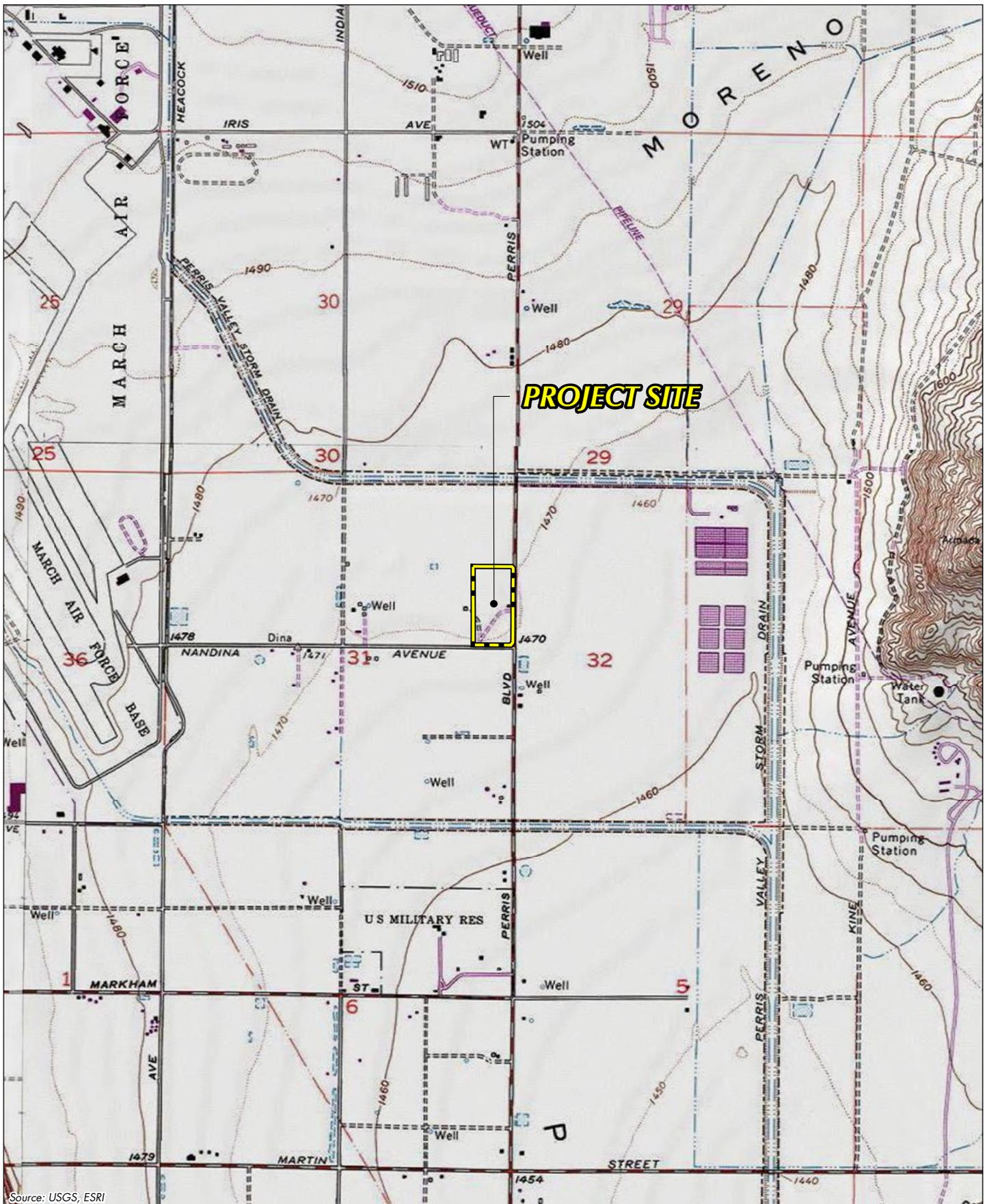
Figure 2-1
REGIONAL MAP



Source: Riverside TLMA (2012)



Figure 2-2
VICINITY MAP



Source: USGS, ESRI

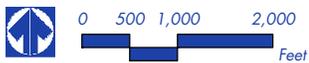


Figure 2-3

USGS TOPOGRAPHIC MAP

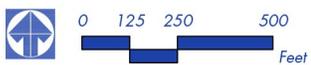
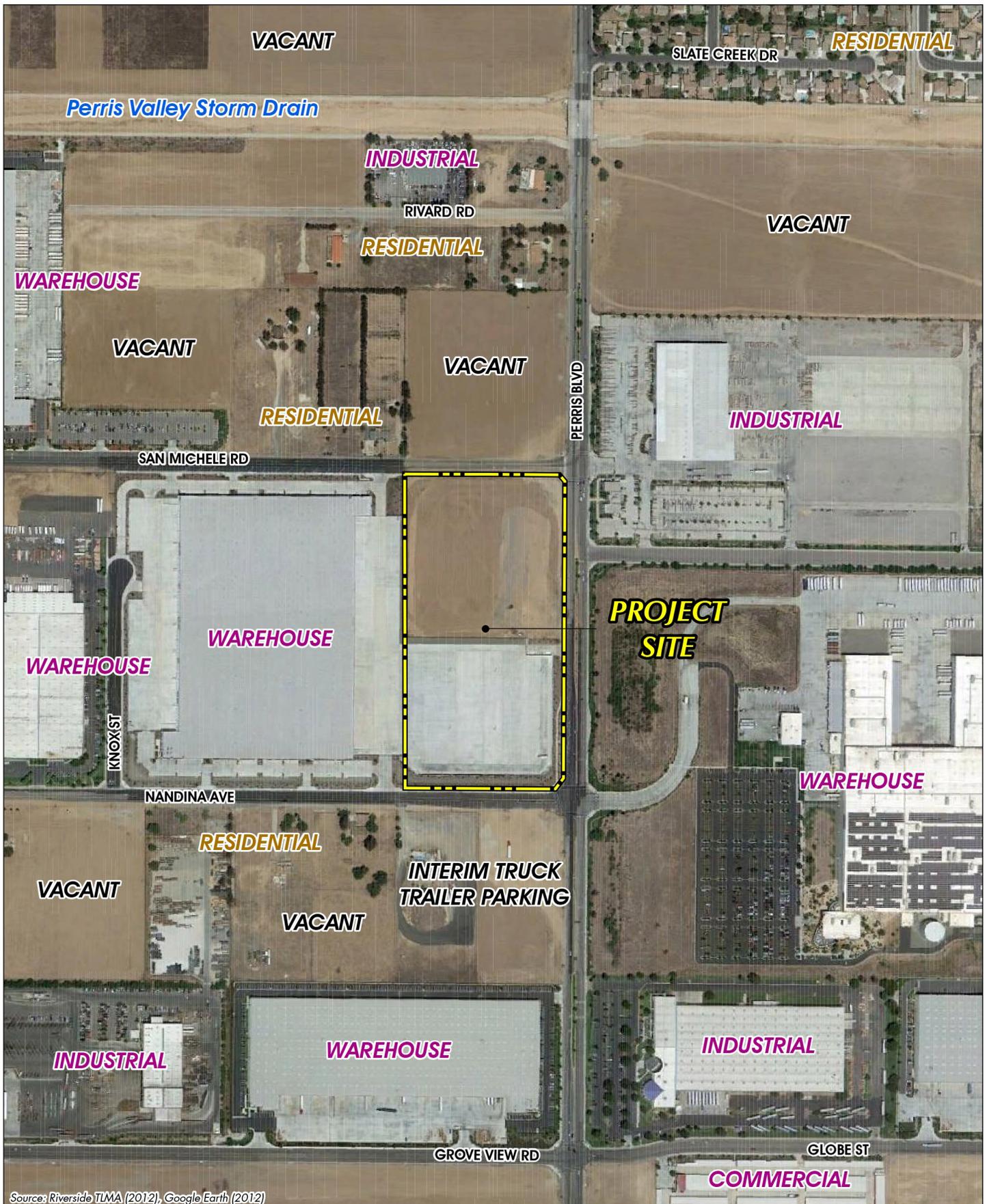


Figure 2-4
AERIAL PHOTOGRAPH

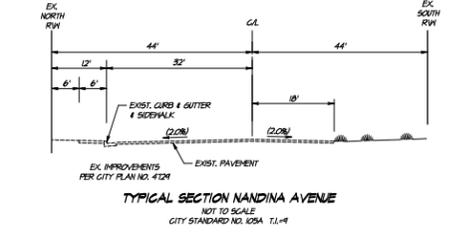
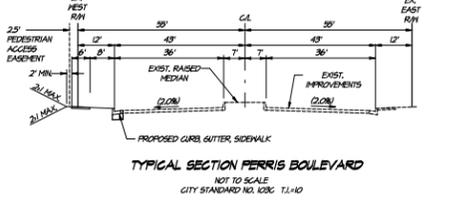
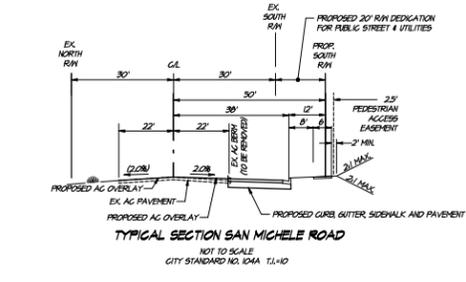
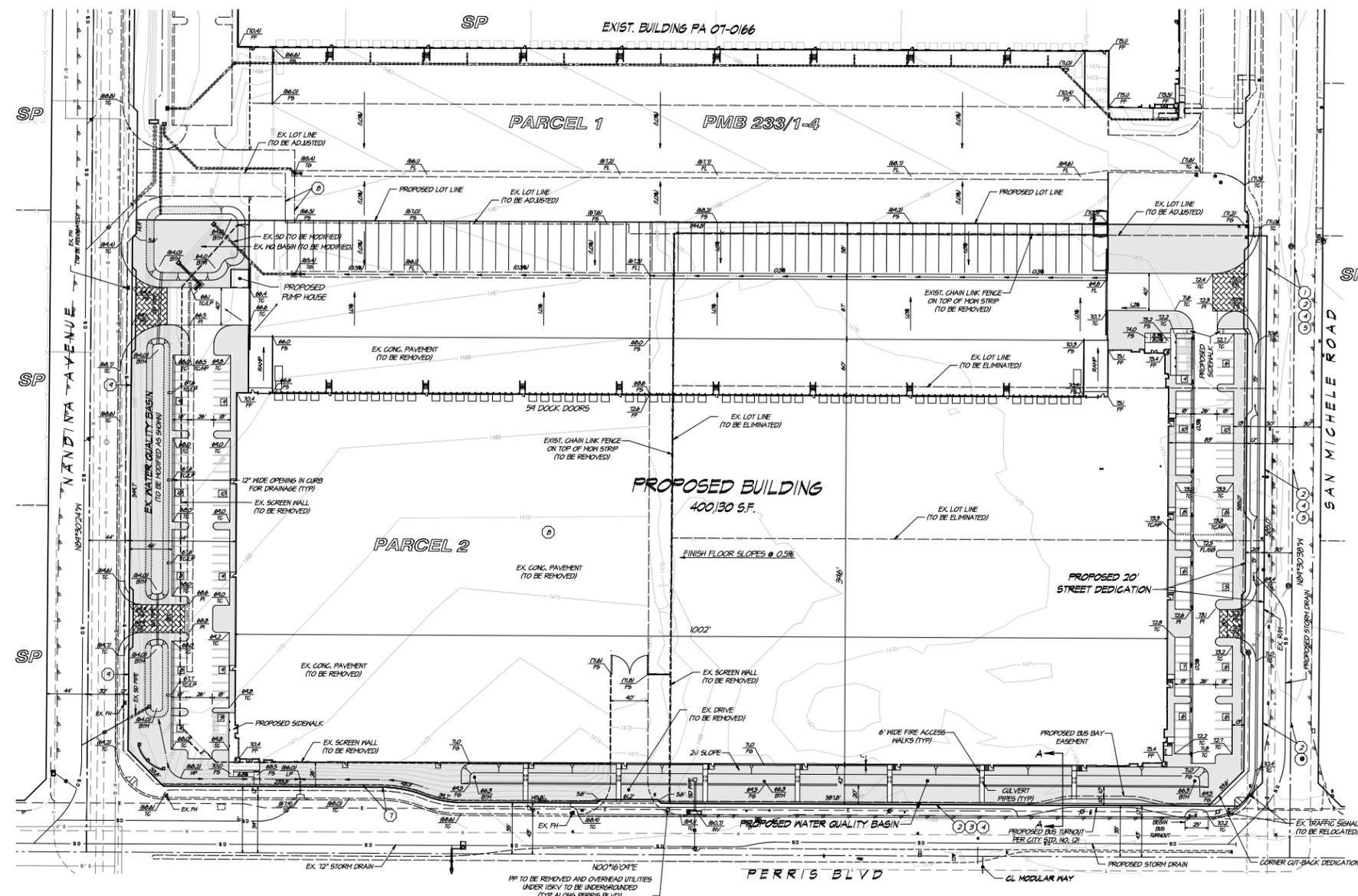


Source: Riverside TLMA (2012), Google Earth (2012)



Figure 2-5

SURROUNDING LAND USES



OWNER:
FIRST INDUSTRIAL LP
ATTN: LARRY COCHRAN
280 N. SEPULVEDA BOULEVARD SUITE 700
EL SEGUNDO, CA 90245
TEL: (800) 414-5400
FAX: (800) 414-5462

APPLICANT:
FIRST INDUSTRIAL REALTY TRUST
ATTN: LARRY COCHRAN
280 N. SEPULVEDA BOULEVARD SUITE 700
EL SEGUNDO, CA 90245
TEL: (800) 414-5400
FAX: (800) 414-5462

ENGINEER:
ALBERT A. WEBB ASSOCIATES
ATTN: ROBERT BENNETT
3100 MCCRAY STREET
RIVERSIDE, CA 92506
TEL: (951) 484-1270
FAX: (951) 788-1266

ARCHITECT:
HILL-PICKERT ARCHITECTS, INC.
1001 HONG JANG
1000 BARDEEN AVE., SUITE 100
IRVINE, CA 92612
TEL: (949) 865-7777
FAX: (949) 865-0801

SCHOOL DISTRICT:
VAL VERDE UNIFIED SCHOOL DISTRICT

TOPOGRAPHY:
FIELD SURVEY BY: ALBERT A. WEBB ASSOCIATES
APRIL 2012

ACREAGE:
113 AC. GROSS (TO EX. ROW)
-0.3 AC. ROAD DEDICATIONS (SAN MICHELE ROAD)
110 AC. NET (TO PROP. ROW)

A.P.N.:
386-200-001 386-200-005
386-200-006 386-200-008 &
PORTION OF 386-200-004

PRELIMINARY EARTHWORK:
CUT: 65,000 CUBIC YARDS
FILL: 42,000 CUBIC YARDS
28,500 CUBIC YARDS (IMPORT)

SETBACKS:
MINIMUM SITE AREA: 3 AC
MINIMUM SITE WIDTH: 300'
MINIMUM SITE DEPTH: 50'
MINIMUM SETBACKS:
PERRIS BOULEVARD: 20'
NANDINA AVENUE: 5'
SAN MICHELE ROAD: 5'

LAND USE / ZONING:
EXISTING LAND USE: VACANT
PROPOSED LAND USE: INDUSTRIAL
EXISTING ZONING: INDUSTRIAL SP 120B
PROPOSED ZONING: INDUSTRIAL SP 120B

EASEMENT NOTES:

- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES RECORDED LINE 6, P27 IN BOOK 718 OF DEEDS, PAGE 20.
- AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF PARCEL MAP NO. 12861 ON FILE IN BOOK 56, PAGE 84 OF PARCEL MAPS, FOR PUBLIC USE FOR STREET AND PUBLIC UTILITY AND INCIDENTAL PURPOSES.
- ADJUTERS RIGHT OF INGRESS AND EGRESS TO OR FROM PERRIS BOULEVARD AS SUCH EXCEPT THE GENERAL EASEMENT OF TRAVEL, HAVE BEEN DEDICATED OR RELINQUISHED ON THE MAP OF PARCEL MAP NO. 12861 ON FILE IN BOOK 56, PAGE 84 OF PARCEL MAPS.
- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 2, 1994 AS INSTRUMENT NO. 20206 OF OFFICIAL RECORDS.
- AN EASEMENT SHOWN OR DEDICATED ON THE MAP OF PARCEL MAP NO. 1844 ON FILE IN BOOK 103, PAGE 36 OF PARCEL MAPS, FOR PUBLIC USE FOR STREET AND PUBLIC UTILITY AND INCIDENTAL PURPOSES.

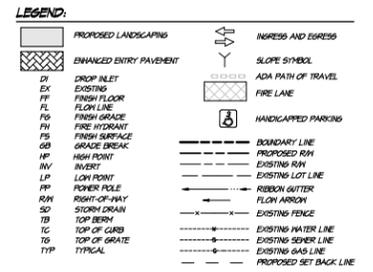
THE EFFECT OF A RESOLUTION ON SAID MAP BY THE RIVERSIDE COUNTY BOARD OF SUPERVISORS ACCEPTING SAID OFFER OF DEDICATION FOR THE PURPOSES OF VESTING TITLE IN THE COUNTY OF RIVERSIDE ON BEHALF OF THE PUBLIC, BUT NOT AS PART OF THE COUNTY MAINTAINED ROAD SYSTEM.

- THE FACT THAT THE LAND LIES WITHIN THE BOUNDARIES OF THE MARCH AIR FORCE BASE DEVELOPMENT PROJECT AREA, AS DISCLOSED BY THE DOCUMENT RECORDED JUNE 1, 2001 AS INSTRUMENT NO. 2007-038040 OF OFFICIAL RECORDS.
- 25' PEDESTRIAN ACCESS EASEMENT TO THE CITY OF MORENO VALLEY DEDICATED ON THE MAP OF PARCEL MAP NO. 30858 ON FILE IN BOOK 233, PAGE 1 OF PARCEL MAPS.
- ACCESS EASEMENT FOR THE BENEFIT OF PARCEL 1 RESERVED ON THE MAP OF PARCEL MAP NO. 30858 ON FILE IN BOOK 233, PAGE 1 OF PARCEL MAPS.
- ADJUTERS RIGHTS OF VEHICULAR AND PEDESTRIAN ACCESS RELEASED AND RELINQUISHED ON THE MAP OF PARCEL MAP NO. 30858 ON FILE IN BOOK 233, PAGE 1 OF PARCEL MAPS.

SITE TABULATION:	TOTAL
PROPOSED PARCEL NET AREA	194,000 SF (17.0 AC)
OFFICE ZONING: TYPE III-H OGG-8	40,000 SF
WAREHOUSE: TYPE III-H OGG-5-I	39,000 SF
TOTAL BUILDING AREA	400,300 SF
LOT COVERAGE	54.8%
LANDSCAPING REQUIRED (10%)	73,485 SF
LANDSCAPING PROVIDED	41,000 SF
LANDSCAPE COVERAGE	55.2%
OFFICE PARKING (REQ'D) 0 - 20,000 SF & 1/250 SF	24 STALLS
WAREHOUSE PARKING (REQ'D) 0 - 20,000 SF & 1/600 SF 20,000 - 40,000 SF & 1/2,000 SF OVER 40,000 SF & 1/1,000 SF	20 STALLS 10 STALLS 80 STALLS
TOTAL REQUIRED PARKING	114 STALLS
HANDICAP PARKING REQUIRED	6 STALLS
AUTO PARKING PROVIDED	110 STALLS
STANDARD PER PROP. PLAN	0 STALLS (50)
COMPACT PER PROP. PLAN	0 STALLS
HANDICAP	6 STALLS
TOTAL PARKING	116 STALLS
TRAILER PARKING PROVIDED	63 STALLS
LOADING BAYS	54 BAYS

NOTES:

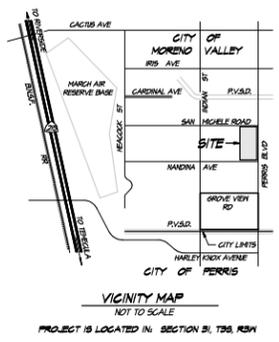
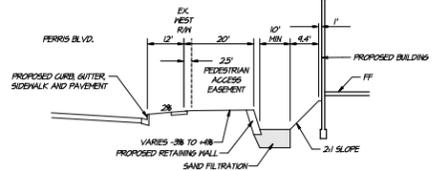
- 2008 THOMAS BROS. MAP PAGE 141, GRID 65
- THIS AREA IS NOT SUBJECT TO GEOLOGIC HAZARDS WITHIN A SPECIAL STUDIES ZONE, BUT IS SUBJECT TO LOU LIGNIFICATION
- FEMA COMMUNITY PANEL NO. 08074-0020-B ZONE X
- CONTOUR INTERVAL, ONE FOOT.
- THIS AREA IS WITHIN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN 120B.
- THIS PROJECT IS WITHIN CITY OF MORENO VALLEY COMMUNITY SERVICES DISTRICT NO. 1
- ALL GATES ARE AT LEAST 24" IN WIDTH, AUTOMATIC WITH THE FLOOR, RAPID ENTRY SYSTEM.
- DRIVEWAYS ARE PER CITY STANDARD PLAN NO. 186.
- ALL TRASH ENCLOSURES SHALL BE DUAL BIN (TRASH/RECYCLE) PER CITY STD. PLAN 621.
- DECORATIVE PAVING SHALL BE USED AT ALL NON-DOCK ENTRANCES.
- CURB AND GUTTER TO BE NOTCHED 12" WIDE MINIMUM WHERE NOTED.
- ALL PARKING STALLS ADJUTING LANDSCAPED AREAS INCLUDE A TWO (2) FOOT OVERHANG AREA NOT INCLUDED IN LANDSCAPE CALC'S.



PROJECT DESCRIPTION:
THIS PROJECT PROPOSES A 400,300 SF WAREHOUSE BUILDING ON IT ACRES CONSISTING OF 28,000 SF WAREHOUSE, 6,000 SF OFFICE/STORAGE. IT REPLACES THE EXISTING TRAILER PARKING APPROVED UNDER PA 11-001. THE PROJECT PROPOSES 54 LOADING DOCKS, 2 TRASH COMPACTORS, SURFACE PARKING AREAS AND DRIVE ISLE ROADWAY IMPROVEMENTS, UTILITY INFRASTRUCTURE, LANDSCAPING, WATER QUALITY BASIN AND OTHER SITE IMPROVEMENTS. THIS PROJECT PROPOSES TO MODIFY THE EXISTING WESTERLY PROPERTY LINE AND HERSE 4 EXISTING PARCELS AS WELL AS VACATE RESTRICTED ACCESS ALONG NANDINA AVENUE TO ALLOW FOR 2 PROPOSED DRIVEWAYS.

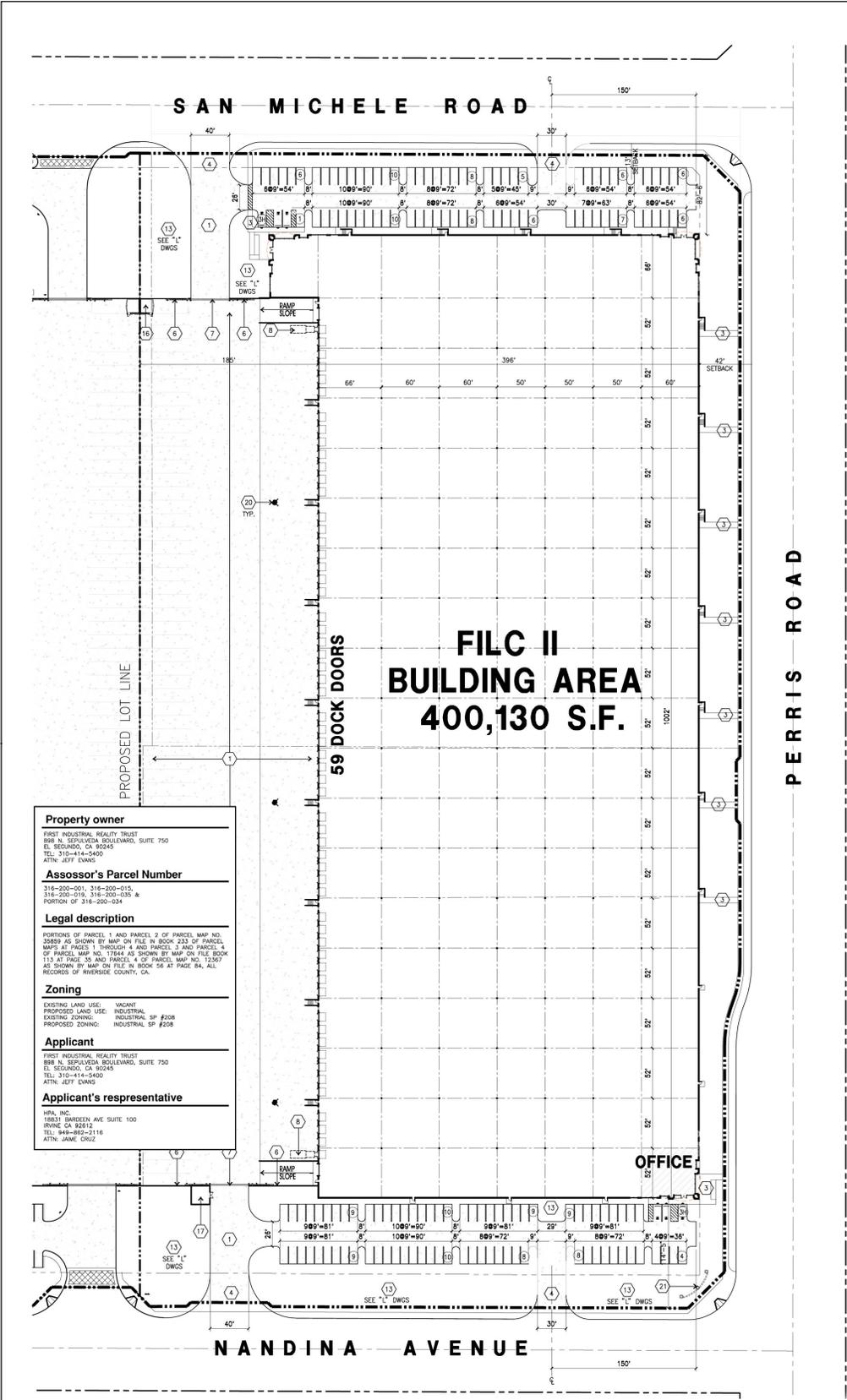
LEGAL DESCRIPTION:
PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 30858 AS SHOWN BY MAP ON FILE IN BOOK 233 OF PARCEL MAPS AT PAGES 1 THROUGH 4 AND PARCEL 3 AND PARCEL 4 OF PARCEL MAP NO. 17844 AS SHOWN BY MAP ON FILE IN BOOK 183 AT PAGE 35 AND PARCEL 4 OF PARCEL MAP NO. 12861 AS SHOWN BY MAP ON FILE IN BOOK 56 AT PAGE 84, ALL RECORDS OF RIVERSIDE COUNTY, CA.

UTILITIES:
WATER & SEWER: EASTERN MUNICIPAL WATER DISTRICT 150 BOX 8000 PERRIS, CA 92512 PH: (951) 428-6071 ATTN: JOHN FORSTER
ELECTRIC: MORENO VALLEY UTILITIES 4030 FREDERICK STREET SUITE 4 MORENO VALLEY, CA 92553
GAS: SOUTHERN CALIFORNIA GAS COMPANY 100 N. LISIENA AVE. REDLANDS, CA 92373 PH: (951) 335-3128
TELEPHONE: VERIZON 150 S. JUANITA STREET HENEF, CA 92548 PH: (951) 608-1825 ATTN: TOM DRESCALL

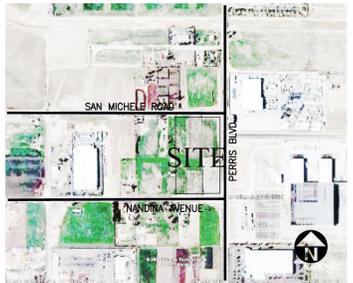


Source: Albert A. Webb Associates





VICINITY MAP



PROJECT DATA

Site Area	FILC II
Gross Site Area	
in sq. ft.	769,951
in acres	17.68
Net Site Area	
in sq. ft.	738,850
in acres	17.0
Building Area (footprint)	394,080
Office	3,000
Mezzanine	3,000
Warehouse	381,080
Total	400,130
Coverage	54.1%
Parking Required	
Office & Mezzanine Area	6,000
@1 space/250 s.f.	
Warehouse	24
1st 20,000 at 1/1,000	20
2nd 20,000 at 1/2,000	10
over 40,000 at 1/4,000	88
Total Parking Required	142
Trailer Required	
1/1' dock door ratio	59
Parking Provided	
Standard Stalls	153
Handicap	6
Total Auto Parking Provided	159
Trailer Stalls 14'x50'	63
Total Parking Provided	222
Dock Doors Provided	
Dock High Doors	59
Drive-in Doors	2

SITE PLAN KEYNOTES

- 1 HEAVY BROOM FINISH CONC. PAVEMENT.
- 2 ASPHALT CONCRETE (AC) PAVING
- 3 CONCRETE WALKWAY
- 4 DRIVEWAY APRONS TO BE CONSTRUCTED PER "L" DRAWINGS.
- 5 5'-6"x2'-6"x4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" - 1/2" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1.20 MAX. X6 RED. BY CITY INSPECTOR.
- 6 14" H CONCRETE TILT-UP SCREEN WALL UNDER SEPARATE PERMIT.
- 7 PROVIDE 8" H METAL MANUALLY OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY. GATE TO BE DESIGNED FOR 80 MPH WIND LOAD. EXPOSURE "C" CONTRACTOR TO DESIGN & DETAIL GATES.
- 8 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8" WIDE X 22' LONG REFUSE CONTAINER FOR CITY OF PERIS STANDARD (N.L.C.)
- 9 EXTERIOR PARKING LIGHT POLE.
- 10 BICYCLE RACKS.
- 11 CONCRETE SWALE, SEE "C" DWGS.
- 12 EXTERIOR PARKING LIGHT POLE.
- 13 LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
- 14 HANDICAPPED ENTRY SIGN
- 15 FIRE HYDRANT W/ CONC. FILLED STEEL GUARD POSTS PER "FP" DWGS.
- 16 COVERED TRASH ENCLOSURE PER CITY STANDARD
- 17 PUMP HOUSE
- 18 OUTDOOR PATIO
- 19 5' H METAL FENCE, SEE CIVIL PLAN
- 20 FIRE HYDRANT
- 21 FREE STANDING ELEMENT

SITE LEGEND

- LANDSCAPED AREA
- AC. PAVING - SEE "C" DWGS. FOR THICKNESS
- CONCRETE PAVING - SEE "C" DWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 20')
- HANDICAP PARKING STALL (9' X 20')
- GRASS COVERING - SEE "L" DWGS.
- CHAINLINK FENCE
- METAL FENCE
- LIGHT STANDARD
- EXISTING PUBLIC FIRE HYDRANT
- PRIVATE FIRE HYDRANT - APPROXIMATE LOCATION
- CATCH BASIN APPROX. LOCATION
- WATER LINE - SEE CIVIL
- GAS LINE - SEE CIVIL
- SEWER LATERAL - SEE CIVIL

Property owner
 FIRST INDUSTRIAL REALTY TRUST
 888 N. SEPULVEDA BOULEVARD, SUITE 750
 EL SEGUINDO, CA 90245
 TEL: 310-414-5400
 ATTN: JEFF EVANS

Assessor's Parcel Number
 316-200-001, 316-200-015,
 316-200-019, 316-200-035 &
 PORTION OF 316-200-034

Legal description
 PORTIONS OF PARCEL 1 AND PARCEL 2 OF PARCEL MAP NO. 08899 AS SHOWN BY MAP ON FILE IN BOOK 233 OF PARCEL MAPS AT PAGES 1 THROUGH 4 AND PARCELS 3 AND PARCELS 4 OF PARCEL MAP NO. 17841 AS SHOWN BY MAP ON FILE IN BOOK 173 AT PAGE 50 AND PARCELS 4 OF PARCEL MAP NO. 12387 AS SHOWN BY MAP ON FILE IN BOOK 56 AT PAGE 54. ALL RECORDS OF RIVERSIDE COUNTY, CA.

Zoning
 EXISTING LAND USE: VACANT
 PROPOSED LAND USE: INDUSTRIAL
 EXISTING ZONING: INDUSTRIAL SP #20R
 PROPOSED ZONING: INDUSTRIAL SP #20R

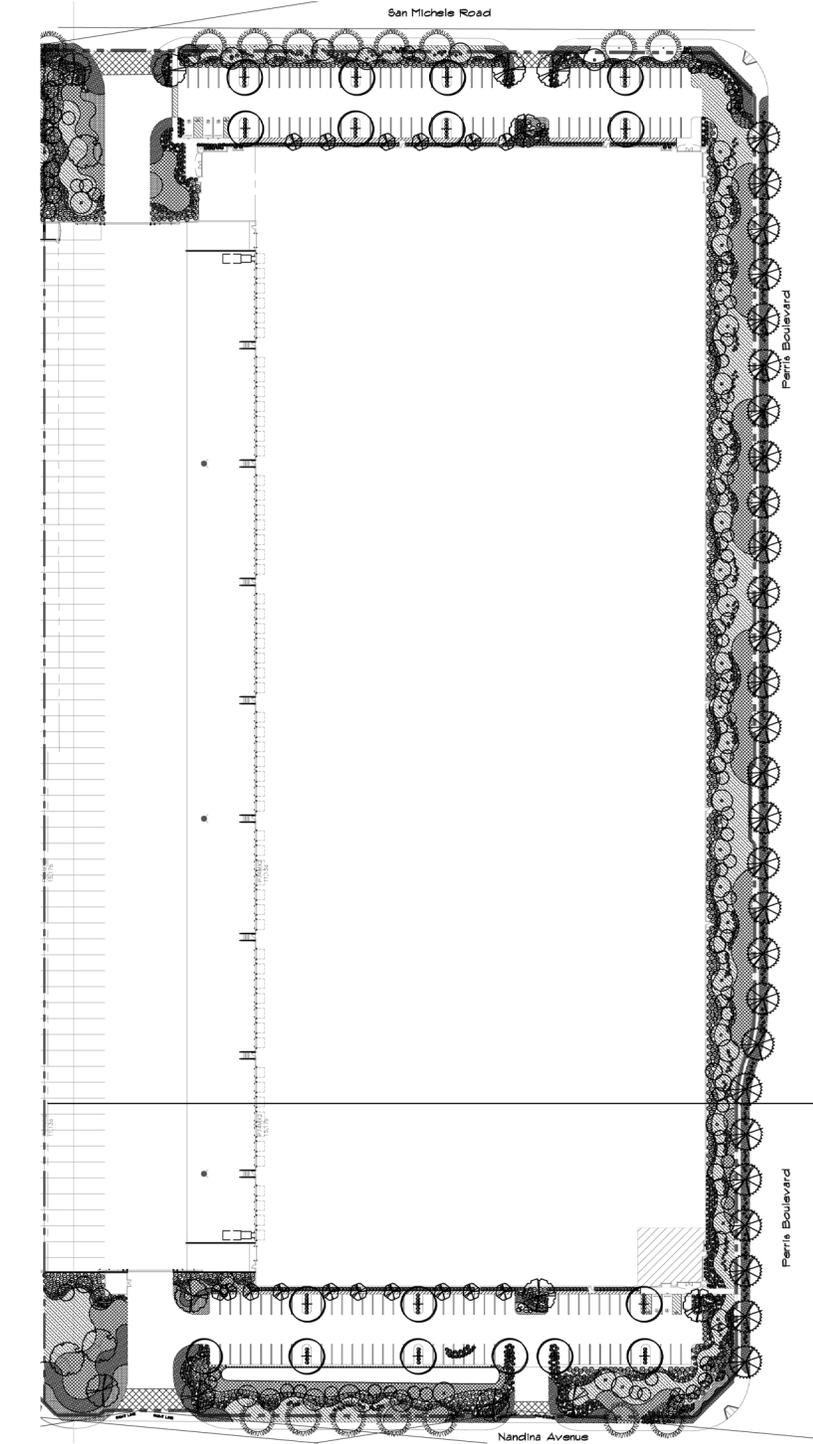
Applicant
 FIRST INDUSTRIAL REALTY TRUST
 888 N. SEPULVEDA BOULEVARD, SUITE 750
 EL SEGUINDO, CA 90245
 TEL: 310-414-5400
 ATTN: JEFF EVANS

Applicant's representative
 HPA, INC.
 11853 BARSTEN AVE. SUITE 100
 IRVINE CA 92612
 TEL: 949-892-2116
 ATTN: JAMIE CRUZ

Source: Albert A. Webb Associates



Figure 2-7
 PLOT PLAN PA12-0023 DETAIL



PLANTING LEGEND

TREES					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	SUCOLS	REMARKS
(+)	<i>Chitalpa tashkentensis</i> Chitalpa	24" Box	11	L	Multi
(/)	<i>Koeleria bipinnata</i> Chinese Flame Tree	36" Box	2	M	Multi
(*)	<i>Legnastoma l. Theloceras</i> Crape Myrtle	24" Box	8	M	Multi
(.)	<i>Liquidambar styraciflua</i> Sweetgum	9 Gal	65	M	Multi
(/)	<i>Liliodendron tulipifera</i> Tulip Tree	24" Box	28	M	
(o)	<i>Rhus aladris</i> Alghun Pine	24" Box	11	L	
(*)	<i>Platanus acerifolia</i> London Plane	24" Box	16	M	Standard
(o)	<i>Rhus lancea</i> African Sumac	24" Box	43	L	
(/)	<i>Schinus molle</i> California Pepper	24" Box	3	L	
(*)	<i>Tristania conferta</i> Briarbane Box	9 Gal	16	L	
(*)	<i>Chorisia decussifera</i> Date Palm	15' bt	6	L	Skinned

SHRUBS					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	SUCOLS	REMARKS
(o)	<i>Crataegus bitorquata</i> Forsythia Lily	9 Gal	328	L	
(o)	<i>Leptospermum s. Ruby Glow</i> New Zealand Tea Tree	9 Gal	34	L	
(o)	<i>Leucophaea s. Green Cloud</i> Tea Tree	9 Gal	691	L	
(o)	<i>Parosela stipulifolia</i> Russian Sage	9 Gal	6	L	
(o)	<i>Rosa rugosa s. Tuscan Blue</i> Rosemary	9 Gal	403	L	
(o)	<i>Salvia greggii</i> Autumn Sage	9 Gal	363	L	
(o)	<i>Senecio jacobinae</i> Festivity Cassia	9 Gal	221	L	
(o)	<i>Ulex europaeus</i> Coast Rosemary	9 Gal	121	L	

ACCENTS					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	SUCOLS	REMARKS
(-)	<i>Agave viviparica</i> Agave	9 Gal	2	L	
(o)	<i>Danthonia spicata</i> Desert Spoon	9 Gal	3	L	
(o)	<i>Pharbitis s. Cupress</i> Purple Fountain Grass	9 Gal	221	L	

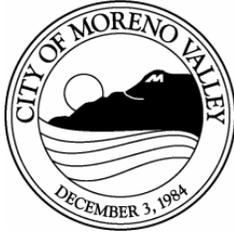
GROUNDCOVER					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	SUCOLS	REMARKS
(/)	<i>Asclepias tuberosa</i> Low Boy Asclepias	1 Gal	6" O.C.	L	
(/)	<i>Baccharis pilularis</i> Coyote Bush	1 Gal	24" O.C.	L	
(/)	<i>Lespedeza bicolor</i> Solid Flound Larkspur	1 Gal	36" O.C.	L	
(/)	<i>Lonicera s. Halliana</i> Halls Honeysuckle	1 Gal	12" O.C.	L	
(/)	<i>Thymus serpyllifolius</i> Thyme	1 Gal	36" O.C.	L	

- NOTES:
- ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE IN A SHAFTOUN OR EQUAL ROOTBARRECK.
 - CONTRACTOR TO INSTALL CONCRETE NOW CURB BETWEEN PLANTERS AND CURB AREAS SEE PLANTING DETAIL SHEET.
 - ALL PLANTER AREAS TO RECEIVE A 2" LAYER OF MEDIUM WALK ON BARK (3/4" - 1 1/2").
- THE ROOTBALL OF ANY PLANT SHALL NOT BE PLANTED AN CLOSER THAN 2' FROM ANY HARDSCAPE, BUILDING OR WALL.

Source: Hunter Landscaping



3.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS



**INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY**

1. **Project Title:** First Inland Logistics Center II (Plot Plan PA12-0023)
2. **Lead Agency Name and Address:** City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92552
3. **Contact Person and Phone Number:** Julia Descoteaux; City of Moreno Valley; P.O. Box 88005; Moreno Valley, CA 92552-0805
4. **Project Location:** The Project site is located in Riverside County, California, in the City of Moreno Valley, south of San Michele Road, west of Perris Boulevard, and north of Nandina Avenue (APNs 316-200-001, 316-200-015, 316-200-019, 316-200-035, and a portion of 316-200-034).
5. **Project Sponsor's Name and Address:** First Industrial Realty Trust, Inc. 898 N. Sepulveda Boulevard, Suite 750; El Segundo, CA 90245
6. **General Plan Designation:** Business Park/Light Industrial (BP) and Commercial (C)
7. **Zoning:** Industrial and Industrial Support Area (Specific Plan 208)
8. **Description of the Project:** Refer to Section 2.0 of this Initial Study.
9. **Surrounding Land Uses and Setting:** The Project site is located in a developing industrial district. The property is currently bordered on the north by undeveloped land and several existing non-conforming residential uses. Land to the east consists of two existing warehouse distribution facilities and undeveloped land. To the south is disturbed land that is used for truck trailer parking, a non-conforming single-family residence, and undeveloped lands. To the west is an existing 691,960 square foot (s.f.) warehouse building with associated parking areas and landscaping.
10. **Other public agencies whose approval is required:** Santa Ana Regional Water Quality Control Board (Construction Activity General Construction Permit; NPDES Permit), Riverside County Flood Control and Water Conservation District (Water Quality Management Permit and storm drain design), and Eastern Municipal Water District (domestic water and sewer system design).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

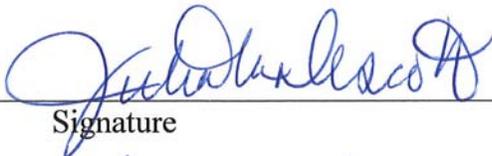
The environmental factors checked below (■) would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics	■	Greenhouse Gas Emissions		Population/Housing
	Agricultural Resources		Hazards & Hazardous Materials		Public Services
■	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning	■	Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils	■	Noise	■	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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


Signature

November 29, 2012
Date

Julia Descoteaux
Printed Name

City of Moreno Valley
For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan Figure 7-2, Major Scenic Resources; On-site Inspection (2012))

The proposed Project site is located within the City of Moreno Valley, which lies within a relatively flat valley floor surrounded by rugged hills and mountains. Scenic vistas within Moreno Valley are defined by the Box Springs Mountains and Reche Canyon area to the north, the “Badlands” to the east, and Mount Russell to the south. According to General Plan Figure 7-2, Major Scenic Resources, the Project site, which is located in the southwestern portion of the City, is not in close proximity to these major scenic resources and is not located within an identified view corridor or along an identified scenic route. Therefore, the proposed Project would have a less than significant impact on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				■
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(Source: California Scenic Highway Program (Caltrans), City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan Figure 7-2, Major Scenic Resources, Google Earth; On-site Inspection (2012))

The proposed Project site is not located within or adjacent to a scenic highway corridor and does not contain trees, rock outcroppings, or historic buildings. Furthermore, there are no State-designated or eligible scenic highways within the City of Moreno Valley (Caltrans). The Project site is located approximately 6.0 miles north of Highway 74, which is the only facility within the Project vicinity that is designated as a State-eligible scenic highway. The Project’s proposed development features (one building, parking lots, truck yards, landscaping, etc.) would not be discernable from Highway 74 due to intervening development and distance. Because the Project site is not visible from a state scenic highway and contains no scenic resources, the proposed Project would not adversely impact the viewshed within a scenic highway corridor and would not damage important scenic resources within a scenic highway corridor, including trees, rock outcroppings, and historic buildings. No impact would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?			■	
---	--	--	---	--

(Source: Project Application Materials, On-site Inspection (2012))

Implementation of the proposed Project would result in the visual conversion of the site from an undeveloped lot and truck trailer parking lot to that of a developed site containing one warehouse building. Under existing conditions, the Project site is surrounded by a mixture of warehouse buildings, undeveloped lands, and other land uses located on properties designated and zoned for industrial development by the City of Moreno Valley. The Project site is located in a portion of the City of Moreno Valley that is developing as a center for distribution warehousing and light industrial land uses. In the vicinity, properties located north and south of Nandina Avenue and west of Perris Boulevard are developed or approved for development with distribution warehouse buildings. Immediately abutting the proposed Project site on the west is property containing a 691,960 s.f. warehouse building with associated parking areas and landscaping that was constructed pursuant to approved Plot Plan PA07-0166, beyond which is a warehouse distribution facility currently occupied by Modular Metal Fabrications, Inc. Land immediately east of the Project site includes undeveloped land and two existing warehouse distribution facilities currently occupied by El Dorado Stone and Walgreens. To the south of the proposed Project site are disturbed lands used for truck trailer parking and one non-conforming single-family residence, south of which is a warehouse distribution facility currently occupied by Harman Distribution Center.

The visual character of the site’s surroundings is dominated by warehouse buildings and undeveloped properties designated for future industrial development. Implementation of the proposed Project would implement the City’s General Plan and MVIAP as applicable to the property and would not substantially degrade the visual character or quality of the site or the site’s surroundings. The proposed building is compatible with the size, scale, height, and aesthetic of other similarly developed properties in the immediate vicinity and landscaping would be installed as required by the City. The temporary visibility of construction equipment and activities would not substantially degrade the visual character of the surrounding area, as construction activities are a common occurrence in the area. The visual character of the site would change, but the change would not be degrading to the existing visual character or quality of the property or its surroundings, resulting in a less than significant impact.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	
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(Source: Project Application Materials; Moreno Valley Industrial Area Plan (2002); Moreno Valley Municipal Code)

The Project includes the installation of exterior lighting as ancillary to the proposed warehouse building, which is required to comply

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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with City lighting requirements. The MVIAP includes standards for lighting within the Area Plan as follows: “Exterior light fixtures shall be designed and placed so as not to provide light spillage on adjacent properties or public rights-of-way” (City of Moreno Valley, 2002). In addition, City Ordinance No. 359 addresses light and glare, and requires the following: “No operation, activity, sign or lighting fixture shall create illumination which exceeds 0.5 footcandles minimum maintained on any adjacent property, whether the illumination is direct or indirect light from the source. All lighting shall be designed to project downward and shall not create glare on adjacent properties” (City of Moreno Valley n.d.). The proposed Project is designed to adhere to the requirements of both Ordinance No. 359 and the MVIAP, and demonstration of compliance with these standards is required before the City will issue a building permit. Compliance would ensure that the proposed Project does not produce substantial amounts of light or glare from artificial lighting sources that would adversely affect the day or nighttime views of adjacent properties.

With respect to potential daytime glare impacts, the proposed Project would involve the construction and operation of one building with exterior building surfaces that consist of tilt-up concrete construction and windows with reflective glazing. While glazing has a potential to result in glare effects, such effects would not adversely affect the daytime views of any surrounding properties, including motorists on adjacent roadways because the site would be surrounded along roadway perimeters with screen walls and landscaping. Additionally, areas proposed for glazing would be limited as shown in the Project’s application materials. Accordingly, daytime glare impacts would be less than significant.

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

a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR Figure 5.8-1, Important Farmlands)

The Project site contains lands classified as “Farmland of Local Importance,” and does not contain any soils mapped by the State Department of Conservation as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (as illustrated on City of Moreno Valley General Plan FEIR Exhibit 5.8-1, *Important Farmlands*). There are no General Plan policies requiring conservation of Farmland of Local Importance. As such, a significant impact due to the conversion of important farmland types would not occur with implementation of the Project.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
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(Source: On-site Inspection (2012), City of Moreno Valley GIS Maps OnLine, City of Moreno Valley General Plan Conservation Element, Moreno Valley Industrial Area Plan)

The Project site is not within an agricultural preserve, nor is it subject to a Williamson Act contract (City of Moreno Valley 2006a). Under existing conditions, the Project site is comprised of vacant, undeveloped land. Lands surrounding the proposed Project site are not used for agricultural production and include undeveloped lands, non-conforming single family residential uses, warehouse distribution land uses, and industrial support areas (i.e., truck trailer parking). The Project site is zoned for industrial and industrial-support land uses and the immediate surrounding area is similarly zoned. Because the Project site is not in or adjacent to an agricultural preserve and neither the Project site nor any immediately surrounding property is zoned for agricultural use, the proposed Project would not conflict with an existing agricultural use, zoning, or a Williamson Act contract. No impact would occur.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■
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(Source: On-site Inspection (2012), City of Moreno Valley General Plan FEIR Figure 5.8-1, Important Farmlands, Moreno Valley Industrial Area Plan, Google Earth)

The proposed Project site is located in an area that is developed or is planned for development pursuant to the approved MVIAP. In addition, and as noted above under Issue IIb., there are no nearby properties designated or zoned for agricultural use. As such, implementation of the proposed Project would not result in any other changes to the environment that could result in the conversion of farmland to non-agricultural use.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution

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control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	■			
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(Source: South Coast Air Quality Management District CEQA Air Quality Handbook, South Coast Air Quality Management District Air Quality Management Plan, City of Moreno Valley General Plan FEIR, Chapter 5.3 - Air Quality)

The Project site is located in the South Coast Air Basin. Air quality within the South Coast Air Basin is regulated by the South Coast Air Quality Management District (SCAQMD) and standards for air quality are documented in the District’s Air Quality Management Plan (AQMP), adopted in 2007. SCAQMD staff is currently developing the 2012 AQMP, but because that document is not yet approved, the 2007 AQMD remains the applicable plan for evaluation. The proposed Project would emit pollutants into the Air Basin during short-term construction and long-term operational activities. The pollutant levels emitted by the Project have the potential to exceed the significance thresholds established by the Air District, thereby potentially conflicting with or obstructing implementation of the District’s Air Quality Management Plan. As such, an air quality technical report shall be prepared and the required EIR shall evaluate the proposed Project’s potential to conflict with the adopted South Coast Air Quality Management District’s Air Quality Management Plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	■			
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(Source: South Coast Air Quality Management District CEQA Air Quality Handbook, South Coast Air Quality Management District Air Quality Management Plan, City of Moreno Valley General Plan FEIR, Chapter 5.3 - Air Quality)

Air quality within the South Coast Air Basin is regulated by the South Coast Air Quality Management District and standards for air quality are documented in the District’s Air Quality Management Plan (adopted in 2007). The introduction of one warehouse building on the Project site has the potential to violate air quality pollution thresholds established by the Air Quality Management Plan. Accordingly, an air quality technical report shall be prepared and the required EIR shall evaluate the proposed Project’s potential to violate local air quality standards and/or contribute substantially to an existing or projected air quality violation.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	■			
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(Source: South Coast Air Quality Management District CEQA Air Quality Handbook, South Coast Air Quality Management District Air Quality Management Plan, City of Moreno Valley General Plan FEIR, Chapter 5.3 - Air Quality)

The South Coast Air Basin is a non-attainment area for various state and federal air quality standards, including state and federal ozone standards (1-hour and 8-hour) and particulate matter standards (PM₁₀ and PM_{2.5}). Development of the Project would cumulatively contribute to a net increase of criteria pollutants in the region. Therefore, the required EIR shall address the Project’s potential to result in a cumulatively considerable increase of pollutants for which the South Coast Air Basin is in non-attainment.

d) Expose sensitive receptors to substantial pollutant concentrations?	■			
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(Source: South Coast Air Quality Management District CEQA Air Quality Handbook, South Coast Air Quality Management District Air Quality Management Plan, City of Moreno Valley General Plan FEIR, Chapter 5.3 - Air Quality, Google Earth)

Sensitive receptors (*i.e.*, non-conforming single-family homes and an elementary school) are located within one (1) mile of the Project site. The Project does not propose any land uses that may be considered point source emitters; however, the Project has the potential to expose sensitive receptors to diesel particulate matter emissions from mobile sources associated with the Project (*i.e.*, diesel trucks). Therefore, a diesel health risk assessment shall be prepared and the required EIR shall evaluate impacts related to the potential exposure of sensitive receptors to diesel particulate emissions.

e) Create objectionable odors affecting a substantial number of people?			■	
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(Source: Project Application Materials, Moreno Valley Industrial Area Plan)

Any temporary odor impacts generated during Project-related construction activities, such as asphalt paving and the application of architectural coatings, would be short-term and cease upon completion of the construction phase of the Project. As a result, less than significant odor impacts are expected to affect surrounding sensitive receptors. The tenant of the proposed Project’s one warehouse building is not yet known, but may include any of those uses permitted by the Moreno Valley Industrial Area Plan’s “Industrial” designation. Some of these types of uses have the potential to generate odor during the course of their operational activities, but based on the building’s design, all operational activities except for vehicle movement on the site would occur within the enclosed building. Also, aside from a few non-conforming residential structures, no residences or other sensitive receptors are located within

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the immediate vicinity of the Project site. Thus, no operational odor impacts would occur that have the potential to affect a substantial number of people.

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, On-site Inspection (2012), First Industrial, L.P., Daniel’s Property Project Biological Technical Report, 2012 Protocol Burrowing Owl Survey – San Michele Property Project, 2012 Special-Status Plant Survey – San Michele Property Project, Mitigated Negative Declaration for Nandina III Distribution Center, Addendum No. 2 to Mitigated Negative Declaration for Nandina III Distribution Center)

Under existing conditions, approximately 8.4 acres of the site are developed as a parking lot, while the remaining 8.9 acres are undeveloped. Implementation of the proposed Project would result in physical disturbance to the entire 17.3-acre site, including the 8.9 acres that are undeveloped under existing conditions and minor encroachment into adjacent public roadways for utility connections. The natural condition of the Project site has been disturbed by installation of the existing parking lot and on-going maintenance activities associated with routine discing of the undeveloped portion of the site for fire fuel management. According to a biological survey conducted as part of the City of Moreno Valley General Plan FEIR, the Project site is classified as “Fields/Croplands” (City of Moreno Valley 2006b). Fields/Croplands do not contain any substantial native vegetation.

According to a biological survey report conducted by URS Corporation in January 2012 on the undeveloped 8.9-acre portion of the site, the property contains one vegetation community – developed/disturbed land; No native habitat exists on the property; however, the property could provide foraging or nesting habitat for species protected under the Migratory Bird Treaty Act. (URS Corporation, 2012a). A special status wildlife species, California horned lark, a California Species of Special Concern, was observed on the property during biological field surveys (URS Corporation, 2012). In addition, one special status plant species, smooth tarplant, was observed on the subject property during a focused botanical survey conducted in June 2012 (URS Corporation, 2012c). The Project site contains suitable habitat for the western Burrowing Owl, a California Species of Special Concern; however, no burrowing owls or occupied burrows were observed on the property during a habitat assessment and focused burrowing owl survey conducted by URS biologists in June 2012 (URS Corporation, 2012b).

Potential impacts to the California horned lark and avian species protected under the Migratory Bird Treaty Act were previously evaluated in the 2008 MND and Addendum No. 2. Impacts were determined to be less than significant with the implementation of mandatory Conditions of Approval, which require a pre-construction survey on the Project site to determine the presence/absence of protected avian species not more than 30 days prior to future ground disturbing activities. Should protected avian species be detected on the property, the Conditions of Approval prohibit any disturbance to active nests and the implementation of any other protective measures as recommended by the qualified biologist. Similar Conditions of Approval would be carried forward and/or applied to the Project to ensure that potential impacts to the California horned lark and avian species protected under the Migratory Bird Treaty Act would be less than significant.

Although no burrowing owls or occupied burrows were observed on the Project site, the site does contain suitable habitat for the burrowing owl and there is the potential that the species could occupy the Project site prior to the commencement of construction activities. Potential impacts to the burrowing owl were previously evaluated in the 2008 MND and Addendum No. 2. Impacts were determined to be less than significant with the implementation of mandatory Conditions of Approval, which require a pre-construction survey on the Project site that complies with all MSHCP protocols to determine the presence/absence of the burrowing owl on the subject property. The survey is required to occur not more than 30 days prior to future ground disturbing activities. Should burrowing owls and/or occupied nests be detected on the property, the Conditions of Approval prohibit any disturbance to active nests and the implementation of any other protective measures as recommended by the qualified biologist. The Conditions of Approval require that any relocation of burrowing owls from the Project site occur in conformance with accepted protocols. Similar Conditions of Approval would be carried forward and/or applied to the Project to ensure that potential impacts to the burrowing owl would be less than significant.

As discussed above, the Project site supports the smooth tarplant, a special status plant species. Implementation of the Project would remove this species from the Project site. The species is covered under the MSHCP, but will not be considered adequately covered until the species-specific objectives, as outlined in the MSHCP document, are achieved. The species-specific objectives for the

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smooth tarplant are as follows:

Objective 1: Include within the MSHCP Conservation Area at least 6,900 acres of suitable habitat (grassland and playas and vernal pools within the San Jacinto River, Mystic Lake and Salt Creek portions of the MSHCP Conservation Area).

Objective 2: Include within the MSHCP Conservation Area at least 27 of the known occurrences of this species at Antelope Valley; Temescal Canyon; Lake Elsinore; Murrieta Creek; French Valley; Lakeview Mountains; Lake Skinner; Diamond Valley Lake; Sycamore Canyon Park; Alberhill Creek; Lake Mathews; the Santa Ana River; and the core locations at the San Jacinto Wildlife Area, the middle segment of the San Jacinto River and upper Salt Creek.

Objective 3: Surveys for the smooth tarplant will be conducted as part of the project review process for public and private projects within the Criteria Area where suitable habitat is present (see Criteria Area Species Survey Area Map, Figure 6-2 of the MSHCP, Volume I). Smooth tarplant located as a result of survey efforts shall be conserved in accordance with procedures described within Section 6.3.2 of the MSHCP, Volume I.

The smooth tarplant population occurring on-site (two individuals) are isolated in the northwestern corner of the Project site surrounded by disturbed and developed habitat (URS Corporation, 2012c). The Project site does not contain suitable habitat (i.e., grasslands, playas, and vernal pools) and is not located within the geographic areas listed within Objectives 1 or 2 that are targeted for conservation. Furthermore, the Project site is not located within a Criteria Area consistent with the MSHCP; therefore, there are no avoidance or mitigation requirements applicable to the smooth tarplant population on the Project site pursuant to the MSHCP. Therefore, although the Project would remove two individuals of smooth tarplant on-site, such removal would not have an adverse impact on achieving the MSHCP objectives. Accordingly, Project impacts to this species would not affect the long-term survival of the species, and impacts are less than significant.

b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, First Industrial, L.P., Daniel’s Property Project Biological Technical Report)

The Project site is identified as “Fields/Croplands” in the General Plan EIR and is identified in a site-specific biological technical report as containing a “developed/disturbed” vegetation community (URS Corporation 2012). There are no drainages or vegetation on the property that meets the definition of riparian habitat or a sensitive natural community. Accordingly, the proposed Project has no potential to result in a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service, and no further analysis is required on this subject.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, On-site Inspection (2012), First Industrial, L.P., Daniel’s Property Project Biological Technical Report)

According to a site-specific biological technical report prepared by URS Corporation in January 2012, the proposed Project site does not contain any special aquatic resources and none would be impacted by the proposed Project. Accordingly, the proposed Project has no potential to result in a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 –

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Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, On-site Inspection (2012), Google Earth)

The Project site is partially developed and is otherwise highly disturbed and does not support a diversity of native wildlife. Developed areas surrounding the proposed Project site block any terrestrial wildlife movement from the north, east or west. Accordingly, the site is not considered to be a wildlife movement corridor. Implementation of mandatory Conditions of Approval discussed above in Item IV(a) would ensure that the Project would result in less than significant impacts to migratory birds, including migratory birds that may use the Project site for nesting.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, On-site Inspection (2012), First Industrial, L.P., Daniel’s Property Project Biological Technical Report)

The Project site does not contain any trees; therefore, the Project would not violate any local tree preservation ordinance. No other local policies or ordinances protecting biological resources are applicable to the site, except for the Western Riverside County Multiple Species Habitat Conservation Plan as discussed below under Item IV(f).

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan, First Industrial, L.P., Daniel’s Property Project Biological Technical Report)

The subject property is subject to the provisions of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Project site is not located within a targeted conservation “cell” of the MSHCP, although the Project site is subject to the survey and conservation requirements of MSHCP Section 6.3.2 (Species Survey Requirements), which require the preparation of a habitat assessment for the burrowing owl. Pursuant to Section 6.3.2 of the MSHCP, a burrowing owl site assessment survey was prepared for the Project site. As discussed above under the analysis for Item IV(a), no burrowing owls or occupied burrows were observed on the Project site. The Project site does, however, contain habitat that could support the burrowing owl and there is the potential the species could occupy the site prior to the commencement of construction activities. Conditions of Approval would be carried forward and/or applied to the Project that impose a requirement to conduct a pre-construction survey no more than 30 days prior to the commencement of future construction activities to locate any burrowing owls that may occur on-site, and further would require relocation of any identified birds in accordance with accepted protocols. The Conditions of Approval also would require avoidance of active nests during the breeding season. The Conditions of Approval would be consistent with the MSHCP’s species-specific conservation requirements for the burrowing owl; therefore, the Project is consistent with the MSHCP and impacts would be less than significant.

Additionally, the Project site is located within the Habitat Conservation Plan for the Stephens’ Kangaroo Rat, which will require the Project to comply with City of Moreno Valley Municipal Code Title 3, Chapter 8.60, “Threatened and Endangered Species,” that requires a per-acre local development mitigation fee pursuant to the City’s adopted “The Habitat Conservation Plan for the Stephens’ Kangaroo Rat in Western Riverside County, California” and as established pursuant to Fee Resolution 89-92.

V. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.10 – Cultural Resources, Cultural Resources Assessment of Daniel’s Property Project)

The Project site contains no structures or sites of historic significance. Because no historic resources exist on the property, no impact would occur. URS Corporation conducted a cultural resource inventory of the undeveloped portions of the Project site in 2012. The inventory included a records search of local, regional, and state cultural resources databases as well as a field survey of the site. No historic resources were recorded on the site during the field survey or the records search. Furthermore, the Project site was not identified as a historic resource as part of the historic resource inventory that was conducted as part of the City of Moreno Valley General Plan FEIR, as depicted on FEIR Exhibit 5.10-1. Therefore, implementation of the proposed Project has no potential to result

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in a substantial adverse change to any designated historic resource, because no such resources exist on the Project site.

b) Cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5?			■	
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.10 – Cultural Resources, Cultural Resources Assessment of Daniel’s Property Project; 2008 MND for “Nandina III Distribution Center”)

According to the to the Moreno Valley General Plan DEIR, the subject property is not a part of any known village complex and a majority of archaeological locations in the City of Moreno Valley are milling stations where bedrock metates (more or less flat grinding surfaces), commonly referred to as ‘slicks,’ and bedrock mortars are found. These locations “are generally situated around valley edges where suitable rock outcrops occur” (Moreno Valley 2006 5.10-6). The Project site is not located on a valley edge and does not contain any rock outcrops. Additionally, URS Corporation conducted a cultural resources inventory of the undeveloped portion of the proposed Project site in 2012 that included a records search at the Eastern Information Center at the University of California, Riverside and a pedestrian survey of the site. According to the archival research, no known cultural resources had been previously identified within the Project site, and no archaeological resources have previously been identified within the ½ mile of the Project site. Additionally, the 2008 MND and its Addendum No. 1 and Addendum No. 2 prepared to evaluate the development of an interim parking lot on the property indicated that the potential for uncovering resources is low. No resources were recovered during site preparation activities during construction of the parking lot. As such, no known significant archaeological resources are present on the property. Nonetheless, during site excavation and/or grading activities that will occur during Project construction activities, there is a potential, however unlikely, to uncover archaeological resources that may be buried beneath the surface of the site if ground disturbance extends into previously undisturbed soils. Conditions of Approval would be imposed on the Project that would require any suspected archaeological resources discovered during ground-disturbing activities to be evaluated by a qualified archaeologist. Ground-disturbing activities would be required to cease within the immediate vicinity of any suspected archaeological resources until the qualified archaeologist determines the significance of the suspected archaeological resource and protective measures are implemented as recommended by the qualified archaeologist. Mandatory compliance with the Conditions of Approval would ensure that potential impacts to previously undiscovered archaeological resources would be less than significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.10 – Cultural Resources, Cultural Resources Assessment of Daniel’s Property Project)

The Project site does not contain any known unique geologic features. In addition, the proposed Project site is identified by the City’s General Plan FEIR as having a “low” potential to contain unique paleontological resources, as shown on FEIR Exhibit 5.10-3. The 2008 MND prepared for the southern portion of the Project site that is now a parking lot also identified no potential to impact a paleontological resource or unique geologic feature. No paleontological resources were encountered during construction activities for the existing on-site parking lot. Depth of grading for the proposed Project would be approximately five feet or less, which also substantially limits the potential for subsurface resource discovery. For these reasons, the proposed Project has no potential to destroy unique paleontological resources or geologic features. No impact would occur.

d) Disturb any human remains, including those interred outside of formal cemeteries?			■	
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(Source: Cultural Resources Assessment of Daniel’s Property Project, 2008 MND for “Nandina III Distribution Center”)

During archaeological field investigations of the Project site, no evidence of human remains, including those interred outside of formal cemeteries, were observed. Additionally, no human remains were uncovered during construction of the parking lot in the southern portion of the Project site. Nevertheless, the potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated and ensure that potential impacts are less than significant.

VI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or				■
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based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
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(Source: City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, California Department of Conservation “Alquist-Priolo Earthquake Fault Zone Maps,” United States Geological Survey Earthquake Hazards Program, Google Earth, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

No known earthquake faults are located on the Project site (United States Geological Survey 2010, California Department of Conservation 2010), and the nearest mapped fault is located approximately 5.9 miles to the east of the site as depicted on Figure 5.6-2 of the City of Moreno Valley General Plan FEIR. According to site-specific geotechnical evaluations conducted in January 2012 by Southern California Geotechnical, Inc., the proposed Project site is not located within an Alquist Priolo fault zone. Because there are no faults located on the Project site, there is no potential that the Project could expose people or structures to adverse effects related to ground rupture.

(ii) Strong seismic ground shaking?			■	
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(Source: City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of Project approval, the Project would be required to construct proposed structures in accordance with the California Building Standards Code (CBSC), also known as California Code of Regulations (CCR), Title 24 and the City Building Code. The CBSC and City Building Code are designed to preclude significant adverse effects associated with strong seismic ground shaking. With mandatory compliance with standard design and construction measures, potential adverse impacts would be reduced to less than significant and the Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking.

(iii) Seismic-related ground failure, including liquefaction?			■	
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(Source: City of Moreno Valley General Plan Safety Element Figure 6-3, Geologic Faults & Liquefaction, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

According to the City of Moreno Valley General Plan, the Project site is not located within a “Potential Liquefaction” zone (refer to Figure 6-3, *Geologic Faults & Liquefaction*). In addition, a geotechnical report prepared for the subject property in January 2012 by Southern California Geotechnical, Inc. concludes that the risk of liquefaction at the Project site is low due to the subsurface conditions that include medium dense well-graded granular soils and a lack of shallow groundwater table. Furthermore, the site would be designed in accordance with the latest applicable seismic safety guidelines, including the requirements of the CBSC, which is anticipated to reduce the risk of seismic-related ground failure to less than significant levels. As such, development of the Project site would result in less than significant risks related to seismic-related ground failure, including liquefaction.

(iv) Landslides?				■
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(Source: On-site Inspection (2012), Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

The Project site is relatively flat, as is the surrounding area. There are no hillsides or steep slopes on the site or in the vicinity of the Project site. Accordingly, the Project site is located within an area with no potential for landslides, and development on the subject property would not be exposed to any risk of landslide.

(b) Result in substantial soil erosion or the loss of topsoil?			■	
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(Source: Project Application Materials, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

Development of the Project site would disturb the site during grading and construction and expose the underlying soils, which would increase erosion susceptibility. In the long-term, development of the subject property would introduce additional impervious surfaces and landscaping on the Project site, thereby reducing the potential for erosion and loss of topsoil. The Project’s required adherence to standard regulatory requirements would lessen any potential erosion impact to below a level of significance. These include, but are not limited to, requirements imposed by the City of Moreno Valley’s National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit (State Water Resources Control Board Order No. 99-08-DWQ), which requires the preparation of a Project-specific Water Quality Management Plan (WQMP) and the implementation of Best Management Practices (BMPs) to

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minimize the soil erosion and sedimentation in stormwater runoff leaving the Project site.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

According to the City of Moreno Valley General Plan, the Project site is not located in an area subject to landslide, lateral spreading, subsidence or liquefaction hazards. However, the supplemental geotechnical report for the Project site determined that near-surface soils generally consist of medium dense to dense native alluvial soils, with the upper 3 to 5± feet generally possessing unfavorable consolidation and collapse characteristics as well as relatively low moisture contents. However, the proposed Project would be subject to the recommendations of the supplemental geotechnical report, as well as future geotechnical recommendations associated with future grading and building permits, which would ensure that any potentially unstable soils present on the Project site are appropriately remediated through site design considerations. Accordingly, the proposed Project would be subjected to less than significant risks related to unstable geologic units and/or soils.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.6 – Geology and Soils, Supplementary Geotechnical Investigation Proposed Building 4 - Nandina III and IV)

The geotechnical report for the Project site by Southern California Geotechnical Inc. in January 2012 determined that most soils within the subject property consist of sands and silty sands that are non-expansive. However, soils with increased clay content are located at depths below five feet, and could be encountered during required remedial grading activities. The proposed Project would be subject to the recommendations of the geotechnical report, as well as future geotechnical recommendations associated with future grading and building permits, which would ensure that any potentially expansive soils encountered during remedial grading on the Project site are appropriately remediated through site design considerations. Accordingly, the proposed Project would be subjected to less than significant risks related to expansive soils.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■
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(Source: Project Application Materials)

Sewer service is available to the Project site under pre-development conditions. The Project would connect to existing sewer conveyance infrastructure located in Nandina Avenue. The Project would not install septic tanks or alternative wastewater disposal systems on the Project site. Accordingly, no impact would occur.

VII. GREENHOUSE GAS EMISSIONS. Would this project?

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	■			
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(Source: Project Application Materials, California Assembly Bill 32 (2006))

Project-related construction and operational activities would result in the short- and long-term emissions of carbon dioxide (CO₂), nitrogen dioxide (NO₂), and methane (CH₄), all of which are classified as “greenhouse gases” (GHGs) that have the potential to contribute to Global Climate Change. Emissions reductions could occur with the implementation of Project design features and/or mitigation measures to reduce the level of GHG emissions. Although the South Coast Air Quality Management District has not formally adopted thresholds of significance for GHG emissions, California Assembly Bill 32 (AB 32, 2006) establishes goals for the statewide reduction of GHG emissions. Due to the Project’s potential to emit GHGs, a Project-specific GHG emissions report shall be prepared for the Project. The results of the GHG emissions report shall be documented in the required EIR. The EIR also shall evaluate the Project for consistency with AB 32.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	■			
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(Source: Project Application Materials, California Assembly Bill 32 (2006))

As noted above under the discussion of Item VII(a), a Project-specific GHG emissions report shall be prepared to determine whether the Project would be consistent with the GHG reduction goals established by AB 32. The required EIR shall document the findings

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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of the Project-specific GHG emissions report and shall evaluate the Project for consistency with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			■	
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(Source: Project Application Materials, Moreno Valley Industrial Area Plan, Phase I Environmental Assessment, Phase I Environmental Assessment of Eight Parcels Located at Nandina Avenue and Perris Boulevard in Moreno Valley, California, 2008 MND for Nandina III Distribution Center)

A Phase I Environmental Site Assessment (ESA) was prepared for the undeveloped portion of the Project site by URS Corporation in 2012. The portion of the site that is a parking lot was evaluated in a Phase I ESA by ENSR Corporation in 2007. No evidence of hazardous materials, hazardous waste, underground storage tanks (USTs), or above-ground storage tanks (ASTs) was observed onsite during the site reconnaissance. No transformers or other potentially PCB-containing equipment was observed onsite during the site reconnaissance. According to a review of available historical data, it appears that the undeveloped portion of the subject property was vacant land from at least 1938 to the present. Additionally, the site is not listed in any regulatory database for hazardous materials sites. Although the March Air Reserve Base (MARB), one mile west of the proposed Project site as having the potential for groundwater contamination associated with its past use, the Phase I ESA reports conclude that due to the orientation of groundwater flows in the area and distance to the MARB, the potential for groundwater contamination at the proposed Project site is considered low. No other contaminated sites within the vicinity have the potential to create a significant hazard to future site workers. Accordingly, a significant impact associated with contamination on or affecting the proposed Project site would not occur.

The specific business or tenant that will occupy the Project site’s proposed building is not known at this time. The Project site is located within the Moreno Valley Industrial Area Plan, and the Plan designates the site for “Industrial” land uses. Based on the list of land uses permitted in the Industrial zone by the Moreno Valley Area Plan, it is possible that hazardous materials could be used during the course of daily operations. Examples of types of businesses that could occupy the proposed buildings on-site include warehouses, distribution businesses, and manufacturing industries. Hazardous materials used by the future tenant of the Project may include chemical reagents, solvents, fuels, paints, and cleansers. Potential on-site uses also could generate hazardous byproducts that eventually must be handled and disposed of as hazardous materials. If businesses that use or store hazardous materials occupy the Project, the business owner and operator would be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. With mandatory regulatory compliance, the Project would not pose a significant hazard to any nearby use and any impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			■	
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(Source: Project Application Materials, Moreno Valley Industrial Area Plan)

See response to Item VIII(a), above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				■
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(Source: Project Application Materials, Google Earth)

The nearest school site, El Potrero Elementary School, is located approximately 0.7-mile northeast of the site. There are no school sites planned within one quarter mile of the site as part of the General Plan or MVIAP. Accordingly, the proposed Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				■
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(Source: Project Application Materials, California Department of Toxic Substances Control “Envirostor” Database)

According to the California Department of Toxic Substances Control’s “EnviroStor” database, the proposed Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			■	
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(Source: Riverside County Airport Land Use Commission Compatibility Plan “March Air Reserve Base,” City of Moreno Valley General Plan Safety Element Figure 6-5, Air Crash Hazards, City of Moreno Valley General Plan FEIR, Chapter 5.5 – Hazards, March ARB Air Installation Compatible Use Zone Study)

The Project site is located 0.85 mile east of the March Air Reserve Base. Pursuant to the March Air Reserve Base Compatible Use Zone Study commissioned by the United States Air Force and as depicted on Figure 6-5, *Air Crash Hazards*, of the Moreno Valley General Plan, the Project site is not located within a zone subject to hazards related to air crashes. According to the Riverside County Airport Land Use Commission’s Airport Compatibility Plan, the Project site is located within Compatibility Zone D, which indicates that the Project site is subject to noise and risks associated with aircraft operations, but the impacts are sufficiently minimal that land use restrictions are generally unnecessary. Accordingly, implementation of the proposed Project would not result in a safety hazard for people residing or working in the Project area, and impacts would be less than significant.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
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(Source: City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.5 – Hazards, Google Earth)

Although the Project site is located near the March Air Reserve Base, this airfield is not a private airfield and there are no other private airfields or airstrips in the vicinity of the Project site. A significant impact associated with private airstrips would not occur.

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.5 – Hazards)

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the proposed Project would be required to maintain adequate emergency access for emergency vehicles as required by the City. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are evaluated as less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				■
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR Figure 5.5-2, Floodplains and High Fire Hazard Areas)

Pursuant to Figure 5.5-2, *Floodplains and High Fire Hazard Areas*, of the City of Moreno Valley FEIR, the proposed Project is not located within a high wildfire hazard area. The proposed Project site is located in an area that has been largely developed, with an existing industrial warehouse building located west of the site, industrial warehouse uses located east of the site, and disturbed lands and single family residences located to the south and north of the site. Properties adjacent to the Project site have either been developed or are planned for development. No wildlands are located on or adjacent to the Project site. Accordingly, the proposed Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan FEIR, Chapter 5.7 – Hydrology/Water Quality, Preliminary Water Quality Management Plan)

Water runoff from developed areas of the Project site may contain urban pollutants such as petroleum products, fertilizers, pesticides, soils, etc., which can degrade water quality if discharged from the site. The Project’s Preliminary Water Quality Management Plan (WQMP) is prepared in accordance with City requirements to identify pollutants of concern and identify means to reduce their discharge from the site (i.e., Best Management Practices, BMPs). Required adherence to the Project-specific WQMP will reduce the amount of pollutants in stormwater runoff, as well as non-storm water discharges. Furthermore, the Project will be required to comply with the Santa Ana River Basin Water Quality Control Program and the City of Moreno Valley’s National Pollutant

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discharge Elimination System (NPDES) Municipal Stormwater Permit requirements (which requires the preparation of Stormwater Pollution Prevention Program (SWPPP) to control sediment/siltation runoff) to minimize the discharge of pollutants in storm water during short-term construction and long-term operational activities. Mandatory compliance with the Project's WQMP, in addition to compliance with NPDES Permit requirements, would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged into receiving waters. Therefore, implementation of the proposed Project would not violate any water quality standards or waste discharge requirements, and impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan FEIR, Groundwater Basins)

As depicted on Figure 5.7-2, *Groundwater Basins*, in the City of Moreno Valley General Plan FEIR, the Project site is located within the Perris North Groundwater Basin. There are currently few domestic uses for groundwater within the City, due to salinity/water quality issues, and the City primarily relies on imported water from the Eastern Municipal Water District for its domestic water supply. The Project does not propose the installation of any water wells that would directly extract groundwater; however, the change in pervious surfaces to impervious surfaces that would occur with development of the site could reduce the amount of water percolating down into the underground aquifer that underlies the Project site and a majority of the City. However, and as noted in the City's General Plan EIR (Page 5.7-12), "the impact of an incremental reduction in groundwater would not be significant as domestic water supplies are not reliant on groundwater as a primary source." With buildout of the Project, the local groundwater levels would not be affected. Therefore, impacts to groundwater supplies and recharge would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			■	
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(Source: Project Applications Materials, Preliminary Drainage Study)

The Project would involve demolition activities and mass grading of the site, which would alter the existing drainage pattern. Any alteration in drainage pattern has the potential to result in erosion and siltation both on-site during construction and off-site upon build-out of the Project. Construction-related grading activities involving soil disturbance would ultimately expose surficial soils for a period of time with the potential for on-site erosion during a rainstorm event. In the long term, development of the property would introduce impervious surfaces and landscaping, thereby increasing the rate and volume of stormwater runoff and potentially resulting in off-site erosion downstream. Conversely, the conversion of pervious to impervious surfaces would also reduce the potential for on-site erosion and loss of topsoil in the long term. To fully and more accurately determine the extent of potential erosion or siltation on- or off-site, a site-specific hydrology study was prepared for the Project site. The hydrology study evaluated the difference between existing and post-development drainage conditions, and determined that with buildout of the proposed Project there would be no substantial alteration to the existing drainage pattern of the site and there would not be any significant increases in erosion or siltation on- or off-site. Impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?			■	
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(Source: Project Application Materials, Preliminary Drainage Study)

As described above under Item VIII(c), proposed demolition and earthwork activities on the Project site would not substantially alter the existing drainage patterns of the site. A site-specific hydrology study was prepared for the Project to evaluate the difference between existing and post-development drainage conditions and to identify design specifications of the Project's storm drain system for collecting, treating and conveying Project related stormwater prior to discharge. Although the Project has the potential to contribute to additional surface runoff, the site-specific hydrology study concludes that actual flooding on- or off-site would not occur due to the proposed construction of on-site detention basins and storm drain facilities because these proposed facilities would attenuate the rate and volume of storm water discharge to be similar to the rate and volume that occurs under existing conditions. As a result, implementation of the proposed Project would not increase the potential for flooding on- or off-site. Impacts would be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			■	
<p><i>(Source: Project Application Materials, Preliminary Water Quality Management Plan, Preliminary Drainage Study)</i></p> <p>As discussed above under the analysis of Issue IX(d), the proposed Project is designed to ensure that post-development runoff rates and volumes closely resemble those that occur under existing conditions. Further, existing off-site storm water drainage facilities that receive storm water runoff from the Project site have adequate capacity to convey storm water runoff discharged from the site (upon the construction of proposed on-site detention basins that are designed to reduce the rate and volume of runoff discharged from the site). Because the existing storm drain facilities have sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not substantially increase with buildout of the proposed Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. As discussed above under the analysis of Issue IX(a), the proposed Project would be required to comply with the Project's WQMP, which identifies BMPs to be incorporated into the Project to ensure that long-term operation of the proposed Project does not result in substantial amounts of polluted runoff. In addition, the Project will be required to comply with the requirements of the City of Moreno Valley's NPDES permit, which would reduce the amount of sediment in runoff discharged from the site during grading and construction activities. Accordingly, the proposed Project would not create or contribute substantial additional sources of polluted runoff. Impacts would be less than significant.</p>				
f) Otherwise substantially degrade water quality?				■
<p><i>(Source: Project Application Materials)</i></p> <p>There are no conditions associated with the proposed Project beyond what is described above that could result in the substantial degradation of water quality. Accordingly, no additional analysis of this subject is required beyond what is described above.</p>				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				■
<p><i>(Source: Project Application Materials)</i></p> <p>The proposed Project does not include housing. Therefore, there is no potential for housing to be located within a 100-year flood hazard zone and no significant impacts would occur as a result of implementation of the proposed Project.</p>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				■
<p><i>(Source: Project Application Materials, City of Moreno Valley General Plan FEIR Figure 5.5-2, Floodplains and High Fire Hazards, City of Moreno Valley General Plan Figure 6-4, Flood Hazards)</i></p> <p>According to Figure 5.5-2, <i>Floodplains and High Fire Hazards</i>, of the Moreno Valley General Plan FEIR, and City of Moreno Valley General Plan Figure 6-4, <i>Flood Hazards</i>, the proposed Project site is not located within or adjacent to a 100-year floodplain. Accordingly, the proposed Project has no potential to place structures within a 100-year flood hazard area that could impede or redirect flood flows. Accordingly, a significant flood hazard would not occur with implementation of the proposed Project.</p>				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			■	
<p><i>(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, Figure 6-4, Flood Hazards, Google Earth)</i></p> <p>The nearest dam to the Project site, Lake Perris, is located approximately 1.75 miles southeast of the subject property. According to Figure 5.5-2, <i>Floodplains and High Fire Hazards</i>, of the Moreno Valley General Plan FEIR, and City of Moreno Valley General Plan Figure 6-4, <i>Flood Hazards</i>, the Project site and surrounding areas are not subject to dam inundation hazards. Furthermore, the Perris Valley Channel, which is located 0.25-mile north of the Project site, is not considered to be a levee, and there are no other levees in the Project area. Portions of the project site are located within a 500-year floodplain; therefore, there is a small potential for flooding to occur. The Project would be constructed in accord with all applicable building code requirements, compliance with which would avoid any significant injuries or the loss of life or property. Accordingly, less than significant impacts would occur and no further evaluation of this issue is required.</p>				
j) Inundation by seiche, tsunami, or mudflow?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, Figure 6-4, Flood Hazards, Google Earth)

The Pacific Ocean is located more than 38 miles from the Project site; consequently, there is no potential for tsunamis to impact the Project. In addition, no steep hillsides subject to mudflow are located on or near the Project site. The nearest large body of surface water to the site is Lake Perris, located approximately 1.75 miles southeast of the Project site. Due to the distance of Lake Perris from the Project site and the topographic characteristics of the area, a seiche in Lake Perris would have no impact on the Project site. Although the Perris Valley Channel is located 0.25 mile north of the proposed Project site, it is not an enclosed or semi-enclosed basin that would be conducive to reverberation and creation of a seiche. Therefore, impacts associated with seiches, mudflows, and/or tsunamis could not occur, and no further analysis is required on this subject.

X. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				■
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(Source: Project Application Materials, On-site Inspection (2012), Google Earth)

The Project site consists of an existing truck trailer parking lot and undeveloped land under existing conditions. Development of one warehouse building on the Project site would not physically disrupt or divide the arrangement of an established community. The proposed Project site is located in a developing area of the City that is designated for industrial development and the property is proposed to be developed with a warehouse building in accordance with its assigned General Plan and zoning designations. Properties adjacent to the Project site have either been developed or are planned for development with industrial land uses. The Project site does not provide access to established communities and would not isolate any established communities or residences from neighboring communities. No impact would occur and no further analysis of this subject is required.

b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			■	
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(Source: Project Materials, City of Moreno Valley General Plan Land Use Map, City of Moreno Valley General Plan Community Development Element, Moreno Valley Industrial Area Plan)

The Project proposes to develop a logistics center warehouse building on the subject property, which would be consistent with the Business Park/Light Industrial (BP) land use designation applied to the site by the General Plan and the Industrial (I) zoning designation applied to the site by the Moreno Valley Industrial Area Plan. As part of its review of Project applications, the City of Moreno Valley will ensure consistency with applicable policies of the General Plan and the Moreno Valley Industrial Area Plan, and will ensure conformance with the City's Municipal Code requirements. As such, the Project would not conflict with applicable local land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.9 – Biological Resources, Western Riverside County Multiple Species Habitat Conservation Plan)

As described above under the response to Item IV(f), the proposed Project is subject to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which is the habitat conservation plan applicable to the City of Moreno Valley and the proposed Project site. The proposed Project is not located within any MSHCP designated Criteria Cells or Cell Groups, and the proposed Project site does not contain any riparian/riverine areas or vernal pools. Pursuant to MSHCP Section 6.3.2, *Additional Survey Needs and Procedure*, the proposed Project is subject to surveys for burrowing owl. As discussed above under the analysis for Item IV(a), no burrowing owls or occupied burrows were observed on the Project site during a focused survey conducted on the subject property in June 2012, and Conditions of Approval would be carried forward and/or applied to the Project to ensure that the Project would comply with the MSHCP's species-specific survey and conservation requirements for the burrowing owl. From a land use and planning prospective, the Project would not conflict with the MSHCP because the property is not designated for conservation and would comply with all species survey requirements.

XI. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.14 – Mineral Resources)

The Project site is not located within an area known to be underlain by regionally- or locally-important mineral resources, or within an area that has the potential to be underlain by regionally- or locally-important mineral resources, as disclosed by the City’s General Plan and the associated General Plan FEIR. Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. In addition, the City’s General Plan does not identify any locally-important mineral resource recovery sites on-site or within close proximity to the Project site. Accordingly, no further analysis of these subjects is required.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■
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(Source: City of Moreno Valley General Plan Conservation Element, City of Moreno Valley General Plan FEIR, Chapter 5.14 – Mineral Resources)

Please refer to the response to Item XI(a), above.

XII. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	■			
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley Municipal Code, Chapter 11.80 – Noise Regulation)

Project-related construction activities, as well as long-term operational activities (including on-site logistics center warehouse operations and the projected increases in vehicular travel along area roadways), may expose persons in the vicinity of the Project site to noise levels in excess of standards established by the City’s General Plan and Chapter 11.80, *Noise Regulation*, of the City’s Municipal Code. An acoustical analysis shall be prepared and the required EIR shall analyze the potential for the Project to expose people, on- or off-site, to noise levels in excess of established noise standards.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	■			
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(Source: Project Application Materials)

Construction activities on the Project site may produce groundborne vibration or groundborne noise levels during earthwork/grading and/or during the operation of heavy machinery. The acoustical study prepared for the Project shall analyze the potential of the Project to expose persons to excessive groundborne vibration. Long-term operation of the Project is not anticipated to result in perceptible levels of groundborne vibration or groundborne noise; regardless, the Project’s acoustical study shall also evaluate the Project’s potential to generate groundborne vibration and noise in the long-term. The results of the acoustical study shall be summarized and incorporated into the required EIR’s impact analysis.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	■			
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley Municipal Code, Chapter 11.80 – Noise Regulation)

Build-out of the Project would generate a permanent increase in traffic that has the potential to cause an increase in ambient noise levels associated with vehicular travel. Operation of a logistics center warehouse building on the Project site also has the potential to result in a permanent increase in ambient noise levels. A site-specific acoustical study shall be prepared for the Project to identify potential increases in ambient noise and to analyze the potential for Project-related noise levels to contribute an ambient noise level that would be considered substantial and permanent compared to existing conditions. The results of the acoustical study shall be summarized and incorporated into the required EIR.

d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	■			
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley Municipal Code,

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Chapter 11.80 – Noise Regulation

During construction of the proposed Project, there could be a temporary or periodic increase in ambient noise levels in the Project vicinity above existing levels without the Project due to the temporary construction traffic and the temporary and periodic operation of construction equipment and heavy machinery. In addition, operation of a logistics center warehouse building on the Project site also has the potential to result in temporary or periodic increases in ambient noise levels associated with future site activities. A site-specific acoustical study shall be prepared for the Project to identify the potential for temporary or periodic increases in ambient noise levels that would be considered substantial compared to existing conditions. The results of the acoustical study shall be summarized and incorporated into the required EIR.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			■	
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(Source: City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Figure 5.4-1, March Air Reserve Base Noise Impact Area)

According to Figure 5.4-1, *March Reserve Air Base Noise Impact Area*, the Project site is located outside of a 60dBA CNEL noise contour and would not be subjected to excessive noise levels due to operations at the air base. Due to the Project’s distance from the March Air Reserve Base (0.9 mile), the nature of future land uses on the site (i.e., industrial), and because the Project site is located well outside of the 60 dBA CNEL noise contour, impacts associated with airport-related noise would be less than significant.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			■	
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(Source: City of Moreno Valley General Plan Safety Element, Google Earth)

Although the Project site is adjacent to the March Air Reserve Base, this airfield is not a private airfield and there are no other private airfields or airstrips in the vicinity of the Project site. Therefore, the proposed Project would not expose people to excessive noise levels associated with operations at a private airstrip.

XIII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan Land Use Map, City of Moreno Valley General Plan FEIR, Chapter 5.12 – Population and Housing, Moreno Valley Industrial Area Plan)

The proposed Project would develop the subject property with one warehouse building in accordance with the Business Park/Light Industrial land uses designation applied to the site by the City of Moreno Valley General Plan and the Moreno Valley Industrial Area Plan. Accordingly, the Project would not result in growth that was not already anticipated by the City of Moreno Valley General Plan and evaluated in the City of Moreno Valley General Plan FEIR. The Project site is served by existing public roadways and utility infrastructure is already installed beneath public rights of way that abut the property. As such, implementation of the Project would not result in direct or indirect growth in the area, and impacts are evaluated as less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				■
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(Source: On-site Inspection (2012))

Under existing conditions, the southern portion of the Project site is developed as a truck trailer parking lot and the northern portion of the site is vacant. The property contains no residential structures. Accordingly, implementation of the Project would not displace substantial numbers of housing and would not necessitate the construction of replacement housing elsewhere. No impact would occur and no further analysis of this issue is required.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				■
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(Source: On-site Inspection (2012))

As described above under response to Item XII(b), the proposed Project site does not contain any residential structures; therefore, no

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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people live on the subject property under existing conditions. Accordingly, implementation of the proposed Project would not displace substantial numbers of people and would not necessitate the construction of replacement housing elsewhere. No impact would occur and additional analysis of this issue is not warranted.

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

a) Fire protection?			■	
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(Source: Project Application Materials, City of Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.13-Public Services and Utilities, Riverside County Fire Protection Master Plan, Riverside County Fire Department GIS)

The proposed Project would be primarily served by the College Park Fire Station (Station No. 91), an existing station located approximately 2.3 roadway miles northeast of the proposed Project site. The Project site also could be served by the Kennedy Park Fire Station (Station No. 65), an existing station located approximately 2.8 roadway miles north of the Project. The proposed Project would be required to provide a minimum of fire safety and support fire suppression activities, including type of building construction, fire sprinklers, a fire hydrant system and paved access to the proposed Project area. Furthermore, the proposed Project is required to comply with the provisions of the City of Moreno Valley’s Development Impact Fee Ordinance (Ordinance No. 695), which requires a fee payment that the City applies to the funding of public facilities, including fire protection facilities. Mandatory compliance with the Development Impact Fee Ordinance would be required prior to the issuance of building permits. Based on the foregoing, the proposed Project would receive adequate fire protection service, and would not result in the need for new or physically altered fire protection facilities. Impacts to fire protection facilities are therefore evaluated as less than significant and no further analysis of this issue area is warranted.

b) Police protection?			■	
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(Source: Project Application Materials, Moreno Valley General Plan Safety Element, City of Moreno Valley General Plan FEIR, Chapter 5.13-Public Services and Utilities, City of Moreno Valley Municipal Code, Chapter 3.42, Commercial and Development Impact Fees (Ordinance No. 695))

The development of the subject property with one warehouse building would introduce a new structure and employees to the Project site. This would result in an incremental increase in demand for police protection services, but is not anticipated to require or result in the construction of new or physically altered police facilities. Prior to the issuance of building permits, the Project Applicant shall comply with the provisions of the City of Moreno Valley’s Development Impact Fee Ordinance (Ordinance No. 695), which requires a fee payment that the City applies to the funding of public facilities, including police facilities. Based on the foregoing, the proposed Project would receive adequate police protection service, and would not result in the need for new or physically altered police protection facilities. Impacts to police protection facilities are therefore evaluated as less than significant and no further analysis of this issue area is warranted.

c) Schools?			■	
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(Source: Project Application Materials, California Senate Bill 50 (Greene), California Government Code Section 65995, City of Moreno Valley General Plan FEIR, Chapter 5.1, Land Use)

The Project would not create a direct demand for public school services, as the subject property would be developed solely with one warehouse building and would not generate any school-aged children requiring public education. The addition of employment uses on the Project site would assist in the achievement of the City’s goal to provide a better jobs/housing balance within the City and the larger western Riverside County region (City of Moreno Valley 2006b). Thus, the Project is not expected to draw new residents to the region and would therefore not indirectly generate additional school-aged students requiring public education. Because the project would not directly generate students and is not expected to indirectly draw students to the area, the proposed Project would not result in the need to construct new or physically altered public school facilities. Although the Project would not create a demand for additional public school services, the Project Applicant would be required to contribute development impact fees to the Val Verde Unified School District, in compliance with California Senate Bill 50 (Greene). Mandatory payment of school fees would be required prior to the issuance of building permits. Project-related impacts to public schools are evaluated as less than significant and no additional analysis of this issue is required.

d) Parks?				■
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Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Source: Project Application Materials)

As discussed under Items XV(a) and XV(b) below, the proposed Project would not create a demand for public park facilities and would not result in the need to modify existing or construct new park facilities. Accordingly, implementation of the Project would not adversely affect any park facility and impacts are regarded as less than significant.

e) Other public facilities?			■	
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(Source: Project Application Materials)

The proposed Project is not expected to result in a demand for other public facilities/services, including libraries, community recreation centers, and animal shelters. As such, implementation of the Project would not adversely affect other public facilities or require the construction of new or modified facilities. No further analysis of this issue area is required.

XV. RECREATION.

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				■
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(Source: Project Application Materials)

The Project proposes to develop the site with one warehouse building. The Project does not propose any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity. Accordingly, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park, and no further analysis of this subject is required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				■
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(Source: Project Application Materials)

The proposed Project would develop the site with one warehouse building. The Project does not propose to construct any new on- or off-site recreation facilities. The Project would not expand any existing off-site recreational facilities. Therefore, adverse environmental impacts related to the construction or expansion of recreational facilities would not occur with implementation of the Project. Additional analysis of this issue is not required.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	■			
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(Source: Project Application Materials)

The proposed Project would contribute vehicular traffic to the local roadway network and has the potential to adversely affect the performance of the local circulation system, on a direct and/or cumulative level. A site-specific traffic study shall be prepared to quantify the vehicular traffic that would be generated by the proposed Project and model the affect of Project-related traffic on the local circulation system, taking all modes of transportation into account. The required EIR shall disclose the findings of the site-specific traffic study and evaluate the Project's potential to conflict with applicable plans, ordinances, and policies that establish a minimum level of performance for the local circulation system.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	■			
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(Source: Project Application Materials, Riverside County Congestion Management Plan)

Traffic generated by the Project has the potential to impact the Riverside County Congestion Management Plan (CMP) roadway network. Potential affects to the CMP roadway system shall be quantified in a site-specific traffic study, and the results of this study

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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shall be used in the required EIR to determine the Project's consistency with the Riverside County CMP, including applicable level of service standards and travel demand/congestion management measures.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				■
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(Source: Project Application Materials, March Air Reserve Base Air Installation Compatible Use Zone Study)

The proposed Project would involve the construction of one warehouse building that would be approximately 40 feet tall. The height of the proposed structure would be less than the maximum 150 feet height limit established for the Project Area by the March Air Reserve Base Air Installation Compatible Use Zone Study. In addition, the proposed Project would not include an air travel component (i.e., helipad) and products transported to and from the Project site would not be done so by air. Accordingly, the Project would not have any effect on air traffic patterns, including an increase in traffic levels or a change in flight path location that results in substantial safety risks. As such, no impact would occur and additional analysis of this issue is not required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	■			
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(Source: Project Application Materials)

Based on a review of the Project's application materials submitted to the City, no unsafe design features are proposed as part of the Project. Regardless, the Project's required EIR shall document the conditions of the existing and planned circulation system in the Project area and determine if the addition of Project traffic would adversely affect any off-site roadway segment or intersection which may be unsafe, or may become unsafe with the addition of Project traffic.

e) Result in inadequate emergency access?			■	
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(Source: Project Application Materials)

Buildout of the Project would result in the construction of one warehouse building on the Project site, which would increase the need for emergency access to and from the site. During the course of the City of Moreno Valley's required review of the Project's proposed Plot Plan, the Project's design would be reviewed to ensure that adequate access to and from the site is provided for emergency vehicles. Furthermore, the City of Moreno Valley would require that the Project provide adequate paved access to and from the site as a condition of Project approval. With required adherence to City requirements for emergency vehicle access, impacts would be less than significant.

f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			■	
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(Source: Project Application Materials, Moreno Valley General Plan Figure 9-4, Bikeway Plan)

According to General Plan Figure 9-4, *Bikeway Plan*, the proposed Project site does not abut any roadways that are planned for any bicycle facilities. Bicycle parking would be provided on the site in accordance with City Municipal Code requirements for bicycle parking facilities. Sidewalk easements would be offered to the City of Moreno Valley along San Michele Road and Perris Boulevard to implement the City's pedestrian circulation network. An existing bus stop is located adjacent to the Project site along Perris Boulevard and the Project Applicant will be required to coordinate with Riverside Transit Authority accordingly. There is no potential that the Project could conflict with adopted policies, plans or programs regarding public transit, bikeways or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities. As such, a less than significant impact would occur and additional analysis of this issue is not required.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			■	
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(Source: Project Application Materials)

Wastewater service is provided to the Project site by Eastern Municipal Water District (EMWD). EMWD is required to operate all of its treatment facilities in accordance with the waste treatment and discharge standards and requirements set forth by the Regional Water Quality Control Board (RWQCB). The proposed Project would not install or utilize septic systems or alternative wastewater treatment systems; therefore, the Project would have no potential to result in exceedances of the applicable wastewater treatment requirements established by the RWQCB. Accordingly, impacts would be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
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(Source: Project Application Materials)

Domestic water and wastewater services are provided to the Project site by EMWD. The proposed Project would require the installation of onsite water and wastewater conveyance lines to serve the proposed warehouse building and connect to existing, off-site facilities in the abutting public roadways. Except for small encroachments into adjacent public rights of way of developed/paved streets to connect to existing lines, no physical disturbance for the construction of water or wastewater facilities would be required to service the Project. As such, no significant impacts particular to the construction of water or wastewater facilities would occur that would not otherwise occur from grading and development on the Project site, which will be evaluated by the topics identified for analysis in the required EIR.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
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(Source: Project Application Materials)

The proposed Project would require the construction of a stormwater drainage conveyance system on the Project site to serve the proposed warehouse building, parking areas, and other site features. The Project’s proposed drainage system consists of underground storm drain pipes and detention/ water quality basins to be installed on the property, which are designed to collect and treat stormwater runoff and discharge treated flows into the regional drainage system. Existing basins located on the property adjacent to Nandina Avenue associated with the existing trailer parking yard would be reconfigured. A new basin would be installed adjacent to Perris Boulevard. In addition to on-site facilities, regional storm drain improvements are proposed in San Michele Road (along the northern Project site border) and in Perris Boulevard from San Michele Road south to the connection with the existing line. Both San Michele Road and Perris Boulevard are developed/paved streets under existing conditions and the construction of proposed regional storm drain improvements beneath the public rights of way of developed/paved streets would not result in a new physical disturbance. As such, no significant impacts particular to the construction of storm water drainage facilities would occur that would not otherwise occur from grading and development on the Project site, which will be evaluated by the topics identified for analysis in the required EIR.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			■	
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(Source: Project Application Materials, EMWD 2010 Urban Water Management Plan)

The operation of one warehouse building on the Project site would result in an increase in demand for potable water resources from the local water purveyor, EMWD. However, the proposed Project is fully consistent with the assumptions made in EMWD’s 2010 Urban Water Management Plan. EMWD’s 2010 Urban Water Management Plan concludes that the EMWD has sufficient water supplies available to serve planned land uses within its service area through at least 2035. Additionally, the proposed Project would not be subject to the provisions of Senate Bill 610 (Costa) (California Public Resources Code Section 21151.9 and Water Code Section 10910 et seq.) because the proposed Project does not involve an “industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 s.f. of floor area.” The proposed Project also would not be subject to the provisions of Senate Bill 221 (Kuehl) (California Government Code Section 66473.7) because the proposed Project does not involve a subdivision of land or a development agreement. Accordingly, the proposed Project does not require a Water Supply Assessment pursuant to Senate Bill 610, nor does the Project require a Water Supply Verification pursuant to Senate Bill 221. Because sufficient water supplies are available to service the proposed Project as documented in EMWD’s Urban Water Management Plan, impacts would be less than significant.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?			■	
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(Source: Project Application Materials)

The one warehouse building proposed by the Project would generate wastewater that would be conveyed to the Perris Valley Regional Water Reclamation facility, which is owned and operated by EMWD. Under existing conditions, the Perris Valley Regional Water Reclamation facility has a daily treatment capacity of 15 million gallons per day. Following completion of an on-going expansion project, the treatment capacity of this plant will increase to 22 million gallons per day. Based on EMWD’s standard

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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wastewater demand generation rate of 1,700 gallons per day per acre of industrial land uses, the proposed Project is estimated to demand approximately 29,410 gallons of wastewater service per day¹. This generally corresponds to approximately two-tenths of one percent (0.20 percent) of the existing treatment capacity and approximately 0.13 percent of future treatment capacity (following completion of the expansion project) at the Perris Valley Regional Water Reclamation Facility. Due to the relatively small amount of wastewater that would be generated by proposed Project and the amount of available capacity at this facility, it is determined that the Perris Valley Regional Water Reclamation Facility would have sufficient capacity to treat wastewater generated by the Project. As such, implementation of the Project results in a determination that adequate capacity is available to serve the Project's projected wastewater demand in addition to EMWD's existing commitments. Impacts would be less than significant. No further discussion in the EIR is necessary.

f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			■	
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(Source: Project Application Materials, Countywide Disposal Tonnage Tracking System, Solid Waste Information System, City of Moreno Valley Ordinance No. 706 (Recycling and Diversion of Construction Waste))

Implementation of the proposed Project would generate solid waste requiring off-site disposal during short-term construction and long-term operational activities. During the construction phase, approximately 24,000 tons of concrete asphalt debris would be generated during the demolition of the existing parking lot on the southern portion of the subject property; however, all concrete asphalt debris would be crushed and re-utilized on-site during construction activities for the proposed Project. Approximately 868.3 tons² of waste would be generated during building construction, installation of subsurface/utility improvements, and installation of landscaping. The Project would be required to comply with City of Moreno Valley Ordinance No. 706, which requires a minimum of 50 percent of all construction waste and debris to be recycled. As such, the Project is estimated to generate approximately 434.2 tons of waste during construction, which corresponds to an average of 2.7 tons per day over the construction phase of the Project (8 months or 160 working days). Long-term operation of the Project is estimated to generate approximately 2.8 tons of solid waste per day.³ Additionally, the Project would be required to comply with mandatory waste reduction requirements as described below in Item XVII(g). Solid waste generated by the proposed Project would be disposed at the El Sobrante Landfill, the Badlands Sanitary Landfill, and/or the Lamb Canyon Sanitary Landfill. Each of these landfills receive well below their maximum permitted daily disposal volume and have the potential for future expansion, and none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project's construction or operational periods. The landfills have sufficient capacity to accept solid waste generated by the Project's construction and operational phases; therefore, impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?			■	
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(Source: Project Application Materials)

The Project would be required to comply with the City of Moreno Valley's waste reduction programs, including recycling and other diversion programs to divert the amount of solid waste deposited in landfills. As such, the Project applicant or master developer would be required to work with future refuse haulers to develop and implement feasible waste reduction programs, including source reduction, recycling, and composting. Additionally, in accordance with the California Solid Waste Reuse and Recycling Act of 1991 (Cal Pub Res. Code § 42911), the Project would provide adequate areas for collecting and loading recyclable materials where solid waste is collected. The collection areas are required to be shown on construction drawings and be in place before occupancy permits are issued. The implementation of these programs would reduce the amount of solid waste generated by the Project and diverted to landfills, which in turn will aid in the extension of the life of affected disposal sites. The Project would comply with all applicable solid waste statutes and regulations; as such, impacts would be less than significant.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a			■	
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¹Source: Eastern Municipal Water District. *Sanitary Sewer System Planning & Design*. September 1, 2006.
² Based on a construction solid waste generation rate of 4.34 pounds per square foot. Source U.S. Environmental Protection Agency (2009), *Estimating 2003 Building-Related Construction and Demolition Materials Amounts*.
³ Based on light industrial/warehouse operational solid waste generation rate of 1.42 pounds per 100 square feet. Source: CalRecycle; <http://www.calrecycle.ca.gov/WasteChar/WasteGenRates/default.htm>.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				
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(Source: Project Application Materials, First Industrial, L.P., Daniel's Property Project Biological Technical Report, Cultural Resources Assessment, 2012 Protocol Burrowing Owl Survey – San Michele Property Project, 2012 Special-Status Plant Survey – San Michele Property Project, Mitigated Negative Declaration for Nandina III Distribution Center, Addendum No. 2 to Mitigated Negative Declaration for Nandina III Distribution Center)

The proposed Project would alter the site's existing land uses from an existing parking lot and vacant lot to a developed property with one warehouse building. Conditions of Approval would be carried forward and/or applied to the Project to ensure that proposed near-term construction activities and long-term operational activities would not substantially threaten to eliminate or restrict the range of sensitive animal species with a potential to occur on-site (namely, burrowing owl) and/or reduce habitat for sensitive plant or animal species, or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	■			
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(Source: Project Application Materials)

The proposed Project has the potential to result in cumulatively considerable impacts, particularly with respect to the following issue areas: air quality, greenhouse gas emissions, noise, and transportation/traffic. The required EIR shall evaluate the Project's potential to result in cumulatively significant impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■			
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(Source: Project Application Materials)

The potential for the proposed Project to directly or indirectly affect human beings will be evaluated in the required EIR particularly with respect to the following issue areas: air quality, greenhouse gas emissions, and noise.

4.0 REFERENCES

4.0 REFERENCES

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DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING

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*Flex your power!
Be energy efficient!*

December 10, 2012

Julia Descoteaux
Associate Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
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Notice of Preparation of a Draft Environmental Impact Report. (SR-215 PM R31.70)

Mrs. Descoteaux,

We have completed our review for the above mentioned project located in the southern portion of the City of Moreno Valley. West of Perris Boulevard, south of and adjacent to San Michele Road, approximately 1,150 feet east of Knox Street, and north of and adjacent to Nandina Avenue.

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

- A Traffic Impact Study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities and to propose appropriate mitigation measures. The study should be based on Caltrans' *Guide for the Preparation of Traffic Impact Studies (TIS)* which is located at the following website:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide.

- The data used in the TIS should not be more than 2 years old.

- The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.
- Traffic Analysis Scenarios should clearly be exhibited as exiting, existing + project, existing + project + cumulative, and existing + project + cumulative + ambient growth.
- Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.
- The LOS for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".
- Clearly indicate LOS with and without improvements.
- It is recommended that the Synchro Analysis includes all intersections from the Project site to the proposed study areas. A PHF of 0.92 in urban areas is recommended to be used in the Synchro Analysis.
- All freeway entrance and exit ramps where a proposed project will add a significant number of peak-hour trips that may cause any traffic queues to exceed storage capacities should be analyzed. If ramp metering is to occur, a ramp queue analysis for all nearby Caltrans metered on-ramps is required to identify the delay to motorists using the on-ramps and the storage necessary to accommodate the queuing. The effects of ramp metering should be analyzed in the traffic study. For metered freeway ramps, LOS does not apply. However, ramp meter delays above 15 minutes are considered excessive.
- Proposed improvements should be exhibited in preliminary drawings that indicate the LOS with improvements.
- Submit a hard copy of all Traffic Impact Analysis documents and an electronic Synchro Analysis file.

Mrs. Descoteaux
December 10, 2012
Page 3

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Talvin Dennis at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Kopulsky". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

DANIEL KOPULSKY
Office Chief
Community and Regional Planning

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



JAN 3 2013

December 19, 2012

Ms. Julia Descoteaux, Planner

City of Moreno Valley

P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: SCH#2012121011 CEQA Notice of Preparation (NOP); Initial Study and draft Environmental Impact Report (DEIR) for the "Plot Plan PA12-0023 First Inland Logistics Center II Project" located in the City of Moreno Valley; Riverside County, California

Dear Ms. Descoteaux:

The California Native American Heritage Commission (NAHC) is the State of California 'trustee agency' for the preservation and protection of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously.

The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you

make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

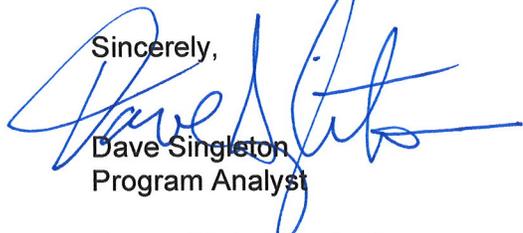
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Singleton". The signature is stylized and cursive, with a long horizontal stroke extending to the right.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Riverside County
December 19, 2012**

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resources Manager
P.O. Box 1477 Luiseno
Temecula, CA 92593
(951) 770-8100
pmacarro@pechanga-nsn.
gov
(951) 506-9491 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
Anza, CA 92539
(951) 659-2700
(951) 659-2228 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning, CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Department
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton, CA 92369
(909) 528-9027 or
(909) 528-9032

Cahuilla Band of Indians
Luther Salgado, Chairperson
PO Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
915-763-5549

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121011; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for PA12-0023 First Inland Logistics Center II; located in the City of Moreno Valley; Riverside County, California.

**Native American Contacts
Riverside County
December 19, 2012**

Pechanga Cultural Resources Department
Anna Hoover, Cultural Analyst
P.O. Box 2183 Luiseño
Temecula , CA 92593
ahoover@pechanga-nsn.gov
951-770-8104
(951) 694-0446 - FAX

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012121011; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for PA12-0023 First Inland Logistics Center II; located in the City of Moreno Valley; Riverside County, California.



South Coast Air Quality Management District

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

JAN 3 2013

December 20, 2012

Julia Descoteaux Associate Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

Notice of Preparation of a CEQA Document for the First Inland Logistics Center II (Plot Plan PA12-0023)

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality 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). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), 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, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM_{2.5} emissions from construction and operational activities and processes. In connection with developing PM_{2.5} calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM_{2.5} emissions and compare the results to the recommended PM_{2.5} significance thresholds. Guidance for calculating PM_{2.5} emissions and PM_{2.5} significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook 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. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



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

Johnson & Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
Abigail A. Brocdling, Esq.
Kimberly Foy, Esq.
Carl T. Sedlack, Esq. Retired

26785 Camino Seco, Temecula, CA 92590

E-mail: EsqAICP@WildBlue.net
Abby.JSLaw@gmail.com
Kim.JSLaw@gmail.com
Telephone: 951-506-9925
Facsimile: 951-506-9725

January 7, 2013

Julia Descoteaux
Associate Planner
City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Facsimile: (951) 413-3210

RECEIVED

JAN 10 2013
CITY OF MORENO VALLEY
Planning Division

VIA FACSIMILE AND US MAIL

RE: Written Request for all Public Notices First Inland Logistics Center II (Plot Plan PA 12-0023)

Greetings:

Please allow this letter to serve as a written request to receive all notices regarding the First Inland Logistics Center II project, Plot Plan PA 12-0023.

This written request is intended to include all public notices issued pursuant to the City of Moreno Valley ordinances as well as pursuant to the California Environmental Quality Act ("CEQA"), including notice of any CEQA determination regarding the subject project.

Please send all notices to the following address:

Johnson & Sedlack
26785 Camino Seco
Temecula, CA 92590

Thank you very much for your assistance.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

Johnson & Sedlack

A T T O R N E Y S at L A W

Raymond W. Johnson, Esq. AICP
Abigail A. Broedling, Esq.
Kimberly Foy, Esq.
Carl T. Sedlack, Esq. Retired

26785 Camino Seco, Temecula, CA 92590

E-mail: EsqAICP@WildBlue.net
Abby.JSLaw@gmail.com
Kim.JSLaw@gmail.com
Telephone: 951-506-9925
Facsimile: 951-506-9725

January 7, 2013

Julia Descoteaux
Associate Planner
City of Moreno Valley
Community & Economic Development Department
Planning Division
14177 Frederick Street
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Moreno Valley, CA 92552-0805
Facsimile: (951) 413-3210

RECEIVED

CITY OF MORENO VALLEY
Planning Division

VIA FACSIMILE AND US MAIL

RE: Comments on Notice of Preparation: First Inland Logistics Center II (Plot Plan PA 12-0023)

Greetings:

Please consider these comments submitted on behalf of concerned area residents.

The Initial Study (IS) finds that there will be no significant impact to agricultural resources in spite of the fact that the Project site includes land deemed "Farmland of Local Importance." Impacts to agricultural resources should be considered potentially significant and evaluated, disclosed, and mitigated for in the Environmental Impact Report (EIR). A Land Evaluation and Site Assessment (LESA) should be performed to determine the extent of impacts. Cumulative impacts to agricultural resources should also be considered with this additional loss of important farmland.

All feasible mitigation measures for air quality impacts should be considered in the EIR, particularly to mitigate for mobile impacts through for example, the required use, or phased in use, of clean fuel technologies and cleaner trucks.

The IS finds less than significant impacts to biological resources despite the property providing foraging and nesting habitat for protected species and despite the observation of protected and special status species onsite. Biological field surveys in 2012 observed the California horned lark and smooth tarplant onsite. The site is also suitable habitat for Burrowing Owl. The IS relies on the 2008 MND and Addendum No. 2 to conclude that potential impacts would be less than significant with the incorporation of previous Conditions of Approval. However, the 2008 evaluation/study and mitigation are outdated: these species were observed in a 2012 survey and may require further mitigation. With regards to impacts to burrowing owl, 2008 Conditions of

Approval are outdated where CDFG and others have determined such mitigation to be largely unsuccessful. Impacts to the smooth tarplant also may be significant as the MSHCP objectives have not yet been met. These potentially significant impacts to biological resources should be considered in the EIR. Also, cumulative biological effects should be evaluated as potentially significant.

Geological/soils impacts should also be considered in the EIR as potentially significant Project effects. According to the IS, the upper 3-5 ft of the Project soils possess unfavorable consolidation and collapse characteristics and relatively low moisture contents. Additionally, below 5 feet are expansive soils with higher clay contents. Given that soils onsite are unstable in this manner (above and below 5 feet), the EIR should evaluate, disclose, and mitigate for all potential geological and soils impacts. Additionally, if import/export of soils is required, associated effects from trucking of these soils and information about their source for import and location for export should be provided.

Aesthetic/hazard impacts relative to glare should be considered and mitigated in the EIR as the Project is located only 0.85 miles from March Air Reserve Base.

With respect to transportation/traffic, the EIR should consider individual and cumulative, local and regional impacts to area highways including I-215, SR-60 and the Ramona Expressway. Impacts to these highways and not only their on-/off-ramps should be disclosed. Mitigation measures should be required.

Thank you for your consider of the above comments in preparation of this EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Raymond W. Johnson
JOHNSON & SEDLACK



Department of Toxic Substances Control

Matthew Rodriguez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

Edmund G. Brown Jr.
Governor

January 8, 2013

Ms. Julia Descoteaux
City of Moreno Valley
P.O. Box 88005
Moreno Valley, California 92552-0805

RECEIVED
JAN 14 2013
CITY OF MORENO VALLEY
Planning Division

NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PA12-0023 FIRST INLAND LOGISTICS CENTER II PROJECT (SCH#2012111011), RIVERSIDE COUNTY, CALIFORNIA

Dear Ms. Descoteaux:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of a Draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document:

"The proposed Project involves the construction and operation of one warehouse building on a 17.3-acre property located at the southwest corner of San Michele Road and Perris Boulevard in the City of Moreno Valley, Riverside County, California. The proposed Project site is located within the geographical limits of the Moreno Valley Industrial Area Plan (Specific Plan (SP) 208). The southern portion of the proposed Project site is currently developed as an interim truck parking lot. Currently, the Project site is surrounded by a mixture of warehouse buildings, undeveloped lands, and other land uses located on properties designated and zoned for industrial development by the City of Moreno Valley. A majority of the Project site is designated "Business Park/Light Industrial (BP)" by the City of Moreno Valley General Plan."

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).

- EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.
- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the

presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

- 5) If the project area was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 6) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 7) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

Ms. Julia Descoteaux
January 8, 2013
Page 4

- 10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact Rafiq Ahmed, Project Manager, by e-mail at Rafiq.Ahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,



Rafiq Ahmed
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3691



January 14, 2013

Ms Julia Descoteaux
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Notice of Preparation for the First Inland Logistics Center II Project
City of Moreno Valley, County of Riverside
State Clearinghouse No. 2012121011

Dear Ms. Descoteaux:

The California Department of Fish and Wildlife (Department) appreciates this opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the First Inland Logistics Center II Project (Project), located within the City of Moreno Valley, County of Riverside [State Clearinghouse No. 2012121011]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (Fish and Game Code Sections 711.7 and 1802 and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description

The proposed Project encompasses an area of 17.3 acres, west of Perris Boulevard, east of Knox Street, north of Nandina Avenue, and south of San Michele Road, in the City of Moreno Valley, County of Riverside. Existing development at the proposed Project site consists of an 8.4 acre parking lot and 8.9 acres of undeveloped land. The proposed Project consists of the development of the entire 17.3 acre site with 400,130 square feet (s.f.) of warehouse. Properties north and south of Nandina Avenue and west of Perris Boulevard are either developed or approved for development with distribution warehouse buildings.

The Project is located within the City of Moreno Valley Industrial Area Plan, Specific Plan (SP) 208; named the Oleander SP. The Oleander SP was approved in 1989 and was renamed the Moreno Valley Industrial Area Plan in 2001 when 40 acres was added to the 1,500-acre Area Plan. The site was then classified as Industrial, consolidating the land use designations of Business Park, Mixed Use, Light Industry, and Heavy Industry. A Mitigated Negative Declaration (MND) was prepared in 2008 to approve Tentative Parcel Map No. 35859 (PA07-0165) and two Plot Plans (PA07-0166 and PA07-0167). An addendum to the 2008 MND was prepared to address minor design modifications and to construct an interim truck parking lot with

213 stalls (8.4 acres). A second addendum was approved for the expansion of the existing parking lot to the north to accommodate 487 truck parking stalls, a water quality basin, and screen walls. The City of Moreno Valley concluded that the expansion would have no additional environmental effects beyond those identified in the 2008 MND. The undeveloped portion of the Project site has been routinely disced for fire fuel management.

Potential Biological Impacts

The Project has the potential to have significant environmental impacts on sensitive flora and fauna resources, including burrowing owl (*Athene cunicularia*), California horned lark (*Eremophila alpestris actia*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), and raptors.

The Department is concerned about the continuing loss of jurisdictional waters of the State and the encroachment of development into areas with native habitat values. The DEIR should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. If the Project site contains Federally- or State-listed species, the DEIR should include measures to avoid and minimize impacts to these species as well as mitigation measures to compensate for the loss of biological resources. The DEIR should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

Western Riverside Multiple Species Habitat Conservation Plan (MSHCP)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources, including rare, threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Planning Program (NCCP Program). On June 22, 2004, the Department issued Natural Community Conservation Plan Approval and Take Authorization for the MSHCP per Section 2800 *et seq.* of the California Fish and Game Code. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

The proposed Project occurs within the MSHCP and is subject to the provisions and policies of the MSHCP. The Project is located in the Reche Canyon/Badlands Area Plan and does not contain any Criteria Cells. The City of Moreno Valley is the lead agency and is signatory to the MSHCP. Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the DEIR discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements.

Summary of the Department's Concerns

To enable Department staff to adequately review and comment on the proposed Project, the Department recommends that the City of Moreno Valley include the following information in the DEIR:

1. Provide a summary of the structure, purpose, and obligations of the Lead Agency under the MSHCP and an analysis of the Project in relation to the Area Plan biological goals and objectives.
 - a. Reserve Assembly. The Project is located within the MSHCP Area Plan and is subject to the conservation requirements for reserve assembly. A discussion of the applicable Area Plan and whether the Project includes Criteria Cells should be addressed. Documents processed through the Resource Conservation Agency (RCA) of the MSHCP should be included in the DEIR.
 - b. Goals and Objectives. A discussion of the Area Plan biological goals and objectives for species and habitats and an analysis of the Project area's species and habitats in relation to those goals and objectives.
 - c. MSHCP Policies. A discussion of the applicability of MSHCP policies and procedures, including: the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP Section 6.1.2); Protection of Narrow Endemic Plant Species (MSHCP Section 6.1.3); Additional Survey Needs and Procedures (MSHCP Section 6.3.2); Fuels Management (MSHCP Section 6.4), and the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP Section 6.1.4).
 - d. Special Survey Areas. A discussion of survey requirements within the Project site and the results of general and focused surveys. Surveys should be conducted following MSHCP protocol, where available, and within one year of submittal of the DEIR. Survey requirements and results should be included in the DEIR.
 - e. Biological Resources. A list of the biological resources found onsite and an analysis of how the Project implementation would impact those resources. Depending on the biological resources and habitat found onsite, a Determination of Biologically Equivalent or Superior Preservation (DBESP) may be required. If a DBESP is required, the DBESP(s) should be included with the DEIR.
 - f. Mitigation Measures. A list of proposed mitigation measures required by the MSHCP to offset impacts to site species and habitats, including payment of fees or other measures.
2. Please provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. Please provide a thorough assessment of rare plants and rare natural communities, following the Department's November 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link:
[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf)
 - b. A thorough assessment of sensitive fish, wildlife, reptile, and amphibian species.

Seasonal variations in use of the Project area should also be considered. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service. Biological surveys should be conducted within one year prior to submittal of the DEIR.

- c. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the California Fish and Game Code.
3. Provide a thorough discussion of potential direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset these impacts.
 - a. CEQA Guidelines, 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should be analyzed relative to their effects on off-site habitats, including adjacent public lands, open space, adjacent natural habitats, and riparian ecosystems. In addition, impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.
 - c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d. A cumulative effects analysis should be developed as described under CEQA Guidelines, 15130. General plans and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - e. The document should include an analysis of the effect that the Project may have on the MSHCP or on other regional and/or subregional conservation programs in San Diego or Orange Counties. Under Sections 2800-2835 of the California Fish and Game Code, the Department, through the NCCP is coordinating with local jurisdictions, landowners, and the Federal Government to preserve local and regional biological diversity.
 4. A range of alternatives should be analyzed to ensure that alternatives to the proposed Project are fully considered and evaluated (CEQA Guidelines 15126.6). A range of alternatives which avoid or minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate.

- a. Mitigation measures for Project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid and/or minimize Project impacts. Off-site compensation for unavoidable impacts, through acquisition and protection of high-quality habitat, should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts.
 - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
5. Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration is still required by the Department, should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits. Following review of a JD, the Department may request changes to the JD. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for project-related impacts to jurisdictional areas. The Department recommends submitting a notification early in the planning process, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

- a. Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);

- b. Discussion of avoidance and minimization measures to reduce project impacts; and,
- c. Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Please refer to section 15370 of the CEQA guidelines for the definition of mitigation.

In the absence of specific mitigation measures in the DEIR, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Section 15002).

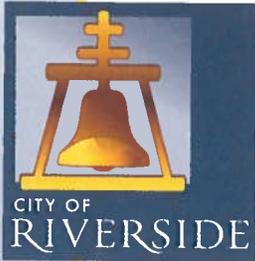
Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

A handwritten signature in blue ink that reads "Jeff Brandt". To the left of the signature, the word "for" is written vertically in a smaller, cursive script.

Jeff Brandt
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento



Community Development
Department
Planning Division

January 14, 2013

Julia Descoteaux, Associate Planner
City of Moreno Valley
Community & Economic Development Department
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552

SUBJECT: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FIRST INLAND LOGISTICS CENTER II

Dear Ms. Descoteaux:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed First Inland Logistics Center II project. The project proposes the construction of an approximately 400,130 square-foot warehouse building on a 17.3 acre site situated on the westerly side of Perris Boulevard, between San Michele Road and Nandina Avenue.

Given the project site's proximity to the Interstate-215 (I-215) corridor and the project's potential to generate significant impacts related to an increase in traffic, as identified in the environmental Initial Study (IS), City of Riverside staff offers the following comments for your review and consideration:

- The DEIR prepared for the Prologis Eucalyptus Industrial Park found that segments of State Route 60 (both westbound and eastbound) currently operate at an unacceptable LOS. Given this level of service, the proposed project will worsen the existing unacceptable LOS on State Route 60, particularly when analyzed cumulatively alongside the World Logistics Center. As this significant unavoidable impact cannot be adequately mitigated, traffic will spill over onto other roadways including City of Riverside streets as previously discussed. This further emphasizes the need for the prospective DEIR to adequately analyze and mitigate for all spill-over impacts to the City of Riverside.
- It is requested that the technical traffic study, proposed to be prepared as part of the DEIR, include the following:
 - Evaluation and mitigation of impacts to City of Riverside streets and roadways based on the fact that the Mid-County Parkway project will no longer be built west of the I-215 Freeway and the fact that the proposed corridor improvements along Cajalco Road will not be completed prior to construction of the proposed project;
 - Evaluation and mitigation of the impacts to the regional transportation system from the truck transport of goods originating from other locations to the project site and from the project site to other locations, including impacts to arterials within the City of Riverside;

- Evaluation and mitigation of the impacts to the regional transportation system from the truck transport of goods originating from the project site to other locations, including impacts to arterials within the City of Riverside;
- Identification of appropriate mitigation measures to reduce any impact to the City of Riverside and maintain the current level of service (LOS) of all roadways and intersections within the City of Riverside;
- Evaluation and mitigation of the cumulative impacts of the project based on proposed and recently completed projects within the vicinity of the project site, including those within Cities of Riverside, Perris, Moreno Valley, the March Joint Powers Authority, and the County of Riverside;
- Assessments of traffic impacts generated by passenger vehicles and delivery trucks (those that would normally travel west along State Route 60 toward the Interstate 215/State Route 91 interchange) that will find the "path of least resistance" when the freeways are congested and take routes on City of Riverside arterials such as Van Buren Boulevard and Alessandro Boulevard to access State Route 91; and
- Identify specific mitigation or fair share contribution toward mitigation (beyond TUMF) that may be needed to address any impacts to the City of Riverside.

The City of Riverside appreciates your consideration of the comments provided in this letter. Please forward any updated environmental documents related to the First Inland Logistics Center II project to the Planning Division for further review. Should you have any questions regarding this letter, please feel free to contact Moises A. Lopez, Associate Planner at (951) 826-5264 or by email at mlopez@riversideca.gov.

Sincerely,



Steve Hayes, AICP
City Planner

- c: Scott Barber, City Manager
Deanna Lorson, Assistant City Manager
Kristi Smith, Supervising Deputy City Attorney
Al Zelinka, FAICP, Community Development Director
Tom Boyd, Public Works Director
Steve Libring, Traffic Engineer
T & B Planning, Inc., 17542 East 17th Street, Suite 100, Tustin, CA 92780



SAN GORGONIO CHAPTER

4079 Mission Inn Avenue, Riverside, CA 92501 (951) 684-6203
Membership/Outings (951) 684-6203 Fax (951) 684-6172

*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz, Santa Margarita.*

Julia Descoteaux
Associate Planner
P. O. Box 8805
Moreno Valley, CA 92552

Re: Notice of Preparation of Draft Environmental Impact Report (DEIR) for the
First Inland Logistics Center II (Plot Plan PA12-0023)

Dear Ms Descoteaux,

The Sierra Club appreciates this opportunity to give a few thoughts on another Moreno Valley warehouse. There will be several links and attachments, which will be part of this letter. We will expect these to be printed in full in the Draft EIR/Final EIR to allow the public and decision makers the opportunity to read them. I have been asking for more than one year that all of these documents be also done in Spanish. Based on the 2010 census Moreno Valley has 55% Latino population with about 25% speaking a foreign language.

The First Inland Logistics Center II warehouse is smaller than many the City has recently approved, but will still have negative impacts in several areas. The Project is less than five miles from SR 60 and the Sierra Club will expect you to analyze the cumulative impacts of this project with all others that have been approved, or in the planning process or it is foreseeable that the project will be go through planning. This specifically means that you include the World Logistic Center (WLC) and the West Ridge Commerce Center and the ProLogis Eucalyptus Industrial Park as wells as all those projects in southwest Moreno Valley, within the March Air Reserve Base area and the Cities of Perris and eastern Riverside. They will all impact SR-60 as they head east through the badlands. This project just adds to this cumulative impact to our road system and the DEIR will be inadequate unless it includes all of these projects not only in traffic, but air quality, Green House Gas and many other areas that should be addressed in this project's environmental documents. The City has a practice of selecting a distance for traffic studies, which if it does not include another project like the WLC then there is no addressing their combined traffic or other impacts. The City needs to study

the distances from all warehouses and other land uses so it looks like a series of Venn Diagrams. Therefore if you study traffic within five miles of this project, you must also study the overlap from five miles of the WLC as well as all others. As I have mentioned on previous warehouse projects the City needs to read the Court's Statement of Decision (see additional attachments) from the Villages of Lakeview litigation and learn that five miles is not nearly enough distance to sturdy cumulative traffic impacts as well as related impacts like air quality.

The diesel trucks, which AQMD (see additional attachments) has been trying to educate the City of Moreno Valley about their cumulative lethal toxic emissions, need to be regulated either through conditions of approval or incentives.

The Press-Enterprise article about this explains much of our concerns about our City not paying attention to AQMD, which is only trying to protect our health.

<http://www.pe.com/local-news/topics/topics-environment-headlines/20121221-moreno-valley-air-district-raps-warehouse-plans.ece> as does their Editorial which follows:
<http://www.pe.com/opinion/editorials-headlines/20130106-editorial-restrict-air-pollution-from-moreno-valley-warehouses.ece>

The Sierra Club expects the recommendations (see additional attachments) expressed by AQMD on the last four warehouse projects to be implemented on the First Inland Logistic Center II warehouse project. Perhaps if the City will not do this for the health of the area residents, they will in order to not jeopardize billions of dollars in federal funding for highways and other infrastructure as mentioned in the following article on new EPA soot standards:

<http://www.pe.com/local-news/topics/topics-environment-headlines/20121214-region-tougher-pollution-standard-set-for-deadly-soot.ece> AQMD explained in their letters on other Moreno Valley warehouse projects that they were willing to sit down and work with the City's staff to make their recommendations a reality as has been done in other jurisdictions. The Sierra Club looks forward to the City following-up on their offer.

The Sierra club will expect you to include Biological Resources in the Draft EIR. You have the smooth tarplant, a special status plant as well good habitat for Burrowing Owls, a California Species of Special

Concern. You mention raptor foraging is available on site and you also mentioned that a California horned lark, a California Species of Special Concern, was observed on site. Our valley is known throughout the United States as well as parts of the world as a place, which is home to over twenty species raptors at various times of the year. The City's approval of these projects is cumulatively having a significant impact on their foraging opportunities.

Agricultural Resources are being diminished by this project. Farmlands of Local importance cannot just be written off without some mitigation. It goes together with raptor foraging. If you mitigate one, you would probably mitigate the other. No Local Farm Land = No Local Food. When we eliminate lands good for local food/grazing we are increasing Global warming and Green House Gas (GHG) as we increasingly need to import food into our area, which in some cases could have been grown locally. The cumulative impacts to the loss of Agricultural Resources needs to be addressed in the DEIR and its impact on GHG/Global warming.

The Sierra Club believes this warehouse project and all other warehouse projects must include an analysis of Hazards and Hazardous Materials in the Draft EIR because of the toxic diesel emissions. The Initial Study mentions that the proposed project has no potential to emit hazardous emissions "within one-quarter mile of an existing school." It doesn't say that it will not emit hazardous emissions to the workers or the nearby residents. Reread the above link to the article on EPA's new soot standards. This pollution affects asthma and strokes and the research links the fine particles to depression and slow thinking. "It causes about 5,000 premature deaths per year in Southern California alone, according to the state Air Resources Board." The Draft EIR needs to explain how the project will affect the warehouse workers who will be breathing in toxic diesel emissions their entire work day.

Both Planning Commissioners have committed recently that the design of warehouses coming before them are lacking. This project fits the mold of what has usually come before. The proponents of

this project would be wise to upgrade the design and materials and landscaping they plan to present to the City's decision makers.

The email in which this letter is attached will have other attachments that are part of the Sierra Club's comments on this NOP for the First Inland Logistic Center II warehouse project. We look forward to reading the Draft EIR for this project and hope what we have written above will be reflected in the document. Please keep us notified of all future meetings, reports and environmental documents for this project by sending the information to the address below my name.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley, CA 92555



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-MAILED: DECEMBER 14, 2012

December 14, 2012

Mr. John Terrel, Planning Director, johnt@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 March Business Center

On June 14, 2012, the AQMD staff commented on the Draft EIR for the proposed March Business Center, a warehouse/distribution and light industrial facility use project. This letter addresses the lead agency's responses to our comments.

The Final EIR states that the proposed project will have long term operational air quality impacts that are significant. Specifically, regional NOx emissions from trucks accessing the site will be over ten times higher than significance thresholds. Notwithstanding this significant impact, the lead agency concludes in its response to AQMD staff comments that no mitigation measures are feasible to reduce these impacts. AQMD staff disagrees with this conclusion and is concerned that the lead agency has not provided sufficient rationale to justify the lack of mitigation. Further, the response to AQMD staff comments regarding cumulative impacts and trip rates do not appear to sufficiently address AQMD staff's concerns. AQMD staff recommends that the lead agency revisit some of their responses in light of the significant impacts found for this project prior to certifying the Final EIR. Details regarding these comments are attached to this letter.

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 (909) 396-3302, if you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan".

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

Mr. John Terrel,
Planning Director

2

December 14, 2012

IM:GM
Attachment

RVC121128-01
Control Number

Copy: Mr. Mark Gross, AICP, Senior Planner, MarkG@moval.org

1) Mitigation Feasibility for Significant Air Quality Impacts

AQMD staff is concerned about the lack of mitigation measures the city has proposed for warehouse projects within its jurisdiction, including the March Business Center. While these newer larger warehouses have the potential to be more efficient than older facilities, the millions of square feet of new warehousing proposed within Moreno Valley will still need to be served by thousands of heavy duty diesel trucks every day.

The residents in our region currently experience the worst air quality in the nation, and we have a very serious challenge to meet the federally required ozone standard by 2023. Heavy duty diesel trucks emit a variety of harmful pollutants including ultrafine particles, diesel particulate matter (a known carcinogen), and nitrogen oxides (NOx). NOx emissions are a primary contributor to ozone and fine particulate matter formation, and heavy duty diesel trucks are the largest source of NOx emissions in our region. Even after more stringent CARB tailpipe regulations are met, our region will still need to reduce total NOx emissions by an additional 65% by 2023. We note that the March Business Center NOx emissions are ten times higher than the significance thresholds.

What is concerning to AQMD staff is that while the city is actively expanding its role as a center of warehouse operations, it is not advancing any measures to reduce the air quality impacts from the trucks serving those warehouses. In responses to recent AQMD staff comment letters, the lead agency has stated that they have no ability to reduce emissions from trucks. We disagree. Several other lead agencies¹ and businesses² in the region have found ways to either require or incentivize lower emitting trucks, faster than required by regulation. These measures have included:

- Requiring cleaner burning trucks, such as those meeting 2010 standards
- If this isn't achievable, finding an alternative phase-in schedule to introduce newer trucks faster than regulatory standards
- Providing infrastructure for alternative fuels (for example, electric or natural gas)
- Implementing advanced technology demonstration and implementation programs
- Requiring tenants to apply for funding to retrofit and replace older, dirtier trucks

¹ -Banning Business Park

<http://banning.ca.us/archives/30/July%202013,%202010%20City%20Council%20Agenda.pdf> (pg.179-180)

-Mira Loma Commerce Center (condition #'s Planning 047 and Planning 052)

http://www.rctlma.org/online/content/conditions_of_approval.aspx?PERMITNO=pp17788

-Palm/Industrial Distribution Center

<http://www.ci.san-bernardino.ca.us/civica/filebank/blobdload.asp?BlobID=11793> (pg. 71-76)

-Clean Trucks Program

<http://www.cleanairactionplan.org/cleantrucks/>

² -Stater Brothers

<http://www.aqmd.gov/aqmp/CCP/Document/080812SBWGMtg.pdf> (pg. 10)

-UPS

<http://www.aqmd.gov/aqmp/CCP/Document/061312SBWGMtg.pdf> (pg. 4)

-99 Cent

<http://www.aqmd.gov/aqmp/CCP/Document/091912BHWGMtg6.pdf> (pg. 6)

There also appears to be mitigation opportunities onsite that have not been fully pursued, including:

- Requiring all hostlers that only operate onsite to be alternative fueled,
- Providing enough electrical hookups for 100% of any refrigerated trucks visiting the site to plug in their TRUs
- Providing solar power on roofs to reduce reliance on fossil fuel burning power plants

AQMD staff recommends that the lead agency re-evaluate the feasibility of the above measures to reduce NO_x emissions from trucks. If none of the measures are found to be feasible, additional rationale should be provided prior to certifying the Final EIR.

2) Adequacy of Environmental Analysis

In response to AQMD staff comments regarding trip rates (K-26), the lead agency makes the following statement.

“CEQA does not require that development projects be limited to the level of daily operational activity assumed in the environmental analysis. Moreover, to impose a daily limitation on the number of truck trips, as the SCQAMD suggests, would limit the economic activity at the facility and could result in disruption of business operations . . .”

This statement appears to indicate that the lead agency believes there is a fair argument that the project will yield more trips than is analyzed in the Final EIR. Moreover, AQMD staff strongly believes that CEQA does require that an EIR evaluate all potential impacts from a project. If the lead agency believes that there is the potential for more truck traffic than was analyzed for this project because a tenant has not yet been identified, then we recommend that a high end trip rate be used, such as that recommended in the CalEEMod guidance. Higher trip rates could potentially lead to additional significant air quality impacts that may need additional mitigation. If a high end rate is not utilized to evaluate impacts, AQMD staff recommends that the lead agency limit the activity to what has been analyzed in the Final EIR. If this limit would have additional impacts, those should also be evaluated prior to certifying the Final EIR.

3) Cumulative Impacts

In response to AQMD staff comments regarding cumulative impacts (K-35), the lead makes the following statement.

“The air quality analysis relies on the Project’s traffic study, for which a specific cumulative study area was established.”

However page 4.2-22 of the Final EIR indicates that this is not true.

“Under long-term operating conditions, Project emissions would be well below SCAQMD’s localized significance and carcinogenic exposure thresholds. Therefore, it is reasonable to conclude that even when combined with localized emissions from future developments within close proximity to the Project site, such emissions would not exceed SCAQMD thresholds. Accordingly, long-term operation of the Project would not expose

nearby sensitive receptors to substantial localized pollutant concentrations, and a cumulative considerable impact would not occur.”

The first statement implies that the cumulative traffic study was used for the cumulative air quality impact assessment. However the second statement from the Final EIR does not support this conclusion. The Air Quality Appendix of the Final EIR includes a discussion of the basin-wide risks from AQMD’s MATES III study, however there is no mention of the recently approved and proposed surrounding projects that will also bring truck traffic to the area. The proposed project carcinogenic risks are less than significant, at 37% of the significance threshold. It is not clear to AQMD staff that including the truck trips from the more than 7 other warehouse projects within the vicinity will not yield a cumulatively significant health risk to sensitive receptors (e.g., residents and school children) located along truck routes serving these projects. AQMD staff recommends that the lead agency quantitatively evaluate the cumulative impact of all of these warehouse projects prior to certifying the Final EIR.

4) Onsite Solar Power Generation

AQMD staff appreciates that the project includes a component of photovoltaic solar power generation. However, after reviewing the Final EIR, it is not clear how much solar power will be generated onsite. AQMD staff recommends that the lead agency and applicant take advantage of the large roof space provided and construct the maximum amount of solar power as possible. This power generation can help to offset the need to draw power from fossil fuel burning power stations located in our basin.



South Coast Air Quality Management District

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E-MAILED: NOVEMBER 28, 2012

November 28, 2012

Mr. John Terrel, Planning Director, john.t@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 (909) 396-3302, 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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE:
FRIENDS OF THE NORTHERN SAN JACINTO VALLEY, et
al., v. COUNTY OF RIVERSIDE, et al.

DATE & DEPT:
04/11/12 D10

MASTER NUMBER:
RIC10007572

RELATED CASES:
RIC10007574
RIC10007586

COUNSEL:
NONE

REPORTER:
NONE

PROCEEDING:
PROPOSED STATEMENT OF DECISION

This is a consolidated matter in which Friends of Northern San Jacinto Valley, Sierra Club, Center for Biological Diversity, San Bernardino Valley Audubon Society, and the City of Riverside all challenge the approval of a project proposed by real party in interest Nuevo Development Company. The Project is the Villages of Lakeview extending over 2,800 acres consisting of 11,350 dwellings, a mixed use town center including some 500,000 square feet of retail, office and commercial uses, public facilities including four schools and a library, and nearly 1,000 acres of open space/conservation areas. Respondent County of Riverside approved the Project and certified the Environmental Impact Report on March 23, 2010. Petitioners filed a joint opening and reply brief. Respondents and real party also filed a joint opposition and will be referred to collectively as "Respondents."

DISCUSSION

I. The EIR failed to adequately evaluate GHG impacts and possible mitigation of these impacts.

Petitioners contend that the County failed to proceed in the manner required by CEQA in that the EIR improperly assessed the significance of the greenhouse gas (GHG) emissions by

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comparing them to a potentially unrealistic, unreasonable hypothetical scenario rather than to existing conditions as required by *CBE vs. SCAQMD* (2010) 48 Cal. 4th 310, 322.

Respondents contend they first measured the Project's total GHG emissions against the baseline of existing conditions (zero emissions) to generate the Project's GHG inventory, quantified as 137,637 tons of CO₂e annually and that this satisfied CEQA's mandate that project impacts be disclosed and compared to the existing physical environment which serves as a baseline for CEQA purposes. Next, the County exercised its discretion by utilizing compliance with AB 32 as the threshold against which to evaluate the impact on GHG, and compared the Project's GHG inventory against a business-as-usual (BAU) scenario to make its impact significance determination. This approach, according to respondents, provided an opportunity to evaluate the Project's emissions reduction strategy. According to respondents, the BAU hypothetical used represents the Project as proposed absent its voluntary design features, GHG reduction commitments and mitigation measures not require by existing mandates. Respondents contend that the analysis was reasonable and supported by substantial evidence in the record.¹

It is true that agencies can exercise discretion in formulating and establishing thresholds of significance for each potentially adverse environmental effect (Guidelines §15064(b)), and may use performance standards or guidance documents adopted or issued by regulatory agencies as thresholds of significance (§15126.4(a)(1)(B)). It is also true that, at this time, no agency with particular expertise or jurisdiction over the Project's air quality and GHG emissions has established a quantitative or numeric threshold for determining when or to what extent emissions are significant for CEQA purposes in relation to GHG.

¹ In support of their contention that this BAU approach was proper, respondents ask the court to take judicial notice of a decision from a Kern County trial court proceeding and an appellant's opening brief. The request is denied.

Nevertheless, the hypothetical project proposed for the EIR does not accurately reflect business as usual because it uses an unrealistic scenario which ignores local planning and zoning laws, strips all vegetation from the project, and contemplates development on mountainous portions of the project site. In addition, the hypothetical scenario fails to account for the fact that project approval under CEQA contemplates a process whereby the adverse environmental effects of a project of this nature are identified and analyzed; alternatives are considered; and potential impacts are eliminated or mitigated. The hypothetical project, which ignores not only local planning and zoning laws as well as potential adverse impacts, is not one that could ever be expected to actually occur in the County let alone on the project site. It does not appear the EIR used a “business as usual” approach but instead adopted a “worst-case” scenario as it began its evaluation of the GHG emissions.

Respondents’ reliance on *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327 is misplaced. While the *Chula Vista* case did conclude that compliance with AB 32 was a proper threshold of significance and implicitly approved use of a “business as usual analysis” in assessing the significance of the impact, that case is factually distinguishable. In that case, business as usual was based on the existing store – not some hypothetical scenario like here.

Chula Vista simply does not support respondents’ use of a hypothetical “BAU” that has no correlation to baseline conditions or to the project as proposed and is not even based on what could be realistically developed in this area in light of existing zoning and other land use regulations.

As the Supreme Court noted in *CBE v. SCAQMD*, *supra*, 48 Cal.4th 310 at p. 322: “An approach using hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of

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the actual environmental impacts,' a result at direct odds with CEQA's intent. [Internal Citation Omitted.] The District's use of the prior permits' maximum operating levels as a baseline appears to have had that effect here, providing an illusory basis for a finding of no significant adverse effect despite an acknowledged increase in NOx emissions exceeding the District's published significance threshold."

Notwithstanding that the Supreme Court was addressing the issue of baseline conditions whereas here we are discussing a proper BAU model, the concerns expressed in *CBE* are the same. The use of this hypothetical "BAU" here which is tied neither to existing conditions or reasonably likely conditions serves only to mislead the public and the decision-makers in their understanding of the actual significance of the GHG emissions, and their effect on the environment. Further, because the EIR improperly assessed the significance of GHG emissions, the EIR could not and did not properly analyze and evaluate feasible mitigation for GHG impacts.

II. The County was required to recirculate the EIR.

The Court finds that new information was added after the close of the public comment period that revealed a substantial increase in the severity of environmental impacts.

In response to comments to the DEIR, a transportation analysis was conducted which indicated an increase of 100 million additional vehicle-miles traveled (VMT) per year (50% increase), and PM_{2.5} concentrations 300% greater than previously disclosed and 95 times higher than Air District's threshold for determining the significance of impacts. Petitioners contend that an agency is required to recirculate an EIR when it adds significant new information after the public comment period has closed, citing §21092.1 and *American Canyon Community vs. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1075-76).

Respondents argue that substantial evidence supports the County's determination that the new information merely clarified, amplified, or made insignificant modifications to the general assumptions that were presented in the draft EIR. According to respondents, the new information did not change the severity of the Project's impacts on global climate changes (GCC) or air quality. They contend that even with the new VMT estimates, the Project would still reduce emissions consistent with AB 32. They conclude that the County's decision not to recirculate was proper, citing *Silverado Modjeska Recreation and Parks vs. County of Orange* (2011) 197 Cal.App.4th 282.

The Court finds that the new information did constitute a substantial increase in the severity of GCC and air quality impacts which required recirculation. (Guidelines §15088.5; Pub. Res. §21092.1, §21166.) The new analysis which revealed the substantial increase in GHG and fine particulates was conducted after the comment period. This new information did not merely supply additional requested details or merely explain the DEIR's analysis. Instead, the methodology used in connection with the DEIR was discarded. A new, more accurate methodology disclosed air quality impacts more severe than previously disclosed.

In addition, the County's reliance on its BAU hypothetical and analysis fails. The County cannot rely on alleged consistency with AB 32 as discussed above.

Petitioners did not have an adequate opportunity to comment on the newly disclosed impacts. The determination that the increased impacts did not warrant recirculation is not supported by substantial evidence.

III. The EIR did not adequately analyze the project's impacts on air quality and the related health impacts.

The Court finds that there is inadequate analysis in the EIR as to the Project's impacts on air quality and related health effects. In discussing significant environmental impacts, direct and

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indirect significant effects of the project should be clearly identified and described, giving due consideration to both the short-term and long-term effects on matters including health and safety problems caused by the physical changes. (*Guidelines §15126.2(a).*) Here, the EIR makes only general references to respiratory and pulmonary conditions and cancer health risks. However, it provides little information or analysis as to the specific impacts on the general population versus sensitive receptors, or as to the degree of impacts and the specific effects on the public's health. When the informational requirements of CEQA are not met, an agency has failed to proceed in a manner required by law. (*Bakersfield Citizens for Local Control vs. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1220).

The County's reliance on the South Coast Air Basin region-wide Air Quality Management Plan does not relieve it of its obligation to provide a reasonable analysis of the Project's cumulative impacts. (*Guidelines §15130(b).*) Pursuant to *Berkeley Keep Jets Over the Bay Committee vs. Bd. of Port Commissioners of the City of Oakland* (2001) 91 Cal. App. 4th 1344, 1371, the County is required to use its best efforts to find out and disclose all that it reasonably can. Here, Petitioners provided the County with numerous studies addressing the health effects of particulate pollution, yet County's only response was to discredit one of the reports, and to continue to rely on the SCAQMD methodology. Absent any attempt to use its best efforts to find out and disclose all that it reasonably can, the County failed to meet its obligations.

IV. The EIR failed to conduct an adequate review of the project's impacts on regional traffic.

The Court finds that the EIR failed to conduct adequate environmental review of the Project's impacts on regional traffic. The record establishes that the Project will result in over 85,000 vehicle trips per day, and will add 17,000 new car trips to the I-215 each day. Many of the residents will be driving to Moreno Valley and Riverside via the I-215, and those commuting

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to Orange and Los Angeles Counties will contribute to the existing problems at the I-15/SR91 interchange.

The EIR failed to analyze the impacts on any of these freeways, and instead restricted its analysis based upon the Riverside County Traffic Impact Analysis Preparation Guide (TIA) and a supplemental analysis. In accordance with the TIA, County studied the area within a five-mile radius of the Project site and conducted a supplemental analysis including 17 additional intersections and 10 additional street segments. An EIR must include a description of the environment in the vicinity of the Project from both a local and regional perspective. (*Bozung vs. Local Agency Formation Comm. (1975) 13 Cal. 3d 263, 283; Guidelines §15125.*) By failing to analyze the Project impacts on the surrounding freeways, County failed to proceed as required by CEQA.

County also argues that it specifically noted there would be a need for subsequent environmental review related to potential traffic impacts and that significant changes with respect to development of regional transportation systems are expected to occur. CEQA, however, requires that the impacts of a proposed project are to be compared to the actual environmental conditions existing at the time of the analysis. (*Sunnyvale West Neighborhood Assn. vs. City of Sunnyvale (2010) 190 Cal. App. 4th 1351, 1380-1384.*) The EIR fails to provide any specific analysis as to the impacts of the Project on the existing freeways.

V. The EIR project description was adequate.

The question concerning which acts constitute the “whole of an action” for purposes of Guidelines §15738 is a question of law. (*Tuolumne County Citizens for Responsible Growth, Inc. vs. City of Rancho Cordova (2007) 155 Cal. App. 4th 1214, 1224.*) As such, it is to be determined by the trial court’s independent judgment. In this case, the Court finds that the

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construction of the electrical substation and transmission lines, as well as the training dike, are not part of the Project.

The EIR does acknowledge that the new electric substation is necessary to the Project: the existing Nuevo substation only has the capacity to meet projected demands through 2012, after which additional substation capacity (and the extension of transmission lines) will be necessary to provide power to support the current and future growth. The construction of the off-site training dike is necessary to significantly reduce flooding within the Project. However, neither the substation nor the dike, are component parts of the Project and there has been no improper segmentation.

There are general principles used to determine whether a particular act is part of the activity that constitutes a CEQA project. One way is to evaluate how closely the related acts are to the overall objective of the project (the relationship being sufficiently close when the proposed act is among the "various steps which taken together obtain an objective"). (*Tuolumne, supra, p. 1226.*) Another is to consider how closely the act and project are related in time and physical location, and the entity undertaking the action. (*Id.*, at p. 1227.)

In this case, both the substation and dike were planned independently of the Project, and will serve development in addition to the Project. The substation will be built by a separate entity, Southern California Edison to accommodate regional development growth beyond 2012. The dike is part of a previously approved County infrastructure plan to serve regional needs. As such, neither the substation and transmission lines nor the dike are component parts of the Project. (See *Anderson First Coalition vs. City of Anderson* (2005) 130 Cal. App. 4th 1173.)

VI. The EIR adequately addressed the project's noise impacts.

Petitioners contend that the EIR does not properly account for the already existing noise environment attributable to some of the roadways which will serve the Project. They argue that

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the EIR improperly uses thresholds of significance to avoid having to confront the possibility that any additional amount of noise might well be significant given the already existing problems. Petitioners contend that the EIR also fails to consider that the Project's incremental noise impacts might be cumulatively considerable. Petitioners conclude that the EIR avoids having to adopt feasible measures to mitigate the Project's contributions to noise.

On the contrary, the EIR acknowledges that because the cumulative noise without the Project is significant, any additional noise contributed by the Project would be significant. The EIR admits that the effect of the Project together with other cumulative impacts will result in significant area-wide cumulative noise impacts. Instead of refusing to examine mitigation for the noise impacts, the EIR considered the use of sound walls to mitigate the significant noise impacts. This mitigation was found not to be feasible, and the EIR concluded that the noise impacts were therefore significant and unavoidable. Petitioners do not dispute the finding that sound walls were not feasible. Nor do they suggest that there were other mitigation measures that could have been considered.

Petitioners also contend that the EIR fails to analyze specific noise impacts resulting from construction of the Project. However, the County was not required to speculate regarding construction activity for project buildup expected to take place over a 20-year period. (See *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 932-933.) Instead, given the conceptual level of the Project, the County properly considered construction impacts to the extent possible and identified mitigation measures.

VII. EIR did not adequately address concerns raised with respect to the Habitat Conservation Plan.

CEQA requires the lead agency to respond to each significant environmental issue that is raised by commenters. (Pub. Res. C. §21091(d)(2).) Major environmental issues raised when

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the lead agency's position is at variance with recommendations and objections should be addressed in detail with reasons why specific comments and suggestions were not accepted. (Guidelines §15088(c).) Responses to comments should at least demonstrate a good faith reasoned analysis. (*Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 378.)

Commenters pointed out that the Project's plan to construct "JJ Street" interferes with so-called "Constrained Linkage 20," a habitat block identified in the MSHCP. The Constrained Linkage allows space for migration, plant propagation, and increased mating opportunities between other habitat blocks. JJ Street will be constructed across the Constrained Linkage and will create another barrier to wildlife attempting to travel between the Wildlife Area and the Lakeview Mountains.

The County's responses to comments first maintained that JJ Street does not actually cross the wildlife corridor. But JJ Street is in fact perpendicular to the linkage and will be constructed directly across it.

The County also took the position that JJ Street should be considered part of the planned Mid-County Parkway, which includes the existing Ramona Expressway. This roadway also crosses the linkage and was already anticipated and contemplated by the MSHCP. Comment responses contend that the culvert/wildlife corridor under the Mid-County Parkway will be extended and will run under JJ Street. Petitioners point out that the MSHCP indicates that small mammals are not known to use culverts longer than 64 meters. With the addition of JJ Street, even if parallel to the Mid-County Parkway, the culvert will be at least 87 meters in length. The MSCHP anticipated a 67-meter wildlife crossing, and extending it an additional 20 meters for JJ Street may make the undercrossing unusable for the species and may compromise the integrity

of the Constrained Linkage. The County's analysis failed to address the additional length of the culvert which will be required in order to extend the undercrossing under JJ Street.

VIII. The EIR failed to adequately address the project's growth-inducing impacts.

Petitioners argue that EIR's brief analysis of growth-inducing impacts fails to meet the requirements of Guidelines §15126.2(d). The Project includes improvements to roads, the extension of energy services, and the extension of water lines and sewer services to serve future projects and urbanization. Petitioners further argue that pursuant to *Napa Citizens for Honest Government vs. Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 370, the EIR should have disclosed information about the housing units the infrastructure will accommodate, and the effect of the additional growth on public services.

The Court agrees that additional information about the Project's growth-inducing impacts should have been provided and analyzed. Although the County submits that such would be speculative, the record indicates that existing information is available which makes such discussion viable. The County references the expansion of the Ramona Expressway and incremental roadway improvements; the construction of new roads; and water and sewer improvements and infrastructure sized to serve future urbanization within the area. It also references "developing communities," and states how the infrastructure improvements and expansions could eliminate potential constraints for future development in the area. Given the extent of vacant and unimproved land surrounding the Project, the County should have been able to provide additional information and analysis about growth-inducing impacts.

IX. The EIR's Discussion of Project Alternatives was adequate.

Petitioners first argue that the Project's objectives are so narrow that they preclude consideration of a reasonable range of alternatives, citing *National Parks & Conservation Assn. vs. Bureau of Land Management* (9th Cir. 2010) 606 F.3d 1058, 1072. The Court finds that

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argument unavailing. While certain Project objectives may be possible due to the existing circumstances (e.g., single ownership and location), the objectives overall reflect the County's goals as evidenced in Chapter 2 of the County's General Plan. This is distinguishable from *National Parks*, where only one of the four project objectives served the needs of the BLM. (*National Parks*, supra, at pp.1071-72.)

Petitioners then argue that the EIR improperly failed to analyze an off-site alternative, which is necessary given the significant amendments and zoning changes and the inconsistencies with the General Plan. (*Citizens of Goleta Valley vs. Bd. of Supervisors* ("Goleta I") (1988) 197 Cal. App. 3d 1167, 1179-80; Guidelines §15126.6.) Again, the Court disagrees and finds that the EIR properly considered and then rejected an alternate site. Guidelines §15126.6 requires the EIR identify alternatives that were considered and rejected as infeasible during the scoping process, and briefly explain the reasons underlying the determination. The factors that may be used to eliminate alternatives from detailed consideration in an EIR are failure to meet most of the project objectives, infeasibility, or inability to avoid significant environmental impacts. (§15126.6(c).) Here, the County included such discussion at AR 3403-04. The Court finds that discussion sufficient and distinguishable from that in *Goleta I*, supra.

X. The Project is inconsistent with the General Plan Circulation Element.

Petitioners argue that the Project is inconsistent with various General Plan policies: Land Use (L.U.) Policy 2.1(e) (to concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character to the greatest extent possible); L.U. Policy 17.3 (to ensure development does not adversely impact the open space & rural character of the surrounding area); L.U. Policy 10.1 (to provide sufficient opportunities to increase local employment levels and minimize long-distance commuting); L.U. Policy 7.12 (to improve the

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relationship and ratio between jobs and housing); L.U. Policy 2.1(a) (to provide a land use mix at the countywide and area plan levels based on projected need); and Air Quality Policy 8.2 (to emphasize job creation and reductions in VMTs in job poor areas to improve air quality. Petitioners also contend the project is inconsistent with General Plan Circulation Element 2.1 which requires the County to maintain target Levels of Service: LOS "C" along all County-maintained roads and conventional state highways.

The question is whether the Project is compatible with and will not frustrate the General Plan's goals and policies. (*Napa Citizens for Honest Government vs. Napa County Board of Supervisors* (2001) 91 Cal. App. 4th 342, 379.) If the Project will frustrate the General Plan's goals and policies, it is inconsistent with the General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects. (*Id.*)

Here, the record establishes that the Project will frustrate the General Plan's policy of maintaining the County's Level of Service standards as described in the General Plan Circulation Element. The EIR admits that at full build-out of both the current General Plan roadway system and the Project, some roadway segments and intersections will not meet the required standards. The General Plan Circulation Element establishes definite standards regarding traffic congestion, not mere guidelines or flexible goals. The County cannot establish specific traffic requirements and at the same time approve a project that will cause unacceptable congestion without taking affirmative steps to handle that increased congestion. (*Napa Citizens, supra*, 91 Cal.App.4th, at p. 380; *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 782-783.) No such affirmative steps or mitigation measures have been developed. This is particularly unacceptable given the improper/inadequate analysis concerning traffic impacts from the Project discussed previously.

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Otherwise, the Court accepts the Board's findings of consistency as being supported by substantial evidence despite some inconsistency with a handful of land use policies articulated in the General Plan. A given project need not be in conformity with each and every land use policy. It need only be compatible with the objectives, general land uses and programs set forth in the General Plan. (*Families Unafraid To Uphold Rural El Dorado County v. Board of Supervisors* (1988) 62 Cal.App.4th 1332, 1336.) The County's determination of consistency with its own General Plan is entitled to great deference. It has the unique competence to balance the plan's policies when applying them and has the broad discretion to construe its policies in light of the plan's purposes. (See *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 373-374.)

XI. One of the County's findings in support of the extraordinary amendment to the general plan is inadequate.

The County's General Plan discourages amendments to the foundational elements of the Plan outside of the County's regular five-year amendment cycle. Foundational elements may not be amended outside of the five-year cycle unless specific findings are made that the amendment is justified as a result of extraordinary events. This "Extraordinary Amendment" procedure requires three particular findings to justify an Extraordinary Amendment. (General Plan, Ch. 10 at A-12; Riv. Co. Code §17.08.060(F)). These findings were necessary here because the Project included General Plan Amendment 720 which raised development densities in connections with existing foundational elements. As discussed below, the Court finds the second and third required findings were sufficient and are supported by substantial evidence.

The second required finding to support an extraordinary amendment is that a condition exists or an event has occurred that is "unusually compelling." The County's finding regarding the unusually compelling event cites "an opportunity that is presented by having 2,786 acres

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under the control of one entity...to pursue a comprehensive master plan.” This finding is sufficient and is supported by substantial evidence.

The third required finding is that a component change is necessary to facilitate implementation of open space or transportation corridor designations arising from MSHCP and CETAP programs that could not be accomplished by a lesser change in the General Plan. The County supports this finding with the real party’s commitment to widen the Ramona Expressway, the fact that real party has much of the land necessary for the expansion without the County having to condemn it, and the fact that the Project’s circulation system is designed to align with planned access points for the Expressway obviating the need for a frontage road. This third finding is sufficient and is supported by substantial evidence.

The first required finding is that new conditions or circumstances justify modifying the General plan, that the modifications do not conflict with the overall County Vision, and that the modifications would not create an internal inconsistency among the elements of the General plan. Unlike the second and third findings discussed above, when the board made this required finding it did so merely by quoting the language in the extraordinary amendment procedure. The “new conditions or circumstances” are not defined and there is no indication as to what evidence the board relied on to support this finding.

To be adequate, a finding must apprise the reviewing court of the basis for the board’s actions. In other words, the finding must “bridge the analytic gap between the raw evidence and the ultimate decision or order.” (*Topanga Assn. for a Scenic Community vs. County of Los Angeles* (1974) 11 Cal. 3d 506, 514.) It is not the responsibility of the reviewing court to comb the record to find some evidence that might have supported the board’s finding. (*Id.*, at p. 516.)

Here, because the board merely quoted the language of the required finding, this Court does

not know and cannot determine the basis for the county's decision. This first finding is not sufficient.

CONCLUSION

Pursuant to California Rules of Court rule 3.1590(c), this tentative decision is the Court's proposed statement of decision with respect to the petitions for writ of mandate filed in RIC10007572, RIC10007574 and RIC10007586 subject to any party's objection under rule 3.1590(g). If timely objections are not filed and served within 15 days of service of this statement of decision, petitioners in RIC10007572 and RIC10007574 are hereby ordered to prepare, serve and submit proposed judgments and peremptory writs of mandate. In RIC10007586, this proposed statement of decision addressed only the first and second causes of action. Unless the City wishes to dismiss its third and fourth causes of action for declaratory relief and injunctive relief, respectively, a final judgment cannot be entered in that case at this time.

A hearing for receipt of proposed judgment in RIC10007572 and RIC10007574 and for status conference on the City's remaining causes of action in RIC10007586 is hereby set for April 30, 2012, at 8:30 a.m., in Dept. 10.

Sharon Waters, Judge
L. Hall (cmg), Clerk
Page 16 of 16 Page(s)

JUL 11 2012

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

8	FRIENDS OF THE NORTHERN SAN)	CASE NO.: RIC10007572
9	JACINTO VALLEY and SIERRA CLUB,)	
10	Petitioners,)	JUDGMENT
11	vs.)	
12	COUNTY OF RIVERSIDE and BOARD OF)	
13	SUPERVISORS OF RIVERSIDE COUNTY,)	
14	and DOES 1-20,)	
15	Respondents.)	
16	-----)	
17	NUEVO DEVELOPMENT COMPANY,)	
18	LLC, and DOES 21-40,)	
	Real Party in Interest.)	
	-----)	

Petitioners and Plaintiffs, Friends of the Northern San Jacinto Valley and Sierra Club, challenged the March 23, 2010, decision of Respondents and Defendants, the County of Riverside and its Board of Supervisions (collectively, "County") to adopt Resolution Nos. 2010-88 and 2010-89 and Ordinance No. 348.4679, approving the Villages of Lakeview Project ("Project") and certifying an environmental impact report for the Project. This case was consolidated with Riverside Superior Court case Nos. RIC10007574 and RIC10007586 for purposes of administrative record, briefing schedule and hearing; however the Court ordered that separate judgments be entered in each case.

JUDGMENT

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The hearing on the merits of the consolidated cases was held on March 2, 2012, before the Honorable Sharon J. Waters in Department 10 of the Riverside Superior Court. Daniel P. Selmi, Rachel B. Hooper, Erin Chambers and Sara A. Clark appeared as counsel for Petitioners Friends of the Northern San Jacinto Valley and Sierra Club; Matthew D. Vespa appeared on behalf of Petitioners Center for Biological Diversity and San Bernardino Valley Audubon Society; Anthony L. Beaumon appeared for Petitioner City of Riverside; Jack S. Yeh and Keli N. Osaki appeared on behalf of Real Party in Interest Nuevo Development Company, LLC and the County and Tiffany N. North appeared on behalf of the County.

The Court having reviewed the record of the proceedings in this matter, the briefs and papers submitted, and the argument of counsel and having issued its final statement of decision,

IT IS ORDERED AND ADJUDGED that:

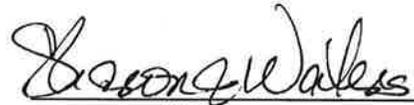
1. For the reasons set forth in this Court's April 11, 2012, Statement of Decision, attached hereto as Exhibit A, judgment granting the petition for writ of mandate shall be entered in favor of Petitioners.
2. A peremptory writ of mandate directed to the County shall issue under seal of this Court, ordering the County to set aside all approvals related to Resolution Nos. 2010-88 and 2010-89 and Ordinance No. 348.4679 and to refrain from approving these same or new approvals relating to or implementing the Project until such time as the County fully complies with CEQA and State Planning and Zoning Law.
3. The County shall make its initial return to the writ no later than 60 days after service of the writ setting forth what it has done to comply with the writ.

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4. Pursuant to Public Resources Code section 21168.9(b) and Code of Civil Procedure section 1097, the Court shall retain jurisdiction over the County's proceedings by way of return to the peremptory writ of mandate until the Court has determined that the County has complied with CEQA, and State Planning and Zoning Law or other applicable laws.
5. Petitioners are awarded their costs of suit in an amount to be determined through post-judgment proceedings. The Court reserves jurisdiction to consider an award of attorney fees pursuant to any properly and timely filed motion by Petitioners.

Dated: July 11, 2012



Sharon J. Waters
Judge of the Superior Court

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE**

FRIENDS OF THE NORTHERN SAN)
JACINTO VALLEY and SIERRA CLUB,)

Petitioners,)

vs.)

COUNTY OF RIVERSIDE and BOARD OF)
SUPERVISORS OF RIVERSIDE COUNTY,)
and DOES 1-20,)

Respondents.)

-----)
NUEVO DEVELOPMENT COMPANY,)
LLC, and DOES 21-40,)

Real Party in Interest.)

CASE NO.: RIC10007572

~~PROPOSED~~ PEREMPTORY
WRIT OF MANDATE

TO: Defendants and Respondents, County of Riverside and Board of Supervisors
of Riverside County (collectively, "County").

The Court having entered a judgment in this proceeding directing that a peremptory
writ of mandate issue from this Court,

YOU ARE HEREBY COMMANDED to comply with the following:

1. Within forty five (45) days of the service of this Writ, the County shall set aside
all approvals relating to Resolution Nos. 2010-88 and 2010-89 and Ordinance No. 348.4679,
and shall refrain from approving these same or new approvals relating to or implementing

1 the Villages of Lakeview Project ("Project") until such time as the County fully complies with
2 CEQA and State Planning and Zoning Law.

3 2. Under Public Resources Code §21168.9(c), this Court does not direct the
4 County to exercise its lawful discretion in any particular way.

5 3. Under Public Resources Code §21168.9(b) and Code of Civil Procedure
6 §1097, this Court will retain jurisdiction over the County's proceedings related to this Project
7 by way of a return to this Writ until the Court has determined that the County has complied
8 with the provisions of CEQA, State Planning and Zoning Law.
9

10 You are further commanded to make and file a return to this writ within 60 days from
11 the date a copy of this writ is served on you, showing what you have done to comply with
12 this writ.

13 Witness the Honorable Barbara Walters, Judge of the Superior Court. Attest
14 my hand and the seal of this Court this 11 day of July, 2012.
15

16 Sherril R. Carter
17 Clerk

18 By: Leticia Hall
19 Deputy Clerk
20 **LETICIA HALL**



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South Coast Air Quality Management District

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

E-MAILED: September 4, 2012

September 4, 2012

Mr. Jeff Bradshaw, Associate Planner, jeffreyb@moval.org
Planning Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Draft Environmental Impact Report (Draft EIR) for the Proposed ProLogis Eucalyptus Industrial Park Project (SCH. NO. 2008021002)

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

In the project description, the lead agency proposes construction of six warehouse distribution facility buildings totaling 2,244,419 square feet with 326 total loading docks. Building sizes will range from 160,106 to 862,035 square feet on a total 122.8 acre site. Operations at the proposed industrial park will include approximately 1,989 trucks operating 24 hours per day and 7-days per week. Construction is planned to begin in the fall of 2012 and be completed as early as the last quarter of 2013, with a possible opening year by 2016.

In the Air Quality Section, the Draft EIR quantified the project's construction and operation air quality impacts and found that those impacts exceeded the AQMD's recommended significance thresholds. As stated in the Draft EIR, air quality in our basin exceeds federal and state standards and presents numerous health risks to those living and working here. The AQMD staff appreciates that the project therefore includes mitigation measures that have the potential to reduce emissions including building energy efficiency measures, carpooling programs, and encouragement of alternative fueled vehicles. However, the project's air quality impacts remain substantially above AQMD thresholds after mitigation. This is due, in part, to the lack of enforceability of some mitigation measures. The AQMD staff recommends that the lead agency strengthen the project's mitigation measures and additionally provide further clarity to portions of the air quality analysis. Details are provided in the attached comments.

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

Mr. Jeff Bradshaw,
Associate Planner

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September 4, 2012

Agency to address these issues and any other air quality questions that may arise. Please contact Gordon Mize, Air Quality Specialist – CEQA Section, at (909) 396-3302, if you have any questions regarding these comments.

Sincerely,



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

Attachment
IM:GM

SBC120718-01
Control Number

Operational Mitigation Measures

1. AQMD staff commends the lead agency for encouraging the use of alternatively fueled technologies to reduce the significance CO, VOC, NOx, PM10, and PM2.5 impacts. However, these measures are not enforceable and thus it is unclear how likely they will be implemented because tenants are only “encouraged to promote” them. AQMD staff recognizes that requiring warehouse tenants to place engine technology restrictions on their vendors presents unique challenges. Further, requiring standards for one development and not another can yield competitive inequalities. The AQMD staff therefore encourages the lead agency to work with our agency to develop a common set of measures that are enforceable and that reduce emissions to the maximum extent feasible for the many warehouse projects under consideration in the city.

Some of these measures could include:

- Requiring all on-site vehicles (hostlers, forklifts, etc.) to utilize zero or near-zero emission technology
- Requiring the installation of sufficient alternative fueling infrastructure (e.g., electric charging, CNG/LNG, hydrogen, etc.) for trucks on-site or within close proximity to the site to facilitate the use of these technologies
- Providing a phase-in schedule and goals for the introduction of zero or near-zero technology trucks (e.g., 10% by 2020, 20% by 2025, etc.) that visit warehouses
- Prohibiting the placement of loading docks or major truck routes within 500 feet of sensitive receptors

Should any of these measures be found infeasible, other measures should be considered that will reduce air quality impacts. The measures listed below have been used by other lead agencies including the City of Banning¹, Riverside County², City of San Bernardino³, and the San Pedro Bay Ports⁴, among others.

- At project start, all heavy duty trucks entering the property must meet or exceed 2010 engine emission standards specified in California Code of Regulations Title 13, Article 4.5, Chapter 1, Section 2025.
 - If the above clean truck requirement is infeasible, a phase-in schedule should be put forth that will feasibly achieve emission reductions as soon as possible, and faster than existing regulations. Should an alternative schedule be found necessary, the AQMD staff should be consulted prior to approving the schedule.

¹ Banning Business Park <http://banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf>

² Mira Loma Commerce Center http://www.rctlma.org/online/content/conditions_of_approval.aspx?PERMITNO=pp17788

³ Palm/Industrial Distribution Center <http://www.ci.san-bernardino.ca.us/civica/filebank/blobload.asp?BlobID=11793>

⁴ Clean Trucks Program <http://www.cleanairactionplan.org/cleantrucks/>

- The facility operator will maintain a log of all trucks entering the facility to ensure that on average, the daily truck fleet meets the quantities and emission standards listed in the Draft EIR. This log should be available for inspection by city staff at any time.
- Prohibit all vehicles from idling in excess of five minutes, both on warehouse property and on streets in the General Plan Amendment area.
- The facility operator will ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies [for example, by requiring attendance at CARB approved courses (such as the free, one-day Course #512)].
- Limit the daily number of trucks allowed at each facility to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the lead agency should commit to re-evaluating the additional impacts through CEQA prior to allowing this higher activity level.
- Limit project operations to non-refrigerated warehouse types of trucks and appurtenances (e.g., transportation refrigeration units, TRUs) included in the project description and analyzed in the Final EIR. If this equipment and associated higher emissions are anticipated to visit the site, the lead agency should commit to re-evaluating project impacts through CEQA prior to allowing this higher activity level.
- Require at least a portion of the fleet to utilize alternative fueled technologies.
- At a minimum, require tenants upon occupancy that do not already operate 2007 and newer trucks to apply in good faith for funding to replace/retrofit their trucks, such as Carl Moyer, VIP, Prop 1B, or other similar funds. Should funds be awarded, the tenant should also be required to accept and use them.
- Design the warehouse/distribution center such that any check-in point for trucks is well inside the facility property to ensure that there are no trucks queuing outside of the facility.
- Restrict overnight parking in residential areas. Establish overnight parking within the warehouse/distribution center where trucks can rest overnight.
- Due to the large roof area associated with this project, consider installing solar roof panels to reduce emissions from fossil fuel based electrical generating technologies providing electrical power to the project site. At a minimum, buildings should be designed to allow the installation of solar panels at a later date.
- Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1.

Trucking Support Services

2. The project is projected to accommodate nearly 2,000 trucks on a daily basis. In addition to the project's 2.24 million square feet of warehousing, there are several other warehouse projects in the area, including a recently proposed 40+ million square foot project. The trucks from all of these warehouse operations do not currently have any facilities in this portion of the city to serve their specific needs. Trucking support services can include truck repair, fueling, and overnight parking, hotels, restaurants, banking, etc. If these services are not easily accessible to this

project or surrounding projects, then truckers may have no choice but to make extra trips into the surrounding neighborhoods to find these services. In other parts of the basin, these extra trips and idling in surrounding neighborhoods has led to increased emissions affecting local residents. The lead agency should address how these trucking services will be provided to truckers serving this project and the other nearby projects. Potential measures to consider include:

- Establish area(s) within the facility for repair needs.
- Post signs outside of the facility providing a phone number where neighbors can call if there is a specific issue.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas.
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.
- Provide food options, fueling, truck repair and or convenience store on-site to minimize the need for trucks to traverse through residential neighborhoods.
- Improve traffic flow by signal synchronization.
- Design the warehouse/distribution centers to ensure that truck traffic within the facility is located away from the property line(s) closest to its residential or sensitive receptor neighbors.

Equipment Not Included in Air Quality Analysis

3. The Draft EIR includes a Health Risk Assessment (HRA) that evaluates the impact from two sources, trucks and employee cars. Although the lead agency has proposed encouraging the promotion of near-zero emission yard trucks, it isn't clear if all applicable on-site equipment are accounted for and included in the health risk assessment. Equipment that is commonly found at warehouses that is not included in the HRA or the air quality analysis includes hostlers (e.g., yard trucks), diesel generators, and transportation refrigeration units (TRU's). The Final EIR should estimate the emissions from these equipment types or specifically prohibit their use onsite.

Health Risk Assessment Calculations

4. Several parameters used to determine potential health risks for the proposed project require further explanation or recalculation in the Final EIR. In addition to the comments below, details that should be provided in the Final EIR include the EMFAC modeling output and the dispersion modeling output. Should you have any questions regarding these parameters, please call AQMD staff at (909) 396-3244. AQMD staff notes the following items that are unclear in the HRA:

- The HRA assumes that 2025 is a representative year from EMFAC2007 for the entire 70 year span of the project. Further justification is needed to

validate this assumption, especially considering the significantly higher emissions that are expected in the years preceding 2025, and the relatively unchanged emissions in the years following 2025.

- No emissions are calculated for onsite travel such as trucks traveling from Eucalyptus to building dock doors and back. Hostlers, diesel generators, and TRU's are also not included.
- The project description states that operations will occur 24 hours per day, 7 days per week while the HRA states that emissions will only occur 12 hours per day.
- The HRA assumes that half the trucks will travel east, while the other half travel west on Eucalyptus when exiting/entering the project site. The traffic study within the Draft EIR states that only 33% will travel west while the preponderance travel east.
- The HRA assumed that 12.5% of heavy duty trucks, 30% of medium duty trucks, and 80% of light duty trucks will use gasoline instead of diesel fuel. These values should be justified when considering the kinds of trucks that typically serve warehouses. AQMD staff recommends a default assumption of 100% diesel fueled trucks serving warehouses without further justification.
- The derivation of emission rates is unclear. For example, the HRA Emission Rate Worksheet shows a rate of 8.7E-05 g/s for heavy duty diesel trucks. AQMD staff was not able to reproduce this rate. For example, running EMFAC2007 at 70°, 50% humidity, year 2025, with a SCAQMD fleet yields an emission rate of 9.27E-05 g/s.
- It is not clear how the idling emission rate was derived.
- The effects of building downwash was included, however no mention was made that downwash does not work with volume sources in either the AERMOD or ISC dispersion model. In addition, if downwash is used in the final analysis, the building heights should match those found elsewhere in the Draft EIR. The HRA states that heights of 65 feet were used, however this is considerably taller than any building heights described in Appendix K.

On-Site Truck Idling Emissions

5. In the health risk effects analysis, the lead agency assumes that 1,246 heavy duty diesel trucks will operate daily at the project site. On page 4.3-17 in the Air Quality Section, the lead agency used only five minutes of idling in the emissions estimate for the health risk assessment. Although state regulations only allow five minutes of idling at any one time, trucks may idle for five minute periods several times on-site (e.g., queuing to enter the site, at the loading dock, exiting the site, etc.). AQMD staff therefore recommends an assumption of 15 minutes for on-site idling. If less than 15 minute of idling is used in the HRA, a mitigation measure should be added that requires the project proponent to limit *total* onsite idling time to the time used in the health risk assessment.

Truck Categorization

6. In the air quality analysis, the lead agency used the truck trip rate of 1.96 trips per 1,000 square feet of land use to estimate operational air quality impacts instead of the default CalEEMod land use model trip rate of 2.59. In addition, the lead agency assumed, as specified in the Transportation chapter of the Draft EIR, the vehicle fleet mix used to estimate truck emissions based on values recommended in the Fontana Truck Study. This study includes data for 2-axle, 3-axle, and 4+ axle trucks. Although EMFAC2007 also includes emission factors based on truck size, the splits are based however on vehicle weight, not axle. For the regional criteria pollutant calculations, the Draft EIR assumes that 2-axle and 3-axle trucks correspond to EMFAC2007 LDT1 and LDT2 vehicle classifications. LDT1 and LDT2 are for pickup trucks and are not typical of the higher emitting 2-axle and 3-axle trucks that would make deliveries at a warehouse. Based on guidance in Appendix E in the CalEEMod User Guide, 2-axle trucks should use the LHD1 classification, and 3-axle trucks should use MHD in the Final EIR. AQMD staff notes that these classifications were used for the Health Risk Assessment.

Construction Mitigation Measures

7. In the Draft EIR, the lead agency has determined that project regional construction impacts exceed the AQMD recommended significance thresholds. AQMD staff therefore recommends the following changes and additional mitigation measures during the projected 12 month construction period in addition to the measures proposed starting on page 4.3-23 to further reduce ROG and NOx impacts, if applicable and feasible.

Recommended change:

- 4.3.6.2D All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour per SCAQMD guidelines in order to limit fugitive dust emissions.

Recommended addition:

- Limit the amounts of daily soil disturbance to the amounts analyzed in the EIR.
- Prohibit truck idling in excess of five minutes, both on- and off-site.

Further, other lead agencies in the region including LA County Metro, the Port of Los Angeles, and the Port of Long Beach have also enacted the following mitigation measures. AQMD staff recommends the following measures to further reduce air quality impacts from construction equipment exhaust:

- Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 off-road emissions standards. In

- addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html .

Average Vehicle Ridership

8. Mitigation measure 4.3.6.5B lists as one of the measures the development of trip reduction plans that will achieve 1.5 average vehicle ridership for businesses with fewer than 100 employees. Because AQMD's rule 2202 has been modified⁵ to only apply to businesses with at least 250 employees, the mitigation measure should be modified to include businesses with fewer than 250 employees, rather than 100 employees.

⁵ <http://www.aqmd.gov/rules/reg/reg22/r2202.pdf>