Revised Final

ENVIRONMENTAL IMPACT REPORT

PROLOGIS EUCALYPTUS INDUSTRIAL PARK

STATE CLEARINGHOUSE NO. 2008021002

(former "ProLogis Moreno Valley Eucalyptus Project")

CITY OF MORENO VALLEY

RIVERSIDE COUNTY, CALIFORNIA

LSA

Original February 12, 2014
Revised April 2, 2014
Second Revision September 26, 2014

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CITY OF MORENO VALLEY

RIVERSIDE COUNTY, CALIFORNIA

Lead Agency:

City of Moreno Valley
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LSA

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1. INTRODUCTION

The Final Environmental Impact Report (EIR) for the proposed ProLogis Eucalyptus Industrial Park (formerly known as the "ProLogis Moreno Valley Eucalyptus Project") project is composed of the Draft EIR State Clearinghouse No. 2008021002 and Appendices; the Response to Comments; and the Findings, Statement of Overriding Considerations, Staff Reports, and Resolutions. Specifically, this document portion of the EIR includes the Comments and Responses volume of the Final EIR, EIR modifications or errata, and the Mitigation Monitoring and Reporting Program (MMRP). The purpose of this document is to respond to all comments received by the City of Moreno Valley (City) regarding the environmental information and analyses contained in the Draft EIR. Additionally, any corrections to the text and figures of the Draft EIR, generated either from responses to comments or independently by the City, are stated in this volume of the Final EIR. The Draft EIR text has not been modified to reflect these clarifications. The reason for the delay of more than a year in processing the Final EIR is that the City enacted an entitlement moratorium on new development along the SR-60 corridor in the eastern portion of the City, including the ProLogis site, while the City completed a land use alternatives study of this corridor. That report was officially received by the City on January 14, 2014, and the City rescinded the entitlement moratorium as of January 23, 2014.

IMPORTANT NOTE: Section 4.0 of this document has been added to evaluate the Reduced Intensity Alternative in more detail. To that end, the applicant has proposed a less intensive modified plan to address concerns expressed about the Proposed Project (i.e., its environmental impacts). The applicant is requesting the City consider adopting a Reduced Intensity Alternative as evaluated in the Draft EIR in the form of this less intensive modified plan that would reduce the size of the project by 32% by removing buildings 5 and 6 which are the two buildings proposed in the southeast corner of the project site (i.e., the buildings that are closest to the existing residences). This modified plan would allow development of future residential uses in the southeast portion of the project site, consistent with the existing R-5 and RA-2 zoning, adjacent to the existing residential neighborhood to the southeast. The modified plan also has a 250-foot setback from the project warehouses to the future residential uses, consistent with the City's municipal code requirements.

1.1 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. Section 3 of this document contains corrections and errata to the Draft EIR. Section 4.0 evaluates a Reduced Intensity Alternative (less intensive modified plan) as described above, while Section 5.0 contains the MMRP.

1.2 PUBLIC REVIEW OF THE DRAFT EIR

As required by the California Environmental Quality Act (CEQA) Guidelines Section 15087, a Notice of Completion (NOC) of the Draft EIR State Clearinghouse No. 2008021002 for the Eucalyptus Industrial Park project was filed with the State Clearinghouse on July 17, 2012, and the Notice of Availability (NOA) of the Draft EIR was filed with the Riverside County Clerk on July 18, 2012.

The Draft EIR was circulated for public review for a period of 48 days, from July 18, 2012 to September 4, 2012. Copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City Planning Department, at one area library, and on the internet.

A total of fourteen (14) comment letters were received. Ten of the comment letters received were from Federal, State, regional, or local agencies. Four comment letters were received from private organizations or conservation groups – no letters were received from individuals. All 14 letters have been responded to within this document. In particular, comments that address environmental issues are responded to in Section 2.0.

It should be noted that one of the comment letters submitted by a private organization, Lozeau Drury LLP dated August 31, 2012, was inadvertently left out of the original Final EIR document issued on February 12, 2014. This letter has been added to the Final EIR and the document has been revised as of March 31, 2014 including responses to the Lozeau Drury letter.

1.3 POINT OF CONTACT

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

Jeff Bradshaw, Associate Planner
City of Moreno Valley, Planning Division
14177 Frederick Street
Moreno Valley, California 92553
Phone: (951) 413-3224
e-mail: jeffreyb@moval.org

1.4 PROJECT SUMMARY

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

1.4.1 Project Location/Existing Conditions

The project site is located in the City of Moreno Valley, Riverside County. The approximately 122.8-acre site is generally located south of the Sr-60 Freeway between Redlands Boulevard and Moreno Beach Drive in the eastern portion of the City. The Quincy Channel forms the eastern boundary of the site. During preparation of the Draft EIR, one of the existing onsite conditions was the presence of hundreds of citrus trees in the central and northern portions of the site, which were left over from historical agricultural use of the property. During the entitlement moratorium described before Section 1.1, ProLogis decided to remove the citrus trees due to the high ongoing cost of maintaining and harvesting them, and the potential fire danger if the trees became too dry from not enough watering. This minor change in existing conditions is being documented in this FEIR and does not change any of the conclusions of the DEIR regarding significant impacts or mitigation measures. The trees were removed in the winter of 2013 so it was not during the spring breeding season for bird species in the area. This will be described in more detail in Section 4.4 of this document,

1.4.2 Proposed Project

The proposed development would result in the construction and operation of approximately 2,244,638 square feet of distribution warehouse uses in 6 buildings on an approximately 122.8-acre site. The buildings range in size from 106,106 to 862,035 square feet. The buildings will be constructed with a total of 326 vertical-lift dock-high roll up doors on the long sides of each building to allow access for

the loading and unloading of products from diesel truck/trailers. Each building also includes business office space for the management of each warehouse. A total of 372 truck trailer parking stalls and 1,110 vehicle parking stalls will be provided, with truck and vehicle parking provided at each warehouse sufficient for the anticipated trucks and vehicles for that particular building, in accordance with City standards for light industrial uses. The project provides 15 to 24 percent landscaping for each warehouse building area, with a total average of 18 percent compared to 10 percent minimum required by the City's Municipal Code.

1.4.3 Project Objectives

The purpose of the proposed project is to provide a new facility specializing in warehouse distribution services. Upon development, the proposed project will achieve the following:

- Provide industrial warehouse facilities that meet the substantial and unmet demands of businesses located in the City and County;
- Provide new industrial development that is attractive and minimizes conflicts with the surrounding existing uses;
- Provide a variety of new employment opportunities for the citizens of Moreno Valley and surrounding communities;
- Encourage warehouse distribution services that take advantage of the area's close proximity to various freeways and transportation corridors;
- Encourage new development consistent with the capacity and municipal service capabilities;
- Provide infrastructure improvements to meet phased project needs in an efficient and cost-effective manner;
- Cluster industrial warehouse uses near access points to the state highway system to reduce traffic congestion on surface streets and to reduce air pollutant emissions from vehicle sources;
- Develop land uses that provide the City with a positive revenue/cost ratio and provide needed infrastructure in a timely fashion;
- Address community circulation, both vehicular and pedestrian, utilizing available capacity within the existing circulation system, and provide fair share improvements to various future-year deficient intersection or road segments; and
- Reduce peak hour vehicle trips, energy and water consumption compared to existing General Plan land uses.

1.4.4 Required Permits and Discretionary Actions

The following discretionary actions are anticipated to be taken by the City of Moreno Valley as part of the proposed project:

- General Plan Amendment to amend the Land Use Element resulting in a change of land use designations for the southern portion of the project site (approximately 71.3 acres) from Residential 15, Residential 5, and Residential Agriculture to Business Park.
- General Plan Amendment to amend the Circulation Element including (1) elimination of undeveloped Quincy Street from Eucalyptus Avenue to Encilia Avenue; and (2) realignment of Encilia Avenue from its current alignment such that its westerly terminus is

located at Moreno Beach Drive instead of the current General Plan westerly terminus at Eucalyptus Avenue. The segment between Quincy Channel and Moreno Beach Drive would be classified as a Collector.

- Change of Zone resulting in a change from Business Park (BP), Business Park Mixed-Use (BPX), Residential 15 (R15), Residential 5 (R5), and Residential Agriculture (RA-2) to Light Industrial (LI) on the project site.
- Modification of the Primary Animal Keeping Overlay (PAKO) zone district per the recommended change of zone.
- Modification of the Master Plan of Trails to eliminate trail segment along the west side of the Quincy Channel north of the future Eucalyptus Avenue and add a segment along the north side of Eucalyptus Avenue from the Quincy Channel to the west boundary of the project site.
- Approval of a Master Plot Plan and five related Plot Plans.
- Tentative Parcel Map approval.
- Certification of the Environmental Impact Report.
- Final Parcel Map, public improvement agreement, and related securities approval.
- Issuance of an encroachment permit for any construction work done in any City-controlled ROW. Encroachment permit issuance requires approval of improvement plans, public improvement agreement execution with securities posted, and satisfying those conditions of approval required prior to grading.
- Approval of a Storm Water Pollution Prevention Plan (SWPPP) to accommodate site runoff during construction.
- Approval of a Preliminary Water Quality Management Plan (P-WQMP) and Final Water Quality Management Plan (F-WQMP) to mitigate for post-construction runoff flows (non-discretionary).
- Issuance of a Grading Permit that requires approval of a grading plan, approval of the final drainage study, approval of the F-WQMP, obtaining an Notice of Intent and Water Discharge Identification Number, obtaining a WQMP#, and satisfying those conditions of approval required prior to grading (non-discretionary).
- Issuance of a Building permit. The comprehensive building permit includes building, plumbing, mechanical, and electrical permits (non-discretionary).

The following approvals and permits are required by other agencies:

- Approval from the City and Riverside County Flood Control and Water Conservation District (RCFCWCD) to ensure that construction site drainage velocities are equal to or less than the pre-construction conditions and downstream water quality is not worsened.
- Approval of Quincy Channel improvements from the RCFCWCD.
- A Section 404 Permit from the U.S. Army Corps of Engineers (USACE).
- A Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB).
- A Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game (CDFG).

- Encroachment permits from Caltrans for any construction work done in any State-controlled ROW (i.e., SR-60).

2. RESPONSE TO COMMENTS

A total of thirteen (13) comment letters on the Draft EIR were received with 10 of them from Federal, State, regional, or local agencies and 3 letters from private organizations or individuals. All 13 letters have been responded to within this document. Comments that address environmental concerns have been specifically addressed. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) do request the incorporation of additional information not relevant to environmental issues, do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines.

Section 15088 of the State CEQA Guidelines, Evaluation of and Response to Comments, states:

a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:

   1. Revise the text in the body of the EIR; or

   2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this volume of the Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the document.

An Errata section to the EIR (Section 3.0) has been prepared to make minor corrections and clarifications to the Draft EIR as a result of City review and comments received during the public review period. Therefore, this Response to Comments document, along with the Errata is included as part of the Final EIR for consideration by the Planning Commission prior to a vote to certify the Final EIR.

2.1 LIST OF PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING ON THE DRAFT EIR

The persons, organizations, and public agencies that submitted comments regarding the Draft EIR through September, 2012, are listed below. A total of thirteen (13) comment letters were received. Ten of the comment letters were from Federal, State, regional, or local agencies, while three were from private organizations or individuals. Each comment letter received is indexed with a letter and number below.

Comment Letters Received Regarding the Draft EIR

A FEDERAL AND STATE AGENCIES

A-1 California Office of Planning and Research, State Clearinghouse (September 4, 2012)
Scott Morgan, Director State Clearinghouse

A-2 California Department of Fish and Game (August 28, 2012)
Jeff Brandt, Senior Environmental Specialist

A-3 California Native American Heritage Commission (July 20, 2012)
Dave Singleton, Program Analyst

A-4 Pechanga Band of Luiseno Indians (September 4, 2012)
Anna Hoover, Cultural Analyst

A-5 Morongo Band of Mission Indians (September 10, 2012)
Franklin Dancy, Director of Planning

B. REGIONAL AND COUNTY AGENCIES

B-1 Eastern Municipal Water District (September 4, 2012)
Jayne Joy, Director of Environmental and Regulatory Compliance

B-2 Eastern Municipal Water District (September 4, 2012)
Maroun El-Hage, Senior Civil Engineer, New Business Development

B-3 South Coast Air Quality Management District (September 4, 2012)
Ian McMillan, Program Supervisor, Intergovernmental Review

B-4 Riverside County Flood Control and Water Conservation District (September 17, 2012)*
Henry Olivo, Engineering Project Manager

C. LOCAL AGENCIES

C-1 City of Riverside (September 4, 2012)
Steve Hayes, City Planner

D. PRIVATE ORGANIZATIONS AND INDIVIDUALS

D-1 Lozeau Drury LLP (August 29, 2012)
Richard Drury et al, Attorneys for LIUNA Local Union 1184

D-2 Sierra Club, San Gorgonio Chapter (September 4, 2012)
George Hague, Conservation Chair
Moreno Valley Chapter

D-3 Johnson & Sedlack (September 4, 2012)
Ray Johnson, AICP, Esq.

D-4 Lozeau Drury LLP (August 31, 2012)
Richard Drury et al, Attorneys for LIUNA Local Union 1184

It should be noted that this letter actually consists of four related documents, one main letter from Mr. Drury, two supporting memoranda from other individuals (Dr. Clark and Mr. Hageman), and a number of appendices as attached materials. Each of these has a separate response.

2.2 FORMAT OF RESPONSES TO COMMENTS

Aside from the courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses are included in this section. Brackets delineating the individual comments and an alphanumeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments were sent to the agencies that provided comments.

In the process of responding to the comments, there were minor revisions to the Environmental Impact Report. None of the comments or responses constitutes "significant new information" (*CEQA Guidelines* Section 15073.5) that would require recirculation of the Environmental Impact Report.

Letter A-1

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

September 4, 2012

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

Subject: ProLogis Eucalyptus Industrial Park EIR (formerly Prologis Park Moreno Valley Eucalyptus Project)
SCH#: 2008021002

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 31, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. 1

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Letter A-1

Document Details Report
State Clearinghouse Data Base

SCH# 2008021002
Project Title ProLogis Eucalyptus Industrial Park EIR (formerly Prologis Park Moreno Valley Eucalyptus Project)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The proposed project consists of construction and operation of a warehouse facility with six individual warehouses of varying sizes with a total of 2,244,638 sf on 122.8 acres. The project includes construction of parking and driving areas, detention basins, erosion protection and a bridge over Quincy Channel, offsite road and utility improvements, and landscaping along the perimeter and roadway frontages.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone 951 413 3206 **Fax**
email
Address 14177 Frederick Street
PO Box 88005
City Moreno Valley **State** CA **Zip** 92552

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 55' 54" N / 117° 9' 24" W
Cross Streets Eucalyptus Avenue/Redlands Boulevard
Parcel No. 488-330-011, -012, -013, -0137, -018, -019, -020, and -021
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR-60
Airports None
Railways None
Waterways Quincy Channel
Schools Valley View HS
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Native American Heritage Commission; State Lands Commission; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8

Date Received 07/18/2012 **Start of Review** 07/18/2012 **End of Review** 08/31/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

RESPONSE TO LETTER A-1

California Governor's Office of Planning and Research, State Clearinghouse

Response to Comment A-1. The City recognizes the receipt of comments from State agencies and the State Clearinghouse's acknowledgement that it has complied with review requirements for environmental documents.

Letter A-2

State of California -The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
(909) 484-0459
http://www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

August 28, 2012

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick St.
P.O. Box 88005
Moreno Valley, CA 92552

Re: ProLogis Eucalyptus Industrial Park Draft Environmental Impact Report
City of Moreno Valley, County of Riverside, SCH# 2008021002

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the ProLogis Eucalyptus Industrial Park Draft Environmental Impact Report (DEIR). The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*), and/or a California Endangered Species Act (CESA) Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1).

Project Description and Location

The Proposed Project involves the construction of a six building warehouse facility covering an area of 2,244,635 square feet (sf). The project requires a change of land use of 71.2 acres from residential to business park and an overall zone change of 122.8 acres to light industrial. Also included in the Project is the elimination of Quincy Street from State Route 60 (SR-60) south to Cottonwood Avenue, and the completion of Eucalyptus Avenue east to Fir Avenue. The Project site is located in the eastern portion of the City of Moreno Valley, south of SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. The major cross streets are Moreno Beach Drive to the west and Redlands Boulevard to the east. A Notice of Preparation for the Project was submitted to the State Clearinghouse in 2008. 1

Western Riverside Multiple Species Habitat Conservation Plan (MSHCP)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Plan Program (NCCP Program). On June 22, 2004, the Department issued NCCP approval and Take Authorization for the Western Riverside County 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. 2

Conserving California's Wildlife Since 1870

Letter A-2

In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. The Project is located in the City of Moreno Valley, County of Riverside. The City of Moreno Valley is the lead agency and is signatory to the implementing agreement of 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. Included in the appendices is the "MSHCP Consistency Analysis and Burrowing Owl Habitat Assessment and Focused Survey for the Eucalyptus Industrial Development." 2

The Project is located in the Reche Canyon/Badlands Area Plan of the MSHCP and does not involve a Criteria Cell. The site is not adjacent to any conservation areas. MSHCP survey requirements for this area include surveys for burrowing owl. Vegetation on the site consists of ruderal, agriculture, non-native grasslands, "disturbed" mule fat, non-native woodland, unvegetated streambed and channel upland vegetation. There is a riparian stream just prior to the eastern Project boundary, and a riparian stream on the west, and southeast. Burrowing owl surveys were conducted over five days in July of 2011 and no birds were found, but suitable habitat was observed on the site.

Analysis of the Potential Project-Related Impacts on Biological Resources

CEQA Section 21068 defines "significant" as: "...a substantial, or potentially substantial, adverse change in the environment." This particular Project has the potential to have significant environmental impacts on Cooper's hawk, red-tailed hawk, coyote, desert cottontail, southern California black walnut, bladder pod, and mule fat. The Project is located in the MSHCP survey area for the burrowing owl. 3

Burrowing Owl

The site was suitable for burrowing owl, even though none were found. The applicant should submit a copy of the burrowing owl pre-construction survey (with SCH #) to the Department and notify the Department if a DBESP will be required. 4

Proposed mitigation

The mitigation proposed for upland species is to pay into the Stephens' kangaroo Habitat Conservation Plan and to pay the development fees to the MSHCP. 5

Department Concerns

The Department is concerned about three issues: 1) stream and riparian vegetation impacts, 2) the potential presence of burrowing owl, and, 3) the cumulative impact of the Project on SR-60 traffic and nearby roadways (particularly Gilman Hot Springs Road and Lamb Canyon Road). The Department recommends that the traffic analysis be revised and 6

Letter A-2

the Department's concerns addressed in the Final Environmental Impact Report or a subsequent CEQA document. 6

Lake and Streambed Alteration Agreement

The applicant conducted a jurisdictional delineation of State and Federal waters. There is an unnamed, eroded channel that originates in the northwest, trends southeast and exits the Project site heading south. Quincy Channel traverses the eastern boundary of the site on a north to south alignment. The applicant has filed a Determination of Biologically Equivalent or Superior Preservation (DBESP) with the Resource Conservation Agency (RCA) of the MSHCP.

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 (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 on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please go to http://www.dfg.ca.gov/habcon/1600/forms.html. 7

The applicant completed a JD of State and Federal Waters and included the document as an Appendix. A jurisdictional delineation was conducted in 2011and the impact analysis determined that there will be 0.362 acres of permanent impact and 0.33 acres of temporary impact to jurisdictional streams. The applicant is proposing to mitigate for 0.362 acres of permanent impacts at a 2:1 ratio or with payment of in-lieu fees to the Santa Ana Watershed Association for arundo donax removal. The JD will be reviewed by the Department to ensure consistency with the Department's regulatory policies. Any mitigation measures required by the resource protection policies of the MSHCP should be included in the CEQA document.

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 Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

Analysis of Traffic Impacts

The Traffic section of the DEIR states that the project would contribute to the worsening of the unsatisfactory Level of Service (LOS) at the Redlands Boulevard/SR-60 westbound ramps and a significant impact at the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue. Additionally, the SR-60 Eastbound (Pigeon Pass Road to Peacock 8

Street, AM and PM peak hours), SR-60 Westbound (Peacock Street to Perris Boulevard, AM peak hour), and SR-60 westbound (Perris Boulevard to Anson Street, AM peak hour) are forecast to operate at an unsatisfactory level of service with the proposed Project. The traffic study also notes that there are no projects proposed for the SR-60.

The traffic section of the DEIR is limited to projects within a five mile radius and how the proposed development and other development within the five mile radius would affect local traffic conditions. The Department would like to point out that SR-60 is a major west to east linkage connecting State Route 91 (SR-91) to the Interstate 10 (I-10), as well as extending from the City of Los Angeles to the SR-91, Interstate 215 (I-215) and Interstate 15 (I-15) interchanges. There is already heavy congestion on the westbound SR-60.

The Department is interested in existing and projected future traffic flow along SR-60. Specifically, the Department is interested in an analysis of how the Project and other proposed development (which cumulatively includes 13,483,062 sf of development), will ultimately use SR-60. The analysis should include the cumulative impacts associated with future projected traffic flow along SR-60 from these developments. The Department would like to stress that the 13,483,062 sf figure does not include the World Logistics project which would add 41 million sf of warehouse facilities. This omission alone dictates that the traffic study should be revised and recirculated. The scale of these projects suggests that the Project facilities are not for local use only, but are designed as regional warehousing centers to serve the Counties of Riverside, Orange, Los Angeles, and San Bernardino. Therefore an analysis of local intersection impacts is not adequate to describe the regional impacts of these facilities on the SR-60. The analysis also does not include the Villages of Lakeview Specific Plan that involves 11,350 dwelling units near the intersection of Gilman Hot Springs Road and Ramona Expressway, or proposed residential development near the intersection of Lamb Canyon Road and SR-60. 8

The Department is concerned that traffic congestion on SR-60 will result in an increase in traffic on area surface streets, particularly Gilman Hot Springs Road and the Ramona Expressway. Both of these roads provide access to the Department's San Jacinto Wildlife Area (SJWA), where major development projects are proposed, but are not included in the current traffic study. The Department is very concerned about the potential cumulative impacts of commercial/industrial/warehouse facilities on nearby conserved lands. Of particular importance to the Department are the potential direct and indirect effects of the Project on the adjacent SJWA, Lake Perris Recreation Area, and Badlands area, and potential increased use of Davis Road, lighting, noise, windblown trash, vehicular emissions, traffic, and surface road runoff.

The Badlands area and the SJWA represent a substantial investment ($80+ million) by the State in acquiring habitat for native plants, animals, and migratory waterfowl. The SJWA is a important and historic migratory stopover for waterfowl, game birds, and non-game birds in Southern California. The SJWA is also a regional destination point for bird watching. A key component of the SJWA is waterfowl and upland game hunting. 9

In summary, we believe the DEIR is inadequate in describing project related traffic impacts and identifying appropriate mitigation for purposes of CEQA. We appreciate the opportunity to comment on the referenced DEIR and we recommend that the DEIR be revised to 10

Letter A-2

10

address the Department's concerns. If you should have any questions pertaining to these comments, please contact Robin Maloney-Rames at (909) 980-3818.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

RESPONSE TO LETTER A-2

California Department of Fish and Game

Response to Comment 1. The commenter accurately characterizes the responsibilities of the Department and the characteristics of the proposed project.

Response to Comment 2. The commenter accurately summarizes both the CEQA requirement for an analysis of the proposed project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the MSHCP policies and procedures applicable to the proposed project. The commenter also outlines the MSHCP requirement for a burrowing owl survey, and that the surveys conducted for the project showed no burrowing owl sign or observations, but the site was determined to contain suitable habitat.

Response to Comment 3. The commenter provides the definition for significant impact under CEQA but then applies it incorrectly to the project site. The detailed biological surveys prepared for the project site, as well as the Section 4.4 of the EIR on biological resources, concludes that the proposed project would not have significant impacts on the species listed by the commenter due to the lack of existing native vegetation on the site, the fact that the has been regularly disturbed by disking for weed abatement (i.e., fuel modification for fire protection), and a substantial portion of the site supports citrus trees that are not commercially harvested. Development of this site would remove an incremental amount of land that now provides foraging for the two raptor species (i.e., Cooper's hawk and red-tailed hawk) but the site does not contain any large trees that are suitable for raptor roosting or perching (i.e., the citrus trees make these activities difficult for raptors). Impacts to cottontail, bladder pod, and mule fat must be considered only incremental as a result of the loss of 122.8 acres of vacant disturbed land that supports mainly weedy non-native vegetation. The commenter provided no empirical evidence or data to support the contention that impacts to these species should be considered significant under CEQA. Finally, impacts to the drainages that support southern California black walnut were assessed and appropriate onsite and offsite mitigation will be provided, as outlined in Mitigation Measure 4.4.6.3A on 4.4-30 of the Draft EIR. These conclusions are supported by the technical studies prepared by ICF International based on the proposed warehouse development project.

ICF International also reviewed this comment and wished to add the following:

> "Cooper's hawk, coyote, and southern California black walnut are fully covered species under the MSHCP and as such any potential impacts to them would be fully mitigated through the project being consistent with the MSHCP. Red-tailed hawk, desert cottontail, bladder pod, and mule fat are all widely distributed species with no threat to their continued existence in western Riverside County. The removal of 121.29 acres of foraging habitat for red-tailed hawk is judged to be less than significant under CEQA. The nesting bird mitigation measure will ensure no direct take of individuals would occur. The removal of 121.29 acres of occupied habitat for desert cottontail is judged to be a less than significant impact under CEQA. This species if widely distributed throughout western Riverside County, including many areas of development. The removal of a few bladder pod and less than an acre of occupied mule fat habitat is also judged to a less than significant impact given these species' wide distribution w/in the county. Agreed, the project site occurs within the survey area of burrowing owl and a survey following MSHCP protocol was performed and the species was absent."

Response to Comment 4. ICF International has prepared and is processing a Determination of Biologically Equivalent or Superior Preservation (DBESP) report for review and approval by Riverside Conservation Authority (RCA) and California Department of Fish and Game (CDFG), according to the

procedures established by the MSHCP. The applicant will be preserving the Quincy Channel along the east side of the project, and will mitigate for the loss of the two minor drainage features along the western and southern portions of the site, as outlined on page 4.4-30 of the Draft EIR.

As outlined in Mitigation Measures 4.4.6.1A through C in the Draft EIR, a pre-construction survey for burrowing owl will be prepared and processed through CDFG prior to grading the site.

Response to Comment 5. As required by law, the developer will pay the established SKR mitigation and MSHCP development impact fee. ICF International adds that this is for those species covered by both the SKR HCP and the MSHCP. For species with potential for occurrence and/or confirmed present, the proposed impacts were judged less than significant under CEQA and no mitigation was necessary.

Response to Comment 6. It is understandable CDFG is concerned about impacts to stream and riparian vegetation and burrowing owl. However, the commenter does not explain why the CDFG, which is a responsible and trustee agency for biological resources in the state, is concerned with traffic issues or the traffic study. However, we believe Response 8 adequately addresses the CDFG's concerns.

In addition, ICF International adds the following information to this response:

1) Stream and riparian vegetation impacts – the project will impact stream and riparian vegetation that is protected under the WRC MSHCP, Clean Water Act Sections 401 and 401, and CDFG 1600 code. The project must, under the WRC MSHCP, provide mitigation for impacts (permanent and temporary) such that the compensation is equivalent or superior in preservation to that proposed for impact. A Determination of Equivalent or Superior Preservation (DBESP) report will be submitted to USFWS and CDFG to ensure the compensatory mitigation is at a minimum adequate per the WRC MSHCP. This is stated in the EIR. Under CEQA is it judged that a minimum mitigation ratio at 2:1 would provide equivalent or superior mitigation for that being impacted. Under the MSHCP, USFWS and CDFG concurrence is necessary and the mitigation ratio may be determined to be higher than 2:1. In addition, it is stated in the CEQA document that impacts to federal and state jurisdictional waters/streambeds would require permits/agreements under CWA 401 and 404 and CDFG 1600 code and that under CEQA, impacts would need to be mitigated at a 2:1 ratio to make impacts less than significant. The mitigation ratio determined during the permit/agreement processing may be determined to be higher or lower and the project proponent would be required to fulfill the higher mitigation ratio. Mitigation Measure 4.4.6.3 will be revised to read "….shall be mitigated at a minimum of a 2:1 ratio."

2) The potential presence of burrowing owl – as indicated in the EIR, a focused survey was performed for this species and the species was found absent. A pre-construction survey for burrowing owl is required and stated in the EIR and is to occur within 30 days prior to ground disturbance activities. This is consistent with the WRC MSHCP. Additionally, the EIR states that if burrowing owl is found that the species would be excluded from the site through appropriate measures that USFWS and CDFG approve. These measures ensure that burrowing owl is not directly impacted by the project, that the project is consistent with the WRC MSHCP and that the project is consistent with USFWS and CDFG protocol.

Response to Comment 7. The commenter summarizes the results of the jurisdictional delineation prepared for the project by ICF International. The project will protect in place the entire Quincy Channel along the eastern boundary of the project site. The City is aware the Department opposes the elimination of minor drainage channels, as outlined in their comment, but there are times when small eroded ephemeral drainage courses must be channelized or incorporated into the overall drainage management of a site to provide effective erosion and flood control. The two smaller

ephemeral drainages along the eastern and southwestern portions of the site will be removed, but their loss will be compensated by offsite mitigation as outlined in Mitigation Measure 4.4.6.3A in the Draft EIR. The Department's subsequent Streambed Alteration Agreement process will allow for the effective transition and ultimate loss of these small drainages with minimum offsite compensation of 2:1 (note: subsequent regulatory permitting may require a different compensation ratio).

ICF International would like to add the following information to this response:

1) The project proponent plans on submitting an application to CDFG in the near future to ensure CDFG is involved early on in the permitting process.

2) The measures indicated in the CDFG comment are being incorporated into the revised DBESP. Finally, the EIR indicates that impacts to stream and riparian habitat will be mitigated at a ratio of 2:1 to provide sufficient mitigation under CEQA. The project has attempted to reduce impacts to all jurisdictional waters/streambeds. The project will install two storm drains and a bridge. The storm drains are necessary to continue supporting water volumes reaching the natural streams and the bridge is a requirement to maintain appropriate movement into and out of the project site. The ability to support on-site mitigation is limited due to the small amount of Quincy Channel that is owned by the project proponent and which is to be dedicated to the City of Moreno Valley as a condition of project approval. As such, all compensatory mitigation will occur off-site at a minimum ratio of 2:1. It is understood that further coordination with CDFG through the Streambed Alteration Agreement program will be necessary and that under the Streambed Alteration Agreement; the mitigation ratio may be higher or lower than 2:1 (as noted above).

3) Based on a pre-application MSHCP project meeting with CDFG, USFWS, RCA, and RWQCB that occurred on October 10, 2012, the following minor changes and clarifications will be added to the indicated mitigation measures, mainly to incorporate temporary impacts into the compensation for permanent impacts:

4.4.6.2A *As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. ~~(0.36 acre impact = 0.72 acre replacement). This off-site replacement shall be accomplished through the contribution of in-lieu fees to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of riparian habitat adjacent to the tributaries of the San Jacinto River or within the Santa Ana River watershed. Documentation of acceptance of the SAWA contribution shall be provided to the City prior to issuance of a grading permit.~~ Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.*

4.4.6.2B ~~*The project applicant shall retain qualified personnel to prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP) to oversee restoration of temporarily affected areas (0.35 acre of riverine/riparian habitat) to their pre-construction contours and vegetation. The HMMP will be approved by USACE and CDFG prior to the City issuing any occupancy permits.*~~ *Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.*

NOTE: The DBESP replaces the need for a separate Habitat Mitigation and Monitoring Plan.

4.4.6.3A ~~*The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE and a Section 1602 Streambed Alteration Agreement from the CDFG Direct temporary impacts to more than 0.1 acre of jurisdictional area that are regulated by the USACE, CDFG, and RWQCB shall be mitigated at a 2:1 ratio, including enhancement and/or creation of wetlands or the contribution of in-lieu feed to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of off-site riparian habitat, as outlined in Mitigation Measure 3.3.6.2A.*~~ *The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.*

NOTE: These mitigation measures have been revised to be consistent with the revised DBESP report, and so there will not be any conflicts between the implementation measures of the DBESP and the mitigation measures of the EIR.

Response to Comment 8. This comment states that the Traffic Impact Analysis (TIA) only looks at projects within a 5-mile radius. The 2035 conditions analyzed in the TIA were based on the RivTAM model, which includes General Plan land uses for Cities in Riverside County and SCAG forecasts outside Riverside County. Therefore, the comment that the Draft EIR only evaluates projects within a 5-mile radius is incorrect.

The commenter is interested in how the project and other proposed development will affect traffic flow on the SR-60. The analysis of 2035 conditions is based on reasonable absorption rates for General Plan Buildout of the County and based on SCAG forecasts. The background without project conditions for Year 2035 includes potential projects that are consistent with the approved General Plans.

The commenter notes that the World Logistics Center is not included as a cumulative project. Please note that the baseline used to prepare the cumulative conditions analysis in the EIR is based on the past, present and reasonably foreseeable projects at the time the Notice of Preparation (NOP) for the Draft EIR is issued. The NOP was distributed to state, regional, and local agencies on February 4, 2008. At that time, the World Logistics Center was not a planned project, so this project was not included directly as a cumulative project for opening year conditions. However, the traffic model utilized to prepare the traffic analysis does include the approved Moreno Highlands Specific Plan, which is located on the same site as the currently proposed World Logistics Center project. Furthermore, the Moreno Highland Specific Plan generates more trips than the World Logistics Center. As a result, although the World Logistics Center is not included as a cumulative project, as noted in the comment, the 2035 analysis does evaluate the effects of a larger project than the World Logistics Center.

Similarly, although the analysis does not include the Villages at Lakeview as a cumulative project directly, it is included as a Community Development zone in the RIVTAM model, which was used to forecast future volumes. The Community Development land use designation includes all uses proposed in the now rescinded EIR for the Villages at Lakeview project. The commenter also mentions a residential development near the intersection of Lamb Canyon Road and SR-60. It should be noted that Lamb Canyon Road does not intersect SR-60 and therefore it is unclear exactly where this developed uses is located or the exact size of the developed uses. However, LSA believes that the commenter is referring to a development off of SR-79 in the City of Beaumont. It is unlikely that a

residential development located approximately 16 miles from the proposed project would add cumulatively considerable trips to the project study area. Therefore inclusion of the referenced project in the cumulative project list would not be required.

The commentator is concerned about traffic on surface streets due to increased congestion on the SR-60, especially on Gilman Springs Road and Ramona Expressway. As noted in previous comments, the 2035 conditions analyzed in the TIA were based on the RivTAM model, which includes General Plan land uses for cities in Riverside County and SCAG forecasts outside Riverside County. Traffic models route trips based on available capacity and traffic volumes on roadways using the least cost approach. Using this approach, the RivTAM model also forecasts potential diversion of trips due to congested conditions on freeways. Therefore, the 2035 conditions analyzed in the DRAFT EIR accurately represent the future traffic that could be expected on area surface streets, including Gilman Hot Springs Road and the Ramona Expressway. The commenter also states that these two roadways provide access to the San Jacinto Wildlife Area (SJWA), but are not included in the traffic study. Based on local agency guidelines, intersections where the project would add more than 50 peak hour trips were included in the study area. The project would add fewer than 10 peak hour trips to Gilman Hot Springs Road and Ramona Expressway and as a result, these facilities were not included in the study area. The comment claims that potential cumulative impacts on nearby conserved lands, particularly potential direct and indirect effects of the project on the adjacent SJWA, Lake Perris Recreation Area, and Badlands Area, and potential increased use of Davis Road are not discussed in the DRAFT EIR because the project would add an insignificant number of vehicle trips in these areas. It should be noted that Davis Road is not on the City's Circulation Plan or the County of Riverside's Circulation Element. The road is not open to through traffic, and is currently gated. The gate is controlled/maintained by the California Department of Fish and Game. Even if Davis Road were open to through traffic, the small number of trips that would likely be added by the project or diverted from other facilities is minimal and is therefore not required to be analyzed.

Response to Comment 9. The commenter provides brief information on the SJWA and the resources with which the Department is concerned. This comment provides factual information about the Badlands area and the SJWA and does not require a response. The Badlands and the SJWA will not be significantly adversely impacted by the proposed project, as it is not proximate to either of these areas and only a small amount of project-related traffic is expected to use Gilman Springs Road which is adjacent to both areas.

Response to Comment 10. Based on the information in Responses to Comments A-2, Nos.7-9 above, the analysis of traffic impacts provided in the Draft EIR is based on local agency standards, relevant provisions of CEQA, data obtained the most recent version of RivTAM, and standard traffic engineering principles. The comment does not provide any additional information to reinforce the claim that the Draft EIR is inadequate in describing project related traffic impacts and in identifying mitigation measures.

Letter A-3

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
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ds_nahc@pacbell.net

RECEIVED
JUL 23 2012
CITY OF MORENO VALLEY
Planning Division

July 20, 2012

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley Community Development Department:
Planning Division
14177 Frederick Street; P.O. Box 88005
Moreno Valley, CA 92552

Re: SCH#2008021002; CEQA Notice of Completion: draft Environmental Impact Report (DEIR) for the **PROLOGIS EUCALUPTUS INDUSTRIAL PARK;** located in the City of Moreno Valley; Riverside County, California.

Dear Mr. Bradshaw:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation 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 of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9 — 1

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 recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the proposed project. — 2

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 — 3

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. 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 Section 2183.2 that requires documentation, data recovery of cultural resources. 3

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.' 4

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 he 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. 5

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'. 6

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. 7

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). 8

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

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contact
Riverside County
July 20, 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

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

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
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

San Manuel Band of Mission Indians
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26569 Community Center. Drive Serrano
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(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.gov
(909) 862-5152 Fax

Soboba Band of Mission Indians
Scott Cozaet, Chairperson; Attn: Carrie Garcia
P.O. Box 487 Luiseno
San Jacinto , CA 92581
carrieg@soboba-nsn.gov
(951) 654-2765
(951) 654-4198 - Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Rroad Cahuilla
Banning , CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

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#2008021002; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Prologis Eucalyptus Industrial Park Project; located in the City of Moreno Valley; Riverside County, California.

Letter A-3

Native American Contact
Riverside County
July 20, 2012

Serrano Nation of Indians
Goldie Walker
P.O. Box 343 Serrano
Patton , CA 92369

SOBOBA BAND OF LUISENO INDIANS
Joseph Ontiveros, Cultural Resource Department
P.O. BOX 487 Luiseno
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jontiveros@soboba-nsn.gov
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(951) 654-5544, ext 4137

Cahuilla Band of Indians
Chairperson
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915-763-5549

Pechanga Cultural Resources Department
Anna Hoover, Cultural Analyst
P.O. Box 2183 Luiseño
Temecula , CA 92593
ahoover@pechanga-nsn.gov
951-770-8104
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Ernest H. Siva
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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#2008021002; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Prologis Eucalyptus Industrial Park Project; located in the City of Moreno Valley; Riverside County, California.

RESPONSE TO LETTER A-3

California Native American Heritage Commission

Introduction to Responses. The City has implemented the guidance received from the Native American Heritage Commission (NAHC) regarding the structure of the relationship with concerned Native American tribes and individuals during project development. In particular, the relationship with the tribes and the City regarding this project site have been ongoing since 2008, beginning with a request for a Sacred Lands File Search, and continued by providing copies of reports and other documents to interested tribes. Most recently, the City met with the Pechanga Tribe's Cultural Resources Analyst on October 9, 2012 to further discuss the SB 18 consultation process.

Response to Comment 1. The comment is introductory and states that the NAHC is the State "trustee agency" pursuant to Public Resources Code Section 21070 for the protection and preservation of the State's Native American resources. The comment also states that the letter contains state and federal statutes relating to Native American historic properties of religious and cultural significance. The second paragraph is also introductory in nature and outlines the NAHC's authority and role as a commenting agency. The NAHC's introduction in this comment is noted, and no further response is required.

Response to Comment 2. The comment states that CEQA requires that any project that causes a substantial adverse change in the significance of a historical resource, which includes archaeological resources, is a "significant effect" requiring the preparation of an EIR. A Draft EIR was prepared for the proposed project and circulated for public review on July 18, 2012. Based on the *Phase I Cultural Resources Assessment* prepared for the proposed project (Draft EIR Appendix D), the site contained no cultural or historic resources. Consequently, construction and grading of the proposed project site will not affect significant cultural or paleontological resources, resulting in less than significant impacts.

In the second part of the paragraph, the commenter recommends the NAHC Sacred Lands File (SLF) be searched, and such a search was conducted during the Cultural Resource Assessment and found that no Native American cultural resources were identified within the project area. Similarly, the Draft EIR determined that there were no cultural resources (historic or prehistoric) identified on the project site as a result of records searches or during on site reconnaissance. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

Response to Comment 3. The comment states that NAHC Sacred Sites are confidential and exempt from the Public Records Act pursuant to California Government Code Section 6254. The City acknowledges the sensitivity and confidentiality of the information contained in the cultural resources report. No records maps have been made public nor will they be made public in association with the City's consideration of the proposed project.

In the second paragraph, the comment states that pursuant to California Public Resources Code Section 5097.95, the NAHC requests that pertinent project information be provided to Native American consulting parties, and that Native American consultation is a matter of environmental justice. The comment letter states that early consultation with Native American Tribes in the area of the project site is the best way to avoid unanticipated discoveries once a project is underway. The letter includes a list of Native American contacts and recommends obtaining their recommendations concerning the proposed project.

Appendix D of the Draft EIR contains the *Phase I Cultural Resource Assessment* prepared for the proposed project in which Native American consultation was conducted. The NAHC was contacted to

determine whether any sacred sites were listed on the Scared Lands Files for this area of Moreno Valley containing the project site. In response to the Sacred Land Record Search request, the NAHC identified fourteen Native American contacts that may have knowledge of cultural resources in the project area.

Letters were sent to all the Native American contacts provided by the NAHC in 2008. The letters notified the parties of the proposed project and requested that the tribes respond with information concerning cultural resources that might be affected.

Response to Comment 4. The comment states that consultation with Tribes and interested Native American consulting parties on the NAHC list should be conducted in compliance with the requirements of federal National Environmental Policy Act (NEPA), Sections 106 and 4(f) of the National Historic Preservation Act, and the Native American Grave Protection and Repatriation Act (NAGPRA), as appropriate.

Although the project is not a federal undertaking as defined under Section 106 of the National Historic Preservation Act (NHPA) or 36 Code of Federal Regulations (CFR) Part 800 regulations implementing Section 106, and does not use federal funds, it will require a federal Clean Water Act Section 404 permit. Therefore, the project falls under the regulatory oversight of Section 106. As described in Response to Comment A-3, No. 3 above, the City conducted consultation with thirteen local tribes and interested Native American individuals for the project. Consultation included providing those parties with pertinent project and location information.

The project is not a federal transportation project, so it also does not fall under the jurisdiction of Section 4(f) of the Department of Transportation Act of 1966. There is also no federal involvement in the project that would trigger the requirements of NAGPRA.

Response to Comment 5. The comment states that historic properties of religious and cultural significance are confidential and protected by California Government Code Section 6254. The comment further states that the confidentiality of such resources may also be protected by section 304 of the NHPA. The City acknowledges the sensitivity and confidentiality of any identified resources. The SLF and any associated records maps are not for public distribution. In addition, because the project is not a federal undertaking, it is not regulated under Section 304 of the NHPA.

Response to Comment 6. The comment identifies State laws regarding the accidental discovery of human remains. In compliance with these laws, in the unlikely event human remains are encountered during project grading, the County Coroner and the City Planning Division would be notified immediately, and no further disturbance would occur until the County Coroner makes a determination of origin and disposition. If the remains are determined to be Native American, the County Coroner would notify the NAHC, which will determine and notify the most likely descendant (MLD). Implementation of state law reduces potential impacts related to the discovery of human remains on the proposed project site to a less than significant level, and no additional mitigation is required.

Response to Comment 7. The comment states that effective consultation, in the opinion of the NAHC, is the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors. The City agrees that effective consultation is desired. The City has reached out to Native American tribes through the consultation process (as detailed in the Draft EIR in Appendix D).The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

Response to Comment 8. The comment states that the NAHC recommends avoidance when a project would damage or destroy Native American cultural resources. The comment further states that documentation and data recovery of such resources is required pursuant to the CEQA Guidelines. Based on the *Phase I Cultural Resources Assessment* (Draft EIR Appendix D) prepared for the proposed project, the site has a low potential for containing archeological resources due to the lack of such resources previously discovered in the surrounding area and the disturbed nature of the project site. Consequently, construction and grading of the proposed project site will have a low probability of damaging archeological resources. Impacts to archeological resources are considered to be less than significant.

Letter A-4

PECHANGA CULTURAL RESOURCES

Temecula Band of Luiseño Mission Indians

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Cultural Analyst:
Anna Hoover

September 4, 2012

VIA E-MAIL and USPS

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92552

Re: Pechanga Tribe Comments on the Draft EIR for the Prologis Park Moreno Valley Eucalyptus Project

Dear Mr. Bradshaw:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). The Tribe requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project. 1

The Tribe submits these comments concerning the Project's potential impacts to cultural resources in conjunction with the environmental review of the Project. The Tribe has reviewed the Cultural Resources Section of the Draft Environmental Impact Report and is very concerned that the City did not address any of the Tribes comments and seems to have ignored the other comments provided by Native American tribes. Both Pechanga and Soboba requested monitoring during grading activities as the City itself in the Initial Study indicated that the possibility of uncovering cultural resources during earthmoving activities was high. Further, the Tribe was not afforded the opportunity to consult with the City per SB18 requirements and as we had requested in our March 4, 2008 comment letter. This violates state law. Additionally, as written, the proposed mitigation measures are inadequate and insufficient to mitigate for unanticipated discoveries of cultural resources. Additional information is provided in our comments below. 2

THE CITY OF MORENO VALLEY MUST INCLUDE INVOLVEMENT OF AND CONSULTATION WITH THE PECHANGA TRIBE IN ITS ENVIRONMENTAL REVIEW PROCESS

It has been the intent of the Federal Government[1] and the State of California[2] that Indian tribes be consulted with regard to issues which impact cultural and spiritual resources, as well as other governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments. In this case, it is undisputed that the project lies within the Pechanga Tribe's traditional territory. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City of Moreno Valley consult with the Tribe in order to guarantee an adequate knowledge base for an appropriate evaluation of the Project effects, as well as generating adequate mitigation measures.

On this Project, the Tribe was not asked by the City of Moreno Valley for a consultation meeting. Although there was some confusion regarding the original SB18 notification in 2007, an additional SB18 consultation letter was submitted in 2008 and the Tribe responded with a request to consult in our March 4, 2008 letter. Further, LSA Associates sent out an additional consultation letter in 2011 and the Tribe again notified the City that consultation was desired. The Tribe received no further communication from the City until receipt of this DEIR document July 26, 2012. The Tribe believes that would adequate consultation have occurred, the proposed mitigation measures would be adequate and respectful of tribal requests. Further, under SB 18, the City cannot proceed with approving this Project until consultation requests by Tribes have been fulfilled. As such, moving ahead with a Planning Commission hearing at this stage would be in violation of California State law. 3

PECHANGA CULTURAL AFFILIATION TO PROJECT AREA

The Pechanga Tribe asserts that the Project area is part of Luiseño, and therefore the Tribe's, aboriginal territory as evidenced by the existence of Luiseño place names, *tóota yixélval* (rock art, pictographs, petroglyphs), and an extensive Luiseño artifact record in the vicinity of the Project. This culturally sensitive area is affiliated with the Pechanga Band of Luiseño Indians because of the Tribe's cultural ties to this area as well as extensive history with both this Project and other projects within the area. 4

The Tribe's knowledge of our ancestral boundaries is based on reliable information passed down to us from our elders; published academic works in the areas of anthropology,

[1] See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.
[2] See California Public Resource Code §5097.9 et seq.; California Government Code §§65351, 65352.3 and 65352.4

history and ethno-history; and through recorded ethnographic and linguistic accounts. Many anthropologists and historians who have presented boundaries of the Luiseño traditional territory include this region in their descriptions (Drucker 1937; Heiser and Whipple 1957; Kroeber 1925; Smith and Freers 1994), and such territory descriptions correspond with what was communicated to the Pechanga people by our elders. While historic accounts, anthropological and linguistic theories are important in determining traditional Luiseño territory; the Tribe asserts that the most critical sources of information used to define our traditional territories are our songs, creation accounts and oral traditions.

Luiseño history originates with the creation of all things at *'éxva Teméeku*, known today as the City of Temecula, and dispersing out to all corners of creation (what is today known as Luiseño territory). It was at Temecula that the Luiseño god *Wuyóot* lived and taught the people, and here that he became sick, finally expiring at Lake Elsinore after visiting many of the hot springs located within Luiseño and Cahuilla territory. From Elsinore, the people spread out, establishing villages and marking their territories. The first people also became the mountains, plants, animals and heavenly bodies.

4

The Pechanga Tribe has a specific legal and cultural interest in this Project as the Tribe is culturally affiliated with the geographic area, which comprises the Project property. The Tribe has been named the Most Likely Descendent (Cal. Pub. Res. C. §5097.98) on Projects in the nearby vicinity of the proposed Project and has specific knowledge of cultural resources and sacred places near the Project site. The Tribe submitted information regarding cultural affiliation to the City in previous comment letters for this Project. We would also like the City and the DEIR consultant to know that the Project is <u>not</u> located within Cahuilla territory. The Tribe has previously submitted archaeological, ethnographic, ethnohistoric, oral traditions and song and linguistic information showing that Moreno Valley was indeed Luiseño territory. We would be happy to provide this information again to the City and DEIR preparers so that the cultural affiliation portions of the Cultural section of the DEIR can be updated.

The Tribe welcomes the opportunity to meet with the City of Moreno Valley to further explain and provide documentation concerning our specific cultural affiliation to lands within your jurisdiction, if so desired. In addition, the Tribe is once again requesting face-to-face, government-government consultation under SB 18, as is our legally protected right.

PROJECT IMPACTS TO CULTURAL RESOURCES

The Project is located in a highly sensitive region of Luiseño territory and the Tribe believes that the possibility for recovering subsurface resources during ground-disturbing activities is high. The Tribe has over thirty-five (35) years of experience in working with various types of construction projects throughout its territory. The combination of this knowledge and experience, along with the knowledge of the culturally-sensitive areas and oral tradition, is what

5

the Tribe relies on to make fairly accurate predictions regarding the likelihood of subsurface resources in a particular location. 5

The Tribe has reviewed the 2012 Draft Environmental Impact Report for the Prologis Industrial Park Project. In addition to not consulting with the Tribe as required by law, the City has failed to adopt appropriate and protective mitigation measures for any unknown cultural resources, under both the letter and the spirit of CEQA. Based upon the Archaeological Study, there are over 65 cultural sites within a one-mile radius and the Project is located within the Moreno Hills Complex, a well documented habitation site. Habitation sites are of the utmost importance to the Tribe because they are the last physical remains of where the ancestors lived. They contain information and data that are reflective of every aspect of tribal culture. It is well known that native village and habitation complexes enveloped large areas of land, sometimes several square miles. The Tribe agrees that the high number of recorded sites indicates a high prehistoric use area as well as the potential for identification of subsurface cultural resources on this Project. By not providing for archaeological and tribal monitoring during earthmoving, the City is a willing participant in the destruction of irreplaceable cultural sites. The Tribe has continually argued that it is vital to require an archaeological and tribal monitor at the onset of grading and for other activities such as trenching and off-site development because relying on untrained construction crews to identify cultural resources is not only inappropriate, but also untenable since they are not professional cultural resource personnel. Construction crews would not be able to identify cremations, for example or be able to distinguish human from animal bone, or how to identify what is an artifact (manipulated by human hands) or an ecofact (a product of nature). 6

Additionally, while the Tribe understands that the Project has been under citrus groves and agriculture for many years, this does not negate the possibility for cultural resources to be identified below the plow zone, approximately 16 to 24 inches. Both the Soboba and Pechanga tribes have informed the City that the possibility for cultural resources to be identified during earthmoving activities is high and yet the City and DEIR Consultant ignored our comments. The City is well aware of the Highland Fairview project, upon which cultural resources were discovered, despite the use of the land for agricultural purposes and despite the project archaeologist assuring that no resources were on the property. Further, we know of a situation in San Diego County where as many as 14 individual burials were located in what had been a long-time orange tree grove – in fact, one of the burials, a cremation, was discovered entangled with the roots of an orange tree. Thus, agricultural activities rarely touch deeply buried cultural deposits – they typically only affect those artifacts or features that lay within the plow zone. As such, the potential for subsurface resources remains a very real concern for Pechanga. 7

As the City knows from our long history together, the Pechanga Tribe involves itself in these matters because its contributions and knowledge of the natural/cultural resources is not focused on the archaeological or scientific importance of the resources, but rather in the cultural and sociological significance of the sites and places to our People. The Pechanga Tribe contends that despite the lack of identification of surface artifacts during the survey, subsurface sites and 8

resources, i.e. inadvertent finds, may be found throughout the development of this entire Project. As such, we request that the City take into account the Pechanga Tribe's cultural view of any such resources. 8

Since the DEIR has now been completed and distributed for public review without tribal consultation - in contravention to SB 18 – it is the Pechanga Tribe's position that this DEIR does not meet standard requirements for cultural resources impact analysis and may not meet state legal requirements for environmental review. Without consultation prior to finalization of the mitigation measures, the City is in danger of putting itself in a position of adopting deferred and arguably inadequate mitigation, which may not be permissible pursuant to CEQA. Furthermore, without consultation prior to finalization of the mitigation measures, Pechanga is unable to meaningfully participate in the CEQA process and we are being denied the rights guaranteed to Tribes by SB 18 – mainly, early and meaningful consultation to address concerns regarding impacts, both direct and indirect, to tangible and intangible cultural resources. 9

The Pechanga Tribe is not opposed to this Project; however, we are opposed to any direct, indirect and cumulative impacts this Project may have to tribal cultural resources. The Tribe's primary concerns stem from the Project's proposed impacts on Native American cultural resources. The Tribe is concerned about both the protection of unique and irreplaceable cultural resources, such as Luiseño village sites, sacred sites and archaeological items which would be displaced by ground disturbing work on the Project, and on the proper and lawful treatment of cultural items, Native American human remains and sacred items likely to be discovered in the course of the work. 10

The Tribe believes that the proposed mitigation measures as written are not sufficient, given the sensitivity of the area which was acknowledged in the archaeological study and the Initial Study, but which was inadequately addressed in the DEIR. Although the DEIR addresses procedures for inadvertent finds, the Tribe is concerned with the lack of specificity of the mitigation measures and the lack of a requirement for both archaeological and tribal monitors for the duration of the Project. While the Tribe understands that the Property has been subjected to previous disturbances, as the Project site lies within such a culturally-sensitive area, the Tribe believes that the possibility exists for the recovery of subsurface resources during earthmoving activities. 11

The Tribe has multiple concerns with the mitigation measures as they are drafted. We believe that it is premature and potentially negatively impacts the Tribe's rights under both SB 18 and the CEQA process to comment on specific mitigation measures until we are able to have our legally protected SB 18 consultation with the City. Had this occurred before the DEIR was released for review, we are certain that more protective measures would have been included that would satisfy both the Tribe and the City's concerns. That has not happened and as such, we are expressly reserving our right to provide comments on the proposed mitigation measures until <u>after</u> the City completes its legally mandated SB 18 consultation with Pechanga. 12

The Tribe reserves the right to fully participate in the environmental review process, as well as to provide further comment on the Project's impacts to cultural resources and potential mitigation for such impacts. 13

The Pechanga Tribe looks forward to working together with the City of Moreno Valley in protecting the invaluable Pechanga cultural resources found in the Project area. Please contact me at 951-770-8104 or at ahoover@pechanga-nsn.gov within the next two weeks so we can schedule our legally required SB 18 consultation to discuss the issues at hand. Thank you. 14

Sincerely,

Anna Hoover
Cultural Analyst

Cc Pechanga Office of the General Counsel
John Terrell, Planning Official

RESPONSE TO LETTER A-4

PECHANGA BAND OF LUISEÑO INDIANS

Response to Comment 1. The City acknowledges the Pechanga Band ("Tribe") is a federally recognized Indian Tribe. The City will continue to notify the Tribe regarding the CEQA process for this project, and the Tribe will be notified of any hearings regarding this project. As requested, the Tribe's comments and the City's responses are incorporated into this Final EIR document and administrative record.

Response to Comment 2. According to its records, the City did contact the Tribe for consultation under SB 18 when the applicant first started processing the project in 2007-08, and the City sent a copy of the project cultural resources report at that time. The City received no further correspondence or emails regarding the project, so it believed the SB 18 consultation process for the ProLogis project was completed at that time. On July 25, 2011 a letter inquiring about additional consultation was sent to Mark Macarro and the commenter with Pechanga and no response was received (Paul Macarro is the Director of Cultural Resources). A second letter was sent on August 9, 2011 to which the commenter responded that she would work directly with the City regarding further consultation. Jeff Bradshaw with the City contacted Ms. Hoover ("commenter") but received no follow-up from the Tribe for additional input or consultation. The revised cultural resources study was mainly an update of the original study to "bring it current" and contained no new additional information. At that time, Mr. Bradshaw considered this second round of SB 18 communication with the tribe completed as well. Separate from the SB 18 process, the Tribe has provided comments to the City during the Notice of Preparation (NOP) period and the Notice of Completion (NOC) sent out for the project under CEQA. The commenter is incorrect that the City has not incorporated concerns and comments from the Tribe into the CEQA document, or has somehow neglected the SB 18 consultation process. The City met with the Anna Hoover, Cultural Analyst for the Tribe regarding SB 18 on October 9, 2012 to address any pending questions regarding the City's participation in the SB 18 consultation process on this project (see Appendix B in this document).

Response to Comment 3. Although there appears to be some confusion regarding the actual completion of the SB 18 consultation process, the City and the Tribe can still continue to consult effectively on the proposed project, following the guidance from the NAHC which states that "To be effective, consultation on specific projects must be the result of an ongoing relationships between the Native American tribes and lead agencies, project proponents, and their contractors." The City believes the EIR reflects the intent and desire of the Tribe regarding monitoring of grading activities on the project site, as outlined in the tribe's comment letter received during the Notice of Preparation (NOP) period and included in Appendix A of the Draft EIR. Mitigation Measures 4.5.6.1A through 4.5.6.1E in the Draft EIR state the following:

4.5.6.1A *If cultural resources are found during grading, the applicant shall immediately retain a qualified archaeological monitor to oversee subsequent ground-altering activities (e.g., removal of debris, de-vegetation, and grading). This monitor shall ensure that any buried or previously unidentified resources are adequately identified, recorded, and evaluated in accordance with applicable standards. The archaeological monitor shall be trained in both prehistoric and historic archaeology and have the authority to temporarily redirect any ground disturbing activities affecting potentially significant cultural resources.*

4.5.6.1B *Prior to the issuance of a grading permit, the local Native American representatives (Soboba, Morongo, and Pechanga) shall be notified in writing of the pending activities. If any evidence of Native American resources is discovered during grading, the archaeological monitor identified in* ***Mitigation Measure 4.5.6.1A*** *shall invite one or more Native American monitors to participate in the monitoring program. The Native American*

monitor shall work with the archaeological monitor to aid in the identification of resources and assist in the preliminary evaluation of any Native American resources.

4.5.6.1C *If cultural artifacts and resources are discovered during ground disturbance activities and are historic in nature (not Native American in origin), the archaeological monitor shall make recommendations for the appropriate handling and evaluation of the resources. If cultural artifacts and resources are discovered during ground disturbance activities are determined to be of Native American origin (but not involving burials or grave goods), the archaeological monitor/consultant shall notify the applicant, City, and local Native American representatives and complete consultation for the handling of the resources. All archaeological decisions shall be at the discretion of the professional archaeologist, taking the Native American concerns into account. Work may continue on other parts of the project site while historic or unique archaeological mitigation takes place (14 Cal. Code Regs. 15065.5(f)).*

4.5.6.1D *As a condition of approval, the property owner shall make all cultural resources (e.g., artifacts) discovered on site available for curation at a facility identified by the City (e.g., the UCR Archaeological Research Unit, the Western Center for Archaeology and Paleontology, or the Ya'i Heki' Regional Indian Museum). All artifacts shall be inventoried and prepared for curation per standard professional requirements. If neither repository is available to accept the collections, the cultural resources shall be temporarily curated at a facility identified through consultation with all stakeholders.*

4.5.6.1E *Should resources determined to be of sacred or religious significance to Native Americans be identified within the project area, the resources shall be protected from adverse impacts until consultation between the applicant, City, the Most Likely Descendant (MLD) as determined by the Native American Heritage Commission, and the archaeological consultant, occurs. At that time, the responsibility for the care and disposition of the cultural resources shall be the determined and recorded to the satisfaction of all parties involved.*

These measures are consistent with the information provided in the Pechanga NOP comment letter. However, the City desires to work cooperatively with the tribe to the greatest extent possible. Therefore, the wording of all these mitigation measures will be modified as shown below:

4.5.6.1A *Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.*

4.5.6.1B *Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a*

100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.

4.5.6.1C *If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.*

4.5.6.1D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."

Based on input from the tribe, the City believes these modifications will better protect any potential undiscovered cultural resources if they are present on the site. In addition, Measure 4.5.6.1B clearly allows tribal monitors to be present onsite during grading if they so desire, consistent with the City's current practices for allowing such monitoring.

In addition, although DEIR Section 4.5.5.2, *Human Remains*, concludes potential impacts of the project will be less than significant with compliance with state law, Mitigation Measure 4.5.6.1E has been added at the request of the tribe to help assure there will be no significant impacts related to the potential discovery of human remains during grading:

4.5.6.1E *If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48*

hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

Finally, the commenter is correct that the CEQA process cannot be completed before the SB 18 process is completed. However, the City believes the SB 18 consultation process can still be completed prior to final action on the project as specified by state law.

It should also be noted the tribe requested the following language be added to the mitigation for potential impacts to paleontological resources, so the City has agreed to add the following as Mitigation Measure 4.5.6.2D:

4.5.6.2D *Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:*

"If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction."

Response to Comment 4. The City acknowledges that the tribe has legitimate legal and cultural interests in the project site and surrounding areas, and appreciates the tribal history upon which these interests are based. The City believes it did participate in the SB 18 consultation process in good faith on this project twice, but the City is willing to consider additional input from the tribe regarding this property integral to the CEQA process at this point in time. On October 9 2012, Jeff Bradshaw met with Anna Hoover, Cultural Analyst with the tribe, to receive additional input from the tribe relative to this project. In any case, all of this information will be presented to the City Council for their review prior to any final action on the project, consistent with the requirements of SB 18 and CEQA.

Response to Comment 5. The project cultural resource assessment, and Section 4.5 of the Draft EIR, both acknowledge the existence of Native American resources and sites in the surrounding area. However, the study did not identify any resources actually on the project site, and the site has been previously and regularly disturbed by agricultural and weed abatement activities. In an effort to respond to remaining concerns expressed by the tribe, and based on evidence from mitigation at site on other projects in the region, the City has modified the text of Mitigation Measures 4.5.6.1A trough 4.5.6.1E as shown in Response 3 above. The City understands the Tribe's ongoing and currently stated desire to have private development fund Native American monitoring on construction sites. However, the City's repeated position on this issue is not to require private funding of such monitoring, but rather to encourage private landowners to collaborate with Native American tribes regarding monitoring (i.e., private funding is not required but optional). In addition, the revised mitigation measures cited above do require ongoing coordination with the local tribes, including Pechanga.

Response to Comment 6. As outlined in the previous Response to Comment A-4, No.3, the City believes the mitigation measures included in the Draft EIR do reflect the concerns raised by the tribe during the SB 18 and EIR Notice of Preparation processes. In addition, the City believes it has participated in the SB 18 process to an appropriate degree, as described in the previous Responses to Comments A-4, No. 2 and 4 above. Appendix B of this Final EIR includes additional

correspondence and documentation from the City regarding the SB 18 process with the Pechanga tribe on this project.

Response to Comment 7. In response to the tribe's concerns about excavation of the project site, the City has modified the wording of Mitigation Measures 4.5.6.1A through 4.5.6.1E to provide for monitoring of all grading activities. In addition, the modified measures provide a way for local tribes to participate in the monitoring process.

Response to Comment 8. In response to the tribe's concerns, the City has modified the wording of Mitigation Measure 4.5.6.1A to provide for monitoring of all grading activities, and Mitigation Measure 4.5.6.1B provides a way for local tribes like Pechanga to participate in the monitoring process.

Response to Comment 9. As previously explained in Responses 2 and 4 above, the City has participated twice in the SB 18 process on this project, but is certainly willing to accept additional input from the tribe regarding potential impacts and mitigation language within the context of the CEQA process. The mitigation in the EIR, including the text changes to Measures 4.5.6.1A through 4.5.6.1E, do not defer mitigation and are clear as to what will be done and when during the development process if the project is approved. The City believes the tribes have provided input on this project under both SB 18 and CEQA, and the City will strive to implement the project mitigation as outlined.

Response to Comment 10. Section 4.5 of the EIR does evaluate the direct, indirect, and cumulative impacts of the project on cultural resources, and did incorporate information from the City's SB 18 consultation process and the letter from the Pechanga tribe received during the EIR's Notice of Preparation period (see Draft EIR Appendix A). In addition, Appendix B if this Final EIR includes additional correspondence and documentation from the City regarding the SB 18 process with the Pechanga tribe on this project.

Response to Comment 11. The City believes Section 4.5 of the EIR adequately addresses potential impacts of the project on cultural resources, and recommends mitigation measures commensurate with the level of impact expected. In addition, Mitigation Measures 4.5.6.1A through 4.5.6.1E provide additional protection for any undiscovered cultural resources that may exist on the site. The City believes the revised measures are specific, implementable, and do not defer mitigation. It is the City's long-standing policy to encourage but not require private developers to allow and/or fund monitoring of grading by Native American tribal representatives. That continues to be the City's policy on this project as well.

Response to Comment 12. As outlined in the previous responses above, the City believes it has and is participating in the SB 18 and CEQA processes as required by state law, and in a reasonable and fair manner with the Tribe. Please see Response to Comment A-4, No. 11 for additional information in this regard. However, it would not be in the interest of the Tribe to withhold additional comment on the EIR, expecting the City to delay action on the proposed project, based solely on its contention that the City had somehow failed to complete the SB 18 process – the City disagrees with that conclusion. The City encourages the Tribe to provide additional comments if necessary on the EIR and mitigation measures, noting that Measures 4.5.6.1A through 4.5.6.1E have been modified in response to concerns expressed by the Tribe.

Response to Comment 13. The City encourages the Tribe to participate fully in the CEQA process, and see Responses to Comments A-4, Nos. 11 and 12 regarding the related SB 18 process.

Response to Comment 14. The City also looks forward to continuing discussion with the tribe on this project. It should be noted that the City met with the Anna Hoover, Cultural Analyst with the tribe, on October 9 2012 regarding SB 18 which should address any lingering questions about the City's participation in the SB 18 consultation process on this project.

Letter A-5

MORONGO
BAND OF
MISSION
INDIANS

A SOVEREIGN NATION

RECEIVED
SEP 12 2012
CITY OF MORENO VALLEY
Planning Division

September 10, 2012

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Community & Economic Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Notice of Availability
Prologis Eucalyptus Industrial Park Project)
Draft Environmental Impact Report

Dear Mr. Bradshaw:

Thank you for contacting the Morongo Band of Mission Indians regarding the above referenced project. The Tribe greatly appreciates the opportunity to review the project and, respectfully, offer the following comments.

The project is outside of the Tribe's current reservation boundaries but within an area that may be considered a traditional use area or one in which the Tribe has cultural ties (e.g. Cahuilla/Serrano territory). Because the project involves a Zone Change, General Plan Amendment, master Plot Plan, Tentative Parcel Map, Plot Plans, and Environmental Impact Report for the Prologis Eucalyptus industrial Park Project the Morongo Band of Mission Indians asks that you impose specific conditions regarding cultural and/or archaeological resources and buried cultural materials on any development plans or entitlement applications as follows: 1

- If human remains are encountered during grading and other construction excavation, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5. 2

- In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity of the find shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the overall project may continue during this assessment period. 3

  If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Morongo Band of Mission Indians 4

12700 PUMARRA ROAD - BANNING, CA 92220 - 951-849-4697 - FAX: 951-849-4425

("Tribe")[1]. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.). 4

If I may be of further assistance with regard to this matter, please do not hesitate to contact me at your convenience.

Very truly yours,

MORONGO BAND OF MISSION INDIANS

Franklin A. Dancy

Franklin A. Dancy,
Director of Planning

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

RESPONSE TO LETTER A-5

MORONGO BAND OF MISSION INDIANS

Response to Comment 1. The Draft EIR contained measures the City believes are sufficient to protect undiscovered cultural resources, including Native American artifacts. However, the City wishes to cooperate with the tribe to the extent practical, so the language of the mitigation measures related to archaeological and paleontological resources, have been modified to better address the tribe's concerns as outlined in Response to Comment A-4-3 in the previous letter from the Pechanga Tribe.

Response to Comment 2. This action is required under State law, but the City understands the tribe's desire to have the requirement reiterated in the mitigation measure. Therefore, Mitigation Measure 4.5.6.1E has been modified to address this concern as outlined in Response to Comment 3 in Letter A-4 from the Pechanga Band.

Response to Comment 3. All of the cultural mitigation measures were modified as shown to respond to this and similar comments by the Pechanga Band (see Response to Comment 3 in Letter A-4).

Response to Comment 4. The text of Mitigation Measure 4.5.6.1C was changed as shown in Response to Comment 3 in Letter A-4 from the Pechanga Band to better address the tribe's concerns.

EASTERN MUNICIPAL WATER DISTRICT
SINCE 1950

Board of Directors

President and Treasurer
Joseph J. Kuebler, CPA

Vice President
Philip E. Paule

Ronald W. Sullivan
Randy A. Record
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General Manager
Paul D. Jones II, P.E.

Director of The Metropolitan Water District of So. Calif.
Randy A. Record

Board Secretary and Assistant to the General Manager
Rosemarie V. Howard

Legal Counsel
Lemieux & O'Neill

September 4, 2012

City Of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Re. **NOA of DEIR, Prologis Eucalyptus Industrial Park**
PA07-0081,82,83,84,142,158,159,160,161,162,&186

Attn. Jeff Bradshaw, Associate Planner, City Of Moreno Valley

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Notice of Availability (NOA) for the above referenced project. The project is generally described as General Plan Amendment and Zone Change from existing Business Park, to Business Park Mixed-Use, R15, R5, and RA-2 land use designations to Light Industrial for 116.99-net acres. The land use changes are required for development of six distribution warehouse facilities totaling 2,244,419 square feet with building sizes that range from 160,106 square feet to 862,035 square feet. The applicant also proposes Tentative Parcel Map No. 35679 to subdivide the project into six parcels corresponding to the six warehouse facilities. Eastern Municipal Water District (EMWD) offers the following comments:

The subject project requires water, sewer and recycled water services from EMWD. The details of said service connection points will be further detailed in a separate document, known as EMWD's Plan of Service, which is still not yet developed by the project proponent. To that end, EMWD requires dialog with the project proponent, to develop the EMWD Plan of Service, as clarified in the attached letter. 1

Again, EMWD appreciates the opportunity to comment on this project. Please forward the Final Environmental Impact Report to the attention of Helen Stratton at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Helen Stratton at 951 928-3777, Ext. 4545, or Maroun El-Hage Ext. 4468. 2

Sincerely,

Jayne Joy
Director of Environmental and Regulatory Compliance

JJ:hs
Cc: Maroun El-Hage
Encls.

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

RESPONSE TO LETTER B-1

EASTERN MUNICIPAL WATER DISTRICT #1

Response to Comment 1. The EIR acknowledges that the project requires water, sewer, and recycled water service from EMWD. The City and the developer are aware that a Plan of Service will be needed if the project receives entitlement approval from the City.

Response to Comment 2. The Final EIR document, including the Response to Comments, will be sent to the EMWD since they commented on the Draft EIR, in accordance with CEQA Guidelines Section 15088(b).

EASTERN MUNICIPAL WATER DISTRICT
SINCE 1950

September 4, 2012

Board of Directors

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14177 Frederick Street
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Re. NOA of DEIR, Prologis Eucalyptus Industrial Park
PA07-0081,82,83,84,142,158,159,160,161,162,&186

Attn. Jeff Bradshaw, Associate Planner, City Of Moreno Valley

In order to receive water, sewer or recycled water service(s) from Eastern Municipal Water District (EMWD), the following information will be helpful to the project proponent:

EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our "New Development Process" web page, under the "Businesses" tab, at www.emwd.org. This meeting will offer the following benefits: 1

1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

Following the Due Diligence meeting, to proceed with this project, a Plan Of Service (POS) will need to be developed by the developer's engineer, and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following: 2

1- Technical evaluation of the project's preliminary design
2- Defined facility requirements, i.e. approved POS
3- Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

If you have questions or concerns, please do not hesitate to contact me.

Sincerely,

Maroun El-Hage, M/S., P.E.
Senior Civil Engineer
New Business Development
(951) 928-3777 x4468
El-hagem@emwd.org

RESPONSE TO LETTER B-2

EASTERN MUNICIPAL WATER DISTRICT

Response to Comment 1. The developer will prepare a Project Questionnaire (NDB-058) and contact the District to schedule a "due diligence" meeting.

Response to Comment 2. As indicted in the responses to the District's first letter (B-1), the City and the developer are aware that a Plan of Service will be needed if the project receives entitlement approval from the City.

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 www.aqmd.gov

Letter B-3

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. 1

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 2

Letter B-3

2

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

Letter B-3

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 Banning[1], Riverside County[2], City of San Bernardino[3], and the San Pedro Bay Ports[4], among others. 1

   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. 2

[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/blobdload.asp?BlobID=11793
[4] Clean Trucks Program http://www.cleanairactionplan.org/cleantrucks/

Letter B-3

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. 3

Prohibit all vehicles from idling in excess of five minutes, both on warehouse property and on streets in the General Plan Amendment area. 4

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)]. 5

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. 6

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. 7

Require at least a portion of the fleet to utilize alternative fueled technologies. 8

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. 9

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. 10

Restrict overnight parking in residential areas. Establish overnight parking within the warehouse/distribution center where trucks can rest overnight. 11

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. 12

Use street sweepers that comply with SCAQMD Rules 1186 and 1186.1. 13

<u>Trucking Support Services</u>

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 14

Letter B-3

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. 14
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. 15

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: 16

   - 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 17

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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. 17

- 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. 18
- 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. 19
- 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. 20
- 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. 21
- 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. 22
- It is not clear how the idling emission rate was derived. 23
- 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. 24

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. 25

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. 26

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. 27

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. 28

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. 29

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: 30

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

Letter B-3

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. 30

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. 31

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. 32

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 . 33

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 modified[5] 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. 34

[5] http://www.aqmd.gov/rules/reg/reg22/r2202.pdf

RESPONSE TO LETTER B-3

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Introduction Letter (Pages 1-2)

Response to Comment 1. The following responses address the South Coast Air Quality Management District's (District) specific comments on the air quality analysis in the Draft EIR, including the mitigation measures. The City believes the recommended mitigation measures are feasible and enforceable on future tenants of this project. The project air study does not support the commenter's contention that the main reason the project air emissions exceed the AQMD's daily thresholds is because the mitigation measures cannot be enforced. However, the City desires to address the District's recommendations to the extent feasible, so the applicant has agreed to allow the following modifications to Mitigation Measure 4.3.6.6A to incorporate the District's recommendations to eliminate "encouraged" with stronger enforceable language.

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of ~~20~~ 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. ~~Any combination of~~ The following design features ~~including but not limited to the following list~~ shall be used to fulfill this requirement:*

- *Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.*
- *Increase in insulation such that heat transfer and thermal bridging is minimized.*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate dual-paned or other energy efficient windows.*
- *Incorporate energy efficient space heating and cooling equipment.*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.*
- *To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.*
- *Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*
- *To reduce energy demand associated with potable water conveyance, the project shall implement the following:*
    - *Landscaping palette emphasizing drought-tolerant plants;*

- *Use of water-efficient irrigation techniques; and,*
- *U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*

- *The project shall provide secure, weather-protected, on-site bicycle storage/parking.*
- *The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.*
- *The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.*
- *The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.*
- *The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to promote the following:*
  - *Implementation of compressed workweek schedules.*
  - *SmartWay partnership;*
  - *Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.*
  - *Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
  - *Use of fleet vehicles conforming to 2010 air quality standards or better.*
  - *Installation of catalytic converters on gasoline-powered equipment.*
  - *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.*
  - *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.*
  - *Provision of preferential parking for EV and CNG vehicles.*
  - *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
  - *Use of electric (instead of diesel or gasoline-powered) yard trucks.*

- *Use of SmartWay 1.25 rated trucks.*
- *Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.*
- *Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.*
- *Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.*
- *Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.*
- *Each facility operator which upon occupancy does not already operate 2007 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

Response to Comment 2. The AQMD will receive a copy of the Final EIR, with the Response to Comments, at least 10 days prior to action on the project and EIR, as required under Section 15088(b) of the State CEQA Guidelines.

Technical Evaluation (Pages 3-8)

Response to Comment 1. The recommendations made by the SCAQMD are beyond the scope of this project-level EIR. Fleet-related requirements such as these are the responsibility of state-level agencies (e.g., California Air Resources Board)."

(1) Onsite vehicles to zero or near-zero emission technology – Mitigation Measure 4.3.6.6A requires the inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.

(2) Alternative fueling infrastructure – These technologies do not yet represent a significant share of the warehousing truck fleet, so it is burdensome to require one particular project to provide this infrastructure when it is not known what user will locate to this site, or to what degree the future user can control their truck fleet (i.e., large corporate user may have total control, smaller user fleets may be independent truckers who cannot afford the modifications to their trucks to accommodate these fuels.

(3) Phase-in of zero or near-zero technology – Response to Comment B-3, No. 2 below indicates that Mitigation Measure 4.3.6.6A encourages the future user of the site to participate in the SmartWay program. It should be noted that the end-user of the building is not know at this time and there is the possibility that participation in the SmartWay program may not be feasible.

(4) Loading docks or truck routes more than 500 feet from sensitive receptors – The Draft EIR clearly describes that the closest loading dock would be 664 feet from to the existing residential uses southeast of the site (Draft EIR page 4.3-17, 4th paragraph). In addition, Eucalyptus Avenue, the project's truck route both east and west to the freeway, would be 1,500 feet at its closest point to the residential uses.

Response to Comment 2. This mitigation might be appropriate if the project warehouses were being built and used by one large warehousing company that had its own truck fleet, but it is infeasible to apply this measure to a "speculation" project where the eventual end user is not known at this time. However, the City desires to address the District's recommendations to the extent feasible, so the applicant has agreed to allow the following modifications to Mitigation Measure 4.3.6.6A to incorporate the District's recommendations:

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of ~~20~~ 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. ~~Any combination of~~ The following design features ~~including but not limited to the following list~~ shall be used to fulfill this requirement:*

- *Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.*
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- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.*
- *To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.*
- *Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*
- *To reduce energy demand associated with potable water conveyance, the project shall implement the following:*
  - *Landscaping palette emphasizing drought-tolerant plants;*
  - *Use of water-efficient irrigation techniques; and,*
  - *U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*
- *The project shall provide secure, weather-protected, on-site bicycle storage/parking.*
- *The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.*
- *The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate*

carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.

- *The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.*
- *The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to promote the following:*
    - *Implementation of compressed workweek schedules.*
    - *SmartWay partnership;*
    - *Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.*
    - *Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
    - *Use of fleet vehicles conforming to 2010 air quality standards or better.*
    - *Installation of catalytic converters on gasoline-powered equipment.*
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    - *Provision of preferential parking for EV and CNG vehicles.*
    - *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
    - *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
    - *Use of SmartWay 1.25 rated trucks.*
    - *<u>Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.</u>*
    - *<u>Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.</u>*

- *Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.*
- *Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.*
- *Each facility operator which upon occupancy does not already operate 2007 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

In addition, the City will consider application of these actions on future truck-intensive projects in the area. The District also recommended additional mitigation measures that are addressed in the following Responses to Comments B-3, Nos. 3 through 14.

Response to Comment 3. Truck log – this item has been added to Mitigation Measure 4.3.6.6.A (see Response to Comment B-3, No. 2 and Final EIR, Section 3.0, *EIR Errata and Additions*).

Response to Comment 4. Idle limits - this item has been added to Mitigation Measure 4.3.6.6A (see Response to Comment B-3, No. 2 and Final EIR, Section 3.0, *EIR Errata and Additions*).

Response to Comment 5. Log monitor training - this item has been added to Measure 4.3.6.6A (see Response to Comment B-3, No. 2 and Final EIR, Section 3.0, *EIR Errata and Additions*).

Response to Comment 6. The traffic levels projected in the EIR are considered to be conservative and protective of the environment and public health. Realistically, it is anticipated that the project traffic generation might also be considerably less than indicated in the Draft EIR, depending on the actual user(s) that locate within this project. The City believes the items outlined in Mitigation Measure 4.3.6.6A, including all the recommended additions described in Responses to Comments B-3, Nos. 2-5 and 11-13 are adequate to reduce project emissions. However, considering the volume of emissions generated and current commuter habits, it is unlikely the implementation of TDMs/TCMs described in the EIR will result in a reduction of operational project emissions to below existing localized operation emissions thresholds. Long-term air quality impacts resulting from the operation of the proposed project would remain significant and unavoidable.

Response to Comment 7. Again, the traffic levels projected in the EIR are considered to be conservative and protective of the environment and public health. The City believes the items outlined in Mitigation Measure 4.3.6.6A, including all the recommended additions described in Responses to Comments B-3, Nos. 2-5 and 11-13 are adequate to reduce project emissions to the extent practical.

Response to Comment 8. This measure would be onerous and difficult if not impossible to implement for a particular warehouse project, especially one such as this where the ultimate end user is not known. The City believes the items outlined in Mitigation Measure 4.3.6.6A, including all the recommended additions described in Responses to Comments B-3, Nos. 2-5 and Nos. 11-13 are adequate to reduce project emissions to the extent practical.

Response to Comment 9. Measure 4.3.6.6A require the project applicant to encourage the use of the SmartWay program for the leasee to reduce truck emissions over the long-term. The City believes the items outlined in Mitigation Measure 4.3.6.6A including all the recommended additions described in Responses to Comments B-3, Nos. 2-5 and 11-13 are adequate to reduce project emissions to the extent practical.

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of ~~20~~ 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. ~~Any combination of~~ The following design features ~~including but not limited to the following list~~ shall be used to fulfill this requirement:*

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    - *Use of fleet vehicles conforming to 2010 air quality standards or better.*
    - *Installation of catalytic converters on gasoline-powered equipment.*
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    - *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.*
    - *Provision of preferential parking for EV and CNG vehicles.*
    - *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
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    - *Use of SmartWay 1.25 rated trucks.*
    - *<u>Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.</u>*
    - *<u>Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.</u>*
    - *<u>Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.</u>*
    - *<u>Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.</u>*

- *Each facility operator which upon occupancy does not already operate 2007 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

Response to Comment 10. The project site plan has already been checked by City staff for this component and there is sufficient stacking distance within the project.

Response to Comment 11. No residential areas are immediately accessible to the project site from the two main freeway access points (i.e., along Eucalyptus Avenue west to Redlands Boulevard and west to Moreno Beach Drive). Overnight parking of trucks in residential areas is prohibited by the City.

Response to Comment 12. The roofs of all buildings within the proposed project will be capable of supporting photovoltaic solar panels. As shown below, ProLogis has a strong history of installing solar panels on its warehouse projects:

Description	Bldg Size (SF)	Megawatts (Mw)
Ontario Airport #2	562,089	2.55
Ontario Airport #3	369,086	1.41
Ontario Airport #4	680,925	2.85
Ontario Airport #5	241,367	0.773
Rialto I-210 DC #2	1,197,051	8.6
Rialto I-210 DC #3	543,400	2.62
Vista Rialto DC #1	436,650	
Kaiser DC #2	577,905	2.25
Kaiser DC #5	757,765	4.5
Kaiser DC #6	544,768	1.94
Kaiser DC #7	872,380	4.688
Transpark DC #1	849,054	3.86
Redlands DC #1	467,853	3.4
Redlands DC #2	259,572	1.75
Redlands DC #3	446,050	3.2
Redlands DC #4	683,269	5.0176
Redlands DC #5	699,350	4.9
Redlands DC #6	600,306	3.09
San Bernardino DC #1	758,139	4.85
Redlands DC #10 (to start Q4 '12)		
	12,860,449	**68.67**

Response to Comment 13. This item (street sweeping) has been added to Mitigation Measure 4.3.6.6A to require compliance with applicable SCAQMD rules (refer to Response to Comment B-3, No. 2 above).

Response to Comment 14. The recommendations regarding "Trucking Support Services" are all beyond the scope of this project-level EIR. As stated in the comment, these measures are suggested as City requirements that would be applied to any truck-intensive projects in the City.

Response to Comment 15. The combination of the very conservative assumptions required of all health risk assessments with the very small amount of emissions from yard trucks (the project does not plan to use any diesel generators nor allow TRUs during normal operations) compared to the

large emissions from the many heavy-duty haul trucks idling and driving around mean that the HRA as published, which shows health risk levels less than half of the significance thresholds, adequately analyzes the risks to public health from the project operations.

Response to Comment 16. The HRA modeling only allows for one emission rate for the diesel engines to represent the entire 70-year period from opening year (2013) until 2083. The available emissions factors model (EMFAC) only has factors thru 2040. Thus, there is no information available about how the diesel emissions will change from 2040 until 2083. It is pure guesswork to predict how the diesel emissions will change over this period. To assume that the emissions during this 43 year period will not change at all is a very conservative assumption – there is a real possibility that all diesel engines will have been replaced by an alternative power source before 2083 resulting in zero diesel particulate emissions. Selecting the best year between 2083 and 2013 to represent the average is somewhat arbitrary – the median is 2048, outside the range of available factors. EMFAC incorporates expectations of technological improvements that would result in lower emissions over the period from the 1990s thru 2040, however it does not include everything – for instance it does not include the law just passed in August 2012 that sets the average mileage of cars and light trucks to 54.5 miles per gallon by 2025. While this does not include the heavy-duty trucks the HRA is focused on, it is an indication that there will be aggressive regulations in the future reducing these diesel emissions below what is in the EMFAC model. While using the emissions factors for 2040 as an average is not optimal due to the higher existing emissions, using 2013 factors as an average is unreasonably conservative also. In our best engineering judgment, 2025 is the best set of emissions factors to represent this complicated issue.

It should be noted that all of the details for calculating health risks of the proposed project were provided in Appendix B of the Draft EIR, including the EMFAC and dispersion modeling outputs. In addition, “active” CalEEMod and supporting computer files were sent to the AQMD during the EIR review period to allow for replication and verification of the HRA report results.

Response to Comment 17. Refer to Response to Comment B-3, No. 16 above.

Response to Comment 18. Refer to Response to Comment B-3, No. 16 above. The emissions for trucks idling at the load bays and for vehicle operating on the roadways were explicitly modeled. The emissions for the trucks moving the short distances from the loading docks to the driveways were included in the modeling, just without explicit emissions sources (those emissions were included with the roadway sources). Since there are no sensitive receptors between where the trucks are traveling from the loading docks to the driveway and the roadway sources, this simplification of the modeling results in the same health risk levels as a more detailed modeling with the additional emissions sources. There are no diesel generators planned and TRUs will not burn diesel fuel because any refrigerated trucks will plug in and their TRUs run off that electricity. There are also no plans for onsite diesel-powered hostlers or other diesel-powered equipment.

Response to Comment 19. The project is expected to operate 24 hour per day. Modeling the actual number of trucks that are planned to operate over 24 hours as if they operated over 12 hours results in much higher hourly emissions. Thus, the HRA is protective of human health in case there is a change in the project operations to only operate 12 hours per day.

Response to Comment 20. The vast majority (over 90 percent) of the project’s diesel particulate emissions are from the trucks idling on the project site, so adjusting the amount of trucks traveling east and west will have only a very minor effect on the HRA results. The HRA assumed a relatively equal split for east-west trip distribution so the results would not be biased relative to the closest sensitive receptor to the project site (i.e., residential southeast of site) that could otherwise result from an unequal distribution of projected versus actual project trips.

Response to Comment 21. While assuming that 100% of the trucks will be diesel is certainly worst case, it overstates the real-world condition that some trucks use gasoline. The HRA is a careful balance of assumptions, some already very conservative (such as assuming people live in one place for 70 years and stay in that house 24 hours a day for 350 days out the year). The fuel use percentages are from the URBEMIS model. These are percentages there to best represent the real-world operations for projects modeled using the URBEMIS model. Since it is not known what the actual warehouse operator will use, using this published representative fuel use percentages is the best method to model the future use. The carcinogenic health risk at the nearest residences for individuals living there for 70 years was identified in the DEIR as 4.33 in 1 million. Changing the percentage of trucks using diesel from the URBEMIS parameters to 100% would certainly increase the estimate carcinogenic health risk.

Response to Comment 22. The PM_{10} emissions factor from EMFAC2007 at 50°, 50% humidity, 2025, SCAQMD fleet for HDT traveling at 40mph is 0.095 g/mile/truck. To derive the corresponding project emissions rate in g/sec, the g/mile rate is adjusted by the distance covered between volume sources per second. Thus, 0.095 g/mi is multiplied by 117 meter source spacing. And, since this is to convert from trucks per day to emissions per second, the result is divided by 86,400 sec/day. So, 0.095 * 117 * 0.0006214 meters/mile / 86,400 = 8.0E-08 g/s/truck. With 1,246 trucks per day that are 87.5% diesel, this becomes 8.7E-05 g/s.

Response to Comment 23. The idling emissions factors were from EMFAC2007 for HDT at 0.396 g/hr. The following table lists the derivation of the individual emissions rates:

Idling Emissions of Diesel Particulate

	No. of diesel trucks per day	Minutes Idling	Idling Emission Factor	Number of Sources	Emission Rates per Source		
					g/s	lb/hr	lb/yr
Building 1	89	5	0.396	3	9.9E-06	7.9E-05	0.7
Building 2	594	5	0.396	12	1.7E-05	1.3E-04	1.2
Building 3	84	5	0.396	3	9.4E-06	7.5E-05	0.7
Building 4	234	5	0.396	5	1.6E-05	1.3E-04	1.1
Building 5	269	5	0.396	6	1.5E-05	1.2E-04	1.0
Building 6	224	5	0.396	6	1.2E-05	9.5E-05	0.83

For example, for Building 1:89 * 87.5% / 24 * 5 min / 60 * 0.396 / 3,600 / 3 sources

Response to Comment 24. All of the emissions sources in proximity to the project building that could be affected by the building downwash are point sources, which do work correctly with building downwash. The building height used was an estimate made before the project design had progressed far enough to include the building heights described in the DEIR. The HRA has not been updated to use the planned building heights for two reasons – using a higher building height results in greater building wake affects and higher health risk levels, so is conservative. Secondly, the effects of building wake affects diminish quickly the further the residence of concern is downwind. At the distance of the nearest residence the building wake affect is making a negligible difference

Response to Comment 25. The site is designed so that there will not be any queuing while entering the site, the trucks will proceed immediately from the loading docks immediately to their truck route and vice versa. While it is possible that there will be isolated trucks that stop briefly while in transit, it is expected that the number of occurrences will be so small as to not affect the health risk assessment.

Response to Comment 26. The project trip rate used in the air quality analysis matches what was used in the project traffic study. That study explains the project trip rate selection. The conversion of these factors between EMFAC and CalEEMod is difficult, due to the nomenclature differences. The air quality study used the fleet defaults built into the CalEEMod model to characterize the project operational emissions as the most representative of the expected emissions. As the HRA did not use the same fleet assumptions as the operational air quality analysis, as noted by SCAQMD staff, the HRA used the CalEEMod classifications. ~~these fleet EMFAC adjustments were different.~~

Response to Comment 27. As detailed in Responses 28-33, the mitigation measures have been modified to include all feasible SCAQMD mitigation language suggestions. Since the effectiveness of these mitigation measures is not included in the analysis, the analysis represents a worst-case post-mitigation analysis.

Response to Comment 28. Mitigation Measure 4.3.6.2D has been modified to incorporate this clarification as follows:

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

Response to Comment 29. Mitigation Measure 4.3.6.2D has been modified to include a provisions that grading shall be stopped when instantaneous gusts exceed 25 mph to help further minimize offsite dust impacts. Restricting the number of acres grading on any one day is not reasonable. The CalEEMod calculates a total grading disturbed area many times the size of the project site based on the idea that there are multiple graders, dozers, scrapers, etc. making multiple passes during any one day. This suggested measure to limit simultaneous disturbance of the site to 5 acres per day would not change the results of the air quality modeling and projected air emissions identified in the Draft EIR and in fact may increase emissions due to the grading inefficiencies created by this restriction. By grading a smaller area it prolongs the grading process and releases dust and vehicular emissions (grading construction workers going back and forth to the site over a greater period of time and grading equipment moving around the site) into the air basin over a longer period of time. In addition, the 120-acre project generally slopes at approximately 2% from north to south. Areas on the northern half of the project will have dirt removed (cut) while areas to the south will have dirt added (fill). To achieve this will require that dirt be moved over more than 5 acres per day. To limit the grading operation to any one 5 acre area per day area would result in the same dirt being deposited and picked up many times as it is “hop scotched” to its final location rather than transporting the dirt in one move. A 5-acre daily limitation would result in more, not less, grading equipment emissions. The grading contractor is motivated to move the dirt as efficiently as possible resulting in the lowest amount of equipment run time which also results in the lowest amount of emissions. There are also logistical considerations getting construction equipment and people back and forth to the site.

Response to Comment 30. The agencies mentioned have much more control over truck operations and activities within their respective jurisdictions compared to the City of Moreno Valley. However, the City and the applicant have agreed to add this requirement into Mitigation Measure 4.3.6.2C. The measure has been amended as follows as is included in Final EIR, Section 3.0, *EIR Errata and Additions:*

4.3.6.2C *Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.*

Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission 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 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

Response to Comment 31. The City and the applicant have agreed to include this requirement into Mitigation Measure 4.3.6.2C. The measure has been amended as indicated above in Response to Comment B-3, No. 30 and is included in Final EIR, Section 3.0, *EIR Errata and Additions.*

Response to Comment 32. The City and the applicant have agreed to include this requirement into Mitigation Measure 4.3.6.2C. The measure has been amended as indicated above in Response to Comment B-3, No. 30 and is included in Final EIR, Section 3.0, *EIR Errata and Additions.*

Response to Comment 33. Many of the activities listed in the referenced CEQA Handbook have already been incorporated or have been added to the project mitigation, as outlined in previous responses in this section regarding mitigation.

Response to Comment 34. Mitigation Measure 4.3.6.5B has been modified to include businesses with fewer than 250 employees, rather than 100 employees.

Letter B-4

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
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51183

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

RECEIVED
SEP 17 2012
CITY OF MORENO VALLEY
Planning Division

City of Moreno Valley
Community Development Department -
Planning Division
Post Office Box 88005
Moreno Valley, California 92552-0805

Attention: Jeff Bradshaw
Associate Planner

Ladies and Gentlemen: Re: ProLogis Eucalyptus Industrial Park

The District does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check city land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided. — 1

The District has not reviewed the proposed project in detail and the following checked comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety or any other such issue: — 2

____ No comment.

____ This project would not be impacted by District Master Drainage Plan facilities nor are other facilities of regional interest proposed.

X This project may involves District Master Plan facilities. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required. — 3

____ This project proposes channels, storm drains 36 inches or larger in diameter or other facilities that could be considered regional in nature and/or a logical extension of the adopted _____ Master Drainage Plan. The District would consider accepting ownership of such facilities on written request of the City. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection and administrative fees will be required.

X This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit. — 4

X An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities. For further information, contact the District's encroachment permit section at 951.955.1266. — 5

X The Districts previous comments are still valid. — 6

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt. — 7

If this project involves a Federal Emergency Management Agency (FEMA) mapped flood plain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. — 8

If a natural watercourse or mapped flood plain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit. — 9

Very truly yours,

HENRY OLIVO
Engineering Project Manager

Date: 9/10/2012

c: Riverside County Planning Department
Attn: Kristi Lovelady

R:\PLO1101\PDF_LSA\2012 DEIR\RTC-FEIR\B-4.cdr (09-20-12)

February 14, 2008

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92552-0805

Dear Mr. Bradshaw:

Re: Notice of Preparation of a
Draft Environmental Impact Report for
ProLogis Park Moreno Valley Eucalyptus

This letter is written in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for ProLogis Park Moreno Valley Eucalyptus. The proposed project includes a General Plan Amendment (GPA), a Change of Zone (CZ), a Tentative Parcel Map, Municipal Code Amendment, and a Plot Plan. The project site encompasses approximately 122 acres and is bounded in general by State Route 60, Quincy Street, Eucalyptus Avenue and Pettit Street in the city of Moreno Valley, County of Riverside.

The Riverside County Flood Control and Water Conservation District has the following comment: 6

> The proposed project is located within the Moreno Master Drainage Plan (MDP). When fully implemented, these MDP facilities will provide flood protection to relieve those areas within the plan of the most serious flooding problems and will provide adequate drainage outlets. The DEIR should address impacts to MDP facilities within the proposed project area. To obtain further information on the MDP and the proposed facilities, please contact Dale Anderson of the District's Planning Section at 951.955.1345.

Thank you for the opportunity to review the NOP and Initial Study. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any questions concerning this letter may be referred to Art Diaz at 951.955.4643 or me at 951.955.1233.

Very truly yours,

TERESA TUNG
Senior Civil Engineer

c: TLMA
Attn: David Mares
Dale Anderson

AD:mcv
P8\117913

RESPONSE TO LETTER B-4

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Response to Comment 1. The City thanks the District for_clarifying its role in the project review process relative to flood control issues.

Response to Comment 2. The City does not infer the District's approval or endorsement of the proposed project.

Response to Comment 3. The City and the developer understand the project improvement review and approval process. The applicant will contact the District to coordinate the design and maintenance of the Quincy Channel as needed.

Response to Comment 4. The City and the applicant understand the project is within the Moreno Area Drainage Plan and the project will pay applicable fees in this regard.

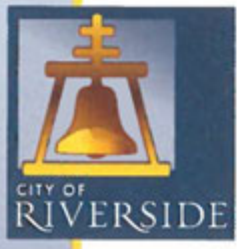
Response to Comment 5. The applicant will obtain an encroachment permit from the District if necessary for work related to the Quincy Channel.

Response to Comment 6. The City and the applicant understand the District's NOP comments on the project are still valid.

Response to Comment 7. The City and the applicant understand that the project may require an NPDES permit from the Regional Water Quality Control Board.

Response to Comment 8. The City and the applicant understand that a CLOMR and/or a LOMR may be required for this project – one or both will be obtained if necessary as part of the subsequent development review process if the project is approved.

Response to Comment 9. The City and the applicant understand that a 1602 Agreement will be needed with Fish and Game, a 401 Certification will be needed from the Regional Water Quality Control Board, and a 404 permit may be required from the U.S. Army Corps of Engineers. The applicant would obtain the necessary permits in this regard subsequent to approval of the proposed entitlements.



Community Development
Department
Planning Division

September 4, 2012

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley CA, 92553

SUBJECT: Notice of Availability (NOA) of a Draft Environmental Impact Report for the Prologis Eucalyptus Industrial Park Project in Moreno Valley

Dear Mr. Bradshaw:

Thank you for the opportunity to review and comment on the Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Prologis Eucalyptus Industrial Park Project proposed on approximately 122.8 acres generally located south of and adjacent to State Route (SR)-60, east of the Moreno Valley Auto Mall and adjacent to and west of the Quincy Channel. As described in the DEIR, the project consists of the development of six distribution warehouse facilities totaling 2,224,419 square feet. Associated with this project is a General Plan Amendment to change the land use designation of 71.3 acres of the project site from Residential (R15, R5, and R2) to Business Park (BP) so the entire site would then be designated Business Park (BP).

City of Riverside staff has reviewed the DEIR and offers the following comments:

- The proposed General Plan Amendment will change the land use designation of 71 acres from residential to a business park designation allowing for large warehouse distribution facilities which will result in a substantial increase in truck trips beyond what is currently anticipated in the Moreno Valley General Plan. The County Transportation Uniform Mitigation Fee (TUMF) model is based on the existing Moreno Valley General Plan and as such did not account for this major change of 71 acres to distribution warehousing facilities. As a result, payment of TUMF does not sufficiently mitigate traffic impacts of the proposed project. 1

- The traffic analysis section of the DEIR is limited in scope as it only analyzes localized traffic impacts within Moreno Valley at 17 intersections, most of which are within a mile radius of the project site, yet the project involves a large warehouse development (over 2.2 million square feet) that will generate substantial truck traffic. Taken together, passenger vehicle and truck traffic is equivalent to over 7,500 passenger vehicle trips a day in terms of traffic impact. The DEIR needs to analyze project impacts regionally, 2

3900 Main Street • Riverside, CA 92522 • 951.826.5371 • fax 951.826.5981 • www.riversideca.gov

considering cumulative impacts of significant truck traffic that will be added with the proposed project along with traffic that will be generated by other projects in Moreno Valley including the proposed RPT Centerpointe West Project (1.28 million square-foot warehouse development) and the a pending EIR for the World Logistics Center – over 40 million square feet of warehouse distribution facilities. These cumulative impacts to the City of Riverside have not been fully analyzed and are potentially significant. 2

- Another regional impact that has not been appropriately evaluated in the DEIR includes the impacts generated by vehicles (those that would normally travel west along the SR-60 Freeway toward I-125/SR-91 interchange). Motorists will find the "path of least resistance" when the freeways are congested and take routes on City of Riverside arterials such as Van Buren and Alessandro Boulevards to get to the SR-91 Freeway. The DEIR shows that project trips will travel south from the project site to Cottonwood Street and Alessandro Boulevard then travel west towards the I-215 Freeway and Riverside. Beyond the I-215 Freeway, a percentage of these project trips will utilize Alessandro or Van Buren Boulevards to access SR-91 Freeway. As a result, the DEIR needs to fully evaluate the spill-over effect on these streets within the City of Riverside to determine how much traffic will be added along these two key corridors, the level of impact to the City of Riverside and identify appropriate mitigation. Specific mitigation or fair share contribution toward mitigation (beyond TUMF) may be needed to address impacts to the City of Riverside. 3

- The DEIR finds that segments of the SR-60 Freeway (both westbound and eastbound) currently operate at an unacceptable level of service (LOS). The project is cumulatively significant and will worsen the existing unacceptable LOS on freeway segments. The DEIR also states that "neither the project applicant nor the City of Moreno Valley have jurisdiction over the Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Additionally, the RTIP has no projects programmed on the SR-60 within the study area and Caltrans does not have a mechanism for development projects to contribute to improvements on State highways. Given this significant unavoidable impact which cannot be mitigated, the impacts will spill over onto other roadways including City of Riverside streets as discussed above, further emphasizing the need to further analyze and mitigate the spill-over impacts to the City of Riverside. 4

- In addition to primary concerns related to unmitigated traffic impacts to the City, as described above, the DEIR finds that the project will result in an excessive number of impact areas (a total of five including transportation/traffic) with significant unavoidable environmental impacts where a statement of overriding considerations is needed. The impact areas found to have significant impacts include Aesthetics, Agricultural Resources, Air Quality, Land Use and Planning, and Transportation/Circulation. These impacts are excessive and as a result the proposed General Plan Amendment to add 71 acres of warehouse distribution facilities is inappropriate and other project alternatives need to be further considered to reduce the number of significant impacts. 5

City of Riverside staff appreciates Moreno Valley's consideration of the comments provided in this letter. Please forward any updated environmental documents to the City of Riverside Planning Division for further review. Should you have any questions regarding this letter, please feel free to contact Doug Darnell, AICP Senior Planner, at (951) 826-5219 or ddarnell@riversideca.gov. 6

Sincerely,

Steve Hayes, AICP
City Planner

c: Ronald Loveridge, Mayor
Riverside City Council Members
Scott Barber, City Manager
Deanna Lorson, Assistant City Manager
Al Zelinka, FAICP, Community Development Director
Kristi Smith, Supervising Deputy City Attorney
Tom Boyd, Public Works Director
Steve Libring, Traffic Engineer
John Terell, Planning Official, City of Moreno Valley14177 Frederick Street Moreno Valley, CA 92553
LSA Associates, Inc., 1500 Iowa Avenue, Suite 200 Riverside, California 92507

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RESPONSE TO LETTER C-1

CITY OF RIVERSIDE

Response to Comment 1. The comment has accurately summarized the characteristics of the proposed project. It is correct that the project proposes a change in land use 71 acres of land from residential uses to warehousing uses. As noted on Page 18 of the traffic study, currently 5 percent of the project site is designated as R2 Residential, 2 percent as R5 Residential, 41 percent as R15 Residential, and the remaining 34 percent as Business Park/Light Industrial. Table E of the Traffic Study (DEIR Table 4.11.E on page 4.11-15 of the DEIR) illustrates a comparison between the trip generation of the site as presently zoned, and the trip generation of the proposed project. As can be seen in Table E, compared to the present zoning, the project produces 6,702 fewer trips per day, with 885 fewer trips in the a.m. peak hour and 939 fewer trips in the p.m. peak hour. Please note that these trips are PCE trips, so the effects of trucks have been included in the trip generation. Therefore, the commenter is mistaken in the statement that the project increases the number of trips. On the contrary, the proposed project actually reduces the future number of PCE trips compared to approved land uses on the site. The comment also asserts that payment of the TUMF does not sufficiently mitigate the traffic impacts of the proposed project. The Mitigation Measures identified in Section 4.11.6.4.E of the DEIR outline the specific improvements required to mitigate the direct and cumulative impacts of the project. This section also identifies where the required improvements are programmed into the DIF and TUMF. In cases where the improvements are not programmed, the project would be responsible to implement the improvements, as outlined in Section 4.11.6.4.E. As a result, the impacts of the project will be fully mitigated prior to issuance of the Certificate of Occupancy by the City, either through payment of the DIF, TUMF, or by a fair-share participation in improvements that are not included in these funding programs.

It should be noted that the Reduced Intensity Alternative (less intensive modified plan) evaluated in Section 4 of this document would substantially reduce traffic generation and therefore warehouse traffic impacts (4 warehouse building with approx. 30% less traffic) compared to the 6 warehouse buildings of the Proposed Project. The reader is referred to Section 4 of this document for more information regarding that alternative land plan.

Response to Comment 2. The City selected the intersections for analysis in accordance with the guidelines established by the City's Traffic Impact Analysis Preparation Guide (i.e., 50 or more peak hour trips within a five mile radius) and as accepted and required by the City of Moreno Valley in their Traffic Impact Assessment (TIA) guidelines. It should be noted that this is the same criteria for selection of a study area in the City of Riverside Traffic Impact Analysis Preparation Guide. It should also be noted that the project does not add more than 50 trips at intersections farther than those included in the analysis. In addition, Response to Comment C-1, No. 1 above demonstrates the proposed project actually reduces the number of PCE trips that would be generated on the project site from the previously considered project. Since the World Logistics Center and RPT Centerpointe West projects were initiated after the NOP for this project went out, the trips from these two projects are not required to be and have not been included in this analysis. See also Response to Letter A-2, Comment No. 8. In addition, see Response No. 1 above regarding the proposed less intensive modified plan evaluated in Section 4 of this document.

Response to Comment 3. The comment states that the redistribution of traffic caused by the project was not appropriately analyzed in the DEIR - this statement is incorrect. The 2035 analysis was prepared using forecasts from the RivTAM traffic model, which distributes traffic according to the "path of least resistance", as requested in the comment. The select zone assignment prepared for the project shows that approximately 5 percent of project traffic, equating to fewer than 50 trips, would utilize Alessandro and Van Buren Boulevards in the City of Riverside. Changes in the distribution of traffic within the City of Riverside due to the influence of the project were not evaluated, as these

roadways and intersections do not meet the criteria for inclusion into the project study area. An explicit analysis of "spill-over" traffic, as requested in the comment, is not required by the traffic study guidelines adopted by the Cities of Moreno Valley or Riverside, or the County of Riverside. The comment also asserts that the TUMF program may not adequately mitigate project impacts due to "spill-over" traffic. This comment is also incorrect. The TUMF Nexus Study prepared by Parsons Brinckerhoff in October 2009 relied upon traffic forecasts from the RivTAM traffic model. As noted previously, the RivTAM traffic model assigns traffic based on the "path of least resistance". Additionally, the General Plan land use planned for the project site, and included in the RivTAM, would generate more trips than the proposed project. As a result, the forecasts prepared for the TUMF Nexus Study would be a more conservative estimate of "spill-over" traffic than would be experienced with the project, and the projects programmed in the TUMF would be adequate to mitigate project impacts.

Response to Comment 4. The RIVTAM traffic model was used to generate forecast traffic volumes for no project and with project condition. The methodology utilized by the RivTAM traffic model to assign trips to the roadway network minimizes travel time and delay for trip origins and destinations within the model network. As such, if a faster route was observed, then a significant diversion of trips should have been seen on these routes. However, significant diversion of traffic was not observed between the no-build and build conditions. Furthermore, the modeling indicated that diversion of trips on to surface streets under without and with project conditions are anticipated to be minimal (a maximum diversion of 7 peak hour PCE trips is forecast at on Alessandro Boulevard). Please note that compared to the present zoning, the project produces 6,702 fewer trips per day, with 885 fewer trips in the a.m. peak hour and 939 fewer trips in the p.m. peak hour, and based on the model runs, the trips on surface streets in the City of Riverside are generally lower under conditions where the proposed zone change is approved.

Response to Comment 5. The commenter is correct that the project involves a General Plan Amendment and Zone Change, and the Draft EIR does identify a number of significant impacts for the proposed project. The purpose of an EIR is to disclose potential impacts of the project to the public and to decision makers. Utilizing the information provided in the DEIR, the decision makers will determine whether the benefits of the project outweigh the environmental impacts of the project.

It should be noted that the less intensive modified plan evaluated in Section 4 of this document would substantially reduce traffic generation and therefore warehouse traffic impacts (4 warehouse building with approx. 30% less traffic) compared to the 6 warehouse buildings of the Proposed Project. The reader is referred to Section 4 of this document for more information regarding that alternative land plan.

Response to Comment 6. The City of Moreno Valley will keep the City of Riverside informed regarding the review process for this project, and the City of Riverside will have an opportunity to review these responses prior to action on the ProLogis project.

LOZEAU DRURY LLP

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410 12th Street, Suite 250
Oakland, Ca 94607

www.lozeaudrury.com
michael@lozeaudrury.com

August 29, 2012

Via email

Jeff Bradshaw
Associate Planner
City of Moreno Valley, Planning Division
14177 Frederick Street
Post Office Box 88005
Moreno Valley, CA 92553
Email: jeffreyb@moval.org

Re: Comment on Draft Environmental Impact Report for ProLogis Eucalyptus Industrial Park (State Clearinghouse No. 2008021002)

Dear Mr. Bradsahw:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184, and its members living in Riverside County ("LIUNA Local Union No. 1184") regarding the Draft Environmental Impact Statement ("DEIR") for the ProLogis Eucalyptus Industrial Park, State Clearinghouse No. 2008021002 ("Project").

On Tuesday, August 28, 2012, we made a request that the City of Moreno Valley ("City") extend the comment period for the DEIR due to substantial information requiring additional time for review and comment. You responded today, August 29, 2012 that you respectfully decline to grant the request for additional time.

Today, we sent you an email requesting Appendix L. Appendix L is referenced in the DEIR. In pertinent part, the DEIR states:

> **Mitigation Measures.** The potential mitigation measures identified by the City's General Plan have been deemed infeasible by the property owner under current economic conditions. In addition, supplementary analysis of the project site and local economic conditions indicates that continued citrus production and/or the raising of row crops would not be economically feasible on the project site (*see Appendix L*).

(DEIR, p. 4.2-8) (emphasis added). The DEIR does not contain an Appendix L. 1

The current comment period closes on Tuesday, September 4, 2012, and the City has failed to provide access to a critical document referenced in the DEIR that is required by law to be made available to the public during the entire DEIR comment period. The City is in violation of CEQA's Section 21092(b)(1) requirement which mandates that "all documents referenced in the draft environmental impact report or negative declaration" be available for review and "readily accessible" during the entire comment period. PRC § 21092(b)(1). Even if the requested document were to be made available to the public today, there is insufficient time for the public to review and comment on this document at this time. 1

Accordingly, we request that the City extend the comment period for the ProLogis Eucalyptus Project until at least forty-five (45) days from the date that the City makes available all documents referred to in the DEIR.

Given the shortness of time before the current comment deadline, please contact me as soon as possible with your response to this request. Feel free to call me at (510) 836-4200 should you have any questions.

Sincerely,

Richard T. Drury
Christina Caro
Brooke O'Hanley
Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

RESPONSE TO LETTER D-1

LOZEAU DRURY, LLP (8/29/12)

Response to Comment 1. As explained to the commenter on the telephone and via email by Jeff Bradshaw on August 28, 2012, the reference to Appendix L was a typographical error – it should have referred to Appendix E which contains the material on "agricultural resources" requested by the commenter. The material in Appendix E is clearly labeled "Agricultural Resources" in the Table of Contents, so the Draft EIR does not need to be recirculated. This correction will be noted in Section 3 of this document (*EIR Errata and Additions*) as shown below. Appendix E was available along with the entire DEIR and all DEIR appendices for the duration of the 45-day public review period. In addition, the comment has not resulted in any change in the impact judgment contained in the DEIR regarding agricultural resources and that impacts were identified as significant and unavoidable.

Mitigation Measures. *The potential mitigation measures identified by the City's General Plan have been deemed infeasible by the property owner under current economic conditions. In addition, supplementary analysis of the project site and local economic conditions indicates that continued citrus production and/or the raising of row crops would not be economically feasible on the project site (see Appendix ~~L~~ E).*

SAN GORGONIO CHAPTER

4079 Mission Inn Avenue
Riverside, CA 92501
(951) 684-6203 Fax (951) 684-6172
Membership/Outings (951) 686-6112

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

Jeff Bradshaw
Associate Planner
P.O. Box 88005
Moreno Valley, CA 92552

September 3, 2012

RE: ProLogis Eucalyptus Industrial Park project's Draft Environmental Impact Report (DEIR).

The Sierra Club appreciates this opportunity to comment on this DEIR. We hope to read your responses in the FEIR which do fully answer our comments, concerns, suggestions and questions. Most of our concerns are about Global Warming, Climate Change, Greenhouse Gas Pollution and Air Pollutant emissions. These concerns can be read below and we expect this project to do everything possible to mitigate these problems in our non-attainment area. The Sierra Club understands that "the applicant has indicated the building will be designed to qualify for certification under the Leadership in Energy and Environmental Design (LEED) program, but there are no plans to submit the project to actual LEED certification." (p 3-12) We do not understand why you do not match the Gold LEED certification recently agreed to by the Alessandro Business Center warehouse in the City of Riverside or even the LEED Silver of nearby Skechers and West Ridge Commerce Center warehouses. In fact your words do not guarantee anything about even reaching the lowest level of LEED certification. The City needs to require you to hire a LEED expert and then require you to become LEED certified--hopefully higher than just certified. You could pay less than $1,000 this year and lock in current LEED standards for your building. 1

Through the installation of solar panels and other verified LEED ideas you could avoid generating air pollutants with the electricity you consume. This warehouse and all warehouses need to be required to have their roofs built to accommodate the maximum number of solar panels. You are now able to sell excess energy back and earn money as well as do right for our non-attainment area. The DEIR states that "the proposed project would unavoidably contribute to the significant cumulative air quality impacts." (p 1-28) The DEIR also indicates that the "cumulative impacts associated with diesel particulate matter are considered significant and unavoidable". (p 1-29) The Sierra Club does not believe it is totally unavoidable. The fact you are given a cafeteria list of mitigations to chose from shows that there is more that could and should be done to protect the health of area residents. These need to be required of the project and not just implemented "where feasible" or some other weasel words like "will be considered". Why isn't there a requirement to exceed current Title 24 at time of construction by at least 25% instead of just "exceed" Title 24? Agreeing to require all of your 2

off road construction equipment meet or exceed Tier III standards would also significantly help our non-attainment city and county. 2

Continuing to pave over Prime Agricultural lands as well as those of Local and State Importance must be mitigated. Having locally grown products also cuts down on the Climate Change problems mentioned in this letter. The FEIR must show the impacts of losing the citrus groves on Climate Chang/Green house Gas/ Air Quality or it will be inadequate. Recently a developer donated $100,000 to the Riverside Land Conservancy to help mitigate for the loss of Ag Lands. The San Jacinto Basin Resource Conservation District is another entity which would use your monetary donation to mitigate the loss of important Ag lands as well as the loss of lands for raptor foraging. It is therefore incorrect to say that it is "significant and unavoidable". (p 1-15) 3
The impact to Quincy Channel and other watercourses need to be dealt with at the site and not some far distance place. 4 What will you do to reduce direct and indirect edge effects, habitat fragmentation, and reduced habitat quality during construction as well as at build out? You pay little attention to the loss of what could be Moreno Valley's last significant citrus grove with all its biological value and the FEIR needs to rectify that inadequacy. 5 Please consider how your project will seriously mitigate your impacts to Agriculture, nesting and foraging. The San Jacinto Wildlife Area and nearby lands -- which includes this project's--have more than 20 species of raptors. 6 The Sierra Club would differ with the DEIR that the State-listed Swainson's hawk would not likely use the site, because we see them in this valley. 7 The project's land should not be disced or graded for at least six months prior to doing the Burrowing Owl survey otherwise many will believe you are just making it difficult on this special animal as well as making it more likely it will be listed as endangered. 8 The project's impacts on adjacent lands also need to be analyzed, because of the noise. vibration, fumes and lighting created during the construction as well as operation of this project will impact the Burrowing Owl. 9 You should also make sure your parking provides significant drought tolerant shade trees - not palm trees- and ample reserved spaces for several forms of cars using alternative fuels. The parking lot for cars also needs to be made of porous material to help with ground water recharge and to lessen run off. 10

The Sierra Club did not see World Logistic Center on your Cumulative Project List (p 3-16). 11 We do not believe all of your analysis have included this massive project. The FEIR will be inadequate unless this and all other projects are part of the analysis in each area of the FEIR. The projects distance from homes and land zoned for homes needs to be easily understood as well as all the paths trucks could take to the warehouse. This project is only across an intersection form existing homes. Most literature on toxic diesel emissions relate how sensitive receptors need to be at least 1,500 feet from warehouses, roads that diesel trucks use and diesel truck parking areas. 12 How will you accomplish this with the existing residents. The FEIR needs to show all adjacent zoning within at least 2,000 feet. The Sierra Club believes that it will show many lands zoned for residential use which this project will make very unhealthy. What mitigations will be made to these residentially zoned lands and to the project to reduce the direct, indirect and cumulative impacts of more than 2,000,000 sq ft of warehousing? 13 How will you protect the warehouse workers from the long term health affects of breathing toxic diesel emissions throughout their workday and employment? What equipment will you make sure is electric instead of diesel or gasoline in order to lessen pollution and better protect the workers--this includes gardening equipment? 14 The FEIR needs to explain how noise barriers used during construction and use of the warehouse could lessen impacts identified. Impacts to our local

streets as well as our very crowded freeways need to be explained so the average citizen will understand. The FEIR-not just appendices- needs to show the length of trips the diesel trucks will be taking when driving to and from the warehouse as well as their routes. We need to know the maximum number of tucks which will use the warehouses/project each workday and not just after the first year, but when all the warehouses/project are being used to its maximum capacity during peak times of the year. 15

Your traffic analysis will be inadequate unless it addresses the July 2012 judgement of the Friends of the Northern San Jacinto Valley and Sierra Club vs County of Riverside concerning the Villages of Lakeview project which is incorporated by reference. Judge Waters mentions the same five-mile radius used in this project was not adequate for traffic and related impact like air quality under CEQA. (p 7 Statement of Decision) The decision makers have a right to know the cumulative impacts before they vote, that the section of SR 60 passing through Moreno Valley will become a parking lot with significant pollution. 16

How will this project's traffic impact the health of those living near SR60? The FEIR will be inadequate unless this project analyzes all the impacts caused to the Moreno Valley Auto Mall. Simply paying into a pot of money which may not be used in the impacted part of Moreno Valley does not mitigate your traffic. 17

I. THE DEIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

As a potential significant impact, the Final EIR (FEIR) must more thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code ¤¤ 21000 et seq., 14 Cal. Code Regs. ¤ 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed.

A. THE DEIR MUST ADEQUATELY SET FORTH THE THREAT OF GREENHOUSE GAS POLLUTION AND GLOBAL WARMING

The FEIR must discuss the grave threats posed by global warming to California and the world. Current scientific consensus on climate change has now determined that the link between greenhouse gas emissions and global warming is highly certain. In California, elected leaders, through Executive Order S-03-05 and the California Global Warming Solutions Act of 2006 (AB 32), have also squarely linked greenhouse gases with global warming. 18

In order to conform to CEQA's informational mandates and properly inform the public and decision makers of the significance of the Project's contribution to greenhouse gases, the DEIR must first adequately discuss the threat posed by greenhouse gas emissions and avoid minimizing or discounting the severity of global warming's impacts. *See* Guidelines ¤ 15151. *See, e.g., Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* ("Laurel Heights I"), 47 Cal.3d 376, 392 (1988) (EIR is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action."); Guidelines ¤ 15151 (requiring an FEIR be detailed, complete, and reflect a good faith effort at full disclosure). A discussion of global warming impacts need not be lengthy, but should, at a minimum, convey the magnitude of the threat posed by global warming to humans and the

environment. For the City's convenience, a scientific background on global warming and the specific threats posed to California is provided below. 18

i. Scientific Background on Climate Change

There is no longer credible scientific dispute that the climate is warming. In its most recent assessment, the Intergovernmental Panel on Climate Change ("IPCC") concluded that "[w]arming of the climate is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting snow and ice, and rising mean sea level." (IPCC 2007a). Expressed as a global average, surface temperatures have increased by about 0.74°C over the last hundred years, with 11 of the 12 warmest years on record having occurred in the past 12 years (IPCC 2007a). In September 2007, Arctic sea ice plummeted to a record-low level not anticipated by most climate models until 2050, leading scientists to predict that the Arctic could be ice-free in summer by 2030 (National Snow & Ice Data Center 2007).[1] Other observed consequences of the warming climate include sea level rise, increased frequency of droughts, floods, and heat waves and substantial increases in the duration and intensity of hurricanes (IPCC 2007a).

The IPCC now states with "very high confidence" that most of the warming observed over the past 50 years is the result of human generation of greenhouse gases, including carbon dioxide, methane, and nitrous oxide[2] (IPCC 2007a). The rapid warming observed since the 1970s has occurred in a period when the increase in greenhouse gases has dominated over all other factors (IPCC 2007a). The largest known contribution to global warming is from carbon dioxide (IPCC 2007a). Fossil fuel combustion is responsible for more than 75% of human caused carbon dioxide emissions with the remainder due to land-use change (primarily deforestation) (IPCC 2007a). The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 parts per million (ppm) to 379 ppm in 2005, a level that has not been exceeded during the past 650,000 years (during which carbon dioxide concentrations remained between 180 and 300 ppm). (IPCC 2007a; Canadell et al. 2007). In 2006, carbon dioxide concentrations reached a new high of 381.2 ppm (World Metrological Organization 2007). As greenhouse gas concentrations increase, more heat reflected from the earth's surface is absorbed by these greenhouse gases and radiated back into the atmosphere and to the earth's surface.[3] Consequently, the higher the level of greenhouse gas concentrations, the larger the degree of warming experienced. 19

At current growth rates and continued reliance on fossil fuels, atmospheric concentrations of carbon dioxide would likely exceed 1,000 ppm by the end of the century, resulting in an average global temperature increase of more than 5°C (United Nations Foundation & Sigma XI 2007). This is equivalent to the change in temperature since the last ice age – an era in which Europe and North America was under more than one kilometer of ice (United Nations

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[1] Based on the startling loss of sea ice in 2007, some scientists have predicted that "the Artic Ocean could be nearly ice-free at the end of the summer by 2012." Seth Borenstein, *Ominous Arctic Melt Worries Experts*, Associated Press, Dec. 11, 2007.

[2] *IPCC, 2007: Summary for Policymakers*, *in* CLIMATE CHANGE 2007: THE PHYSICAL SCIENCE BASIS, CONTRIBUTION OF WORKING GROUP I TO THE FOURTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE at 4 (Susan Solomon et al. eds., Cambridge Univ. Press 2007) at 2-3. "Very high confidence" is defined at "at least a 9 out of 10 chance of being correct." *Id.* at 3 n.7.

[3] Greenhouse gases have a warming effect because, when solar radiation is reflected by the earth, greenhouse gases capture this thermal radiation and reradiate it back to earth, much like the effect of a common garden greenhouse resulting in the "greenhouse effect."

Foundation & Sigma XI 2007). The growing consensus among climate scientists is that the threshold for dangerous climate change, whereupon a potential "tipping point" is reached and ecological changes become dramatically more rapid and out of control, is estimated at a temperature increase of around 2°C from pre-industrial levels, or an atmospheric concentration of carbon dioxide of approximately 450 ppm (United Nations Foundation & Sigma XI 2007; IPCC 2007c). In 2006, Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies, and NASA's top climate scientist, stated: "In my opinion there is no significant doubt (probability > 99%) that . . . additional global warming of 2° C would push the earth beyond the tipping point and cause dramatic climate impacts including eventual sea level rise of at least several meters, extermination of a substantial fraction of the animal and plant species on the planet, and major regional climate disruptions" (Hansen et al. 2006). More recently however, given the recent unpredicted and extreme rate of loss of arctic ice observed in 2007, Dr. Hansen concluded that "the safe upper limit for atmospheric CO_2 is no more than 350 ppm" (McKibben 2007). Moreover, according to Hansen, just 10 more years of "business-as-usual" global emissions will make it difficult, if not impossible, to keep atmospheric concentrations of greenhouse gases at levels necessary to avoid a temperature increase above 2°C (Hansen et al. 2007).

Keeping the climate within the 2°C threshold requires significant reductions in the world's greenhouse gas emissions. To reach this objective, it is estimated that developed countries would have to target an emissions peak between 2012 and 2015, with 30 percent cuts by 2020 and 80 percent cuts from 1990 levels by 2050 (United Nations Foundation & Sigma XI 2007). In recognition of need for immediate action, California has committed itself though Executive Order S-3-05 and the California Global to reduce the state's emissions to 1990 levels by 2020 and by 80% reductions from 1990 levels by 2050. Ca. Health & Safety Code ¤ 38550; Cal. Executive Order S-3-05 (2005).

The costs of taking no action to reduce greenhouse gas emissions far outweigh the costs of stabilizing emissions. The Stern Review of the Economics of Climate Change, a comprehensive report commissioned by the British government, recently concluded that allowing current emissions trajectories to continue unabated would eventually cost the global economy between 5 to 20 percent of GDP each year within a decade, or up to $7 trillion, and warned that these figures should be considered conservative estimates (Stern 2006). By contrast, measures to mitigate global warming by reducing emissions were estimated to cost about one percent of global GDP each year, and could save the world up to $2.5 trillion per year (Stern 2006). The Stern Report determined that if no action is taken to control greenhouse gas emissions, each ton of CO_2 emitted causes damage worth at least $85 (Stern 2006). 19

ii. Impacts to California from Global Warming

Climate change poses enormous risks to California. Scientific literature on the impact of greenhouse gas emissions on California is well developed.[4] The California Climate Change Center ("CCCC") has evaluated the present and future impacts of climate change to California and the project area in research sponsored by the California Energy Commission and the California Environmental Protection Agency (Cayan et al. 2007). The severity of the impacts facing California is directly tied to atmospheric concentrations of greenhouse gases (Cayan et al. 2007; Hayhoe et al. 2004). According to the CCCC aggressive action to cut greenhouse gas 20

[4] Additional reports issued by California agencies are available at http://www.climatechange.ca.gov, and IPCC

emissions today can limit impacts, such as loss of the Sierra snow pack to 30%, while a businessas-usual approach could result in as much as a 90% loss of the snowpack by the end of the century. As aptly noted in a report commissioned by the California EPA:

Because most global warming emissions remain in the atmosphere for decades or centuries, the choices we make today will greatly influence the climate our children and grandchildren inherit. The quality of life they experience will depend on if and how rapidly California and the rest of the world reduce greenhouse gas emissions (Cayan et al. 2007).

Some of the types of impacts to California and estimated ranges of severity – in large part dependent on the extent to which emissions are reduced – are summarized as follows:

• A 30 to 90 percent reduction of the Sierra snowpack during the next 100 years, including earlier melting and runoff.
• An increase in water temperatures at least commensurate with the increase in air temperatures.
• A 6 to 30 inch rise in sea level, before increased melt rates from the dynamical properties of ice-sheet melting are taken into account.
• An increase in the intensity of storms, the amount of precipitation and the proportion of precipitation as rain versus snow.
• Profound impacts to ecosystem and species, including changes in the timing of life events, shifts in range, and community abundance shifts. Depending on the timing and interaction of these impacts, they can be catastrophic.
• A 200 to 400 percent increase in the number of heat wave days in major urban centers.
• An increase in the number of days meteorologically conducive to ozone (O_3) formation.
• A 55 percent increase in the expected risk of wildfires (Cayan et al. 2007).

By providing details as to the ranges of proposed impacts, and indicating that the higher-range of impact estimates are projected if greenhouse gas emissions continue to increase under a "business as usual" scenario, decision-makers and the public will be better informed of the magnitude of the climate crisis and the urgency with which it must be addressed.

Finally, the DEIR should also include a brief discussion of other laws to address climate change, including California's mandate to reduce emissions to 1990 levels by 2020 and goal of further reducing emissions to 80% below 1990 levels by 2050. Achievement of state mandated emissions reductions will be severely impeded if agencies across the state continue to approve *new* projects without incorporating measures to reduce the added emissions created by these. 20

B. The EIR the Project Must Include an Inventory and Analysis of the Project's Projected Greenhouse Gas Emissions

The first step in determining a project's greenhouse gas pollution impact is to complete a full inventory of all emissions sources. In conducting such an inventory, all phases of the proposed project must be considered. *See* 14 Cal. Code Regs. ¤ 15126. A basic requirement of CEQA is that "[a]n EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." 14 Cal. Code Regs. ¤ 15151. The greenhouse gas inventory for a project must include a complete analysis of all of a project's substantial sources of greenhouse gas emissions, from building materials and construction emissions to operational energy use, vehicle trips, water supply and waste disposal. 21

A greenhouse gas inventory for the project must include the project's direct and indirect greenhouse gas emissions. *See* 14 Cal. Code Regs ¤ 15358(a)(1) (Indirect or secondary effects may include effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.). Consequently, a complete inventory of a project's emissions should include, at minimum, an estimate of emissions from the following:

• Fugitive emissions of greenhouses gases, such as methane, from the proposed project;
• Emissions during construction from vehicles and machinery;
• Manufacturing and transport of building materials;
• Electricity generation and transmission for the heating, cooling, lighting, and other energy demands of the project;
• Water supply and transportation to the project;
• Vehicle trips and transportation emissions generated by the project;
• Wastewater and solid waste storage or disposal, including transport where applicable; and
• Outsourced activities and contracting.

Methodologies are readily available to inventory the emissions from the proposed project. In its recent white paper, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (Jan. 2008), the California Air Pollution Control Officers Association (CAPCOA) set forth methodologies for analyzing greenhouse gas pollution (CAPCOA 2008) The California Office of Planning and Research ("OPR") has also released technical guidance on the preferred approach for analyzing greenhouse gas emissions and climate change entitled "Technical Advisory, CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review" (California OPR 2008). OPR also provides references to methodologies to quantify greenhouse gas emissions. In addition to the methodologies set forth by CAPCOA and OPR, ICLEI's Clean Air/Climate Protection (CACP) software allows cities to calculate emissions reductions, track and quantify emission outputs, and develop emissions scenarios to inform the planning process.[5] As noted in the ICLEI Climate Action Handbook, "Expertise in climate science is not necessary" to conduct an emissions inventory and compare this inventory against a forecast year (ICLEI). "A wide range of government staff members, from public works to environment and facilities departments, can conduct an inventory" (ICLEI). ICLEI also provides technical assistance and training to local government using the CACP software. It is incumbent on the City to "disclose all it can" about project impacts and educate itself on methodologies that are available to measure project emissions. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs ("Berkeley Jets")*, 91 Cal. App. 4th 1344, 1370 (2001).

As with any other project under CEQA, the baseline used for analyzing the impacts of a project is the existing on the ground environmental conditions at the time of the NOP. *See Environmental Planning & Information Council v. County of El Dorado (EPIC)*, 131 Cal.App.3d 350, 355 (1982) (effect of general plan amendment must be compared against actual

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[5] ICELI's Clean Air/Climate Protection software is available at http://www.cacpsoftware.org/ ICLEI-Local Governments for Sustainability is an international association of more than 650 local governments. Cities, counties, towns and villages around the world are members of ICLEI. ICLEI's mission is to improve the global environment through local action. On the issue of global warming, for example, ICLEI provides resources, tools, peer networking, best practices, and technical assistance to help local governments measure and reduce greenhouse gas emissions in their communities.

environment, not assumptions in existing general plan). Accordingly, the DEIR should compare emissions from existing conditions with those that would result from the development of the project, as well as those that would occur under any proposed alternative scenarios. Because the Project envisions development over a long period, the EIR should also provide data on the trajectory for emissions in the planned community and under each proposed alternative in five-year increments.

Without a complete inventory, the DEIR cannot adequately inform the public and decision-makers about the Project's impacts. Similarly, without a complete inventory and analysis of greenhouse gas emissions that will result from the project, there is simply no way that The EIR can then adequately discuss alternatives, avoidance, and mitigation measures to reduce those impacts. 21

C. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced. 22

(Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008).

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other

activities outside the project area, such as agriculture.
Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.
Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). 22
These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project would significantly understate Project impacts.

D. THE PROJECT'S GREENHOUSE GAS IMPACTS ARE CLEARLY SIGNIFICANT

The greenhouse gas emissions generated by a project of this size and scope will have a clearly significant cumulative impact. An impact is considered significant where its "effects are individually limited but cumulatively considerable." Guidelines ¤ 15065(a)(3). Climate change is the classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of out time. *Ctr. for Biological Diversity*, 508 F.3d 508, 550 (9th Cir. 2007) ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 720 (1990) ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem."). While a particular project's greenhouse gas emissions represent a fraction of California's total emissions, courts have flatly rejected the notion that the incremental impact of a project is not cumulatively considerable because it is so small that it would make only a de minimis contribution to the problem as a whole. *Communities for a Better Environment v. California Resources Agency*. 103 Cal.App.4th 98, 117 (2002); see also *Kings County Farm Bureau,* 221 Cal. App. 3d at 720 ("[p]erhaps the best example of [a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem."). 23
In addition. there is nothing speculative about the fact that higher levels of greenhouse gas pollution will lead to greater impacts, which is why the State of California has prioritized greenhouse gas pollution reductions under AB 32. Moreover, in the analogous context of the National Environmental Policy Act (NEPA), the Ninth Circuit has already rejected the argument

that "global warming is too speculative to warrant NEPA analysis." *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 508 F.3d at 554.

In addition, lack of established significance thresholds does not excuse an agency from its obligation under CEQA to determine the significance of a Project's impacts. CEQA routinely calls for an agency to evaluate impacts in the absence of thresholds or to exercise its individual discretion in determining the significance of an impact. *See, e.g., Protect the Historic Amador Waterways*, 116 Cal. App. 4th at 1111 (agency required to assess potential impact not listed in CEQA checklist). The development of significance thresholds is "encouraged" and not a prerequisite for an impact analysis. Guidelines ¤ 15064.7. Indeed, as noted in the CAPCOA white paper on CEQA and Climate Change, "[t]he absence of a threshold does not in any way relieve agencies of their obligations to address GHG emissions from projects under CEQA" (CAPCOA 2008). In fact, CEQA may require additional analysis even if a project meets an adopted standard, if other evidence indicates the project may nonetheless have a significant impact. *See Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners*, 91 Cal.App.4th 1344, 1380-82 (2001).

As the lead agency, CEQA requires the City to determine the significance of the Project's emissions with or without established significance thresholds. Guidelines ¤ 15064. CAPCOA provides various means by which a lead agency can determine the significance of project emissions (CAPCOA 2008). Importantly, a universally adopted methodology is *not* necessary to analyze project impacts. *Berkeley Keep Jets*, 91 Cal.App.4th at 1370 ("the fact that a single methodology does not exist…requires the [respondent] to do the necessary work to educate itself about the different methodologies that *are* available.").

"The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." Guidelines ¤ 15064(b). Any determination of whether there is a fair argument that the project may have a significant impact must include the consideration of the California Global Warming Solutions Act of 2006 (AB 32), wherein the State of California recognized that "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California" and required that existing levels of greenhouse gases be reduced to 1990 levels by 2020. Health & Safety Code ¤¤ 38501(a), 38550. Because AB 32 establishes that existing greenhouse gas levels are unacceptable and must be substantially reduced within a fixed timeframe, any additional emissions that contribute to existing levels frustrate California's ability to meet its ambitious and critical emissions reduction mandate. Ignoring emissions from smaller sources would be neglecting a major portion of the greenhouse gas inventory.

In accordance with the scientific and factual data, the City should adopt a zero significance threshold for the Project's greenhouse gas emissions. As noted by the Ninth Circuit in *Center for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*:

[W]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of the cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees?

508 F.3d 508, 550 (9th Cir. 2007). Accordingly, the City must unequivocally consider Project emissions to be a potentially significant impact.

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E. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

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In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code ¤ 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code ¤ 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).
To the extent that the project moves forward as planned, there are many mitigation measures the City can consider, as described below. This is not an exhaustive list and the EIR should explore these and all other feasible mitigation measures that will reduce the project's greenhouse gas emissions (CAPCOA 2008; California Office of the Attorney General 2008). 24

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Additionally, the FEIR should analyze ways of including pedestrian and bicycle only streets and plazas within the development and create routes that will allow residents to reach the commercial center, schools and parks by public transportation, bicycling and walking. 25

ii. Land Use and Energy

The FEIR should consider mitigation measures that will ensure the planned community will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).
Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired 26

power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008).

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals.

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

• Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy efficient building during pre-design, design, construction, operations and management. 26

• Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;

• Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.

• Reducing the use of pavement and impermeable surfaces;

• Requiring water re-use systems;

• Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting

• Limiting the hours of operation of outdoor lighting

• Maximizing water conservation measures in buildings and landscaping, using droughttolerant plants in lieu of turf, planting shade trees;

• Ensure that the Project is fully served by full recycling and composting services;

• Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.

• Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;

• Installing solar water heating systems to generate all of the Project's hot water requirements;

• Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

iii. Mitigation Related to Project Construction 27

• Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
• Minimize, reuse, and recycle construction-related waste;
• Minimize grading, earth-moving, and other energy-intensive construction practices;
• Landscape to preserve natural vegetation and maintain watershed integrity;
• Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions. 27

iv. Transportation Mitigation Measures

• Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
• Create a car sharing program within the planned community;
• Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
• Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission
vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
Provide a shuttle service to public transit within and beyond the planned community;• Incorporate bicycle lanes and routes into the planned community's street systems. 28

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets must be discussed in the FEIR. As demonstrated by the Office of the Attorney General offsets are a feasible CEQA mitigation measures[6] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. 29

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR must consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code ¤ 21002; Guidelines ¤¤ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 30

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[6] The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

4th 1437, 1456-57 (2007) (quotations omitted). In analyzing the no-project alternative, the EIR must discuss the need for this project andwhether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). 30

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative. The no project alternative where the existing General Plan and zoning is implemented is the most appropriate use of these lands. Much more comparisons and analysis needs to be done with these alternatives. Where is the alternative which mentions agricultural uses in total or part? The quality of this land is such that even I could become a successful farmer.

CONCLUSION

Thank you for your attention to these comments. Moreno Valley needs to make sure that this and other environmental documents are also in Spanish. The 2010 census shows that 55% of our residents are Latino with almost 25% foreign born. It is a social justice issue which needs to be corrected. Since your Notice of Preparation (NOP) is more than four years old, the Sierra Club believes you should start again with a new NOP and recirculate the DEIR in English/Spanish. We look forward to working with the City to assure that the FEIR conforms to the requirements of CEQA and to make sure that all significant impacts to the environment are thoroughly analyzed, mitigated or avoided. I hope the FEIR will fully address the concerns found within this letter including the direct, indirect, cumulative and growth inducing impacts of this massive warehouse project as I did not see that within the DEIR. How will this project which is adjacent to lands zoned for housing impact Moreno Valley's General Plan and land use? The Sierra Club does not believe this General Plan amendment and zone change is in the best interest of our City. The Sierra Club wishes to be placed on the mailing list for all future meetings, notices and documents regarding this project. Please mail these to Sierra Club, San Gorgonio Chapter, Moreno Valley Group, 26711 Ironwood Ave, Moreno Valley, CA. 92555. 31

Thank you,

George Hague
Conservation Chair
Moreno Valley Group
San Gorgonio Chapter
Sierra Club
951.924.0816

REFERENCES

Barnett et al., "Human-Induced Changes in the Hydrology of the Western United States," Science, Jan. 31, 2008.

Canadell, Joseph et al. 2007. Contributions to accelerating atmospheric CO_2 growth from economic activity, carbon intensity, and efficiency of natural sinks. 4 Proceedings of the National Academy of Science 18866 (Nov. 20, 2007).

California Office of Planning and Research, Technical Advisory, CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act Review, June 17, 2008.

California Office of the Attorney General, The California Environmental Quality Act: Addressing Global Warming at the Local Agency Level, Mitigation Measures. Available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

CAPCOA. 2008. CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.

Cayan, et al. 2007. Our Changing Climate: Assessing the Risks to California. California Climate Change Center. Available at: http://www.climatechange.ca.gov/biennial_reports/2006report/index.html.

Commission for Environmental Cooperation, Greenbuilding in North America (2008). Available at http://www.cec.org/pubs_docs/documents/index.cfm?varlan=ENGLISH&ID=2242

Epstein, P.R. and E. Mills (eds.). 2005. "Climate change futures health, ecological, and economic dimensions." The Center for Health and the Global Environment, Harvard Medical School. Cambridge, Massachusets, USA.

Gleick, Peter H. et al., 2000. Water: "The Potential Consequences of Climate Variability and Change for the Water Resources of the United States." The report of the Water Sector Assessment Team of the National Assessment of the Potential Consequences of Climate Variability and Change," U.S. Global Change Research Program, Pacific Institute for Studies in Development, Environment, and Security.

Hansen, J., et al. 2006. Global temperature change. Proceedings of the National Academy of Sciences of the United States of America 103:14288-14293.

Hansen, J., et al. 2007. Climate change and trace gases. Phil. Trans. R. Soc. 365:1925-1954.

Hayhoe, K., et al. 2004. Emissions pathways, climate change, and impacts on California. Proceedings of the National Academy of Sciences of the United States of America 101 no. 34:12422-12427.

ICLEI. Local Governments for Sustainability, U.S. Mayor's Climate Protection Agreement Climate Action Handbook.

IPCC 2007a, Summary for Policymakers, in Climate Change 2007: The Physical Science Basis, Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (2007).

IPCC. 2007b. Technical Summary in CLIMATE CHANGE 2007: IMPACTS, ADAPTATION AND VULNERABILITY, CONTRIBUTIONS OF WORKING GROUP II TO THE FOURTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE at 62 (M. Parry et al., eds. Cambridge Univ. Press 2007).

IPCC, G. Meehl et al. 2007c, *Global Climate Projections in* CLIMATE CHANGE 2007: THE PHYSICAL SCIENCE BASIS, CONTRIBUTION OF WORKING GROUP I TO THE FOURTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (Susan Soloman et al., eds., Cambridge Univ. Press 2007).

Kolbert, Elizabeth, *Testing the Climate*, The New Yorker, (Dec. 24, 2007

McKibben, Bill, *Remember This: 350 Parts Per Million*, Washington Post (Dec. 28, 2007).
National Snow & Ice Data Center, *Arctic Sea Ice Shatters All Previously Record Lows*, (Oct. 1, 2007). Available at:
http://www.nsidc.org/news/press/2007_seaiceminimum/20071001_pressrelease.html.

NRDC 2007, "In Hot Water: Water Management Strategies to Weather the Effects of Global Warming" Nelson et. al. available at http://www.nrdc.org/globalWarming/hotwater/contents.asp

Stern, Sir Nicholas, Stern Review: The Economics of Climate Change, Executive Summary, October 30, 2006.

United Nations Foundation & Sigma XI, Confronting Climate Change: Avoiding the Unmanageable and Managing the Unavoidable (Feb. 2007); United Nation Development Programme, *Human Development Report 2007/2008: Fighting climate change: Human solidarity in a divided world.*

World Meteorogical Organization, Greenhouse Gas Bulletin: The State of Greenhouse Gases in the Atmosphere Using Global Observations through 2006 (Nov. 23, 2007).

RESPONSE TO LETTER D-2

SIERRA CLUB

Response to Comment 1. The City believes the following responses address the comments submitted by the Sierra Club relative to this EIR on all the topics indicated. Short-term and long-term project specific and cumulative effects of the proposed project on air quality are evaluated in Section 4.3, *Air Quality* (pages 4.3-1 through 4.3-38) in the Draft EIR. Greenhouse gas emissions and climate change were evaluated in Section 4.13, *Global Climate Change* (4.13-1 through 4.13-22) in the Draft EIR. Where the proposed project's impacts were determined to be significant mitigation was provided to lessen those impacts. It was determined that even with the implementation of feasible mitigation measures the proposed project will have a significant and unavoidable impact on short-term construction air quality, long-term operational air quality impacts, cumulative air quality, and cumulative greenhouse gas emissions.

The concerns raised by the commenter have been responded to in the following Response to Comments 1 through 31. Any comments that were raised by the commenter that resulted in additions or revisions to the language in the Draft EIR are provided in Section 3.0, *Errata and Additions*, of this Final EIR.

Lastly, the commenter inaccurately suggests that the project should be required to obtain a LEED Silver or Gold rating as a form of mitigation of significant impacts associated with air pollution and greenhouse gas emissions. The process of obtaining a LEED rating is not mitigation. The specific green building features that are part of the LEED rating equation can reduce air pollution and greenhouse gas emissions impacts by minimizing and reducing the quantity of emissions associated with operations of a building. To clarify, Section 3.5.3, Green Building Construction, in the Project Description states that "The applicant has indicated the buildings will be designed to qualify for certification under the Leadership in Energy and Environmental Design (LEED) program, but there are no plans to submit the project for actual LEED certification at this time due to cost and time delay factors." (EIR page 3-12). The applicant will formally apply for LEED Certified status, but the ultimate determination of the level of compliance is up to the LEED organization and cannot be guaranteed with any certainty at this point in time, since the final engineering will not occur until after certification of the EIR.

Response to Comment 2. See Response No. 1 above regarding LEED certification. In addition, the applicant has agreed that the project will be constructed to accommodate solar photovoltaic panels in the future. Additional information in this regard is found in the responses to the comments by the South Coast Air Quality Management District (Letter B-3).

The opinions stated by the Sierra Club regarding the significance of project and cumulative air quality impacts are unsubstantiated. The air quality analysis in the EIR includes a detailed analysis showing that the cumulative impacts are unavoidable. The "cafeteria list" of mitigation measures listed in Mitigation Measure 4.3.6.5B is included to minimize the air quality impacts from the area and energy emissions. As described in EIR Section 4.3.6.5, page 4.3-34: "*Although implementation of Mitigation Measures 4.3.6.5A through 4.3.6.5B may reduce vehicle trips associated with the proposed project, it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions generated and current commuter habits, it is unlikely the implementation of TDMs/TCMs will result in a reduction of operational project emissions to below existing SCAQMD thresholds. Application of Leadership in Energy and Environmental Design (LEED) standards and green building design principles could reduce emissions from building operations such as heating and cooling; however, such standards and principles would not reduce emissions of CO, ROG,* NO_X, PM_{10}, *and PM2.5 to below SCAQMD thresholds. No other feasible mitigation measures have been identified to reduce the operational emissions of CO, ROG,* NO_X, PM_{10}, *and* $PM_{2.5}$ *to a less than*

significant level." Further, the commenter mixed the short-term construction impacts with the long-term operational impacts – the majority of the comment above is about long-term operational impacts, however the last sentence is about short-term construction impacts and would not help reduce long-term emissions. The emissions control measures listed in Mitigation Measures 4.3.6.2A through 4.3.6.2M are adequate to reduce the short-term construction measures. However, the City and the applicant have agreed to add the Tier III requirement into Mitigation Measure 4.3.6.2C. The measure has been amended as follows as is included in Final EIR, Section 3.0, *EIR Errata and Additions:*

4.3.6.2C *Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.*

Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission 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 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

However, several air quality related mitigation measures have been modified as a result of discussion in the Final EIR (refer to Final EIR, Section 3.0 *EIR Errata and Additions*). The list of mitigations included in the Air Quality section are qualified by "where feasible" because the EIR can only require a project to implement feasible mitigation measures, and at this time it is not possible to determine mitigation measure feasibility. The determination will only be possible once operations have begun and will have to be determined by the project operator in cooperation with the City. Additionally, mandating that the construction process exceed Title 24 by a particular percentage makes the mitigation measure infeasible – there is no way to determine by what percentage the construction operations exceed Title 24.

The modified measures are also in the Mitigation Monitoring and Reporting Plan in Section 4.0 in the Final EIR to ensure they are implemented

Response to Comment 3. As documented in Section 4.2 of the Draft EIR, farming is no longer a viable economic activity in this portion of Riverside County, and the General Plans of the County and City both identify land uses that will a transition from historical agricultural land to appropriate suburban land uses. This proposed project represents a step in that anticipated transition.

This commenter also states that a developer recently donated $100,000.00 to the Riverside Land Conservancy to help mitigate for the loss of agricultural lands but fails to appropriately cite the

information and identify the basis for determining the amount of agricultural lands lost in relation to this monetary amount. In discussion with Gail Egenes, Executive Director of the Riverside Land Conservancy, the agency does not have any established program to purchase agricultural easements or lands. Also, in consultation with the National Conservation Easement Database, Riverside County does not have any established agricultural easements.[1]

Contributions to Riverside County Land Conservancy or the San Jacinto Basin Resource Conservation District by private land owners are laudable but are not required as part of a City or regional mitigation plan for loss of agricultural land. Therefore, the decision whether to make any contributions in this regard would be at the discretion of the developer in consultation with the City. For additional detailed analysis on this issue, see Responses 22 and 23 in the letter from Johnson & Sedlack (D-3). Since there is no feasible mitigation available, the impact has been identified as significant and unavoidable, and the City will have to adopt a Statement of Overriding Considerations as part of its Findings on the EIR prior to action on the project.

The project's greenhouse gas (GHG) emission assessment assumes the citrus groves are not present onsite, which we consider to be a "worst case" estimate of greenhouse gases related to the proposed project. The Draft EIR determined that GHG impacts would be less than significant with implementation of the proposed mitigation, and this information does not alter that conclusion.

The project site likely provides some amount of raptor foraging habitat, as outlined on page 4.4-2 of the Draft EIR. However, there are few large trees suitable for raptor perching and roosting (i.e., the citrus trees do not contribute much in this regard), and the site is proximate to human activity at its southeast and northwest corners, as well as SR-60 along its northern boundary. Therefore, the value of the project site for raptor foraging is marginal at best. The DEIR concluded project impacts on raptor foraging were less than significant with implementation of Mitigation Measure 4.4.6.1A to address impacts on nesting birds (DEIR page 4-29). In addition, any incremental cumulative impact on raptor foraging would be mitigated by the project's payment of the MSHP fee.

Response to Comment 4. Section 4.4 of the Draft EIR fully evaluates and minimizes impacts to the Quincy Channel, the main onsite drainage feature. The offsite mitigation for onsite impacts is mainly for removal of the two degraded erosional drainage channels along the west and southwest portions of the site. As shown on the project site plan (Figure 1.2 in the Draft EIR), the project would protect the Quincy Channel essentially intact (only 0.04 acre permanent impact and 0.03 acre temporary impact) along the eastern boundary of the project site. The impacts are outlined in Table 4.4.D of the EIR and the planned improvements are shown in Figures 1.2, 3.6.B, and 3.6.F, and Appendix K-3 A-1 Master Architectural Plan which shows the channel and bridge notes.

Response to Comment 5. There is no empirical evidence presented that would support the contention that the citrus groves on the project site provide significant biological habitat. The orchard property and the trees are subject to human disturbance on a regular basis, and are immediately adjacent to the SR-60 Freeway. The trees are maintained such that they provide minimal or no potential for roosting or perching by raptors, although some songbirds may utilize them and the fruit to some degree. A detailed biological assessment was prepared for the project to document consistency with the County's MSHCP, of which the City is a signatory. It came to a similar conclusion (i.e., the site has very low value as biological habitat).

Response to Comment 6. Impacts related to agriculture and raptor foraging are addressed in Sections 4.2 and 4.4 of the Draft EIR, and in Responses 3 and 5 above.

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[1] http://nced.conservationregistry.org/browse/map, accessed October 4, 2012.

Response to Comment 7. The observation of Swainson's hawk in the general vicinity of the project site does not change the fundamental conclusion that impacts of the project on biological resources are less than significant with the proposed mitigation. Payment of the MSHCP impact fee will also help contribute to preservation of raptor foraging lands as habitat lands are purchased under the plan.

Response to Comment 8. The site would need to continue to be disked for weed abatement and fuel modification per City Fire Department requirements. Since the site is not actively tilled, this clearing would take place mainly once a year. Mitigation Measures 4.4.6.1B and 4.4.6.1C require a pre-construction burrowing owl survey and establish what actions must be taken if the burrowing owl is found on-site during the pre-construction surveys that are in accordance with the Burrowing Owl Consortium 1993 Burrowing Owl Survey Protocol and Mitigation Guidelines[1] and referred to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) survey instructions[2] to complete the pre-construction burrowing owl survey.

Response to Comment 9. All of the topics mentioned in the comment were addressed in the Draft EIR and are addressed in specific responses to this letter. Impacts to burrowing owl were addressed in Section 4.4 of the Draft EIR (biological resources), including mitigation for pre-construction surveys. The Draft EIR did look at direct and indirect impacts of the project relative to noise, vibration, odors (fumes?), and light during both construction and operation of the proposed warehouse buildings. Mitigation Measure 4.3.6.5B and 4.3.6.6A require the planting of shade trees in parking areas to reduce heat load on cars and buildings. Alternative fuels for onsite vehicles are addressed in Mitigation Measure 4.3.6.6A.

Response to Comment 10. There is no City-wide general requirement for parking areas of warehouse projects to use porous pavement, which create their own water quality issues with percolation of runoff directly from parking areas into the ground, rather than collecting runoff into detention basins, especially low flows which can have the most concentrated pollutants.

Response to Comment 11. CEQA requires an analysis of cumulative impacts from projects that are "on the books" at the time the baseline for the EIR is established (i.e., recently approved or proposed at the time of issuance of the Notice of Preparation). The cumulative project list does not include the World Logistics Center (WLC) because it was not a proposed project when the Notice of Preparation (NOP) was released for this project EIR (i.e., "baseline" conditions are typically established at the time the NOP is released). Even though that project is now on the City's "horizon", no traffic study or other technical information were available for evaluation relative to the cumulative impacts of this proposed project when the EIR for this project was prepared.

Response to Comment 12. The Draft EIR clearly identifies that…"The nearest existing sensitive land uses are single-family residences located approximately 50 feet southeast of the southern boundary of the project site, approximately 395 feet southeast of the proposed warehouse buildings, and approximately 664 feet southeast of the proposed loading docks." (Draft EIR page 4.3-17, 4th paragraph). The commenter may be confused by the terms used to characterize the spatial relationship of the project to the existing residences. The residences are 50 feet from the project's property line, but the Project Description (e.g., Figure 1.2 clearly shows there are several large detention basins in the southern portion of the site that will act as a buffer and separate truck activities of the project from the residences. As stated in the EIR and demonstrated on the project site plan, the residences would be 395 feet from the closest proposed warehouse building, and 664 feet from the closest proposed loading dock. As shown in the air quality analysis and health risk assessment of the EIR, this distance is sufficient to project the health of the residents near to the project.

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1 http://www2.ucsc.edu/scpbrg/burrowingowls.htm.
2 http://www.tlma.co.riverside.ca.us/epd/documents/survey_protocols/burrowing_owl_survey_instructions.pdf.

All recommendations for locating warehouses some safe distance (which varies depending on the author) are all conditioned with the concept "unless a site-specific health risk assessment is performed." This EIR did include such a health risk assessment, which shows that, even with all the very conservative assumptions required, there will not be a significant health risk to any sensitive receptors (residents, schools, medical facilities, etc.) from project-related air emissions.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 13. The commenter is correct in pointing out there are other residential uses in the area. However, they are over 250 feet north across the SR-60 Freeway from the project site, and are not downwind of the site based on regional prevailing wind patterns As stated on page 4.3-17 of the DEIR, "…*receptors were placed in a general grid extending in all directions to characterize the risk level surrounding the project site. Meteorological data from the Perris area were utilized to represent the conditions at the project site*." These features of the HRA insure that the health risk levels to all individuals in the region of the project site were adequately considered. The SCAQMD's methodology for preparing health risk assessments requires an examination of impacts at the closest sensitive receptor to identify the worst case conditions. Therefore, it is neither required nor would it be helpful to show potential health risk levels of all residential zoning within 2,000 feet of the site.

As outlined in Response 12 above, the existing residences would be 664 feet from the closest truck loading dock, which would be the closest main source of truck-related air pollutants including diesel particulate matter. The project HRA used a worst case estimate of 25 meters (minimum 82.5 feet) to calculate potential health risks from new project warehousing, therefore, the actual exposure would likely be lower than that identified in the HRA, which showed that the project would create a maximum health risk of 1 additional cancer case in a million near the southwest corner of the site (or 10 times lower than the significance threshold of 10 in a million). As shown in Figure 4.3.3 of the Draft EIR, expected health risks further from the project site, including residences to the north across the freeway, are much less than 1 in a million." Therefore, existing housing north of the freeway would likely be exposed to a much higher health risk from ongoing traffic along SR-60 than would be generated by the proposed project.

Worker Health. A detailed health risk assessment (HRA) was prepared for the proposed project and included in Appendix B of the Draft EIR (LSA March 2012). The HRA examined the short-term and long-term potential health effects from project-related emissions of toxic air pollutants (TAP) in the exhaust of diesel-powered delivery trucks on existing surrounding sensitive receptors, including single- and multifamily residences. Onsite workers will be protected by the requirements established by the Occupational Safety and Health Administration (OSHA) and are not considered sensitive receptors in accordance to the California Air Resources Board (CARB). The CARB defines "sensitive" land uses, as homes, medical facilities, daycare centers, schools, and playgrounds but not on-site workers.

According to the HRA prepared for the proposed project, *"The operations expected to occur at this facility will not emit any toxic chemicals in any significant quantity other than vehicle exhaust. While there may be other toxic substances in use on site, compliance with State and federal handling regulations will bring emissions to below a level of significance. Due to the lack of data, precise evaluation of vehicle exhaust impacts is not feasible; however, based on the limited amount of TAC from vehicle exhaust associated with the project operations in relation to background levels, the impact is not expected to be significant."* (Section 5.4.2, *Operational Health Risk Impacts*, page 44).

The responsibility of the health of workers of the proposed project is to OSHA. The following is from the OSHA website (http://www.osha.gov/as/opa/worker/employer-responsibility.html):

Employer Responsibilities

Employers have certain responsibilities under the Occupational Safety and Health Act of 1970. The following list is a summary of the most important ones:

- Provide a workplace free from serious recognized hazards and comply with standards, rules and regulations issued under the OSHA Act.
- Examine workplace conditions to make sure they conform to applicable OSHA standards.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update operating procedures and communicate them so that employees follow safety and health requirements.
- Provide medical examinations and training when required by OSHA standards.
- Post, at a prominent location within the workplace, the OSHA poster (or the state-plan equivalent) informing employees of their rights and responsibilities.
- Report to the nearest OSHA office within 8 hours any fatal accident or one that results in the hospitalization of three or more employees.
- Keep records of work-related injuries and illnesses. (Note: Employers with 10 or fewer employees and employers in certain low-hazard industries are exempt from this requirement.)
- Provide employees, former employees and their representatives access to the Log of Work-Related Injuries and Illnesses (OSHA Form 300).
- Provide access to employee medical records and exposure records to employees or their authorized representatives.
- Provide to the OSHA compliance officer the names of authorized employee representatives who may be asked to accompany the compliance officer during an inspection.
- Not discriminate against employees who exercise their rights under the Act.
- Post OSHA citations at or near the work area involved. Each citation must remain posted until the violation has been corrected, or for three working days, whichever is longer. Post abatement verification documents or tags.
- Correct cited violations by the deadline set in the OSHA citation and submit required abatement verification documentation.

With this OSHA protection, the employees of the proposed project will not be subject to unhealthful conditions.

The results of the conservative HRA modeling were shown in Table R (Table 4.3.F in the Draft EIR) for carcinogenic and chronic inhalation health risks at the sensitive receptors. Even with the conservative modeling technique used, assuming that an individual stays outdoors at his or her residence 24 hours per day for 70 years, which is the State-required period of time that all HRAs must assess, the nearest sensitive receptor would be exposed to an unmitigated inhalation cancer risk of no more than 4.3 in 1 million, less than the State's threshold of 10 in a million. The highest worker exposure occurs at the east boundary of the facility just south of Eucalyptus Avenue (see Draft EIR Figure 4.3.1). Based on the conservative nature of the assumptions used in this study, the health risk levels cited in the DEIR in Table 4.3.F on page 3.4-17 are likely higher than are actually expected to occur. This assessment demonstrates that no significant health risk would occur from project-related truck traffic, and no mitigation is necessary. Much of the construction equipment used is not powered by electricity (i.e. grading equipment, bull dozers, etc.) is not available as electric equipment. Therefore, it is not practical to set a percentage requirement for the amount of construction equipment that must be powered by electricity. In addition, a percentage based requirement would not translate well to construction equipment. For example, it would not seem logical to base the calculation on the number of pieces of equipment since the size and emissions of equipment vary significantly.

Again, OSHA has programs that the project operator is required to comply with to project warehouse workers from the long term health effects of breathing toxic diesel emissions throughout their workday and employment.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 14. The noise impact analysis for the proposed project evaluated potential noise impacts from construction and project operations, and did not identify any significant noise impacts. Therefore, no noise barrier or other mitigation measures are required. For related discussion of noise impacts, see also Response to Comments 80 through 93 in Letter D-3 from Johnson & Sedlack. In addition, Mitigation Measure 4.3.6.6A was modified and Mitigation Measure 4.3.6.6B was added to address construction equipment and vehicles operating for the project (see Final EIR, Section 3.0, *EIR Errata and Additions*). Modifications are as follows:

4.3.6.6A *Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of ~~20~~ 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and review and approved by the City. The following design features~~, including but not limited to the following list,~~ shall be used to fulfill this requirement:*

- *Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.*
- *Increase in insulation such that heat transfer and thermal bridging is minimized.*

- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
- *Incorporate dual-paned or other energy efficient windows.*
- *Incorporate energy efficient space heating and cooling equipment.*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.*
- *To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.*
- *Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*
- *To reduce energy demand associated with potable water conveyance, the project shall implement the following:*
    - *Landscaping palette emphasizing drought-tolerant plants;*
    - *Use of water-efficient irrigation techniques; and,*
    - *U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.*
- *The project shall provide secure, weather-protected, on-site bicycle storage/parking.*
- *The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.*
- *The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.*
- *The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.*
- *The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to promote the following:*
    - *Implementation of compressed workweek schedules.*
    - *SmartWay partnership.*

- *Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidated trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.*
- *Provision of preferential parking for EV and CNG vehicles.*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
- *Use of SmartWay 1.25 rated trucks.*
- *Each facility operator shall provide regular sweeping of onsite parking and drive areas.*
- *Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets the quantities and emissions standards. This log shall be available for inspection by City staff at any time.*
- *Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.*
- *Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.*
- *Each facility operator upon occupancy that do not already operate 2007 and newer trucks shall in good faith apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.*

Response to Comment 15. Many of the very detailed portions of the various environmental impact analyses are placed in the appendices so that the EIR is easier to read and understand. All details are available for the reviewer Trip lengths are not considered, as trip lengths to not affect the operation of traffic at various locations. The passenger vehicle and truck trip assignment figures provided in the DEIR show the number of passenger vehicle and truck trips at each intersection, and therefore indicate the routes that project trips are expected to utilize. The trip generation provided in the DEIR section would be for the project at its full capacity. The project trip generation analyzed in the analysis would be a typical weekday trip generation for the project. It is standard traffic engineering practice and the practice required by Cities and the County to analyze the project trips occurring during the weekday peak hours, as this is generally the period when the worst traffic is experienced on the adjacent streets. In addition, the trip generation analysis does not assume only

some initial level of operation. The full operation of the project is analyzed so that the effects of the project on the existing environment are disclosed, as required by CEQA. Trips generated by the project under opening year are likely to be less than those included in the analysis. All of the details for calculating health risks of the proposed project were provided in Appendix B of the Draft EIR, including the EMFAC and dispersion modeling outputs. The details of the project traffic routing are discussed in detail in the traffic analysis and the truck trip length on DEIR page 4.3-32. In addition, "active" CalEEMod and supporting computer files were sent to the AQMD during the EIR review period to allow for replication and verification of the HRA report results. In addition, Mitigation Measure 4.3.6.6A was modified (see above) to address these types of equipment (see Final EIR, Section 3.0, *EIR Errata and Additions*).

Response to Comment 16. All of the details for calculating health risks of the proposed project were provided in Appendix B of the Draft EIR, including the EMFAC and dispersion modeling outputs. In addition, "active" CalEEMod and supporting computer files were sent to the SCAQMD during the EIR review period to allow for replication and verification of the HRA report results.

The Villages of Lakeview project included 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. The court found that the EIR analysis of traffic impacts was inadequate because it did not study how an additional 85,000 car trips would affect two local freeways. The only fault the court found in the project's relationship to the General Plan was that traffic congestion standards would be exceeded[1]. The proposed project reduces the intensity of the trip generation compared to the General Plan, and as shown in the analysis, doesn't change traffic congestion standards.

This EIR evaluates traffic impacts at intersections with more than 50 trips and freeway segments within a 5 mile radius where the project has more than 100 peak hour trips, as required by the traffic study guidelines adopted by the City of Moreno Valley as well as the County of Riverside. Please note that the 50 and 100 trip thresholds were not questioned in the Lakeview judgment. East of Redlands Boulevard, the project adds less than 100 peak hour trips to freeway facilities, therefore, the study area is consistent with the Friends decision. West of Pigeon Pass Road, project traffic is more than 100 trips. However, traffic volumes on the freeway west of Pigeon Pass Road are higher than those to the east of Pigeon Pass Road. Since the number of lanes is the same, and the segments east of Pigeon Pass Road are forecast to operate at unsatisfactory conditions under future conditions without the project, the segments to the west would also operate at unsatisfactory conditions (higher volumes and same capacity). Therefore, to the freeway segments west of Pigeon Pass Road, the project will not create a direct impact but add to unsatisfactory conditions.

It should also be noted that the referenced case is a Superior Court, not an appellate court decision, and thus does not have the power of an appellate decision.

Response to Comment 17. It is not clear what the commenter is asking. This project is not the Moreno Valley Auto Mall but if the commenter is asking if the cumulative impacts of the Moreno Valley Auto Mall in combination with this project (Eucalyptus Industrial Park) were considered, yes they were for both air quality and traffic on the SR-60. The DEIR includes (1) a description of the circulation system from both a local and regional perspective and list the pages; (2) screening criteria were used to determine the appropriate intersections and segments to include in the analysis, based on whether there was a potential or impacts and what the criteria were; and (3) that freeway impacts were studied in the EIR (list the pages) and the findings and pages on which the freeway analysis findings are listed. The EIR evaluates traffic impacts at intersections with more than 50 trips, and

[1] From Courthouse News Service, May 29, 2012. http://www.courthousenews.com/2012/05/29/46884.htm accessed September 17, 2012.

freeway segments within a 5 mile radius where the project has more than 100 peak hour trips. For freeway segments, the traffic analysis states that the project will add to unsatisfactory conditions but not create unsatisfactory conditions by itself. East of Redlands Boulevard, the project adds less than 100 peak hour trips to freeway facilities, therefore, the study area is consistent with the Friends decision. West of Pigeon Pass Road, since project traffic is more than 100 trips. However, traffic volumes on the freeway west of Pigeon Pass Road are higher than those to the east of Pigeon Pass Road. Since the number of lanes is the same, and the segments east of Pigeon Pass Road are forecast to operate at unsatisfactory conditions under future conditions without the project, the segments to the west would also operate at unsatisfactory conditions (higher volumes and same capacity). Therefore, to the freeway segments west of Pigeon Pass Road, the project will not create a direct impact but add to unsatisfactory conditions. Since the project does not create a direct significant impact at freeway segments where the project traffic is a higher percentage of the total freeway traffic, it can be said with certainty that the project will not create a direct impact at locations where the project traffic is a lower percentage of the total freeway traffic. Therefore, as described in the Response to Comment 13, as shown in Figure 4.3.3 of the DEIR, expected health risks further from the project site, including residences to the north along the freeway, are much less than 1 in a million.

A review of existing traffic volumes on the freeway reveals that the existing traffic volumes on segments beyond a 5-mile radius that were not analyzed and where the project has more than 100 peak hour trips are significantly higher than at the segments that were analyzed in the EIR. Since in 2035 all freeway segments analyzed operate at unsatisfactory levels of service in at least one peak hour, it can be said with certainty that segments with traffic volumes higher than those analyzed will also operate at unsatisfactory levels of service. Moreover, as the distance from the project site increases, project traffic on the freeway segments reduce. Since the project does not create a direct significant impact at freeway segments where traffic volumes are low and project contribution higher, it can be said with certainty that the project will not create a direct impact at locations where background traffic volumes are higher and project trips lesser. It is understood that the project will have a cumulative impact at all freeway segments where the background (without project) traffic volumes result in an unsatisfactory level of service. As stated in the DEIR Section 4.11.7, *Cumulative Impacts*, page 4.11-40, the addition of project traffic would be considered a cumulative impact. Review of the RTIP indicates that there are no projects programmed on SR-60 within the study area. Furthermore, neither the project applicant nor the City has jurisdiction over Caltrans facilities; therefore, implementation of improvements to the freeway mainline cannot be guaranteed. Furthermore, Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways.

Response to Comment 18. The commenter states that global warming poses a grave threat to California and the Draft EIR is obligated to discuss the threats posed by greenhouse gas emissions for the public and decision makers. Page 4.13-1 through 4.13-6 in the Draft EIR (Section 4.13, *Global Climate Change*) provides the background information related to climate change requested in this comment.

The Draft EIR: discusses the existing greenhouse gas/climate change setting including the main gases of concern; provides the current emissions inventory at the global, US, and State levels; gives a detailed description of what global warming is and the effects that result, all of which could be considered the “threat of greenhouse gas pollution and global warming.” The EIR attempts to present a non-sensational, balanced description based on the best information available. Section 4.13.2 describes the entire regulatory setting, including all applicable federal, State and City of Moreno Valley regulations and policies. The DEIR’s GHG analysis is consistent with the requirements of CEQA (specifically CEQA Guidelines Section 15064.4, 15125(d), 15126.4(c), 15130(B).

Response to Comment 19. The comment summarizes international and national concerns about global climate change and greenhouse gas emissions which are also discussed in the DEIR in Section 4.13.1.1 on page 4.13-2.

Response to Comment 20. The comment summarizes concerns within the State of California about global climate change and greenhouse gas emissions which are also discussed in the DEIR in Section 4.13.1.1 on page 4.13-2.

Response to Comment 21. Section 4.13.6 of the Draft EIR includes a complete, detailed inventory and analysis of the project's short-term construction and long-term operational greenhouse gas emissions. The EIR states the project's greenhouse gas emissions and discusses the significance of these emissions without attempting to minimize the impact by subtracting whatever existing greenhouse gas emissions there might be from the project site. Section 4.13.7 discusses the cumulative impacts of the project's greenhouse gas emissions.

The greenhouse gas impact study provided emissions from both construction and operation periods. During the construction period, emissions from both equipment exhaust and other area sources were calculated. During the operational period, emissions associated with vehicular (including automobiles and trucks) trips, water and energy usage, waste treatment, and other known sources have been calculated and identified in the study. If the commenter is suggesting that an exhaustive "life-cycle" inventory of the project's greenhouse gas emissions be prepared, the State Office of Planning and Research provided guidance on this issue and clarified that a life-cycle analysis is not required.[1]

Response to Comment 22. According to the greenhouse gas impact study, "*Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other significant changes in climate (such as precipitation or wind) that last for an extended period of time. The term "global climate change" is often used interchangeably with the term "global warming," but "global climate change" is preferred to "global warming" because it helps convey that there are other changes in addition to rising temperatures."* The Draft EIR did analyze the project's effects on greenhouse gas emissions which is a component of global climate change or global warming (Section 4.13 Global Climate Change, pages 4.13-1 through 4.13-22).

In addition the California Green Building Code requires mandatory measures to be implemented on all new construction projects that consist of a wide array of green measures concerning project site design, water use reduction, improvement of indoor air quality, and conservation of materials and resources. The "Cal Green Building Code" refers to compliance with Title 24, Part 6 energy efficiency measures. Additionally, it encourages 15 percent energy use reduction over the amount required in Part 6. The Cal Green Building Code prescribes a wide array of measures that would directly and indirectly result in reduction of GHG emissions from the Business as Usual Scenario. The mandatory measures that are applicable to nonresidential projects include site selection, energy efficiency, water efficiency, materials conservation and resource efficiency, and environmental quality measures.

The Climate Change technical report included in the EIR Appendix B does include a discussion of the impacts that climate change could have on the project. The conclusion is that there are not expected to be any significant impacts. If the commenter is suggesting that the DEIR should provide a more detailed analysis of global warming on the proposed project, there is a recent CEQA Case, *Ballona Wetlands Land Trust v. City of Los Angeles and Ballona Ecosystem Education Project v City of Los Angeles,* No.B231965 (Cal. Ct. App 2d Dist., November 9, 2011), where the opponents claimed that the EIR was inadequate because it did not analyze the effects of sea rise due to global warming on the project. The Court held that CEQA did not require the EIR to analyze this risk, concluding that

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[1] *Transmittal of the Governor's Office of Planning and Research's Proposed SB97 CEQA Guidelines Amendments to the Natural Resources Agency*, California Governor's Office of Planning and Research, April 13, 2009, page 2.

"the purpose of an EIR is to identify the environmental effects of the project on the environment and not the significant effects of the environment on the project." The court reasoned: "[w]e believe that identifying the environmental effects of attracting development and people to an area is consistent with CEQA's legislative purpose and statutory requirements, but identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose not required by CEQA statutes." Although an analysis of the effects of global climate change on the project is not required, one was provided on page 4.13-3 of the DEIR (Section 4.13.1.3, *Effects of Global Warming*).

Response to Comment 23. The opinion of the Sierra Club that "The project's greenhouse gas impacts are clearly significant" is noted, but contrary to the detailed climate change analysis included in the EIR. The EIR does include a detailed significance discussion and conclusion at the end of Sections 4.13.5, 4.13.6, and 4.13.7.

The SCAQMD and other air quality agencies agree that GHG and climate change should be assessed as a potentially significant "cumulative impact" rather than a "project-specific" impact. SCAQMD is considering the adoption of a numeric plan-level efficiency target of 6.6 MTCO2E per service population.

The intent of CEQA is to determine the significant effects of a project on the environment and provide feasible and reasonable mitigation to reduce impacts to less than significant. In instances where the impact of the project cannot be reduced to less than significant and it is determined the impact is significant and unavoidable, the Lead Agency, must adopt a Statement of Overriding Considerations that finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the Final EIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093. CEQA does have a provision as stated above that an impact can be significant and unavoidable if the City makes findings as to why it is willing to accept the significant impact; therefore, it was not CEQA's intent to not allow any tolerance for impacts on the environment as long a good faith effort is made to reduce the impacts where reasonable.

In addition, the Draft EIR analyzed the cumulative effects of the project on greenhouse gas emissions (Section 4.13.7 Cumulative Impacts, page 4.13-25). The EIR further determined that, while it is not possible to determine whether the project individually will have a significant impact on global warming or climate change, it will contribute to cumulative GHG emissions in California. Cumulatively, the build out of the proposed project would contribute approximately 79,000 metric tons of CO_2e per year. The mitigation measures discussed in the project-level impact analysis of GHG emissions indicated the measures would substantially reduce the project's emissions of greenhouse gases, however, without the necessary science and analytical tools, it is not possible to determine with certainty whether the project's emissions of greenhouse gases will be cumulatively considerable, within the meaning of CEQA Guidelines Sections 15065(a)(3) and 15130. The CARB is currently in the process of designing regulations to monitor, limit, and ultimately reduce California GHG emissions but there are as yet no adopted standards for assessing the significance of cumulative impacts from projects.

Cumulatively, the emissions from electricity production would comprise approximately 2.8 percent of the project's total CO_2e emissions. Water usage and solid waste disposal emissions comprise approximately 14 percent of the project's total CO_2e emissions while the emissions from vehicle exhaust would comprise approximately 84 percent of the project's total CO_2e emissions. The emissions from vehicle exhaust are controlled by the State and Federal governments and are outside the control of the City. The remaining CO_2e emissions are primarily associated with building systems. The proposed project is required to comply with existing State and Federal regulations regarding the energy efficiency of buildings, appliances, and lighting, which would reduce the project's electricity demand. The new

buildings constructed in accordance with current energy efficiency standards would be more energy efficient than older buildings.

The Draft EIR (Section 4.3) made a determination that the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases and no mitigation is required. However, it was determined that the proposed project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and mitigation was proposed to reduce these project-specific effects to less that significant (Draft EIR, page 4.3-21 through 4.3-26).

With implementation of the strategies and programs described previously, the project is consistent with the strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05. However, given the uncertainty of data and appropriate methodology to accurately analyze, and the inability to quantify the reduction achieved through implementation of strategies and programs previously identified, the proposed project's GHG emission contribution would result in a cumulative impact regarding global climate change and the cumulative impacts of the proposed project on global climate change are considered to be significant and unavoidable.

In summary, the City believes all known emissions during construction and operations of the proposed project have been identified and calculated. The preparer of the greenhouse gas impact study has followed the guidelines provided by the OPR and California Air Pollution Controls Officers Association (CAPCOA) and has provided an adequate analysis. It is the City's opinion that the study has disclosed the impacts of the proposed project adequately and mitigated the impacts of greenhouse gas emissions where applicable (Draft EIR Section 4.13, *Global Climate Change*, pages 4.13-1 through 4.13-26).

Response to Comment 24. Section 4.13.6 includes mitigation measures 4.13.6.1A, 4.13.6.1B, and 4.13.6.1C which include many feasible mitigation measures to be implemented to minimize greenhouse gas emissions. As stated in Response 23, all known emissions during construction and operations of the proposed project have been identified and calculated. The preparer of the greenhouse gas impact study has followed the guidelines provided by the OPR and CAPCOA and has provided an adequate analysis. It is the City's opinion that it has disclosed the impacts of the proposed project adequately and mitigated the impacts of greenhouse gas emissions where applicable (Draft EIR Section 4.13, *Global Climate Change*, pages 4.13-1 through 4.13-26).

Response to Comment 25. The proposed project would certainly take advantage of public transit (i.e., bus service) when it becomes available to the area, most likely along the realigned Eucalyptus Avenue. The project would be required to install bus turnouts as directed by the Riverside Transit Authority (RTA) (e.g., RTA Route 35) and future workers would no doubt take advantage of bus service in the project area. The closest existing RTA Bus Route in the area is Route 35 with a bus stop at the WalMart Super Center at Moreno Beach Drive west of the project site and within walking distance.[1]. The commenter requests that the project create routes to facilitate access to commercial centers, schools and parks for residents, however, this is an industrial project, not a residential development, so there will not be residents who need access to those facilities.

The project provides for the relocation of the Quincy Channel multi-purpose trail and will provide sidewalks along Eucalyptus Avenue, as required by the City. When completed, Eucalyptus Avenue will be wide enough (72-foot curb-to-curb) to allow bicycles to travel safely east and west to the rest of the City. Pedestrians will also be able to travel west along Eucalyptus Avenue to the shopping and services along and off of Moreno Beach Drive.

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[1] http://www.riversidetransit.com/home/images/stories/DOWNLOADS/ROUTES/035.pdf accessed December 17, 2012.

Response to Comment 26. The comment states the "FEIR should consider mitigation measures that will ensure the planned community will use energy efficiently and conservatively." The proposed project is a logistics distribution warehouse not a planned community with a residential component. As stated in the Draft EIR, page 3-2: "The proposed project includes the construction and operation of a warehouse facility comprising six buildings consisting of a total of approximately 2,244,638 square feet." Nonetheless, the project will be required to comply with the state's new Green Building Code, which has significantly increased energy, water, and resource conservation features required of new buildings over previous building codes" Second, the project Mitigation Measures, as presented in the Draft EIR and as modified in this Final EIR, will substantially reduce energy, water, and other resource consumption by this project. Many of these measures will also help reduce the potential production of excessive air pollution and greenhouse gas emissions related to this project, as outlined in Sections 4.3 Air Quality and 4.13 Global Climate Change of the Draft EIR. For example, Mitigation Measure 4.3.6.5A requires that the project implement transportation demand management strategies such as preferential parking for employee vanpooling/carpooling, bicycle parking facilities (such as bicycle lockers and racks), bus turnouts, and other strategies to reduce vehicle miles traveled. Mitigation Measure 4.3.6.5B requires that the project applicant incorporate twenty-one (21) energy-efficiency and low-air pollution emission methods into the project design and building construction including but not limited to:

- *Low-emissions water heaters;*
- *Central water-heating systems;*
- *Energy-efficient appliances;*
- *Increased insulation;*
- *Automated controls for air conditioners;*
- *Energy-efficient parking lot lighting;*
- *Lighting controls and energy-efficient lighting;*
- *Low-VOC interior and exterior coatings during project repainting;*
- *On-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the amount of vehicle trips;*
- *Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings;*
- *Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site;*
- *Fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats. Incorporating drought-tolerant plants into the landscaping palette; and*
- *Use of water-efficient irrigation techniques;*
- *Energy-efficient low-pressure sodium parking lot lights or lighting equivalent as determined by the City;*
- *Buildings shall be oriented north-south where feasible;*
- *Implement an on-site circulation plan in parking lots to reduce vehicle queuing;*
- *Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 100 employees or multitenant worksites;*
- *Include bicycle parking facilities such as bicycle lockers and racks;*

- *Include showers for bicycling employees use; and*
- *Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.*

Mitigation Measure 4.13.6.1A requires that the project applicant incorporate four (4) energy-efficiency and water-efficiency methods into the project design including but not limited to:

- *Utilize exterior window treatments for efficient energy conservation;*
- *Utilize water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards Code baseline water consumption;*
- *Prepare a Commissioning Plan that includes commissioning by a Commissioning Authority for all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating); and*
- *Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff;*

Mitigation Measure 4.13.6.1B requires that the project applicant incorporate twelve (12) energy-efficiency methods into the project design and construction including but not limited to:

- *Use locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project;*
- *Use "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project;*
- *Limit unnecessary idling of construction equipment;*
- *Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment;*
- *Design the project building to exceed the California Building Code (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:*
    - *Increase insulation such that heat transfer and thermal bridging is minimized.*
    - *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.*
    - *Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.*
- *Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;*
- *Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.*
- *Install light-colored "cool" roof and cool pavements.*
- *Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.*
- *Install solar or light-emitting diodes (LEDs) for outdoor lighting.*

Mitigation Measure 4.13.6.1C requires that the project applicant incorporate six (6) greenhouse gas emission and waste reduction methods into project operations including but not limited to:

- *Use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO2]) for refrigeration and fire suppression equipment;*
- *Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing walls with windows;*
- *Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate:*
    - *Install drought-tolerant plants for landscaping.*
    - *Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water.*
    - *Install water-efficient irrigations systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.*
- *Provide employee education about reducing waste and available recycling services.*

Information on the project's LEED certification is presented in the previous Response to Comments D-2, Nos. 1 and. 2. The other measures suggested in this comment have already been evaluated in this EIR, and most have already been incorporated into the project Mitigation Measures. For example, the project will provide an alternative fuel station, shading of parking areas, energy efficient lighting both inside and outside, etc. The City believes compliance to at least 10 percent less than current energy codes included in the Green Building Code, and the project mitigation measures as proposed in the Draft EIR and as modified in this Final EIR, are sufficient and reduce the energy use of this project to the greatest extent practical and feasible, as required under CEQA.

The comment suggests that thirteen (13) additional measures to reduce greenhouse gas emission be included. The Draft EIR already incorporates or includes eight of the measures and the remaining six measures are not included or are infeasible. An explanation of these measures including where they are already included or incorporated in the Draft EIR or why they are not included or are infeasible is provided in Table A as follows:

Table A: Comparison of Sierra Club Suggested Measures to Project EIR Mitigation Measures

Suggested Mitigation Measure to Reduce Greenhouse Gas Emissions	Response
1. Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy efficient building during pre-design, design, construction, operations and management.	**Included.** The project description (see Draft EIR p 3-14) recognizes the trend towards "Green Building" in the state, and the applicant for the proposed project will apply for the Leadership in Energy and Environmental Design (LEED) Core & Shell rating program. LEED is a voluntary, consensus-based standard to support and certify successful green building design, construction, and operations.
2. Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	**Included.** A similar mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on pages 4.3-33 and 4.3-34.
3. Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other	**Included.** Similar mitigation measures are already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on pages 4.3-33 and 4.3-34

Suggested Mitigation Measure to Reduce Greenhouse Gas Emissions	Response
low-energy lighting, use of energy efficient appliances, etc.	and **Mitigation Measure 4.3.6.6A** on pages 4.3-35 and 4.3-36 and Section 4.13 Global Climate Change of the Draft EIR under **Mitigation Measures 4.13.6.1A**, **4.13.6.1B**, and **4.13.6.1C** on pages 4.13-20 and 4.13-21.
4. Reducing the use of pavement and impermeable surfaces.	**Included where appropriate.** Impermeable surfaces will be installed were appropriate, but it is not feasible to use impermeable surfaces in the truck parking area since a soft permeable surface will not support the weight of a large truck.
5. Requiring water re-use systems.	**Infeasible.** Reclaimed water is not available to this area of the City yet, so a "purple" pipe system is not required to be installed as part of this project.
6. Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.13.6.1B** on page 4.13-21.
7. Limiting the hours of operation of outdoor lighting.	**Not Included.** The future facility operator is not known at this time since the developer is building a spec building. The City cannot burden the future, unknown operator with this limitation provided the operation complies with all applicable City ordinances regarding night lighting. **.**
8. Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees.	**Included.** Similar mitigation measures are already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-34 and Section 4.13 Global Climate Change of the Draft EIR under **Mitigation Measures 4.13.6.1A**, **4.13.6.1B**, and **4.13.6.1C** on pages 4.13-20 and 4.13-21.
9. Ensure that the Project is fully served by full recycling and composting services.	**Included.** A similar mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6B** on page 4.3-37. **Infeasible.** The proposed industrial warehouse project will not generate any compost materials, with the exception of trimmings from landscape vegetation and scraps from employee meals. The landscape service provided will be responsible for removal of trimmed vegetation to an off-site receiving facility. Scraps from employee meals will not be generated in enough quantities to warrant an on-site composting facility, so such a system is not required to be installed as part of this project.
10. Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Infeasible.** The site is served by public entities for wastewater and solid waste. Neither the City nor the project proponent has control over those facilities.
11. Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible.	**Partially Included.** The proposed project does not have a specific end user at this point, but the building design will allow for future installation of solar photovoltaic for the entire building and solar hot water heating for the office area.
12. Installing solar water heating systems to generate all of the Project's hot water requirements.	**Not Included.** The proposed project does not have a specific end user at this point, but the building design will allow for future installation of solar photovoltaic and solar hot water heating for the office area.
13. Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	**Included.** A similar mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6B** on page 4.3-36.

Response to Comment 27. The commenter is confusing the proposed project, which involves industrial warehouses, with a residential project. All known emissions during construction and operations of the proposed project have been identified and calculated (Draft EIR Section 4.13, Global Climate Change, pages 4.13-1 through 4.13-26). Feasible mitigation measures, including several identified in the list provided by the commenter, have been already included as mitigation for the project and are identified in the Draft EIR. In addition, the mitigation measures shown as "Incorporated" in the Table C have been added to the Final EIR (Section 3.0 Errata and Additions) as suggested by the commenter. The changes to the Draft EIR do not result in the identification of a new or more severe significant impact and has no material effect on the findings of the EIR. Table B below contains each of the greenhouse gas reduction measures suggested for inclusion by the commenter and if it is already included, if will be added mitigation as part of the Final EIR, or if will not be included and why.

The comment suggests that five (5) additional measures to reduce air quality and greenhouse gas emissions during project construction be included. The Draft EIR already incorporates or includes two of the measures and the remaining three measures are not included or are infeasible. An explanation of these measures including where they are already included or incorporated in the Draft EIR or why they are not included or are infeasible is provided in Table B as follows:

Table B: Comparison of Sierra Club Suggested Measures to Project EIR Mitigation Measures

Mitigation Related to Construction	
1. Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Included.** A similar mitigation measure is already included in Section 4.13 Global Climate Change of the Draft EIR under **Mitigation Measure 4.13.6.1B** on page 4.13-20.
2. Minimize, reuse, and recycle construction-related waste.	**Not Included.** The project is required to comply with Policy 6.7.6 of the Chapter 9 of the City's General Plan: Require building construction to comply with the energy conservation requirements of Title 24 of the California Administrative Code. The applicant will attempt to divert at least 50% of construction waste, and would apply for LEED credit if they achieve that goal.
3. Minimize grading, earth-moving, and other energy-intensive construction practices.	**Infeasible.** The entire site must be graded to accommodate the building structures and parking lots.
4. Landscape to preserve natural vegetation and maintain watershed integrity.	**Infeasible.** The site contains very little natural/native vegetation, only associated with the Quincy Channel, which will be preserved onsite**.**
5. Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measures 4.3.6.2B** and **4.3.6.2J** on page 4.3-24.

Response to Comment 28. Many of these proposed measures appear to apply to a residential "planned community" rather than an industrial warehouse project, so it is assumed they were mistakenly excerpted from another document (e.g., shuttle service, car sharing service, encouraging residents to use low or zero emission vehicles, etc.).

Measure 4.3.6.5A requires ridesharing, and the project will provide a vehicle charging station (Measure 4.3.6.6A). In addition, the project will take advantage of transit when transit services are extended through the project along Eucalyptus Avenue by the RTA.

It should be noted that the commenter made very similar comments on the Vogel Industrial Project EIR recently processed by the City, and many of the mitigation measures incorporated into that project were incorporated into this project. However, Table C, below summarizes the measures recommended by the commenter compared to the actual measures provided in the Draft EIR and this Final EIR.

The comment suggests that six (6) additional measures to reduce air quality and greenhouse gas emissions from project vehicles be included. The Draft EIR already incorporates or includes two of the measures and the remaining four measures are not included or are infeasible. An explanation of these measures including where they are already included or incorporated in the Draft EIR or why they are not included or are infeasible is provided in Table C as follows:

Table C: Comparison of Sierra Club Suggested Measures to Project EIR Mitigation Measures

Transportation Mitigation Measures	
1. Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Included.** Similar mitigation measures are already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5A** on pages 4.3-33 and **Mitigation Measure 4.3.6.6A** on page 4.3-36.
2. Create a car sharing program within the planned community;	**Not Included.** The suggested mitigation measure applies to a planned community and is therefore inappropriate. As noted in **Mitigation Measure 4.3.6.2J** (Draft EIR page 4.3-25), documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs. However, the applicant will provide a bulletin board that will facilitate posting of ridesharing information and requests by project workers.
3. Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Not Included.** The suggested mitigation measure applies to a residential neighborhood and is therefore inappropriate. However, **Mitigation Measure 4.3.6.2J** on page 4.3-24 requires alternative fuel vehicles onsite.
4. Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Included.** The mitigation measure the comment suggests refers to "residents", and this project proposes warehousing not a residential development. However, a similar mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
5. Provide a shuttle service to public transit within and beyond the planned community.	**Not required.** The RTA serves the general project area and may require bus stops to be installed as service is needed to the project or other nearby areas. Therefore, the site is serviced by the RTA and no further actions are necessary.
6. Incorporate bicycle lanes and routes into the planned community's street systems.	**Not required.** Bicycle access to and from the project would use Eucalyptus Avenue, and pedestrians would be able to access the site on the planned multi-purpose trail on the north side of Eucalyptus Avenue. It should be noted the proposed project is warehousing, not a planned community.

Response to Comment 29. The use of carbon offsets is infeasible because:

- The cited precedent is a negotiated settlement for a major oil refinery in Contra Costa County, rather than a warehouse development in Riverside County;
- The cited precedent was for the period prior to 2012;

- California has not established any generally applicable standards for requiring offsets for GHG emissions; and
- Most cities and counties in California have not required offsets for GHG emissions on projects of the scale of the proposed project.

Using such carbon offsets to mitigate for cumulative impacts is fraught with uncertainty. As the comment implies ("… offsets purchased are real…"), but there is considerable controversy regarding whether offsets that are available today will actually mitigate this cumulative effect.

First, it requires an accurate measure of the emissions to be offset and the offsets to be provided. That calculation turns out to be riddled with uncertainty on both ends. As noted above in the example cited by the commenter, this initial offset of $7 million for the Rodeo refinery was later reduced to $4.4 million due to revised calculations of GHG emissions. The UN's Intergovernmental Panel on Climate Change found a margin of error of 10% with measuring emissions from making cement or fertilizer; 60% with the oil, gas and coal industries; and 100% with some agricultural processes.

Second, the provision of offsets requires an accurate measure of the carbon saved elsewhere. Most of the earliest offset projects involved planting trees, which naturally ingest carbon, a complex and unpredictable process which forbids accurate measurement.

Finally, the very idea of offsetting relies on the concept that a carbon reduction would not have occurred in the natural order of commercial life. For example, one of the biggest UK companies that sells offsets, Climate Care, distributed 10,000 energy-efficient light bulbs in a South African township; offered the carbon reductions as offsets; and then discovered that an energy company was distributing the same kind of light bulbs free to masses of customers, including their township, so the reduction would have happened anyway.

To accurately calculate the amount of credit for each of the above actions, the offset program must make a number of critical assumptions:

- What is the baseline of emissions for the existing facilities that would be retrofitted to reduce their energy consumption? Would they ultimately be retrofitted in any case, thus limiting the actual resulting reduction in GHG emissions?

- Is the development of the alternative energy source actually dependent on the external funding provided by the offset? Or is the alternative energy developer simply achieving another subsidy?

- How much extra energy (and GHG emissions) is required to construct the alternative energy facility? What period of time should this be amortized over? For example, the development of the California High Speed Rail Project is estimated to reduce energy consumption in the long run. However, the extra energy involved with construction is estimated to have a 40 year payback.

As such, the actual amount of mitigation provided by an offset program can be speculative, based upon the actual performance of the program.

There is a global marketplace for fossil fuel energy based upon a market between buyers and sellers. The sellers, those who own the sources and production of fossil fuel energy, have a powerful economic interest to keep and increase their income stream from the production of fossil fuels.

To the extent that the actions cited above as potential offset measures, in combination with other conservation measures, reduce the demand for fossil fuels in the countries where they are implemented, the owners of these fossil fuel supplies will still want to preserve and enhance their income as much as possible. And there is a large unmet need (unmet as defined by consumer actions) for increased energy consumption in developing countries. For example the average annual energy consumption of a citizen of China or sub-Saharan Africa, at 4.5 metric tons, is far less than that of the average US citizen, at 20 metric tons. To the extent that the US and other countries reduce energy consumption based upon energy efficiency measures, the owners of fossil fuel resources will seek to sell the same energy, perhaps at a lower price, to the less developed countries. If the energy is sold at a lower price, then more energy would need to be sold to generate the same income, and the resulting energy consumption and GHG emissions could actually increase.

In conclusion, the City concludes that compliance to at least 10 percent less than current energy codes included in the Green Building Code, and the project mitigation measures as proposed in the Draft EIR and as modified in this Final EIR, are sufficient and reduce the energy use of this project to the greatest extent practical and feasible, as required under CEQA. There are no established laws or regulatory guidelines requiring contributions toward carbon offsets. In addition, there is uncertainty regarding the efficacy, reliability and legal standing of carbon off-sets at this time. For this reason, such mitigation is considered to be infeasible. The analysis in the Draft EIR concludes that greenhouse gas emission impacts of the project will be less than significant with implementation of the recommended mitigation measures, despite protestations of the commenter and others to the contrary.

Response to Comment 30. The commenter is correct in stating that the EIR must contain a "*reasonable*" [emphasis added] range of alternatives to the proposed project that avoid or lessen the significant impacts to the proposed project (Pub. Res. Code §21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126.6(d)). According to CEQA Guidelines §15126.6(a) "[A]n EIR need not consider every conceivable alternative to a project. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. [Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376]."

The Draft EIR does include an analysis of a reasonable range of alternatives to the proposed project (Draft EIR, Section 6.0 Alternatives, pages. 6-1 to 6-40) in compliance with CEQA. The Draft EIR discusses the No Project Alternative (Section 6.3.2.1) and an Off-Site Alternative (Section 6.3.2.4) as suggested by the commenter.

<u>In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.</u>

The EIR did look at a higher density mixed commercial residential development. As described on page 6-24 of the Draft EIR, the Mixed Commercial/Office/Residential Alternative (Alternative 4) would result in the development of commercial, office and residential uses on the project site resulting in development of 548 multiple-family residential units, 138 single-family residential units, 441,000 square feet of commercial uses, and 441,000 square feet of office uses.

As described on page 6-31 of the Draft EIR:

> *Under the Alternative 4, impacts related to short-term construction-related air quality would be similar to the proposed project as the same amount of land would be disturbed and the same mix of equipment would be utilized. Long-term operational-related air quality emissions would be increased in magnitude when compared to the project and would remain significant and unavoidable. Because of the increase in vehicle trips under this alternative, impacts to the operation of local roadways and intersections would be proportionally greater than what was identified for the proposed project. Long-term traffic impacts would remain significant and unavoidable. Traffic-related noise would be increased in magnitude but would be similarly mitigated like the proposed project and would remain less than significant.*
>
> *Because this alternative would also require a Zone Change and General Plan Amendment, land use impacts would be similar to the proposed project. This alternative would result in the development of office uses that would generate permanent jobs, which may require workers who are not current residents of the City. Combined with the residential component, the office use would increase the total number of people that would be added to the City's population. This alternative would have greater demands on public services and recreation. However, the payment of fees and dedication of parkland would reduce these impacts to a less than significant level. This alternative would increase the amount of water utilized and increase the amount of wastewater and solid waste that would be generated on site. Similar to the proposed project, adherence to wastewater and solid waste requirements would reduce these impacts to a less than significant level. In the event that water is not available for development envisioned under this alternative, impacts to water resources would be significant and avoidable. Under this alternative, some of the proposed project objectives would not be met as warehouse uses would not be built. However, development of this alternative would provide new employment opportunities for residents of Moreno Valley.*

The Draft EIR does analyze the various alternatives impacts on greenhouse gas emissions (Table 6.F page 6-10) biological resources, water resources including water quality and water use (Table 6.C on page 6-9) and traffic (Table 6.B page 6-9). In addition, detailed analysis for each of the alternatives is included in Section 6 of the Draft EIR as it relates to the environmental issues listed by the commenter.

An agricultural alternative was not considered because the site has been planned by the City since 1987 for suburban intensity land uses. In addition the current General Plan does not include any agricultural designations. The City allows agricultural uses in all land use designations as an interim use until such time as the land is developed per the vision identified in the General Plan. One of the goals stated in the City's recent General Plan is the "…orderly conversion of agricultural lands." Therefore, an agricultural use as a long-term alternative is not practical and does not require analysis as a separate alternative. However, it should be noted that Alternative 3 does incorporate 27 acres of land that would be used for agriculture to provide a less intense buffer in the southeastern portion of the site. No further analysis is necessary and the comment does not change the conclusion in the Draft EIR.

Response to Comment 31. The commenter is correct in stating that a large segment of the population of Moreno Valley is Hispanic or Latino. However, because a person is Hispanic or Latino does not automatically mean that they only speak Spanish. There is no legal requirement to translate the environmental documents or the notices into other languages. It is not the policy of the City to require project applicants to incur the added expense of having project environmental documents or public notices translated into Spanish. The City is also not required to incur the expense of providing a Spanish translator at public meetings. The commenter is free to provide a Spanish translator at its costs. In addition, neither the State CEQA Statutes nor the State CEQA Guidelines require or even suggest providing such notices.

Contrary to the assertion of the commenter, the City believes the Draft EIR does identify and analyze the potential direct, indirect, and cumulative impacts of the proposed warehouse project. The City believes the EIR, including the Draft EIR, Final EIR, and supporting appendices and materials, comply with the requirements of CEQA, and that the Final EIR has adequately addressed the various comments raised by this and other commenters on the EIR.

The Sierra Club, San Gorgonio Chapter, is already on the mailing list for this project, as previously requested.

Letter D-3

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RE: Comments on Prologis Eucalyptus Industrial Park Draft Environmental Impact Report (SCH No. 2008021002)

Greetings:

On behalf of the Sierra Club, Moreno Valley Group, and Residents for a Livable Moreno Valley, I hereby submit these comments on the Prologis Eucalyptus Industrial Park Draft Environmental Impact Report (EIR). (SCH No. 2008021002)

General Comments:

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document. 1

Unfortunately, the Draft EIR for this Project fails as an informational document. The Project Description in the EIR is inadequate, misleading, and internally inconsistent. CEQA requires that an EIR contain an accurate, complete, and consistent description of a proposed project so that decision-makers and the public can properly and fully assess the project's environmental 2

consequences. (California Code of Regulations, Tit. 14 §15124; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.) The Description here fails to divulge important information such as all adjacent land uses. (*See, e.g., Figure 3.2* identifying only a few Surrounding land uses; *also,* Section 3.0 of Draft EIR) The Description is also inconsistent with statements within the Description itself and elsewhere in the EIR. For example, the Executive Summary states that the amendment to the Master Plan of Trails will either relocate the trail "and/or" eliminate the planned trail segment, whereas the Project Description states that the both elimination and relocation will occur. The Project description also fails to depict all known future projects adjacent or near to the project site. By failing to provide an adequate Project Description, the EIR fails as an informational document. 2

The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The analysis and evaluation of project impacts within the EIR do not evince adequacy, completeness, or a good faith effort at full disclosure. (California Code of Regulations, Tit. 14 § 15003(i).) The conclusions and findings of the EIR are completely unsupported by substantial evidence within that document. The Draft EIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions. The EIR also fails to undertake and/or defers studies needed to determine the severity and extent of environmental effects, and whether or not such effects may be mitigated below a level of significance. Furthermore, the EIR is misleading by stating that the EIR evaluated the project as operating 24/7 where, in fact, the specific studies within the EIR evaluate operation in shorter time frames. 3

CEQA also requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation** must be adopted. (California Code of Regulations, Tit. 14 § 15091.) In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. For instance, the EIR fails to require *any* mitigation for the project's significant impacts to agricultural resources. 4 Additionally, while most of the project's environmental effects will be a result of its use as a distribution center and corresponding traffic and air quality impacts, no direct mitigation is required to reduce these impacts. With regards to air quality impacts from operational traffic, the EIR improperly concludes without evidence or reasoning that no mitigation in feasible. Regarding traffic effects, the EIR relies entirely on TUMF and DIF programs and concludes that significant effects will be either immediately or promptly reduced by these programs. To the contrary, a significant amount of the streets impacted are not currently planned or funded for improvements, and given the underfunding of these programs and fails to require any direct improvements without finding direct improvements to be infeasible. 5

Moreover, all mitigation measures required in the EIR must be fully enforceable, certain to occur, and not deferred. (Public Resources Code § 21081.6; Cal. Code of Regulations, Tit. 14 §§ 15074.1, 15097.) This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project also defers mitigation extensively with regards to impacts to/from, for instance, biology, culture, hydrology/drainage, among others. 6

The choice of the environmentally superior alternative in the EIR is also not supported by substantial evidence in the record or the evaluation of those alternatives. The EIR concludes that Alternative 3, the Reduced Intensity Alternative, is the environmentally superior alternative where Alternative 5, the Off-Site Location Alternative, would ultimately result in fewer significant impacts. Nonetheless, the EIR does not find either Alternative 3 or Alternative 5 to be infeasible. As both of these alternatives satisfy most project objectives and significantly reduce project impacts, one of these environmentally superior alternatives must be implemented in lieu of the project if the project is approved. 7

For these and the reasons detailed below, the EIR fails to comply with CEQA and must be substantially supplemented, amended, and recirculated.

Project Summary:

The proposed development project would result in the construction and operation of approximately 2,244,638 square feet of distribution warehouse uses on 122.8 acre site. The project site is located adjacent to and south of SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel in the eastern portion of Moreno Valley. The project will construct 6 buildings with a maximum height of 50 feet with 326 truck docks. The project will also construct 372 truck parking spaces and 1,110 auto parking spaces; 9 driveways; a bridge over Quincy Channel; a new "Eucalyptus Avenue" through the project site; a new roadway "B Street" between buildings 3 and 4; new storm drain, sewer, and water lines; and other related development. 8

Land uses of the project site presently consist of citrus groves and vacant land. There are also three natural drainage features onsite including two ephemeral channels to the southwest and Quincy Channel along the eastern portion of the property. Existing land uses adjacent to the project site are stated to include presently vacant land to the east and south, SR-60 to the north and residential uses north across that highway, Moreno Valley Auto Mall and Moreno Valley Fire Station No. 58 to the northwest, and single-family residential uses approximately 50 feet southeast of the project site. However, any of the surrounding lands are not mentioned or mapped in the EIR as having a use or, alternatively, being vacant or put to agricultural use. The Project description fails to adequately and accurately depict these adjacent land uses.

The Project will require the following discretionary entitlements, among others, from the City:

General Plan Amendment to change the land use designation of 71.3 acres of the Project site from Residential (R15, R5, and R2) to Business Park.

General Plan Amendment to amend the Circulation Element to (1) eliminate the undeveloped Quincy Street from Eucalyptus Avenue to Encilia Avenue; (2) realign Encilia Avenue such that its western terminus is Moreno Beach Drive rather than its current terminus at Eucalyptus; and (3) classify the segment between Quincy Channel and Moreno Beach Drive as a Collector.

Zone Change of the entire site (122.8) acres from Business Park (BP), Business Park/Mixed Use (BPX), Residential 15 District (R15), Residential 5 District (R5) and Residential Agriculture 2 (RA-2) to Light Industrial (LI). The Zone Change will also redraw the boundary of the Primary Animal Keeping Overlay (PAKO) District which would remove 12.2-acres (part of the RA-2 Zone) from the City's PAKO-designated land.

Amendment to the City's Master Plan of Trails to eliminate the trail segment along the west side of the Quincy Channel north of the Future Eucalyptus from SR-60 to Fir Avenue; and/or relocate the Eucalyptus Avenue trail to the north side of Eucalyptus Avenue.[1] 8

The Project will require the following entitlements, among others, from other agencies:

Approval of Quincy Channel Improvements from the Riverside County Flood Control and Water Conservation District

A Section 404 permit from the US Army Corps of Engineers

A Section 401 Water Quality Certification from the Regional Water Quality Control Board

A Section 1602 Streambed Alteration Agreement from the California Department of Fish and Game.

The EIR finds that the Project will result in significant and unavoidable impacts to/from aesthetics, agriculture, air quality, land use/ planning, and traffic/transportation. All other potentially significant impacts are found to be mitigated below a level of significance.

Aesthetics 9

[1] Note: the description of this amendment changes in the EIR, resulting in an inconsistent project description.

Within Table 1.C, Impact 4.1.6.1 states that, "A less than significant impact related to this issue would occur." This statement is incorrect, unsupported by the narrative, and unsupported by the third column finding that it is a "significant and unavoidable" impact. 9

The project would result in significant and unavoidable individual and cumulative impacts to existing visual character or quality of the site and its surroundings; scenic vistas of the Box Springs Mountains and Russell Range; and scenic resources and scenic highways. The project's impacts to scenic views and views from SR-60 also conflict with General Plan Policies and Objectives. (*See, e.g.* Objective 7.7, 7.7.4, 7.7.5) Despite these significant aesthetic impacts, no mitigation has been incorporated into the project to reduce or avoid these impacts such as substantially limiting the height of buildings; widely dispersing buildings; and/or creating wide setbacks and buildings screened from the roadway/residences. These mitigation measures are feasible and should be incorporated into the project. 10

At page 4.1-1, the EIR states that the closest residence to the project is 200 feet southeast of the project site. This statement conflicts with the Project Description and other parts of the EIR that place the closest residence at 50 ft. 11

At page 4.1-5, Objective 2.5 and Policy 2.5.1 do not pertain to aesthetics. The EIR lists these policies and then finds that the project is consistent with these policies. However, the EIR wrongly fails to evaluate the project's inconsistency with most other listed policies. (*See, p.4.1-9, compare, 4.1-21.)* 12

With regards to impact 4.1.5.1- Light and Glare, the EIR does not seem to consider additional light and glare from the *project's* additional traffic and presumed operation 24/7. Furthermore, the EIR does not consider impacts to nighttime views. Impacts to an from lighting are potentially significant and unmitigated.

With regards to lighting, the following should be required of the project:

- Maximum wattage for light bulbs on the exterior of the project of 250 watts;
- All lighting must be designed with full cutoffs to fully shield light fixtures.
- A further reduction of permitted light trespass or spillover lighting onto adjacent properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle.
- The inclusion of lighting height limits of a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.
- The addition of lighting curfews for outdoor lighting requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. until dawn.

13

Signage is not evaluated in the EIR even though the EIR implies that the project will have signage. (EIR p. 4.1-20-21) The EIR fails to evaluate all aesthetic impacts by failing to account for light/glare and view impacts from any signs installed for the project. 14

The project description states that the maximum height of the buildings will be 50 feet (Table 3.B); however the aesthetics section does not evaluate the impacts from the two out of six buildings with a maximum height of 50 feet. Instead, the aesthetics evaluation considers the average height of 39 feet and height at the corners of 43 feet. (*e.g.* p. 4.1-19) The aesthetics evaluation thereby fails to divulge the real aesthetic impacts of the project to views and the visual character and quality of the site and its surroundings. 15

The EIR states that there will be a 395 foot setback between the closest building and residences. However, this does not demonstrate at least a 250-ft buffer or setback between "industrial uses" and "residential uses," only the buildings themselves. 16

The EIR concludes that, "the project appears to be consistent with the various Municipal Code requirements for the proposed land uses outlined in Section 4.1.2 related to landscaping, setbacks parking, storage, etc." without in any way evaluating how or why the project is consistent with the requirements. 17

Agricultural Resources

Within Table 1.C (Environmental Summary), Impact 4.2.6.1 states that, "The proposed project would not conflict with an existing agricultural zone" and that "Impacts are less than significant." However the narrative does not support this finding, the Impact is listed under the title "Significant Impacts" and the level of significance after mitigation states that impacts will be significant and unavoidable. This discrepancy must be corrected to provide the public and decision-makers with an accurate depiction of project impacts. 18

Impacts to the PAKO are not mentioned in the Environmental Summary; rather only the RA-2 zone designation is mentioned. Removing 12 acres from the PAKO designated land in the City must be mentioned in the Summary. Furthermore, the finding that this conflict and conversion of land is less than significant is unsupported where the 12 acres represents .4% of the PAKO-designated land in the City. This impact may also be cumulatively considerable and yet was not considered within the discussion of cumulative impacts. 19

The project would convert 82.5 acres of "Prime Farmland" and 39.8 acres of "Farmland of local importance" to non-agricultural uses. Table 1.C Impact 4.2.6.2 also lists "(5.3 acres)" but fails to identify any designation for these 5.3 acres. The summary table also only states that the conversion of state designated Prime Farmland is significant; any impact to Farmland of Local Importance is disregarded. 20

The project would convert a site currently actively involved in agricultural operation. The project site also has a significant LESA score, further demonstrating its importance and the significant impact of this project to agriculture. However, this score is misstated throughout the EIR as 83 (Table 1.C Impact 4.2.6.3), 85.30 (Table 4.2.A), and 85.07 (p. 4.2-10). The project would also have a cumulatively considerable agricultural impact. 21

No mitigation is required to reduce the individually and cumulatively significant adverse impacts of this project to agriculture. While the EIR identifies many mitigation measures that may be implemented, it fails to require any mitigation. The fact that the General Plan EIR found 22

mitigation to be infeasible on a citywide scale does not mean that project level mitigation here is infeasible.

Mitigation measures identified by the Dept. of Conservation to reduce agricultural impacts include:

The purchase of agricultural conservation easements;
Transfer of development rights;
Acquisition of farmland by the city or county;
mitigation banking;
the establishment of "urban limits," greenbelts, and buffers;
the payment of in-lieu fees sufficient to a purchase and maintain farmland conservation easements;
and planning tools such as clustering development, use of density bonuses, and limiting "leapfrog" development.

The EIR refers to these as "tools" to mitigate the loss of agricultural land. The EIR does not find that it is infeasible to implement these mitigation measures. 22

While the measures regarding planning within the purview of the City may have been determined to be infeasible, ***the EIR does not provide evidence to support the finding of infeasibility with regard to project-level mitigation including the purchase or transfer of development rights, conservation easements, or donation of funds to assist in the preservation of agricultural lands.*** These measures must be required as mitigation. In particular, the purchase of a permanent agricultural conservation easements of land of at least 2:1 of equal quality is feasible and must be required to mitigate for impacts from the direct and growth inducing/cumulative loss of agricultural land. This may alternatively be accomplished by the donation of mitigation fees to a local, regional, or statewide organization that provides for acquisition and stewardship of agricultural conservation easements. Such mitigation is not found to be infeasible. 23

See, Attached Exhibit A, "Zero Sum Game: The Debate Over Off-Site Agricultural Mitigation Measures" by Joshua Safran, Vermont Journal of Environmental Law, Volume 6 2004-2005, explaining the benefits of mitigation and feasibility of such measures.

Air Quality

The EIR assumes that the Moreno Valley Unified School District has abandoned plans to locate several schools in close proximity to the project. However, Resolution No. 2007-08-81 did not abandon these sites but merely gave the superintendent the authority to do so and to enter into an agreement to that effect. There is no evidence in the EIR that any such abandonment of these sites actually occurred. As Resolution 2007-08-81 merely expressed an intention and did not formally abandon these school sites, the failure of the EIR to consider these potential sensitive receptors in the project vicinity with regards to air quality impacts and elsewhere in the EIR is unsupported. 24

The EIR fails to disclose all Moreno Valley General Plan Policies relevant to air pollutant emissions. Such omitted policies and objectives include:

> Ultimate Goal VII: achieve a community which "Emphasizes public health and safety…" 25
> Goal 6.1: "To achieve acceptable levels of protection from natural and man-made hazards to life, health, and property."
> Objective 7.5 "Encourage efficient use of energy resources."
> Policies 7.5.1; 7.5.2; 7.5.5 regarding energy efficiency.

Health Risks

The EIR finds, contrary to the evidence in the record, that the project's Health Risk impacts would be less than significant. Nevertheless, the project will result in significant cumulative health risks, discussed below, and mitigation must be incorporated to reduce such impacts. 26

With regards to operational emissions, the Health Risk Assessment[2] (HRA) modeled emissions as if all trucks and cars moving onsite were located only on Eucalyptus Avenue, not driving to or from the buildings elsewhere onsite. The HRA thereby minimizes impacts where vehicles will be driving onsite closer to receptors and residences. The HRA also assumed that the buildings would have a height of 65 feet where, in fact, the buildings will be of varying height up to 50 feet with an average height of 39 feet and height at the corners of 43 feet. While this assumption may be beneficial to determine any wake effect, it may be detrimental if the EIR assumes that some emissions are blocked by the buildings. 27

Further, the HRA assumes operation 350 days per year. This is not the 24/7 evaluation that the EIR claims occurred for all project impacts. 28

The Environmental Summary Table 1.C states that the project would increase cancer risks at existing sensitive receptors by no more than 1.1 in 1 million, and at future development by 3 in 1 million. This is contradicted by the Air Quality Analysis and Air Quality section of the EIR, which puts project-related health risks increases of at up to 4.33 cancers in 1 million at residences to the north; it is not apparent that the closest residences to the southeast were evaluated or what the impact to those residences would be. Again, the Environmental Summary and EIR fail to accurately depict project effects. Furthermore, this risk is measured at a distance further than actual existing sensitive receptors (25 meters versus 50 feet) so that the actual health risk may be higher than predicted. 29

Furthermore, according to the EIR, **this increase in cancer risk would add to an existing cancer risk of over 250 in 1 million (the rate for parts of Riverside County), well over the threshold of 10 in 1 million**. However**, the EIR fails to actually evaluate and quantify present or expected health risks at nearby sensitive receptors with the project.** The EIR fails as an informational document by failing to evaluate and quantify actual health risks with and without the project. 30

[2] The HRA refers to the Air Quality Analysis, EIR App. B, p. 43-47.

The health risk assessment also evaluates worker health with a standard work schedule. This should be clarified in the EIR, especially where the EIR states that it evaluates impacts as to operation 24/7. 31

With regards to operational emissions, the EIR and HRA use projected 2025 emissions as a "median point for emission rates." This again provides an emission estimate and health risk lower than that which would be seen with current emission rates. The EIR fails as an informational document by using the future emissions factors where health risks should be measured based on current emission. 32

With regards to construction health risks, the EIR evaluates construction as occurring 22 days per month for 4 months, where construction will actually occur for almost a year and may occur 7 days a week. The claim that this evaluation is "conservative" is unsupported by the record. 33

The health risks from this project will be a result of primarily diesel PM. In addition to cancer risks, diesel PM is known to cause immune system effects; reproductive, developmental, and endocrine effects; nervous system effects; and lung health problems, as recognized by the County in the General Plan. Immune system effects include increased allergic inflammatory responses and suppression of infection fighting ability. Diesel PM has also been associated with reproductive effects such as decreased sperm production, changes in fetal development, low birth weight and other impacts. Diesel PM exposure may also cause impairment to the central nervous system. (*See,* Exhibit C*, The Health Effects of Air Pollution on Children*, Michael T. Kleinman, Ph.D, Fall 2000, <http://aqmd.gov/forstudents/health_effects_on_children.html#WhyChildren>; Exhibit D*, Diesel and Health in America: the Lingering Threat*, Clean Air Task Force, February 2005, <http://www.catf.us/resources/publications/files/Diesel_Health_in_America.pdf>, Exhibit E, "Dirty Air Triggers More Heart Attacks than Cocaine," Kate Kelland, Reuters 2011, and "Air Pollution Worse than Cocaine for Triggering He art Attacks, says study," Press Association 2011.) 34

SCAQMD has stated with regards to the health effects from diesel PM:

> "Diesel particles consist mainly of elemental carbon and other carbon-containing compounds… Diesel particles are microscopic…Due to their minute size, diesel particles can penetrate deeply into the lung. There is evidence that once in the lung, diesel particles may stay there for a long time.
>
> In addition to particles, diesel exhaust contains several gaseous compounds including carbon monoxide, nitrogen oxides, sulfur dioxide and organic vapors, for example formaldehyde and 1,3-butadiene. Formaldehyde and 1,3-butadiene have been classified as toxic and hazardous air pollutants. Both have been shown to cause tumors in animal studies and there is evidence that exposure to high levels of 1,3-butadiene can cause cancer in humans… 35
>
> Diesel emissions may also be a problem for asthmatics. Some studies suggest that children with asthma who live near roadways with high amounts of diesel truck traffic

have more asthma attacks and use more asthma medication.

Some human volunteers, exposed to diesel exhaust in carefully controlled laboratory studies, reported symptoms such as eye and throat irritation, coughing, phlegm production, difficulty breathing, headache, lightheadedness, nausea and perception of unpleasant odors. Another laboratory study, in which volunteers were exposed to relatively high levels of diesel particles for about an hour, showed that such exposures could cause lung inflammation." (*The Health Effects of Air Pollution on Children, supra.*) 35

Furthermore, infants, children, and the elderly are more susceptible to diesel PM and its associated health impacts. Given this project's potential close proximity to residential uses, this increased susceptibility is extremely relevant. With regards to infants and children, increased susceptibility to TACs and diesel PM exists for a variety of reasons. Children are generally more active than adults, have higher respiration rates, and inhale more pollutants deeper into the lung. Children also have more lung surface area in proportion to their body size and inhale more air pound for pound when compared to adults, taking in 20 to 50 percent more air and associated air pollutants than adults. When compared to adults, children spend more active time outdoors in polluted air environments and exert themselves harder than adults when playing outside. Importantly, this exposure to high pollutant levels in children occurs while their lungs are still developing, and therefore has more severe impacts on this sensitive group. (*The Health Effects of Air Pollution on Children, supra*.) 36

This increased susceptibility to air pollutant emissions for children has resulted in the California EPA Office of Environmental Health Hazard Assessment ("OEHHA") weighting cancer risk by a factor of 10 for exposures to carcinogens from birth to two years old, and by a factor of 3 for exposures from 2 years old to 15 years old. (Exhibit F, *Technical Support Document for Cancer Potency Factors: Methodologies for derivation, listing of available values, and adjustments to allow for early life stage exposures*, California EPA OEHHA Air Toxicology and Epidemiology Branch, April 2009, p. 3. <http://www.oehha.ca.gov/air/hot_spots/pdf/TSDCPFApril_09.pdf.>) It is unclear that these increased risks were accounted for in the EIR. Additionally, recent studies conducted by SCAQMD's Brain and Lung Tumor and Air Pollution Foundation have found a specific connection between exposure to diesel PM and brain cancer in children. (Annual Meeting of the Brain & Lung Tumor and Air Pollution Foundation, April 2, 2010, <http://www.aqmd.gov/hb/2010/April/100425a.htm>) 37

In addition to an increased risk of cancer, the effects of diesel PM on children include slowed lung function and growth, increased emergency room visits, increased incidences of asthma and bronchitis, crib death, asthma respiratory infections, allergic symptoms, and asthma hospitalizations. (*Diesel and Health in America: the Lingering Threat*, *supra*.)

The EIR, in evaluating health risks, failed weight potential cancer and non-cancer impacts from the project. Impacts to children and the elderly near the project may be elevated in comparison to the risks stated in the EIR.

See also, Attached Exhibit B, "Appendix G, Emissions Inventory Methodology and Results,"

California Air Resources Control Board. This study is a comprehensive re-evaluation of the heavy duty diesel truck emissions inventory for California and contains EMFAC modeling methodology to estimate vehicle emissions. 37

Exhibit G is also instructive. The "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning: a Reference for Local Governments within the South Coast Air Quality Management District," May 6, 2005, details the harms of air pollution on health and public welfare and provides guidance on how harms may be measured and minimized. 38

The attached Exhibit H, "Good Neighbor Guidelines for Siting New and/or Modified Warehouse/Distribution Facilities," WRCOG Regional Air Quality Task Force, September 12, 2005, provides additional guidance for reducing impacts from diesel PM through the use of buffers and other methods that should be considered in re-evaluating project impacts and mitigation measures/alternatives to the proposed project. 39

Attached Exhibit I provides calculation methods for PM 2.5, "Final-Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds," October 2006. 40

Air Quality Management Plan Inconsistency

The EIR contemplates that "it is uncertain if [the project] is consistent with the AQMP." In fact, the project is *inconsistent* with the AQMP as it has not been considered in the General Plan. The statement that it is uncertain if the project is consistent is not supported by the facts in the EIR. 41

Construction

It is not clear whether the EIR considers construction emissions from all sources or merely construction equipment at 4.3.6.2. For instance, it is unclear whether the fugitive dust emissions or the importation of 200 cubic yards of soil during grading and 339,561 cubic yards of fill during excavation were considered in the construction air quality evaluation. If only construction equipment was considered, then the EIR is deficient for failing to consider emissions from all construction sources. 42

Additionally, the EIR does not disclose the actual peak daily emissions should construction phasing overlap. At least two construction phases (architectural coatings and paving) are expected to overlap. Also, no phasing of construction is required of the project. (*See,* App. B p. 23) Phasing as projected must be required and/or the EIR must disclose actual peak daily emissions with the overlap of construction phases. 43

With regards to exceedances of localized significance thresholds, the EIR separately considers emissions from different phases of construction. Again, any overlap must be considered and the phasing must be required so that further overlap of phasing, and associated additional pollutant emissions, do not occur. Furthermore, it does not appear that any phases other than grading and architectural coating were considered; impacts from site preparation, building construction, and paving are conspicuously absent. The EIR is again flawed as an informational document. 44

Diesel construction equipment is evaluated for use at a maximum 8 hours per day but as few as 6 hours per day. There is no requirement that this be the maximum operating time for equipment, 45

and this surely is not the evaluation of project effects at 24/7 operation that the EIR purports to examine. Furthermore, while mitigation for noise impacts allegedly limits construction-related activities that would result in "high noise levels" to occur between set hours, **this still permits construction for up to 14 hours per day; there is no such limit for non-high noise level activities; and written approval may be obtained to permit any construction 24/7.** (MM4.9.6.1D) The limitation of 8 hours per day for use of construction equipment is unreasonable and not supported by facts in the EIR. Construction equipment use 24/7 must be considered. 45

Similarly, the Air Quality Analysis considers a maximum daily disturbed acreage of 4 acres in order to evaluate construction LST impacts. This assumption is not supported by the potential to construct the project 24/7 until completion. The LST analysis also looks at 25 meters, rather than the 50 feet distance to the nearest sensitive receptors. (Air Quality Analysis p. 26) LST impacts are understated as a result of these discrepancies. 46

Odors are determined to be insignificant as a result of the fact that they would not occur after construction. (Air Quality Analysis p. 27)However, where construction would occur for almost a year, this assumption of only a short-term impact is erroneous. Odors from equipment during construction is a significant and unmitigated impact that is not disclosed in the EIR. 47

LSTs for project operation are also flawed as the evaluation considers a 5 acre site at 25 meters. Neither the Air Quality Analysis nor the EIR cite the source or reasoning for considering only 5 acres of the project site for evaluating LSTs during project operation. Impacts are understated. 48

With regards to mitigation measures for construction air quality impacts:

All construction equipment staging areas should be located at least 1000 feet from sensitive receptors. (Mitigation Measure ("MM") 4.3.6.2A.) 49

With regards to MM4.3.6.2B, "Power sources" is vague; as is "clean-fuel generators." If electric power poles or a certain type of generator is meant, those alternatives must be explicitly stated. 50

MM 4.3.6.2C does not go far enough by requiring only Tier II equipment and only during the rough/mass grading phase, and only inclusive of rubber-tired dozers and scrapers. It is feasible to require Tier III or higher equipment for all phases of construction and for all equipment where technologically available. 51

MM 4.3.6.2D is not a mitigation measure but California law. The public and decision-makers are deceived by the incorporation of this and other laws in the Mitigation Measure sections of the EIR so that it looks like much more mitigation is being required of the project that is actually occurring. 52

MM 4.3.6.2H is likewise not a mitigation measure. It is feasible to require, as mitigation, that the construction equipment be maintained in good condition and in proper tune, and that construction equipment always be prohibited from idling for 5 minutes or more. It is feasible to not limit this mitigation to "smog season." 53

MM 4.3.6.2I is not a mitigation measure but a CARB requirement. 54

MM 4.3.6.2J is uncertain and unenforceable, as it merely requires that documents have "notations", not that any mitigation occur. The bullet points are further uncertain and unenforceable where they require mitigation only where "feasible". 55

Regarding MM 4.3.6.2K, no mitigation is certain to occur without the addition of a time limit for responding to air quality issues. It is feasible to require response and resolution within 24 hours. 56

MM 4.3.6.2L merely requires the posting of signs, not that truck drivers turn off engines when not in use or that trucks not idle for more than 3 minutes. 57

At MM 4.3.6.3A, the word "should" must be changed to "shall" to ensure enforceability. As written, the measure is vague and unenforceable. 58

Operational Impacts

Operation of the project will have significant impacts to CO, ROG, NOX, PM10, and PM2.5. However not all feasible mitigation has been required of the project. Moreover, the EIR baselessly concludes that no feasible mitigation exists for impacts from mobile sources and fails to require any mitigation for this project's enormous mobile source emissions. For instance, mobile source emissions will account for 1,800 lbs/day of the project's total 1,801.1 lbs/day of CO, well over three times the 550 lbs/day threshold. Likewise, mobile source emissions will account for 2,000 lbs/day of the project's total 2,001.3 lbs/day of NOX, over thirty-six times the 55 lbs/day threshold. (*See,* Table 4.3.L at EIR p. 4.3-33) The EIR and Air Quality Analysis nevertheless conclude without reason what emissions from project related truck exhaust is "outside the control of this project" and therefore there is no mitigation available to reduce these air quality impacts. (*See, e.g.* Air Quality Analysis p. 1) To the contrary, feasible mitigation exists to reduce operational air quality impacts as detailed below and including, for example, requiring Smartway carriers for project operation. 59

With regards to Mitigation for Operational Air Quality impacts, MM4.3.6.5A and 4.3.6.5B are vague, uncertain, and unenforceable. While alternatives and performance standards are allowable, these measures do not demonstrate that any mitigation will be required of the project or that they will in any way require all feasible mitigation. It is feasible to require each of the alternatives listed as mitigation for the project. Accordingly, the following mitigation measures must be incorporated to reduce operational air quality impacts:

Preferential parking for employee vanpooling/carpooling 60
Bicycle parking facilities
Bus turnouts
Require construction of buildings to exceed Title 24 requirement by 20 + percent.
Install low-emissions water heaters
Install central water heating systems

Require use of energy-efficient appliances
Require increased insulation
Require use of automated controls for air conditioners
Require use of energy-efficient parking lot lighting.
Require use of lighting controls and energy –efficient lighting.
Require use of low-VOC interior and exterior coatings during any project repainting.
Require on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the number of vehicle trips.
Require installation of skylights and energy-efficient lighting that exceeds current California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.
Require planting of shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site to minimize the heat island effect and thereby reduce the amount of air conditioning required.
Require installation of fans to assist natural ventilation,
Require installation of centralized water and space conditioning systems or, alternatively, high efficiency individual heating and cooling units
Require installation of automatic setback thermostats.
Require the incorporation of the following to reduce energy demand associated with potable water conveyance through the following methods:

- Require incorporation of drought-tolerant plants into the landscaping palette; and
- Require incorporation of water-efficient irrigation techniques.

60

Require installation of energy-efficient low-pressure sodium parking lot lights or equivalent as determined by the City;
Require that buildings be oriented north-south;
Require implementation of an on-site circulation plan in parking lots to reduce vehicle queuing;
Require applicant to develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 100 employees or multi-tenant worksites;
Require project to include bicycle parking facilities such as bicycle lockers and racks;
Require project to include showers for bicycling employees use;
Require construction of on-site pedestrian facility improvements including building access that is physically separated from street and parking lot traffic and walk paths.

Likewise, all alternatives listed at MM 4.3.6.6A are feasible and each must be incorporated into the project as below:

Buildings shall exceed current California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling.
Increase in insulation such that heat transfer and thermal bridging is minimized.
Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.

Incorporate dual-paned or other energy-efficient windows.
Incorporate energy-efficient space heating and cooling equipment.
Interior and exterior energy-efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed.
Install automatic devices to turn off lights when they are not needed.
Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.
Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design, and shall incorporate renewable electricity systems.
The project shall implement a landscaping palette emphasizing drought tolerant plants.
The project shall implement use of water-efficient irrigation techniques.
The project shall implement EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
The project shall provide secure, weather protected, on-site bicycle storage/parking.
The project shall provide on-site showers (one for males and one for females).
Lockers for employees shall be provided.
The project shall establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information. 60
The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.
The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans.
Lease/purchase documents shall require the implementation of the following mitigation measures by contract specification:

- Implement compressed workweek schedules.
- SmartWay partnership: Achieve at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long haul trips carried by SmartWay 1.0 or greater carriers.
- Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.
- Require that all fleet vehicles conform to 2010 air quality standards or better.

- Install of catalytic converters on all gasoline-powered equipment.
- Include to the greatest extent feasible electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.
- Establish and encourage use of carpool/vanpool programs through methods such as vouchers.
- Require a charge for parking fees for single-occupancy vehicles.
- Provide preferential parking for EV and CNG vehicles consisting of at least 15% of parking stalls.
- Require use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance where technologically feasible.
- Require use of only electric (instead of diesel or gasoline-powered) yard trucks.
- Require that all trucks within the fleet be SmartWay rated 1.25.

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Also, the Air Quality Analysis fails to list all thresholds of significance, specifically threshold 3(c): whether the project would result in any cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. (Air Quality Analysis, App.B, p. 19.) 61

Cumulative Impacts

As discussed above**, the EIR failed to substantively evaluate the potential cumulative health risk impacts to sensitive receptors near the project, instead citing a CARB Map identifying a carcinogenic risk of over 250 in 1 million in the Riverside area. It is entirely possible that the risk is substantially higher in the project vicinity**. Without actual analysis of this matter, the public and decision-makers are denied disclosure of the project's cumulative health risk impacts, and the EIR fails as an informational document. 62

Likewise, the EIR fails to substantively and quantitatively evaluate cumulative impacts from project construction and operation. While the EIR concedes that such impacts will be substantial and unmitigated, the EIR omits any discussion or divulgence of the severity of such effects. 63

Biological Resources

Mitigation Measure 4.4.6.1A will reduce impacts to migratory bird species, however these impacts are only minimally discussed in the EIR. The Environmental Summary likewise fails to mention impacts to migratory birds or passerine birds. Furthermore, the Environmental Summary states that this mitigation measure will reduce impacts to burrowing owls, not migratory birds. It should be clarified that MM4.4.6.1A will reduce potentially significant impacts to migratory nesting birds, not burrowing owls. 64

The distance maintained from burrowing owl dens of 160 feet during the non-breeding season and 250 during the breeding season is not sufficient. A recent "Staff Report on Burrowing Owl Mitigation" by the Department of Fish and Game found that the following distances from nesting sites are required for low, medium, and high disturbance activities. ("Staff Report on Burrowing 65

Owl Mitigation," State of California Natural Resources Agency, Department of Fish and Game March 7, 2012, <http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>, p.9-10)

Time of Year	Low Disturbance	Medium Disturbance	High Disturbance
April 1-Aug 15	200 meters	500 meters	500 meters
August 16-Oct 15	200 meters	200 meters	500 meters
Oct 16- Mar 31	50 meters	100 meters	500 meters

The DFG staff report also provides updated guidance on passive relocation of burrowing owls which must be reviewed and incorporated into any mitigation. (*Id.* at p.10-11) The Staff report also found that if lesser buffers are permitted, a "broad-scale, long-term, scientifically-rigorous monitoring program" must be implemented to ensure that burrowing owls are not detrimentally affected by alternative approaches. (*Id.* at p. 10) Here, lesser buffers are required without implementing any rigorous monitoring to ensure that significant impacts do not occur. There is also no consideration of potential impacts from construction to burrowing owls on neighboring sites where disturbance may occur within 500 meters of burrows. Mitigation may be needed for potential impacts to burrowing owls on neighboring sites. 65

The EIR's relied upon "Burrowing Owl Survey Protocol and Mitigation Guidelines", California Burrowing Owl Consortium from 1993 is outdated given the guidance documents presently available for mitigating for impacts to the burrowing owl. The EIR and mitigation measures must be updated to account for these recent studies and guidance for mitigating impacts to the Burrowing Owl.

The following recommended mitigation measures must be implemented to reduce impacts to Burrowing Owls:

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including decompacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment.

2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on site-specific analysis and accounting for natal area,

home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in the project area.

3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals.

4. Alternatively, where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weedeaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls 65

5. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.

6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.

The project will also have significant impacts to riparian/riverine habitat which is not adequately mitigated through the uncertain and deferred mitigation measures at MM 4.4.6.2A and 4.4.6.2B. Mitigation Measure 4.4.6.2A alleges to require the offsite replacement of habitat at a 2:1 ratio; however, the measure only requires contribution of in lieu fees to the SAWA and does not ensure that the fees will be used for the acquisition of equivalent habitat. The required mitigation is uncertain to occur. 66

Mitigation Measure 4.4.6.2B improperly defers mitigation by requiring the preparation and implementation of a Habitat Mitigation and Monitoring Plan to oversee restoration of temporarily effected areas to pre-construction contours and vegetation. Deferred mitigation is only permissible where, for practical reasons, it is not feasible to prescribe specific mitigation measures in the EIR. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94.) The EIR does not demonstrate that it is infeasible to presently prepare this plan. Moreover, this Plan is not subject to any performance standards or alternatives. MM4.4.6.2B thereby improperly defers mitigation, and impacts to riparian/riverine habitat are significant and unmitigated. 67

The proposed project also will permanently impact federally protected wetlands and jurisdictional waters. Again, this impact is inadequately and uncertainly mitigated through the uncertain mitigation measures at MM 4.4.6.3A. Mitigation Measure 4.4.6.3A alleges to require mitigation at a 2:1 ratio. However, the measure only requires contribution of in lieu fees to the SAWA and does not ensure that the fees will be used for the acquisition of equivalent wetlands. This mitigation is uncertain and inadequate. 68

The Cumulative Impact analysis with regards to biological impacts fails to consider impacts deemed to be individually significant, instead focusing on impacts offset by the MSHCP. Specifically, the EIR fails to evaluate the cumulative impacts to burrowing owls and migratory nesting birds; riparian and riverine habitat; and protected wetlands/waters. The EIR fails as an informational document by failing to consider the project's cumulative effects in these areas. 69

The Determination of Biologically Equivalent or Superior Preservation Report (EIR App. C) suggests mitigation measures for edge treatments including lighting and noise, but fails to discuss or evaluate these potential impacts from lighting and noise on biology. (p. 4-6) 70

Cultural Resources

With regards to archaeological resources, the project is located within the Moreno Hills Complex, an area of archaeological sites. Sixty-five archaeological sites and 22 historic buildings have been documented within a one mile radius of the project. The EIR gives short shrift to the potential archaeological impacts of the project given its high likelihood of containing archaeological and native American resources. It is not apparent that the Luiseno or Cahuilla Indians were consulted with regards to potential onsite resources as part of the cultural resource research for the project. 71

Mitigation measures for prehistoric cultural/archaeological resources are insufficient and uncertain to mitigate for impacts. MM 4.5.6.1A provides only for temporarily redirecting ground disturbance, not for halting any disturbance in the event that such a halt is necessary. Further, the archaeological monitor should be one determined to be qualified by the city, not merely one selected by the applicant. At MM 4.5.6.1B and 4.5.6.1C, no authority is given to the Native American monitor beyond aiding and recommending to the archaeologist. These measures must require consensus between the Native American monitor and archaeologist in order to ensure that impacts to Native American archeology is adequately mitigated below a level of significance. At MM 4.5.6.1D, it is unclear what will become of artifacts after any temporary curation, and vague who "stakeholders" refers to. 72

With regards to paleontological impacts, the project site has been identified as having a high potential to contain significant paleontological resources. Mitigation for paleontological impacts is improperly deferred, requiring the preparation of a Paleontological Resource Impact Mitigation Program in the future rather than divulging the details of the mitigation measure in 73

the EIR. The EIR states no reason why this program cannot be presently prepared for review by the public and decisionmakers. The remaining mitigation measures for paleontological impacts allow for only the rapid salvage of fossils/bone, not for the halting of excavation while proper recovery is conducted. It is uncertain who selects the qualified paleontological monitor; such monitor should be independently selected by the City. It is uncertain that there is a museum repository available for permanent curation and storage of any paleontological resources. Overall, the mitigation for paleontological impacts is uncertain and deferred. Impacts to paleontological resources remain potentially significant. 73

The EIR selects a too small area to evaluate cumulative impacts to cultural resources, evaluating on impacts within the City of Moreno Valley. There is no explanation of why the City boundaries were chosen for this cumulative impact analysis. The cumulative impact section fails entirely to evaluate and analyze impacts, instead concluding without reasons that any such impacts will be less than significant. This conclusion is unsupported by evidence in the EIR. 74

Hydrology and Water Quality

The Project would result in storm water flows over double the existing cubic feet per second and at a substantially increased volume. Despite this acknowledgement, the EIR improperly defers preparation of the Final Hydrology Study with supporting engineering calculations without reason.(*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 94.) There is insufficient evidence without this study to conclude that impacts may be reduced below a level of significance. 75

Likewise, the cumulative impact analysis relies on the capability to mitigate project effects below a level of significance, where this ability has not been demonstrated as a result of deferred study. Additionally, the cumulative impact analysis li mits consideration of cumulative impacts to the City of Moreno Valley where there is no su pport for limiting within this area. To the contrary, as the site is located in the Santa Ana River Basin, cumulative impacts to these area watersheds must be considered. 76

Hazards/Hazardous Materials

Appendix F demonstrates that the last soil sampling was conducted in 2003-2004. Any findings with regards to the presence of hazards or hazardous materials onsite is therefore outdated. The site has persisted in agricultural use and may since have been exposed to additional pesticides or other hazardous materials. Additional study concerning whether such materials exist onsite must be undertaken. 77

Land Use/Planning

The project will result in significant impacts to land use/ planning for a myriad of reasons. Nonetheless, the evaluation of impacts to/from land use and planning omit consideration and 78

divulgence of several project effects. For instance, discussion of the RTP fails to mention any potential effect from moving or omitting the trail segment, or from the fact that the only mitigation provided for traffic impacts consists of the payment of in lieu fees. The discussion of the RTP also fails to discuss conflicts with the "improve air quality and promote energy efficiency" section of the RTP. Rather, the EIR references other sections and states that the project is consistent with the RTP. This c onclusion is not supported by the EIR or narrative reasoning therein. Hence, while the EIR is right to conclude that the project will result in significant impacts to land use/ planning, the EIR fails to provide adequate information concerning such effects. 78

With regards to cumulative impacts, the EIR acknowledges that the Project may create an over-supply of warehousing space in the city cumulative with only WestRidge. It is not clear whether this assessment also accounts for the other planned or proposed industrial warehousing in the City. Nevertheless, the addition of potentially unneeded warehousing space and loss of up to 584 multi-family residential units which may have contributed to the affordable housing supply is significant and supports project denial. (See also, for instance, *"Moreno Valley: Sketchers' warehouse has caused net job loss,"* <http://www.pe.com/business/business-headlines/20120201-moreno-valley-skechers-warehouse-has-caused-net-job-loss.ece>) 79

Noise

The noise impact section of the EIR is fatally flawed and causes the EIR to fail as an informational document. The EIR fails to measure noise impacts against the actual thresholds of significance and with regards to all project noise sources. 80

The EIR notes that the nearest proposed residential uses are 25 feet to the south of the project site, but states that trucks will operate approximately 280 feet from those proposed residences at loading/unloading areas. There is no evidence in the EIR that this distance of 280 feet is required or evidence that the distance of the ***loading areas*** is equal to the distance of ***truck operation***. To the contrary, the EIR states that the nearest internal driveways are approximately 5 ft. from the southern boundary of the project, and about 30 feet from future residences. The EIR nevertheless utilizes a 280 foot distance from sensitive receptors. This distance is contradicted in the EIR. (*See, p.* 4.9-23, 4.9-4). 81

The EIR arbitrarily creates a threshold for significance for noise of a 3dbA increase, stating that only this level of increase is considered potentially significant and that a 3 dbA change is used as a threshold of significance. This 3dbA change is ***not*** a threshold of significance adopted by the City of Moreno Valley. (Guidelines § 15064.7) Fu rthermore, the statement that only audible changes in existing ambient or background noise levels are considered potentially significant is unsupported except by further conclusory statements in the EIR. 82

The EIR also wrongly measures noise at the nearest sensitive receptors instead of at the property 83

line. The property line is the proper locale for measuring the project's noise impact and increases in ambient noise levels. 83

The EIR wrongly concludes that the project will not result in a substantial increase in ambient noise levels in the project vicinity above levels existing without the project with regards to long term traffic noise. The project will, in fact, result in noise increases of **up to 13.6 dBA compared to existing levels (Table 4.9.G) and up to 13.3 dBA in 2012**.[3] **These increases are significant.** The conclusion that these increases are less than significant is not based on the threshold of significance, the data of the EIR, or any other facts or evidence. The EIR therefore wrongly concludes that traffic noise impacts will be less than significant. 84

Moreover, the EIR separates out operational noise into three sections where such noise and impacts would all occur during operation: Traffic Noise, Long-Term Operational Noise, and Noise Impacts to Adjacent Future Development. In so doing, the EIR fails to evaluate Operational Noise as a whole from all sources; and fails to evaluate all operational noise based upon the **two unique thresholds of significance**. The EIR fails to consider the potential exposure of persons to, or generation of, noise levels in excess of standards established in the General Plan, Municipal Code, or other standards, from traffic or to future residents. The EIR also fails to evaluate the total noise increases from project operation above existing levels. The EIR fails as an informational document by failing to consider these potentially significant effects. 85

In Section 4.9.5.5, in addition to failing to consider impacts from project traffic in consideration of whether the project exposes people to or generated noise above applicable noise standards, the EIR relies heavily on noise attenuation and shielding from the buildings. This attenuation is not certain, however, especially where noise is considered only at the ground level and, again, only at the nearest off-site residential uses rather than the property line. This section also utilizes 75dBA Lmax and 65 dBA without discussion of the General Plan's acceptable residential exterior noise of 65 and interior noise of 45 dBA CNEL. 86

Section 4.9.5.6 does not evaluate noise level increases in the project vicinity above existing levels as alleged. Instead, almost each subsection looks to noise standards, a separate threshold of significance. The project may increase ambient noise with or without exceeding noise standards. This EIR again fails to act as an accurate or adequate informational document. 87

The EIR finds that short-term construction noise impacts will be potentially significant but mitigated below a level of significance through compliance with permitted hours (MM 4.9.6.1D). This conclusion is not supported by the EIR where the project will result in a substantial temporary increase in ambient noise in the project vicinity, and compliance with project hours 88

[3] Note: there is a discrepancy throughout the EIR concerning what year constitutes "Opening Year". For example, the Noise Study has Opening Year at 2012, while the Traffic Study puts Opening Year at 2016 where both concern traffic and daily trips. The EIR is internally inconsistent and provides decision-makers and the public with erroneous information by failing to accurately and consistently evaluate project effects.

will not reduce any increases in ambient noise. Moreover, though the EIR does not state the level of existing noise onsite and in the project vicinity (another flaw of the EIR), the EIR concludes that construction of the project will significantly increase noise to 91 dBA Lmax. There is no evidence that any of the other mitigation measures listed will reduce this noise below a level of significance. 88

Furthermore, the EIR does not at all evaluate construction noise impacts/ temporary impacts with regards to the potential exposure of persons to, or generation of, noise levels in excess of standards established in the General Plan, Municipal Code, or other standards. 89

MM 4.9.6.1D is also uncertain as written approval may be obtained to completely override any such requirement. This does not demonstrate that the City if committed to mitigation. 90

Not all feasible mitigation has been required of the project. The following additional mitigation must be incorporated into project construction:

1. Temporary noise barriers must be installed during project construction.
2. Where technically feasible, utilize only electrical construction equipment
3. During construction, the developer shall require that all contractors turn off all construction equipment and delivery vehicles when not in use and prohibit idling in excess of 3 minutes.
4. Require the use of rubberized asphalt for construction of all roadways and parking areas.
5. Maintain quality pavement conditions that are free of bumps, pot holes, pavement cracks, differential settlement in bridge approaches or individual pavement slabs, etc.
6. Ban heavy trucks near vibration and noise sensitive uses.

91

Lastly, cumulative noise impacts were found to be less than significant based on the above-detailed uncertain mitigation measures and incomplete evaluation of noise impacts. Cumulative noise impacts should be considered significant up to and until such a time that complete and accurate analysis of the project's individual noise impacts as completed and mitigation is demonstrated to be certain, enforceable, and able to reduce impacts below a level of significance. 92

Exhibits J-N provide guidance on calculating noise effects, the potential health risks from noise, and methods for minimizing and mitigating for noise impacts. 93

Transportation/Traffic

Project trip generation estimates are based on the ITE rates for buildings under 200k sq. ft. and Moreno Valley rates for buildings over 200k sq. ft. The EIR does not state why a single trip generation rate calculation method was not used. 94

Additionally, this section of the EIR, in addition to others, attempts to minimize project effects by comparing the proposed project's impacts to those which would potentially be caused by build-out onsite in the manner proposed by the General Plan, rather than assessing the impact of 95

the proposed project on the environment compared to *existing physical conditions onsite*. (Guidelines § 15126.2(a); *See, e.g. EIR Table 4.11.E*) By comparing the proposed project to a potential land use on site instead of the existing use which has minimal, if any, traffic generation, the EIR fails as an informational document. 95

Also, as with the remainder of the EIR, the Transportation/Traffic section fails to evaluate impacts in relation to the actual thresholds of significance. For example, the first threshold: whether the project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system; is evaluated only with regards to whether the project would exceed an LOS standard. (*See, p.* 4.11-15 - 4.11-16.) Whether there may be a substantial increase in vehicle trips or volume to capacity ratio on roads is never considered. 96

It is not clear that the design features or incompatible uses evaluation accounted for <u>future</u> residences near the project site. Likewise, the dismissal of potential impacts to schools is flawed for the reasons detailed above. Impacts from a great number to trucks sharing the roadway with passenger vehicles also does not appear to have been considered as a potentially incompatible use where such vehicles would doubtless share access to at least SR-60 in addition to other roadways. 97

Also, there is minimal discussion of conflicts with adopted plans/ policies supporting alternative transportation, such as those listed at pages 4.11-11 through 4.11-13. Moreover, the conclusion that the project will have a less than significant impact with regards to conflicts with adopted plans/ policies supporting alternative transportation is unsupported given the project's proposal to eliminate the planned trail segment on Quincy Ave from SR-60 to Fir Ave. 98

Page 4.11-18 states that the City Trails Commission has accepted the amendment to the Master Plan of Trails to relocate the Eucalyptus Avenue Trail to the north side of Eucalyptus and/or eliminate the planned trail segment on Quincy Ave from SR-60 to Fir Ave. This is inconsistent with the remainder of the EIR which states that such an amendment will need to be approved as part of the project. Moreover, it unclear if only relocation of the trail, only elimination of the plan trail segment, or both portions of the proposed amendment were accepted by the City Trails Commission. 99

The tables delineating The Project's LOS impacts make no attempt at quantifying delay once it exceeds 100 seconds. (Tables 4.11.F, 4.11.G, 4.11.H, 4.11.I, 4.11.J) While acknowledged as LOS F, the Tables fail to divulge how extensive these delays may be.

The Project will result in unacceptable LOS as stated in the EIR as follows: 100

Impact	Number of Unsatisfactory Intersections	Number of Unsatisfactory Freeway Segments	Number of Unsatisfactory Freeway Ramps

Existing (2011) with Project	2	3	0
Opening Year (2016) With Project	3	4	0
Opening Year (2016) Cumulative With Project	8	6	0
Future Year (2035) With Project	12	9	9
General Plan Buildout With Project	13	Not Evaluated	Not Evaluated

Despite these impacts, the project does not require any additional mitigation at these intersections or roadways beyond contribution to the DIF and TUMF.

The EIR finds that impacts to intersections and roadway segments within the DIF and TUMF programs will be reduced below a level of significance despite the fact that many of these improvements are not yet funded and will likely not be funded or constructed for some time. Nonetheless, the EIR finds that impacts will be mitigated to less than significant at all significantly impacted roadway segments and intersections other than the SR-60 segments and ramps. The fact that an improvement is part of the DIF or TUMF program does not ensure that it will soon be planned or funded, and surely does not ensure that it will be planned, funded, and built by project opening or other future years evaluated in order to reduce impacts to less than significant. Mitigation is therefore uncertain, and the reasoning that "impacts would remain significant and unavoidable until such improvements are constructed" used elsewhere in the EIR's reasoning applies. 100

In fact, the roadways reliant on TUMF funds are not presently scheduled for improvement nor are the improvements funded. (*See, e.g., 2011 Annual Report, Transportation Uniform Mitigation Fee Program,* Western Riverside Council of Governments, "Five Year Transportation Improvement Program," <http://www.wrcog.cog.ca.us/downloads/AnnualReport_for_web.pdf>, p.39, *See, also,* <http://www.wrcog.cog.ca.us/downloads/2012CentralZoneTIP020612.pdf> [detailing funded expenditures in the Central Zone]) Furthermore, TUMF improvements can take up to 9 years to become a reality from a local jurisdiction developing a project to completion of construction. (*2011 Annual Report, Transportation Uniform Mitigation Fee Program, supra,* p.7) Project prioritization, programming, and allocation of funds may also be a barrier to improvements on the roadways impacted by this project. (*2011 Annual Report,*

Transportation Uniform Mitigation Fee Program, supra, p.10) The EIR's conclusion that project transportation impacts on local roadways and intersections is less than significant after mitigation is simply not supported by evidence and the realities of these fair share programs. 100

With regards to DIF funding, the EIR does not demonstrate that all impacts to city streets will reduced below a level of significance or that adequate funding exists or will exist for needed improvements. 101

Mitigation requiring direct funding and completion of improvements at impacted roadways and intersections must be required of the project unless demonstrated to be infeasible. As the project currently stands, not all feasible mitigation has been required of this project to reduce traffic related impacts below a level of significance, and mitigation is uncertain and deferred. 102

Additionally**, the 2016 Opening Year Baseline is inco nsistent with the opening year found elsewhere in the EIR**. For example, the Noise section of the EIR relied on a opening year of 2012. This discrepancy must be resolved. 103

Utilities and Service Systems

The EIR states that the Badlands landfill has a closure date of 2024 in some places and ***2016*** in other places, yet concludes under either assumption that there will be adequate capacity. (*Compare, e.g.,* p. 4.12-1 and p. 4.12-5) This assumption is not based on evidence in the record, particularly if the project has an opening year of 2016 and the landfill has a closing year of 2016, in which case a finding of adequate capacity is entirely contradicted by the EIR. The project will thus have a significant and unmitigated impact to solid waste disposal which is not disclosed in the EIR. 104

With regards to water supply, the EIR spends a great deal of time evaluating water demand compared to general plan build-out, but gives only a short mention of demand compared to *existing site condition*, as required by CEQA. The EIR is misleading with regards to the project's water supply impacts. 105

GHGs

The EIR concludes that the project would not significantly conflict with applicable plans, policies, or regulations for reducing GHGs. However, many of the "consistency" determinations are unsupported by the project and the record. For instance, the EIR finds that the project is consistent with the City's encouragement to install solar power, yet the project will not install any solar panels. Similarly, the EIR finds that the project is consistent with the aim to construct zero net energy buildings where this project will not be zero net energy. Other applicable policies are not discussed beyond stated conclusions. This portion of the EIR is highly conclusory and not supported by reasoning or evidence. 106

The EIR states that the project will have a LEED score of 20 out of 69. Table 4.13.D demonstrates that 55 out of 69 points are not infeasible. At least these potentially feasible measures must be implemented to mitigate for this project's enormous air quality and GHG impacts. 107

Compliance with GHG emission reduction strategies is not demonstrated as the mitigation measures for GHG impacts are uncertain and deferred. For instance, MM 4.13.6.1A merely requires compliance with state law required by Title 24. 108

MM 4.13.6.1B does not require all feasible mitigation and is vague. There is no amount stated by which the project must exceed Title 24; it is feasible to require that the project exceed Title 24 standards by at least 30%. 109

MM 4.13.6.1C does not ensure that water use efficiency will be met, as it merely requires that some water conservation strategy be implemented. 110

The project will nevertheless have a significant impact **that the EIR wrongly finds to be individually insignificant after mitigation. The project will emit 79,000 mtpy CO2e, far above and beyond SCAQMD's 10,000tpy CO2e threshold.** Despite finding such emissions to be significant, the EIR concludes that GHG emissions will be less than significant individually because the project's impacts alone would not cause or significantly contribute to climate change or have a substantial effect on consumption of fuels. The EIR wrongly evaluates GHG emissions on a global scale, where SCAQMD's quantitative threshold demonstrates the project exceeds that threshold of significance and the EIR does not demonstrate that the project complies with, at least, regional GHG reduction planning. Individual GHG impacts should be deemed significant and unmitigated. 111

Likewise, the EIR concludes on no factual basis that the project will not have a cumulatively significant impact on GHGs, despite finding exceedence of the SCAQMD threshold. The EIR's evaluation on a global scale is again improper. 112

Alternatives

The EIR concludes that Alternative 3, the Reduced Intensity Alternative, is the Environmentally Superior Alternative. Alternative 3 would, according to the EIR, have significant impacts to Aesthetics, Agriculture, Land Use, Air Quality, and Transportation. On the other hand, Alternative 5- the Off-site Location alternative, would only result in significant impacts to Agriculture, Air Quality, and Transportation; impacts to Aesthetics and Land Use would be eliminated or reduced below a level of significance. Hence, while both of these alternatives would reduce subsets of these project effects, the Off-site alternative is environmentally superior to the reduced intensity alternative. 113

Where there is an environmentally superior alternative that significantly decreases the significant impacts of the Project then that alternative must be approved rather than the Project if that alternative is feasible, even if the alternative would impede to some degree the attainment of the 114

project objectives, or would be more costly. [(PRC§ 21002; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597, State CEQA Guidelines § 15126.6(b)] Here, both Alternative 3 and Alternative 5 will meet most project objectives and significantly reduce or eliminate environmental impacts. If the project is approved, one of these alternatives must be adopted in lieu of the project as proposed. 114

Conclusion

Thank you for your consideration of these comments and the attached and/or referenced material.

Sincerely,

Raymond W. Johnson
JOHNSON & SEDLACK

RESPONSE TO LETTER D-3

JOHNSON & SEDLACK

Response to Comment 1. The commenter provided some brief information about the purposes of CEQA. No response is necessary.

Response to Comment 2. The commenter's opinions on the quality of the environmental assessment that was done will be forwarded to the decision-makers for their consideration. The City disagrees with the commenter's generalized assertions regarding the adequacy of the Draft EIR. The comment that the conclusions in the EIR are not based in fact is erroneous. The Draft EIR is based on the findings of technical studies that were prepared for the project that were included in their entirety in the appendices to the Draft EIR. Those studies are all listed in Section 2.2.4, *Technical Reports*, of the Draft EIR, and listed separately in the appropriate impact assessment sub-section of Draft EIR Section 4, Impact Analysis (Sections 4.1 through 4.13). The project description and subsequent analysis in the EIR explain that the trail segment north of the realignment of Eucalyptus Avenue will be eliminated because it does not go anywhere, as it was planned when an undercrossing of the SR-60 was envisioned, but which has been eliminated from the General Plan and supporting planning documents and maps. Rather, the proposed trail will follow Eucalyptus Avenue with a leg south of Eucalyptus along the Quincy Channel, which will connect the trail to existing trails to the west and south. This information is not inconsistent in the EIR document.

In addition, the commenter is incorrect, Table 3.C and Figure 3-4 (in Section 3.8, *Cumulative Projects*) in the Project Description do accurately describe and show the locations of cumulative projects being evaluated in the EIR.

The EIR has provided accurate information about the proposed project and cumulative projects and therefore does not fail as an informational document.

Response to Comment 3. The City disagrees with the opinions of the commenter – The City believes the findings of the EIR are supported by substantial evidence and the EIR is an adequate informational document upon which the decision-makers can base their decisions. The responses below document the ways the EIR provides substantial evidence and complies with the requirements of CEQA.

Regarding the evaluation of environmental impacts, the Initial Study prepared for the proposed project was comprehensive and determined that impacts on forest resources, geology and soils, mineral resources, public services, and recreation would be less than significant with the implementation of mitigation requiring further analysis in an EIR. Those specific mitigation measures are identified in the Initial Study, Section 2.0 of the EIR and are also included in the Mitigation Monitoring and Reporting Plan (MMRP) attached to the Final EIR. The City formally initiated the environmental process with circulation of an NOP along with the Initial Study, which it sent to responsible agencies and interested individuals for a 30-day review period from February 4 to March 6, 2008. At the close of the public review period, the City had received 22 letters on the NOP. The NOP disclosed that an EIR would be prepared and the issues that would be addressed included: aesthetics (views and lighting), agricultural resources, air quality, biological resources, cultural and paleontological resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, traffic and circulation, utilities and service systems, and global climate change (i.e., Sections 4.1 through 4.13 in the Draft EIR). The commenter is in error that the Draft EIR did not address some of these topics. All of these potential impacts were addressed in appropriate sections of the DEIR.

In addition, the technical studies prepared in support of the DEIR analyses that address temporal-related impacts did allow for 24/7 operation. For example, the traffic study was based on peak-hour impacts assuming worst case conditions (i.e., not 24-hour operation), so 24/7 operation would actually lower peak hour traffic impacts. The project traffic data is the basis for the noise assessment, likewise allow for 24/7 operation. Similarly, page 13 of the project noise assessment states…

> ”*These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn. The specific assumptions used in developing these noise levels and model printouts are provided in Appendix A. Tables F, H, J, and L show that project-related traffic noise level increases would be 2.6 dBA or less along most roadway segments analyzed, except along Eucalyptus Avenue between Auto Mall Drive and Redlands Boulevard. This range of noise level changes is small and is not perceptible by the human ear. The portion of Eucalyptus Avenue with traffic noise increases greater than 3 dBA has no noise-sensitive uses (auto mall, commercial use, and vacant land only) directly adjacent to it.”*

Response to Comment 4. DEIR pages 4.2-8 and 4.2-9 clearly explain why mitigation for loss of agricultural land is not feasible on a local or regional basis, based on historical and current economic conditions related to agricultural crops in this portion of Riverside County. This conclusion is supported by the project-specific analysis provided in Appendix E of the DEIR.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 5. The commenter is incorrect – there are a number of measures recommended to offset anticipated traffic and air quality impacts of the project. These are described in their appropriate impact assessment sections (4.3 and 4.13, respectively) and summarized in Table 1.C of the Executive Summary. As outlined in Section 4.4.6, it is infeasible and ineffective to implement operational mitigation on future warehouse users that do not have specific tenants or end-users identified (Draft EIR, page 4.3-37), but Mitigation Measure 4.3.6.6A did address trucking and other activities on the site to the extent practical. In addition, the City has specifically identified the TUMF and DIF programs as the legally established method of mitigating respective regional and local traffic (i.e., road and intersection) impacts. In addition, the project traffic report specifically identifies a number of roadway and intersection improvements that will not be improved through the TUMF or DIF programs for which the proposed project would be responsible, as outlined in Mitigation Measures 4.11.6.4D, 4.11.6.4E, and 4.11.6.4F.

Response to Comment 6. The commenter’s opinion that the mitigation measures in the EIR are vague, uncertain, unenforceable, and/or deferred is not based in fact, nor does the commenter provide any examples to support this contention. As detailed in the following responses, appropriate and enforceable mitigation of the project’s significant individual and cumulative impacts have been identified in the Draft EIR. The City believes the mitigation measures recommended in the Draft EIR are appropriate based on the identified impacts of the project. However, certain measures or portions of measures suggested by the commenter (such as for air quality) have been incorporated in the Final EIR to clarify their implementation or help further reduce potential impacts. However, these changes or additions do not change the conclusions or overall analysis in the Draft EIR, as outlined in Final EIR Section 3.0, *Errata and Additions*. All mitigation measures that are in the Draft EIR, and mitigation language changed as a result of responses to comments by this commenter as well as the Sierra Club, have been included in the MMRP (Section 4.0 of the Final EIR) to ensure that they are being implemented.

Response to Comment 7. The City believes the alternatives analysis (Section 6.0 of the Draft EIR) is in compliance with *CEQA Guidelines* Section 15126.6(a), because the Draft EIR describes "a range of reasonable alternatives to the project, or to the location of the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." The EIR need not consider every conceivable alternative; rather it must consider a reasonable range of potentially feasible alternatives to the project, or to the location of the project, which would avoid or substantially lessen significant effects of the project, even if "these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (*CEQA Guidelines* Section 15126.6(b)). The discussion of project alternatives must "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." The alternatives are to "substantially lessen the significant effects of the project", not to satisfy the actual mitigation required.

The comment notes that the Draft EIR identifies Alternative 3, the Reduced Intensity Alternative, as the environmentally superior alternative but that Alternative 5, the Off-Site Location Alternative, would result in fewer significant impacts than Alternative 3 and therefore should have been identified as the environmentally superior alternative. It should be noted that Table 6.M contains a typographical error by omitting a "Significant" indication ("S") under Alternative 5 relative to consistency with the AQMP. The text analysis of this issue in Section 6.3.5.3 (DEIR page 6-32) indicates air quality impacts of the project on another location would still be significant as it would still be inconsistent with the AQMP. This error has been corrected in Section 3, *EIR Errata and Additions*, of this document.

As detailed in the Draft EIR Tables 6.K, page 3-39, Alternative 3 reduces the severity of project-related air quality impacts and is the only alternative that eliminates the significant agricultural impacts. However, reduced, long-term air quality impacts would remain significant after mitigation for this alternative in the same way as the project. Alternative 5 would produce the same level of air pollution as the proposed project. Alternative 3 would reduce the volume of daily traffic trips when compared to the proposed project; however, such impacts would remain significant and unavoidable until roadway improvements are completed. Alternative 5 would generate the same level of traffic trips as the proposed project. Alternative 5 would eliminate impacts associated with land use and planning as this alternative would not require a Zone Change or General Plan Amendment. Alternative 5 would also eliminate the significant population/housing impacts and the significant aesthetic impacts; however, it would likely not reduce the significant agricultural impacts of the project compared to Alternative 3.

The remaining environmental issues would ultimately be similar to the proposed project through adherence to existing standards and mitigation measures. Though the Off-Site Location Alternative is located in a different part of the City, the amount of development under this alternative would remain the same as the proposed project, and it would satisfy all of the identified project objectives. In addition, the potential offsite location is not under the control of the project applicant, so it is problematic if development of the project could actually occur on an alternative site. Based on a review of all the potential impacts, the Draft EIR concluded that the Reduced Intensity Alternative appears to be the environmentally superior alternative for the project site (see Draft EIR page 6-39).

Under the environmentally superior alternative, the proposed project objectives are met but less square footage of warehouse uses would be built. However, Alternative 3 is the only alternative that would reduce the significant impacts to agricultural resources compared to the proposed project and therefore it results in a substantive environmental benefit in comparison to the proposed project. The environmentally superior alternative (reduced density) will result in reduced air pollution and greenhouse gas (GHG) emissions but the significance of these impacts remain significant and unavoidable for air quality, global climate change, and traffic in the same manner as the proposed project. The significant and unavoidable project impacts associated with GHG emissions and traffic

cannot be reduced to less than significant though reduction in the size of the project. The significant and unavoidable project impacts associated with air quality can be eliminated if the project is reduced to approximately 90,000 square feet (based on a linear reduction in the project's 990 pounds per day of operational NO_x emissions to below the 55 pounds per day threshold).

Under Alternative 5, all of the project objectives are met and it reduces two impacts to less than significant that were determined to be significant and unavoidable for the proposed project (consistency with the General Plan and Aesthetics), (see Draft EIR Section 6.5 Comparison of Project Alternatives, Table 6.M, pages 6-39 and 6-40.) The DEIR does correctly conclude that Alternative 5 is also environmentally superior to the proposed project (i.e., fewer significant impacts than the proposed project), however, the commenter incorrectly concludes that, because Alternative 5 meets most project objectives, it must be approved instead of the proposed project. Alternative 3 also reduces significant impacts of the proposed project, and is the only alternative that will reduce impacts to agricultural resources. The commenter claims that this information requires recirculation of the DEIR to identify Alternative 5 as the Environmentally Superior Alternative, but that is not correct - Alternative 3 is the Environmentally Superior Alternative.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 8. The commenter states that the EIR must be substantially supplemented, amended, and recirculated. The responses provided to the various comments submitted on the Draft EIR, including those of this commenter, indicate the information in the EIR is adequate and the EIR does not need to be recirculated. he rest of this comment summarizes characteristics of the project and related project approvals, so no response is necessary. One of the comments is regarding the status of vacant land around the project site. It does not appear any of the land surrounding the project site is presently being utilized for agriculture, although the area in general has been used for dry farming in the past. The current onsite and offsite land uses are described in detail in Section 4.8, *Land Use and Planning*.

Response to Comment 9. The commenter is correct, the conclusion of the paragraph will be corrected as follows to reflect the determination that impacts to views are significant:

> ***Impact 4.1.6.1 Existing Visual Character or Quality of Site and Its Surroundings:*** *Implementation of the proposed project would replace the undeveloped character of the project site with an urban setting containing warehouse uses. Therefore, the change in the character of the site would be recognizable and would constitute a permanent alteration of the existing visual character of the project site. Although the visual characteristic of the project site would change, the proposed project would replace the existing vacant parcel with an attractive, well designed development through the use of architectural elements, landscaping, and design of the project site. In addition, the proposed project would be designed and constructed per applicable City Municipal Code and General Plan standards. Despite these requirements, a ~~less than~~ significant impact related to this issue would occur.*

This will be corrected in Final EIR, Section 3.0, *EIR Errata and Additions,* but this modification does not change the overall conclusion of the EIR that this impact is significant.

Response to Comment 10. The EIR did conclude that the project would fundamentally change views of the project area, but the line-of-sight analyses of each building (Draft EIR, Figure 3.7A through 3.7F) demonstrate that the proposed buildings, including Building 2, will not completely block

views of the Mt. Russell Range or Box Springs Mountain due to their planned heights and setbacks from the freeway (Building 2) and nearby residences (Building 6). The Conservation Element objectives and policies referred to by the commenter encourage the following:

Objective 7.7 Where practicable, preserve significant visual features significant views and vistas.

Policy 7.7.4 Gilman Springs Road, Moreno Beach Drive, and State Route 60 shall be designated as local scenic roads.

Policy 7.7.5 Require development along scenic roadways to be visually attractive and to allow for scenic views of the surrounding mountains and Mystic Lake.

Overall views of the upper slopes of the Mt. Russell Range, views of the Box Springs Mountains, the Badlands will be maintained from the SR-60 and surrounding residential areas, although some views of Mt. Russell and Box Springs Mountain may be partially obscured by the proposed development. Views from Gilman Springs Road and Moreno Beach will not be adversely affected by the project due to the distances involved of project buildings from these roadways. The Project Description and supporting materials demonstrate that the proposed buildings will be attractive and not eliminate important views in the surrounding areas. Therefore, the project does not significantly conflict with this General Plan objective or policies.

Mitigating the project by substantially changing the size, location, and/or heights of the buildings would prevent the project from providing logistics-type warehousing uses on this site. Lowering the heights of the buildings would render them unable to accommodate high cube warehouse users, and making smaller, more spread out buildings would eliminate a major reason for proposing a logistics-type warehousing project on this site (i.e., large buildings with ready freeway access). Interior heights of 30-40 feet are needed for these types of uses, which result in a maximum building height of approximately 50 feet. Note that only two of the buildings (#2 and #3) will be 50 feet in height, the other buildings will have a maximum height of 44 feet. For these reasons, these types of mitigation are not feasible for this type of project. The Project Description (Section 3.0 in the DEIR) indicates that the southern-most building will be almost 400 feet from the closest existing residences to the southeast (i.e., separated by several detention basins), and will be visually screened by landscaping. These project design features will help buffer the residences from the proposed warehouses.

It is at the discretion of the City to approve or disapprove this requested General Plan Amendment. If the City approves the project, it will have to adopt a Statement of Overriding Considerations and demonstrate that the various benefits of the project (e.g., economic, employment) outweigh or override its significant environmental impacts.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast. This alternative plan would substantially reduce visual impacts for the residences southeast of the project site.

Response to Comment 11. The Project Description does state that…"*Existing single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the project site.*" (Draft EIR page 3-1). However, the commenter is incorrect regarding project distances and conclusions drawn from those errors. That reference is to the property boundary only, and not to buildings or truck-use areas proposed for the project. The reference of 200 feet on page 4.1-1 of the Draft EIR should actually be 50 feet to the property boundary, as outlined below, and will be corrected in Final EIR, Section 3.0, *EIR Errata and Additions*.

The Draft EIR clearly states that…"*The nearest existing sensitive land uses are single-family residences located approximately 50 feet southeast of the southern boundary of the project site, approximately 395 feet southeast of the proposed warehouse buildings, and approximately 664 feet southeast of the loading docks*." (Draft EIR page 4.3-17, 4th paragraph). The commenter may be confused by the terms used to characterize the spatial relationship of the project to the existing *residences. The residences are 50 feet from the project's* <u>*property line*</u>*, but Figure 1.2 and the Project Description (page 3-7) indicated there will be several large detention basins in the southern portion of the site that will act as a buffer and separate truck activities of the project from the residences to the southeast. As stated in the DEIR and demonstrated on the project site plan, the residences would be 395 feet from the* closest proposed warehouse <u>building</u>, and 664 feet from the closest proposed <u>loading dock</u>. We hope this clarification resolves the commenter's concern in this regard.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast. Warehouse buildings under the less intensive modified plan are 1,515 feet from the nearest existing residential neighborhood (southwest), and 1,636 feet from the existing neighborhood at the southeast corner. The less intensive modified plan also provides a 250-foot buffer between the nearest warehouse truck court and future residential uses.

Response to Comment 12. The commenter is correct, General Plan Objective 2.5 and its polices do not directly relate to community aesthetics, but the analysis in Section 4.1.6 clearly focuses on the other objectives and policies that are more directly related to aesthetics.

Response to Comment 13. The commenter is incorrect, the Draft EIR does address potential lighting impacts (Draft EIR, Section 4.1.5.1, *Light and Glare)*, but determines that the impacts will be less than significant with implementation of the project as proposed, and with implementation of the City's Municipal Code relative to industrial lighting. Night time views are discussed, since that is when nighttime lighting would be visible. The main reason these impacts will be less than significant is that the actual buildings of the project will be almost 400 feet away from the closest residence (to the southeast). The project plans show walls around the southwest corner and along the southern boundary of the project, which will block lights from vehicles in these areas adjacent to Buildings 5 and 6. Security lighting for the building would be on during all nighttime hours (i.e. overnight) but would also be shielded by walls and compliance with the City's Municipal Code requirements for night lighting of non-residential buildings (see below). With the proposed setback, walls, landscaping, and potential lighting impacts will be less than significant, as indicated in the Draft EIR.

All development in the City, which includes light generated from warehouse buildings and parking lots, is required to adhere to lighting requirements contained in the City's Municipal Code (Section 9.08.100 Lighting), which states that any outdoor lighting associated with nonresidential uses shall be shielded and directed away from the surrounding residential uses. Such lighting shall not exceed one-half foot-candle at all property lines and shall not blink, flash, oscillate, or be of unusually high intensity or brightness. Lighting in parking areas and drive aisles must be at least 1.0 foot-candle and cannot exceed a maximum of 8 foot-candles. Adherence to the City's Zoning Code would ensure that any building or parking lighting would not significantly impact adjacent uses. Therefore, impacts associated with this issue are less than significant, and no mitigation is required, so the additional measures recommended by the commenter are not needed.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR

(and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast. This alternative plan would substantially reduce lighting impacts for the residences southeast of the project site.

Response to Comment 14. Page 4.1-20 of the Draft EIR clearly states…"*The City's Municipal Code (Section 19.05 and Table 9.05.040-8) establishes the number, location, height, and style of signage permitted within industrial zones. The submittal and approval of signs are required for all development in the City; therefore, it is reasonable to conclude that all on-site signs are internally compatible and consistent with the City's current signage standards. Adherence to City requirements would result in a less than significant visual impact in this regard. The existing General Plan and zoning designations for the site show low density residential*." Therefore, the commenter's statement about the EIR not evaluating impacts of signage is not correct.

Response to Comment 15. Yes, the commenter is correct that Table 3.B indicates a maximum building height of 50 feet for buildings 2 and 3, but the commenter fails to note that the line-of-sight analyses and renderings for these buildings (Building 2 = Figures 3.7B, 3.8B, and 3.8C, Building 3 = Figures 3.7C and 3.8D) clearly show these buildings would have a maximum height of 50 feet. The line-of-sight analyses show that the proposed Building 2 may impact views from the freeway of the lower slopes of Mt. Russell, but would not eliminate views of the upper slopes and open land to the southeast. Similarly, Building 3, and to some degree Building 6, may limit views from the nearby residential areas (to the southeast) toward Box Springs Mountain, but views of Mt. Russell, the Badlands, and open land to the east would remain. It should be noted that the EIR concluded that loss of views and other visual impacts would be significant.

Response to Comment 16. The reader should refer to Response to Comment D-3, No. 11 above regarding distances from the project and nearby residences.

Response to Comment 17. The commenter suggests that evaluation of the project's consistency with land use development requirements was not addressed and therefore the statement "the project appears to be consistent with the various Municipal Code requirements for the proposed land uses outlined in Section 4.1.2 related to landscaping, setbacks parking, storage, etc." is not supported. The quote from the Draft EIR was making the simple factual conclusion that the proposed project will be required to adhere to all applicable development standards contained in the City's Municipal Code, similar to any project in any municipality.

Response to Comment 18. The commenter is correct, the text of the paragraph will be corrected to reflect the determination in the environmental analysis in Section 4.2.5.1 under No Impact/Less than Significant Impacts, but the conclusions shown in the table reflect the correct conclusions (i.e., this agricultural impact is less than significant).

This has been corrected in Final EIR, Section 3.0, *EIR Errata and Additions,* but this minor editorial correction does not change the overall conclusion of the EIR that this impact is significant.

Response to Comment 19. The commenter is correct, and Response to Comment D-3, No. 18 above shows how the text in Table 1.C of the Executive Summary will be modified to account for this loss. This will be corrected in Final EIR, Section 3.0, *EIR Errata and Additions,* but this modification does not change the overall conclusion of the EIR that this impact is significant.

The loss of 0.4 percent of the PAKO as a result of this project is a minimal amount of change and does not constitute a significant impact, as indicated in the DEIR, Section 4.2.5.1 Conflict with Existing Zoning or a Williamson Act Contract, page 4.2-6.

Response to Comment 20. The commenter is correct, Farmland of Local Importance will be added to the text in Table 1.C, as shown below. In addition, the "(5.3 acres)" reference is a fragment should have been removed from the text because it does not refer to a formal agricultural designation.

> ***Impact 4.2.6.2 Conversion of State Designated Farmland:*** *The project site is designated as 67 percent Prime Farmland (82.5 acres) and 12 percent (39.8 acres) as Farmland of Local Importance ~~(5.3 acres)~~. While farmland conservation measures have been implemented in other areas of the State, neither the City of Moreno Valley nor Riverside County maintains a program that developers and property owners can participate in to offset agricultural resource impacts; therefore, the conversion of State designated Prime Farmland is a significant impact.*

This will be corrected in Final EIR, Section 3.0, *EIR Errata and Additions,* but this modification does not change the overall conclusion of the EIR that this impact is significant. The significance conclusion for each type of farmland is included in DEIR Section 4.2.6.1 Conversion of State Designated Farmland, pages 4.2-6 through 4.2-10.

Response to Comment 21. The commenter is correct, the correct LESA score for the project site is 85.3, as shown in Table 4.2.A – the other references will be corrected in Final EIR, Section 3.0, *EIR Errata and Additions,* however, these corrections do not change the overall conclusion of the EIR that this impact is significant. It should be noted that all of these scores represent a significant impact.

The Draft EIR already recognizes that the project would contribute to a cumulative impact on agricultural resources and concludes the following:

> *"The cumulative effect of development in the region will continue to result in the conversion of agricultural lands to non-agricultural uses. Because agricultural land, including Prime Farmland, is a finite resource, the conversion of 122.8 acres of farmland to industrial uses, combined with planned and future development in the City and region, represents a cumulative impact to agricultural operations and resources, and the proposed project's contribution to this cumulative impact through the conversion of 122.8 acres of farmland is cumulatively considerable."* (Draft EIR page 4.2-11)

Response to Comment 22. The potential mitigation measures identified in this comment are not considered to be feasible by the City of Moreno Valley as determined in the City's General Plan EIR. As identified in the Draft EIR (Section 4.1.6.1 Conversion of State Designated Farmland, page 4.1-13), "*Williamson Act contracts are entered into voluntarily by property owners and the City cannot force owners to participate in this program. The City does have the ability to encourage property owners to participate in Williamson Act programs; however, this is expected to result only in temporary preservation of agricultural land since property owners have the option of non-renewal of these contracts at any time after the ten-year contract period ends. The land would then be available to be developed with urban uses.*

Providing protection for ongoing agricultural activities from new developments, such as requiring buffers between agricultural operation and new development or requiring the notification and disclosure of agricultural activities to the purchasers adjacent properties will not permanently protect agricultural land.

The purchase or transfer of development rights, purchase of conservation easements, or donation of funds to assist in the conservation of agricultural land would need to be implemented to ensure the preservation of agricultural land. As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City's Development Code for all zoning categories. Moreno Valley has determined that these measures are economically infeasible based on

the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable. Furthermore, these measures are contrary to the City's vision (as stated in its General Plan) for the project site; therefore, they are not feasible and alternative mitigation has not been identified." Table B below contains the suggested mitigation measures by the commenter. The responses determine whether the Draft EIR contains the mitigation measure, if the mitigation will be added mitigation as part of the Final EIR, or if it will not be included and why.

Table B: Evaluation of Potential Agricultural Mitigation

Suggested Mitigation Measure	Response
1. The purchase of agricultural conservation easements	**Not Feasible.** Based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable. The site has been planned for developed uses since 1987, the City has recognized that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth and the current General Plan does not include any agricultural designations; therefore mitigation for the loss of agricultural land is not required. An easement does not compensate for the impact by replacing or providing substitute resources or environments (i.e., the easement would not create any new farmland where no farmland presently exists). See Fourth District Court of Appeal, *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 (*Cherry Valley*)
2. Transfer of development rights	**Not Feasible.** Based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable.
3. Acquisition of farmland by the city or county	**Not Feasible.** Based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable No mechanism for the mitigation of impacts to State-designated Farmland and/or existing agricultural operations has been enacted by either the City of Moreno Valley or the County of Riverside. Rather, the City has specifically recognized that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth. The current General Plan does not include any agricultural designations.
4. Mitigation banking	**Not Feasible.** Neither the City of Moreno Valley nor the County have a mechanism in place for mitigation banking. The site has been planned for developed uses since 1987, the City has recognized that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth and the current General Plan does not include any agricultural designations; therefore mitigation for the loss of is not required. In addition, there is not any agricultural zoned land in the City for the City or County to purchase.

Suggested Mitigation Measure	Response
5. The establishment of "urban limits," greenbelts, and buffers	**Not Feasible.** Will not result in permanent protection of agricultural lands. There is no mechanism for the mitigation of impacts to State-designated Farmland and/or existing agricultural operations has been enacted by either the City of Moreno Valley or the County of Riverside. Rather, the City has specifically recognized that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth. The current General Plan does not include any agricultural designations. Section 4.2.6.1 of the DEIR also outlines why local or regional mitigation in this regard is infeasible.
6. The payment of in-lieu fees sufficient to a purchase and maintain farmland conservation easements	**Not Feasible.** Based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable. An easement does not compensate for the impact by replacing or providing substitute resources or environments (i.e., the easement would not create any new farmland where no farmland presently exists). See (Fourth District Court of Appeal, *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 (*Cherry Valley*) In addition, there is not any agricultural zoned land in the City for the City or County to purchase and there is no existing fee program for farmland in the City.
7. Planning tools such as clustering development, use of density bonuses, and limiting "leapfrog" development	**Not Feasible.** Based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable. In addition the project is an industrial project on a site that has been planned for developed uses in the City's General Plan since 1987. This is not a residential project; therefore, clustering of development is not a feasible option on an industrial project. The proposed mitigation is not applicable. The project won't promote "leapfrog" development since the area surrounding the project site is developed.

Comment No. 3 in the letter from the Sierra Club (D-2) stated that…"*a developer recently donated $100,000.00 to the Riverside Land Conservancy to help mitigate for the loss of agricultural lands but fails to appropriately cite the information and identify the basis for determining the amount of agricultural lands lost in relation to this monetary amount.*". In discussion with Gail Egenes, Executive Director of the Riverside Land Conservancy, the agency does not have any established program to purchase agricultural easements or lands. Also, in consultation with the National Conservation Easement Database, Riverside County does not have any established agricultural easements.[1]

Contributions to Riverside County Land Conservancy or the San Jacinto Basin Resource Conservation District by private land owners are laudable but are not required as part of a City or regional mitigation plan for loss of agricultural land. Therefore, the decision whether to make any contributions in this regard would be at the discretion of the developer in consultation with the City.

The Fourth District Court of Appeal, *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 (*Cherry Valley*) addressed a challenge to an EIR for a project that would convert agricultural land to residential uses. Though recognizing the potential for mitigation in the form of agricultural "*conservation easements, Williamson Act preserve status, or temporary protection or conservation plans*," the EIR noted the long-term trend in agricultural land conversion in the region and concluded that mitigation was not feasible, and the court upheld the City's determination regarding the feasibility of mitigation. The court also examined the City and County General Plans,

[1] http://nced.conservationregistry.org/browse/map, accessed October 4, 2012.

which acknowledged that development pressures were constraining the continued viability of agriculture and included the expansion of housing, commercial and industrial land uses. The court then determined that the project was compatible with these planning documents. The court concluded that given the particular circumstances surrounding the project, such mitigation was infeasible and therefore was not required to be adopted. The project the site for the project addressed in the ProLogis EIR has been planned for developed uses since 1987, and the City has recognized in the General Plan that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth and the current General Plan does not include any agricultural designations; therefore mitigation for the loss of is not feasible and the EIR concludes that impacts are significant and unavoidable.

The trend of the reduction in agriculture in the Inland Empire is discussed in *Assessing the Economic and Market Trends Affecting Agriculture in the Western Inland Empire* prepared by Justin L. Adams, Ph.D. of Chang & Adams Consulting, September 2011 and *Economic Viability of Agriculture in the East Inland Empire* report prepared by CBRE Consulting, March 18, 2009. Both reports are provided in Appendices B and C to the Final EIR. This reduction in "farming" is due to pressures of the growth in the demand for housing and development and the transportation and warehousing sector; increased restrictions on water deliveries for agricultural uses after several consecutive drought seasons; higher wages in other industries in the region; strong agricultural competition from the southern Central Valley for dairies; increased regulatory pressures from air quality and local jurisdictions regarding particulate matter emissions and land use adjacency issues; and the trend in Riverside and San Bernardino Counties is for agricultural operations to continue to shift to places like Kern County regardless independent of land use policy due to the economic issues.

As stated in the Draft EIR, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding considerations. To be feasible, mitigation must be capable of being accomplished in a successful manner within a reasonable period of time, taking into account the economic, environmental, legal, social, and technological factors. Identification as to the infeasibility of mitigation measures suggested by the commenter has been provided in the Draft EIR. No mechanism for the mitigation of impacts to State-designated Farmland and/or existing agricultural operations has been enacted by either the City of Moreno Valley or the County of Riverside. Rather, the City has specifically recognized that the conversion of agricultural land under its jurisdiction is an eventual and expected outcome of current and future growth. The current General Plan does not include any agricultural designations. The City allows agricultural uses in all land use designations as an interim use until such time as the land is developed per the vision identified in the General Plan. One of the goals stated in the City's recent General Plan is the "…orderly conversion of agricultural lands." The proposed project is a continued extension of development in the surrounding area to the east and west (industrial/commercial/business park). The proposed project does not interfere with the ability of other adjacent properties to be used for agricultural production should the property owner wish to do so.

The potential mitigation measures identified by the City in its General Plan EIR and California Department of Conservation (CDC), which are listed in the Draft EIR (Section 4.1.6.1 Conversion of State Designated Farmland, pages 4.2-7 through 4.2-9), are not considered to be feasible by the City of Moreno Valley as determined in the City's General Plan EIR. Providing protection for ongoing agricultural activities from new developments, such as requiring buffers between agricultural operation and new development or requiring the notification and disclosure of agricultural activities to the purchasers adjacent properties will not permanently protect agricultural land. As identified in the Draft EIR, the City supports agriculture as an interim use within the City and no land is dedicated or designated for agricultural use or agricultural preservation within the City's jurisdiction. Land in the project area is classified as containing prime agricultural soils, but the City's General Plan does not designate these lands, including the project site, for preservation through the establishment of urban limits, greenbelts, and buffers that might result in permanent protection of agricultural land as none exists within the City. Areas where agriculture land use designations may exist that are outside of the

City limits cannot be preserved by the City of Moreno Valley as they are outside of the City's jurisdiction. The City's General Plan has acknowledged the analysis and conclusions of the County General Plan that mitigation for the loss of agricultural land is economically and practically infeasible due to ongoing costs to maintain agriculture in this area (see Appendix E in the Draft EIR).

As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City's Development Code for all zoning categories. The City of Moreno Valley has determined that these measures are economically infeasible based on the higher costs associated with land, water and labor, increased environmental regulation, and competition from neighboring regions where agricultural operations are less costly; thus, resulting in an inability to make farming profitable. Furthermore, these measures are contrary to the City's vision (as stated in its General Plan) for the project site; therefore, they are not feasible and alternative mitigation has not been identified.

Response to Comment 23. Response to Comment D-3, No. 22 outlines the City's position regarding the infeasibility of mitigation for loss of agricultural land. The City has repeatedly concluded that development projects within the City that remove agricultural land, even if that land carries a "significant" designation for farmland, cannot be mitigated at the local level and all the recommended measures would render the project financially infeasible, therefore the measures are infeasible. The assessment in Appendix E of the Draft EIR provides additional documentation why continued agriculture is not feasible in the Moreno Valley area.

It should also be noted that the research referred to by the commenter was conducted in the state of Vermont, so its information is not directly applicable to the California economy or local conditions affecting the viability of agriculture within a particular region. Nor does it take into account currently poor economic conditions in California

Response to Comment 24. According to Sergio San Martin of Facilities Planning for MVUSD, the Eucalyptus and Redlands sites have been abandoned.[1] The other two sites at Nason and Ironwood and Ironwood and Quincy have not yet been officially abandoned but are no longer being actively considered for the construction of new schools. It is at the School Board's discretion as to whether these two sites are abandoned, however; MVUSD staff has been directed to explore other potential sites. Therefore, it is no longer reasonably foreseeable that these two sites will be developed as future schools.

Response to Comment 25. The commenter referred to the following General Plan Policies allegedly relevant to air pollutant emissions. The following assesses the consistency of the project with those stated policies:

[1] *Resolution No. 2007-08-81*, Moreno Valley Unified School District Board of Education, approved April 15, 2008.

General Plan Goals, Objectives, and Policies	Project Consistency
Ultimate Goal VII: achieve a community which "Emphasizes public health and safety, including, but not limited to, police, fire, emergency and animal services and protection from floods and other hazards…."	The comment erroneously quotes an ultimate goal contained in the General Plan that addresses public safety issues such as police, fire, emergency and animal services and protection from natural hazards such as flooding. This goal is not associated with air quality. However, Sections 4.6 (Hazards) of the DEIR and the Initial Study for the project (Public Services) demonstrate that the proposed project will not result in any significant impacts to public health or safety as outlined in this goal.
Goal 6.1: To achieve acceptable levels of protection from natural and man-made hazards to life, health, and property.	The comment erroneously quotes a goal that addresses the Safety Element of the General Plan. This goal is not associated with air quality; however, various sections of the DEIR demonstrate that the proposed project will not result in any significant impacts to public health or safety from natural or man-made hazards, as outlined in this goal.
Objective 7.5: Encourage efficient use of energy resources.	The comment cites three policies within General Plan Objective 7.5. Consistency and/or applicability of these polices is as follows:
Policy 7.5.1: Encourage building, site design, and landscaping techniques that provide passive heating and cooling to reduce energy demand.	General Plan Policy 7.5.1 will be applied to the project through implementation of Mitigation Measures **4.3.6.5B** page 4.3-33 and 4.3-34, **4.3.6.6A** page 4.3-35, **4.13.6.1B** page 4.13-20, and **4.13.6.1C** page 4.13-21.
Policy 7.5.2: Encourage energy efficient modes of transportation and fixed facilities, including transit, bicycle, equestrian, and pedestrian transportation. Emphasize fuel efficiency in the acquisition and use of City-owned vehicles.	General Plan Policy 7.5.2 is related to alternative modes of transportation. The City considers this policy to be beyond the scope of this project-level EIR, because this is a citywide issue for the City to address and not this development project. The project has no control over the fuels used in City-owned vehicles.
Policy 7.5.5 Encourage the use of solar power and other renewable energy systems.	General Plan Policy 7.5.5 will be applied to the project through implementation of Mitigation Measure **4.3.6.6A** page 4.3-35.

The analysis demonstrates that the project is consistent with the two applicable General Plan goals, objectives, and policies cited in the comment. The three other goals, objectives, and policies cited in the comment are not applicable to the project and this project-level EIR; however, the project is consistent with Ultimate Goal VII and Goal 6.1 as outlined above. This analysis does not raise significant new issues, nor does it change the conclusions of the EIR regarding significant impacts.

Response to Comment 26. It is not clear what "record" the commenter is referring to. Perhaps the commenter is referring to the various Multiple Air Toxics Exposure Studies (MATES) performed by the SCAQMD over the last two decades? If so, these only document that the air quality is unhealthful in the majority of the South Coast Air Basin, they say nothing about any particular project's contribution to the level of toxic air contaminants in a region. The HRA included in the EIR examines the potential affect the project could have on the level of toxic air contaminants in the region of the project site and the resulting change in health risk levels and, as shown in the DEIR, Table 4.3.F on page 4.3-17in the DEIR, shows them to be all less than significant.

Response to Comment 27. The HRA modeled emissions from vehicles idling at all the project buildings and traveling along the roadways thru the project site and into the surrounding area as

described on Page 4.3-17 of the DEIR. While the modeling does not include dedicated emissions sources for the short distances from the loading docks along the building and the driveways onto Eucalyptus Avenue, the emissions sources that were included in the modeling for the truck movements include all emissions from vehicles as they travel. Thus, the HRA does not minimize any impact from project operations. The model incorporates building structures into the atmospheric propagation simulation only to determine changes to the propagation pattern due to disturbances in the flow from passing over buildings. The principal effect is that pollutant concentrations are higher from the building wake affect than they would be if the building was ignored. Changing the building height from 65 to 39 feet would only change the pollutant concentrations within 50 feet of so downwind of each building. There would be no change at the distance of any of the residences. Therefore, the analysis in the DEIR is conservative and protective of human health.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 28. The standard assumption for all HRAs, per the OEHHA, is that the 70-year lifetime risk assessment assumes that individuals would be away from the location of interest for 15 days out of the year, even though the on-site operations would occur over 365 days per year. The 350 days per year the comment refers to applies to the people living nearby, not to the project operations. This is what is meant by a full lifetime exposure in any HRA.

Response to Comment 29. The Environmental Summary Table 1.C was not updated properly and now is consistent with the results described in Section 4.3 Air Quality (refer to the Final EIR Errata). This update has no effect on any significance conclusions in the DEIR (refer to the Final EIR Errata). Both the Air Quality Analysis and Air Quality section of the EIR describe the health risks to existing and future residents separately and clearly. The peak cancer risk to existing residents to the north is identified in Table R of the Air Quality Analysis and in Table 4.3.F of the Air Quality section of the Draft EIR as 4.33 in 1 million. Section 4.3.5.4 of the EIR shows the peak cancer risk to future residents of a project proposed on the southern project boundary as 4.3 in 1 million. The threshold is 10 in one million so the 4.3 in 1 million does not exceed the threshold of significance.

The Draft EIR clearly identifies that …"*The nearest existing sensitive land uses are single-family residences located approximately 50 feet southeast of the southern boundary of the project site, approximately 395 feet southeast of the proposed warehouse buildings, and approximately 664 feet southeast of the proposed loading docks."* (Draft EIR page 4.3-17, 4th paragraph). The commenter may be confused by the terms used to characterize the spatial relationship of the project to the existing residences. The residences are 50 feet from the project's <u>property line</u>, but the Project Description (e.g., Figure 1.2) clearly shows there are several large detention basins in the southern portion of the site that will act as a buffer and separate truck activities of the project from the residences. As stated in the EIR and demonstrated on the project site plan, the residences would be 395 feet from the closest proposed warehouse <u>building</u>, and 664 feet from the closest proposed <u>loading dock</u>. We hope this clarification resolves the commenter's concern in this regard.

Additionally, the HRA was conducted using a grid of receptors covering about a mile in all directions from the center of the project site, as described on page 4.3-17 of the DEIR. Therefore, the project effects on health risk levels were determined at all locations throughout the region including the existing residence with the maximum health risk level and the proposed residence with the maximum health risk level, either of which may or may not be the closest to the project site.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 30. The EIR is tasked with determining the impact of the project on the environment, thus the HRA does this also. The ambient cancer risk is quite high for all of southern California, but this is independent of the project's operations. The HRA in the EIR identifies how the project's operational emissions will affect the health risk levels by the project's contribution to the ambient health risk. The following limits for maximum individual cancer risk (MICR), cancer burden and non-cancer acute and chronic hazard indices (HI) from project emissions of TACs have been established for the Basin:

- **MICR and Cancer Burden.** MICR is the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to TACs over a period of 70 years for residential and 40 years for worker receptor locations. The MICR calculations include multipathway consideration, when applicable. Cancer burden is the estimated increase in the occurrence of cancer cases in a population subject to a MICR of greater than or equal to one in one million (1.0×10^{-6}) resulting from exposure to TACs.

  The total increase in MICR that is the sum of the calculated MICR values for all TACs emitted from the project will not result in any of the following:

  (A) An increased MICR greater than 10 in 1 million (1.0×10^{-5}) at any receptor location (assumes the project will be constructed with T-BACT); or

  (B) A cancer burden greater than 0.5.

- **Chronic HI.** This is the ratio of the estimated long-term level of exposure to a TAC for a potential maximally exposed individual to its chronic reference exposure level. The chronic HI calculations include multipathway consideration, when applicable.

  The cumulative increase in total chronic HI for any target organ system due to total emissions from the project will not exceed 1.0 at any receptor location.

- **Acute HI.** This is the ratio of the estimated maximum one-hour concentration of a TAC for a potential maximally exposed individual to its acute reference exposure level.

  The cumulative increase in total acute HI for any target organ system due to total emissions from the project will not exceed 1.0 at any receptor location.

The DEIR concludes that the project contribution to the existing TAC conditions will be less than significant, as described on page 4.3-17 and shown in Table 4.3.F.

Response to Comment 31. The HRA includes an assessment of the health risks to workers using standard OEHHA assumptions, including an 8 hour workday and a 40 year work career for workers, which likely results in an over-estimate of cancer risk. Thus, the assumptions in the analysis are conservative and err on the side of overestimating impacts.

See also Response No. 13 in the letter D-2 from the Sierra Club.

Response to Comment 32. The HRA modeling only allows for one emission rate for the diesel engines to represent the entire 70-year period from opening year (2013) until 2083. The available emissions factors model (EMFAC) only has factors thru 2040. Thus, there is no information available about how the diesel emissions will change from 2040 until 2083. It is pure guesswork to predict how the diesel emissions will change over this period. To assume that the emissions during this 43-year

period will not change at all is a very conservative assumption – there is a real possibility that all diesel engines will have been replaced by an alternative power source before 2083 resulting in zero diesel particulate emissions. Selecting the best year between 2083 and 2013 to represent the average is somewhat arbitrary – the median is 2048, outside the range of available factors. EMFAC incorporates many of the regulations some expectations of technological improvements that result in lower emissions over the period from the 1990s thru 2040, however it does not include everything – for instance it does not include the law just passed in August 2012 that sets the average mileage of cars and light trucks to 54.5 miles per gallon by 2025. While this does not include the heavy-duty trucks the HRA is focused on, it is an indication that there will be aggressive regulations in the future reducing these diesel emissions below what is in the EMFAC model. While using the emissions factors for 2040 as an average is not optimal due to the higher existing emissions, using 2013 factors as an average is unreasonably conservative also. In our best engineering judgment, 2025 is the best set of emissions factors to represent this complicated issue.

Response to Comment 33. While the project construction may continue for longer than 4 months, the ultra-conservative screening HRA included in the EIR focuses on the emissions from the very large diesel-powered equipment involved in the project construction. As shown in Table E of the Air Quality Analysis, the Site Preparation phase is expected to continue for 18 days and the Grading phase for 44 days, totaling about 3 months. The use of the very large diesel-powered equipment will be intense for these two phases and then drop off dramatically during the remainder of the construction process. Thus, assuming that the use of these very large diesel-powered equipment will occur continuously for 4 months is a conservative representation of the total construction process and appropriate for this screening-type of HRA.

Response to Comment 34. The staffs of the Air Resources Board (ARB) and the Office of Environmental Health Hazard Assessment (OEHHA) have been evaluating diesel exhaust since 1989 under California's air toxics program, for potential identification as a toxic air contaminant (TAC). Diesel exhaust entered the AB 1807 process in October 1989 and has undergone an extensive evaluation. Diesel exhaust was entered into the process because it has potential cancer and non-cancer health effects and widespread exposure in California. The International Agency for Research on Cancer (IARC) had listed diesel exhaust as a "probable" human carcinogen and the U.S. Environmental Protection Agency (U.S. EPA) had begun an evaluation of both the cancer and non-cancer health effects. The ARB and the OEHHA gave priority to the evaluation of diesel exhaust because it met the TAC program criteria related to potential risk of harm to public health, amount of emissions, exposure and use, and persistence in the atmosphere.[1] All HRAs that include diesel PM as a TAC of concern consider all recognized health impacts.

Response to Comment 35. See Response to Comment D-3, No. 34 above.

Response to Comment 36. The HRA included the concept from the OEHHA indicating that both the prenatal and postnatal life stages can be, but are not always, much more susceptible to developing cancer than the adult life stage. The HRA included age sensitivity factors (ASFs) for these age windows that vary by chemical, gender and species, thus the analysis accounted for impacts to the entire population, children and adults. ASFs for prenatal, postnatal, and juvenile exposures are complicated by the limited database of chemicals and studies available for analysis, and the broad distribution of results for different chemicals. The EPA and OEHHA have proposed to apply a default ASF of 10 for the third trimester to age 2 years, and a factor of 3 for ages 2 through 15 years to account for potential increased sensitivity to carcinogens during childhood (adults 16 and older need no adjustment factor), and applied these to all carcinogens, regardless of the theorized mode of action. Thus, for the 70-year cancer assessment in the Draft EIR, the cancer risk adjustment factor (CRAF) used was 1.7 [(10*2.25/70)+(3*14/70)+54/70 = 1.7].

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[1] CARB, 1998, *Proposed Identification Of Diesel Exhaust As A Toxic Air Contaminant.*

Response to Comment 37. See Response to Comment D-3, No. 36 above. The Air Quality Analysis described the inclusion of the cancer risk adjustment factor as prescribed by the ARB and OEHHA.

Response to Comment 38. The HRA in the EIR overview in Section 4.3 Air Quality, details in the Air Quality technical report in Appendix B, followed all current guidance from the EPA, ARB, OEHHA and other state agencies to insure that the health of all residents and other sensitive receptors affected by construction and operational emissions from the project are protected. Source: EPA, *Air Toxics Strategy*, July 1999; ARB, *AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation*, August 27, 2007; OEHHA, *Air Toxics Hot Spots Program Risk Assessment Guidelines*, August 2003; SCAQMD, *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis*, August 2003.

Response to Comment 39. As the EIR found that all impacts from project-related diesel PM are less than significant without the use of "buffers and other methods"; none of these are necessary to protect the health of all residents and other sensitive receptors affected by construction and operational emissions from the project.

Response to Comment 40. Comment noted. The exhibit cited is the SCAQMD guidance document *Final-Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds*, which is provided for the Localized Significance Threshold (LST) portion of the air quality analysis. The air quality analysis in the DEIR cited this resource and complied with it.

Response to Comment 41. The EIR discusses consistency in detail. It says "*the proposed project would require a General Plan Amendment that would change the General Plan designations for a portion of the project site from Residential to Business Park/Light Industrial. The project also proposes an amendment to the Circulation Element of the General Plan." and "Implementation of the proposed project would require a zone change from Business Park (BP), Business Park Mixed Use (BPX), Multi-Family Residential (R-15), Suburban Residential (R-5), and Residential Agriculture (RA-2) to Light Industrial for the entire 122.8 acres.*" "*Because the project site is located in a nonattainment air basin for ozone, PM10 and PM2.5, the proposed project's emission of ozone precursors (CO, ROG, and NOX), PM10 and PM2.5 would contribute to the existing nonattainment status in the Basin. Thus, according to the SCAQMD Consistency Criterion No. 1, the proposed project in not consistent with the AQMP*."

Response to Comment 42. Table 4.3.I of the Draft EIR has a note stating "includes both fugitive and exhaust sources" and the conceptual grading plan for the project indicates that the earthwork will be largely balanced on site and only 200 cubic yards of soil importation is expected. This small amount of soil import will require minimal truck trips which are included in the general construction vehicle calculations.

Response to Comment 43. While no phasing of construction is required of the project, normal construction operations are conducted in phases – grading cannot begin until site preparation is completed, building construction cannot begin until grading is completed, etc. As shown in Table E of the Air Quality Technical Report in Appendix B, the construction analysis conservatively assumed that the building construction, architectural coating and paving phases could all overlap. The peak daily emissions shown in Table 4.3.I of the DEIR reflect this conservative assumption. Note that the DEIR concluded that construction air quality impacts remained significant and unavoidable with mitigation."

Response to Comment 44. Section 5.1.4 of the air quality technical study (Draft EIR Appendix B) clearly explains that guidance provided by SCAQMD was followed in which all construction phases were considered in the LST analysis. See the Response to Comment 43 concerning construction phasing. As described in the Air Quality Technical Report in the DEIR Appendix B, Section 5.1.4, the grading phase was determined to be the construction phase of concern for the LST analysis by

following the SCAQMD guidance on applying CalEEMod modeling results to LST analyses; *Fact Sheet for Applying CalEEMod to Localized Significance Thresholds*, available at www.aqmd.gov/ceqa/handbook/lst/CalEEModguidance.pdf.

Response to Comment 45. While the DEIR analyzes project operational emissions assuming that the project could operate 24 hours per day, 7 days per week, the construction of the project will not occur 24 hours per day. As pointed out by the commenter, noise regulations alone restrict construction operations to 14 hours per day. Current project plans are to build the project following a typical daily construction schedule, which is what is built into the CalEEMod model and was used in the air quality analysis."

Response to Comment 46. See Response to Comment D-3, No. 44 above.

Response to Comment 47. SCAQMD Rule 402 regarding nuisances states: "A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property." Construction operations do not typically result in Rule 402 violations, due to the subjective nature of odor and the need for such odor to 'cause injury, detriment, nuisance, or annoyance to any considerable number of persons'. There is nothing about the proposed project construction that is expected to result in any odor other than those associated with typical construction operations.

Response to Comment 48. LST screening analyses use SCAQMD provided tables for significance determination. The tables provided include data for 1, 2 and 5 acre project sites. The LST emissions thresholds grow larger with larger site areas; using an LST threshold for an area smaller than the actual area (5 acres verses 121 acres) results in lower emissions thresholds than would occur if the entire site was considered. In other words, a 5-acre project is allowed to emit up to 270 lbs/day of NO_x. A 121 acres project would be allowed a much higher daily NO_x emission rate. Thus, using the 5 acre threshold for the proposed project site is conservative.

Response to Comment 49. Based on the results of the air quality study for the project, the mitigation measure as written in the DEIR specifies *"…contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors."* Presumably the commenter is suggesting that this distance should be increased to 1,000 feet. The 200-foot distance was selected after analysis in the project air study determined that construction impacts could be reduced to less than significant levels through imposition of this setback. The commenter has provided no evidence or substantiation why this distance should be increased to 1,000 feet.

Response to Comment 50. The mitigation measure states "…*power sources (e.g., power poles)".* Clean fuel is a standard phrase used to describe fuels that release fewer emissions when used in internal combustion engines compared to standard fuels. A "clean-fuel generator" is a generator configured to burn a clean fuel, thus releasing fewer emissions than a generator burning standard fuels.

Response to Comment 51. Mitigation Measure 4.3.6.2C has been updated to specify Tier III equipment for all phases of construction and for all equipment where technologically available.

Response to Comment 52. The text of the mitigation measure states that it is "per SCAQMD guidelines", showing that this is a requirement for all projects. It is included for completeness and for monitoring purposes.

Response to Comment 53. The commenter first states that Mitigation Measure 4.3.6.2H is not a mitigation measure then allows that the bulk of the measure is a proper mitigation measure. However, the measure has been amended as follows:

4.3.6.2H *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and ~~during smog season (May through October)~~ ~~by~~ shall not* allow~~ing~~ *construction equipment to be left idling for more than five minutes (per California law).*

Response to Comment 54. The text of the mitigation measure states that it is "as required by the California Air Resources Board (CARB)", showing that this is a requirement for all projects. It is included for completeness and monitoring purposes.

Response to Comment 55. Notations to construction documents are how a specified change to the normal construction methods and procedures are documented and to support enforcement. Without notations, no one onsite during construction knows what action or procedure should be enforced. However, in Mitigation Measure 4.3.6.2J has been amended to take out "notations and "where feasible" has been changed to "if available" or "where available" because it is not certain at the time the mitigation is implemented whether the types of fuels and/or construction equipment specified will be available.

4.3.6.2J *Grading plans, construction specifications and bid documents shall also include the following ~~notations~~ requirements:*

- *Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High-pressure injectors shall be provided on diesel construction equipment ~~where feasible~~ if available;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where ~~feasible~~ gasoline powered equipment is available;*
- *Use electric construction equipment where ~~feasible~~ it is practical to use such equipment;*
- *Install catalytic converters on gasoline-powered equipment where ~~feasible~~ this type of equipment is available;*

- *Ride-sharing program for the construction crew ~~shall be encouraged and~~ shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch vendor services shall be ~~provided~~ allowed on site during construction to minimize the need for off-site vehicle trips; and*
- *All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered.*

Response to Comment 56. Mitigation Measure 4.3.6.2K has been revised to include a response time.

4.3.6.2K *Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues within 24 hours.*

Response to Comment 57. Mitigation Measure 4.3.6.2H requires construction equipment to limit idling, Measure 4.3.6.2L only requires signs be posted so that equipment operators are aware of the limit.

Response to Comment 58. The word "should" has been removed and replaced with "shall" in Mitigation Measure 4.3.6.3A.

4.3.6.3A *Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or ~~should~~ shall maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).*

Response to Comment 59. The project has no ability to affect the control of emissions from mobile sources as these are entirely under the control of State and federal authorities. The only means available to the project to affect mobile source emissions is to reduce their use, either by reducing numbers of vehicles or the distance they drive. The project does discuss these options but concludes that due to the magnitude of the calculated emissions, neither of these means that are available would reduce mobile emissions sufficiently to even approach the emissions thresholds. Thus, while mitigation is proposed (Mitigation Measures 4.3.6.5A and 4.3.6.5B) to reduce the numbers of vehicles and the distance they drive no quantification of the emissions reductions was attempted.

Specific air quality mitigation suggestions provided by the commenter are addressed in Response to Comment 60, below.

Response to Comment 60. See also Response to Comment D-3, No. 59 above. In addition, a number of activities requested by the SCAQMD have been incorporated into the mitigation measures for air quality (see Final EIR, Section 3.0, *EIR Errata and Additions)*.

Feasible mitigation measures, including several identified in the list provided by the commentor, have been already included as mitigation for the project and are identified in the Draft EIR. The Table

below contains each of the mitigation measures suggested for inclusion by the commentor and if it is already included in the Draft EIR, if will be added mitigation as part of the Final EIR, or if will not be included and why. Mitigation Measures 4.3.6.5B and 4.3.6.6A are intended to be suggestions for the developer to choose from to reduce energy consumption by 10% above Title 24 standards (refer to Response to Comment D-3, No. 109, below).

Table A: Comparison of Suggested Mitigation Measures to Project Mitigation

Suggested Mitigation Measure	Response
1. Preferential parking for employee vanpooling/ carpooling	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
2. Bicycle parking facilities	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33 and **Mitigation Measure 4.3.6.6A** on page 4.3-36.
3. Bus turnouts	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5A** on page 4.3-33.
4. Install low-emissions water heaters	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
5. Require construction of buildings to exceed Title 24 by 20+ percent	**Not Included.** The EIR indicates the project will exceed Title 14 energy standards by 10 percent which is considered adequate for this type of building and based on the most recent changes to the State Green Building Code, including Title 24. This mitigation is discussed in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
6. Install central water heating systems	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
7. Require use of energy-efficient appliances	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
8. Require increased insulation	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
9. Require use of automated controls for air conditioners	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
10. Require use of energy-efficient parking lot lighting.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
11. Require use of lighting controls and energy – efficient lighting.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
12. Require use of low-VOC interior and exterior coatings during any project repainting.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33 and **Mitigation Measure 4.3.6.4A** on page 4.3-31.
13. Require on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the number of vehicle trips.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
14. Require installation of skylights and energy-efficient lighting that exceeds current California Title 24 standards where feasible,	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.

Suggested Mitigation Measure	Response
including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.	
15. Require installation of fans to assist natural ventilation.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
16. Require planting of shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site to minimize the heat island effect and thereby reduce the amount of air conditioning required.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
17. Install central water heating systems	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
18. Require use of energy-efficient appliances	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
19. Install low-emissions water heaters	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
20. Require planting of shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site to minimize the heat island effect and thereby reduce the amount of air conditioning required.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33 and **Mitigation Measure 4.3.6.6A** on page 4.3-35.
21. Require installation of centralized water and space conditioning systems or, alternatively, high efficiency individual heating and cooling units.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
22. Require installation of automatic setback thermostats.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33.
23. Require the incorporation of the following to reduce energy demand associated with potable water conveyance through the following methods: • Require incorporation of drought-tolerant plants into the landscaping palette; and • Require incorporation of water-efficient irrigation techniques.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
24. Require installation of energy-efficient low-pressure sodium parking lot lights or equivalent as determined by the City;	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-34.
25. Increase in insulation such that heat transfer and thermal bridging is minimized.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35
26. Limit air leakage through the structure or within the heating and cooling distribution	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under

Suggested Mitigation Measure	Response
system to minimize energy consumption.	**Mitigation Measure 4.3.6.6A** on page 4.3-35
27. Incorporate dual-paned or other energy-efficient windows.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35
28. Incorporate energy-efficient space heating and cooling equipment.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35
29. Interior and exterior energy-efficient lighting which exceeds the California Title 24	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35.
30. Energy Efficiency performance standards shall be installed.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35 for water heating and space heating.
31. Install automatic devices to turn off lights when they are not needed.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35.
32. Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-33 and **Mitigation Measure 4.3.6.6A** on page 4.3-35.
33. Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35.
34. All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design, and shall incorporate renewable electricity systems.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-35.
35. The project shall implement a landscaping palette emphasizing drought tolerant plants.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-34 and **Mitigation Measure 4.3.6.6A** on page 4.3-36.
36. The project shall implement use of water-efficient irrigation techniques.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5B** on page 4.3-34 and **Mitigation Measure 4.3.6.6A** on page 4.3-36.
37. The project shall implement EPA Certified WaterSense labeled for equivalent faucets and high-efficiency toilets (HETs).	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
38. The project shall establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.

Suggested Mitigation Measure	Response
39. The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36.
40. Lease/purchase documents shall require the implementation of the following mitigation measures by contract specification: • SmartWay partnership: Achieve at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long haul trips carried by SmartWay carriers. • Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay carriers. • Install of catalytic converters on all gasoline-powered equipment. • Include to the greatest extent feasible electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets. • Establish and encourage use of carpool/vanpool programs through methods such as vouchers. • Require a charge for parking fees for single-occupancy vehicles. • Provide preferential parking for EV and CNG vehicles consisting of at least 15% of parking stalls. • Require use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance where technologically feasible. • Require use of only electric (instead of diesel or gasoline-powered) yard trucks. • Require that all trucks within the fleet be SmartWay rated.	**Included.** This suggested mitigation measure is already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.6A** on page 4.3-36. Note that because the end user is not known at this time, the developer can only commit to language in the lease/purchase documents.

Response to Comment 61. Threshold 3(c) is discussed in Section 4.3.6.2 of the Air Quality section (page 4.3-22).

Response to Comment 62. Threshold 3(c) is discussed in Section 4.3.6.2 of the Air Quality section (page 4.3-22).

Response to Comment 63. The analysis was done in compliance with SCAQMD methodology (SCAQMD California Environmental Quality Act (CEQA) Air Quality Handbook [SCAQMD 1993]). The SCAQMD thresholds have been developed in recognition of air district ambient conditions. EIR Section 4.3.7 discusses the cumulative air quality impacts of project construction and operations in detail. Other than the Moreno Valley Auto Mall and the Wal-Mart center to the west of the project site, the project site region is currently residential, farmland or undeveloped. The majority of the land uses that would go into a cumulative analysis are not sufficiently documented to allow a comprehensive quantitative evaluation of cumulative impacts. The project traffic study includes what data is available for these proposed projects when projecting future cumulative traffic impacts and this data is included in the air quality analysis of CO Hotspots, thus to the extent possible, the EIR does quantitatively assess cumulative impacts.

Response to Comment 64. The commenter is incorrect; the potential impacts to birds are discussed at length in Section 4.4.6.1 (Biological Resources) of the Draft EIR. Loss of the project site will incrementally impact migratory and passerine birds, but the EIR clearly indicates a lack of resources on the project site to support birds (i.e., no onsite standing water sources, no trees sufficient for perching or nesting, regular disturbance by human activity, and disking for weed abatement). Migratory birds and passerine birds are not considered significant biological resources on this site, so they were not mentioned in the Executive Summary. Development of this site would incrementally reduce foraging opportunities on this site for raptors, passerine, and migratory bird species. However, there are thousands of acres of dry farm agricultural land, Mystic Lake, and the San Jacinto Wildlife Area east of the project site that would provide significant foraging resources for birds compared to the project site.

Regarding Mitigation Measure 4.4.6.1A, the introduction to the “Mitigation Measures” section clearly states the following measures have been identified to reduce the significance of potential impacts to migratory bird species and the burrowing owl. Mitigation Measure 4.4.6.1A clearly addresses nesting (migratory) birds, which measures 4.4.6.1B and 4.4.6.1C clearly address impacts to burrowing owls.

Response to Comment 65. The CDFG’s 2012 “Staff Report on Burrowing Owl Mitigation” supersedes its 1995 Staff Report, not the Burrowing Owl Consortium’s “Burrowing Owl Survey Protocol and Mitigation Guidelines,” which has been commonly followed for burrowing owl surveys and mitigation since released in 1993. The CDFG continues to list the Burrowing Owl Consortium’s 1993 guidelines on its internet page of “Survey and Monitoring Protocols and Guidelines” (http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). The CDFG’s 2012 Staff Report indicates that its recommended setback buffers are “general guidelines” and “should be adjusted to address site-specific conditions.” Mitigation measure 4.4.6.1C follows the Burrowing Owl Consortium’s recommendation of a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season. The CDFG’s comments on the Draft EIR regarding burrowing owl (letter from Jeff Brandt, CDFG, to Jeff Bradshaw, City of Moreno Valley, August 28, 2012) do not indicate concern or disagreement with these buffer distances. In addition the site is subject to the provisions of the Western Riverside County MSHCP, in which burrowing owl relocation requires project-specific approval from CDFG. If burrowing owls are found on the site, they will be moved only with CDFG approval. Mitigation measure 4.4.6.1C indicates that if burrowing owls are found on “the project site or immediate vicinity,” the avoidance measures of 4.4.6.1C, including the buffers, will be taken. This will ensure that burrowing owls that may be found adjacent to the project site are not harmed by project-related activities. Impacts to burrowing owl habitat are covered under the MSHCP

providing that the project follows MSHCP requirements. For burrowing owl, these requirements include conducting burrowing owl surveys and relocating burrowing owls found within impact areas. Mitigation for impacts to burrowing owl habitat is required only if the project site is within the MSHCP Criteria Area or if the project site and adjacent habitat support three or more pairs of burrowing owls. The project site is not within the MSHCP Criteria Area. A focused burrowing owl survey was conducted and the site was not found to support any burrowing owls. Burrowing owl mitigation is therefore focused on avoiding take of individual burrowing owls that may move onto the site rather than on burrowing owl habitat preservation or restoration.

Response to Comment 66. The commenter is incorrect, Sections 4.4.6.2 and 4.4.6.3 of the Draft EIR clearly identifies the potential impacts of development on the 3 onsite drainage features, including the Quincy Channel. The mitigation measures do not defer mitigation, but rather specify who, when, and how the implementation of the measures will occur, as required by CEQA.

Regarding SAWA, the commenter is being argumentative. SAWA is a separate governmental unit from the City of Moreno Valley, so the City cannot “force” SAWA to use impact fees for specific purposes. However, it is the express goal of SAWA to use in lieu fee contributions for drainage impacts to acquire/maintain riparian/riverine habitat within the Santa Ana River basin. In fact, they are the most appropriate organization to collect and administer use of these fees, since they were formed specifically to help improve water quality and riparian/riverine habitat along the Santa Ana River and its tributaries. It should also be noted the offsite mitigation language relative to SAWA has been modified to reflect the most current implementation measures of the project DBESP report.

Response to Comment 67. The commenter is incorrect, Section 4.4.6.2 of the Draft EIR clearly identifies the impacts of development on the 3 onsite drainage features, including the Quincy Channel, and also specified the onsite protection of the Quincy Channel and the minimum amount of offsite mitigation required to offset the loss of the other two erosional drainage features.

Mitigation Measure 4.4.6.2B only provides more specific guidance of implementing Mitigation Measure 4.4.6.2A and for subsequent permitting of these actions. These measures do not defer mitigation, but rather specify when and how the implementation of the measures will occur, as required by CEQA.

Response to Comment 68. The commenter is incorrect. The project does not impact federal wetlands, as clearly demonstrated by Table 4.4.D in Section 4.4.6.3 of the Draft EIR. The table shows that the project will have minimal impacts on non-wetland land under the jurisdiction of the Army Corps or Regional Water Quality Control Board (0.054 acre temporary and 0.051 acre permanent), and also relatively small impacts to land under the jurisdiction of the State Department of Fish and Game (0.35 acre temporary, 0.36 acre permanent). Mitigation Measure 4.4.6.3A requires the project to obtain the appropriate federal and/or state permits for these impacts, subject to subsequent permitting approval processes by these agencies. As previously discussed in Responses to Comments D-3, Nos. 66 and 67 above, the proposed mitigation in the EIR will make sure impacts on these drainage features are less than significant. The commenter has provided no data or material supporting his opinion to the contrary. To reflect the most current implementation measures of the project DBESP, Mitigation Measures 4.5.6.2A, 4.5.6.2B, and 4.5.6.3A were modified based on comments by CDFG.

Response to Comment 69. Section 4.4 of the Draft EIR concluded that all potential impacts of the project on biological resources were either less than significant, or could be reduced to less than significant levels by implementing the recommended mitigation measures. The commenter provided no data or support to his opinion as to why the less than significant impacts of the project would contribute to significant cumulative impacts. This conclusion is incorrect, especially in light of the regional protection for biological resources provided by the MSHCP.

Response to Comment 70. The design of the proposed project is consistent with the edge treatment measures identified in the DBESP document (see Draft EIR Appendix E). This conclusion is supported by the analysis of indirect impacts in the MSHCP consistency analysis report (also in Draft EIR Appendix E). Based on these analyses, lighting and noise will not have significant impacts on any biological resources, and the commenter has not provided any empirical data or evidence to support his opinion in this regard.

"The MSHCP was conceived, developed, and is being implemented specifically to address the direct, indirect, cumulative, and growth-related effects on covered species resulting from build out of planned land use and infrastructure, including the proposed project." (DEIR page 4.4-9). In addition, page 4.4-32 of the DEIR states that…"Project construction will contribute to the incremental loss of mule fat scrub and non-native grassland in the region, including potential habitat for some special status species. Cumulative impacts potentially include habitat fragmentation, increased edge effects, reduced habitat quality, and increased wildlife mortality. The MSHCP provides a comprehensive approach to the regional conservation of these habitats and, as a regional plan, serves to provide mitigation for cumulative impacts to covered species. Project compliance and consistency with the MSHCP ensures that any cumulative impacts to covered species are effectively mitigated. Special status species that are not covered by the MSHCP also benefit from the surveys, conservation, and other measures of the MSHCP because they occupy many of the same habitats. Therefore, the proposed project will not make a significant contribution to any cumulatively considerable impacts to biological resources." The EIR does examine these impacts, and determines that compliance with the MSHCP will be sufficient to mitigate any potential impacts in this regard. The EIR clearly demonstrates that, other than the Quincy Channel, there are no important biological resources in the immediate vicinity of the project site, so potential indirect impacts are negligible. In addition, the EIR concluded that the design of the project, implementation of project mitigation, and payment of MSHCP mitigation fees, would be sufficient to reduce potential biological impacts of the project to less than significant levels.

Response to Comment 71. Moreno Hills Complex is not an accepted term according to the Office of State Historic Preservation. "District" is the most appropriate term; however, no such District has been formally established. What is being suggested in the comment is commonly referred to as the "landscape approach" but lacking the designation of a District no landscape considerations can be applied (although the Pechanga increasingly apply the landscape approach in their dealings with cities and developers).

Response to Comment 72. Most municipalities require that archaeologists meet either County of Riverside or Secretary of the Interior qualifications. Letter A-4 (Response to Comment 2) from the Pechangua Band of Luiseno Indians clarifies the procedures to be taken under Mitigation Measures 4.5.6.1A through 4.5.6.1E. This letter also repeated the City's position that while it encourages developers to work with the tribes, it does not require developers to hire Native American monitors. Since the status of Native American monitors cannot be clarified at this point, their level of authority is undefined. This letter also clarifies the curation procedures that will be carried out as artifacts are recovered and leaves with the tribes the decision regarding whether or not to curate or re-bury on the project. Mitigation Measures 4.5.6.1A has been revised requiring the monitor meet Secretary of Interior standards. Mitigation Measure 4.5.6.1B has been revised to require that work cease in that area if a resource is found.

Again, note that the wording of Mitigation Measures 4.5.6.1A through 4.5.6.1E have been modified as shown in Response 3 in Letter A-4 from the Pechanga Band to address concerns of both Native American groups regarding archaeological mitigation.

Response to Comment 73. The mitigation for paleontological resources is not deferred and is commonly used as standard mitigation when there are potential paleontological resources onsite that may be uncovered during excavation activities. The City of Moreno Valley requires that the

paleontologists meet the standards of Riverside County and the Society for Vertebrate Paleontology. The San Bernardino County Museum in Redlands is well equipped to accept and curate paleontological specimens.

Response to Comment 74. Without an accepted, defined District using a landscape approach does not work either since there are no accepted boundaries for determining a cumulative area. Based on ethnographic studies we could use a 800 sq. km area or greater, but a more realistic cumulative boundary might be what is inside the 1-mile diameter of the record search area. The cumulative "universe" or boundary assumed for potential cumulative impacts for cultural resources is the City limits, as this is the largest area under control of the lead agency, and this area is supported as appropriate for a cumulative analysis in the City's General Plan EIR as well. Regardless, the EIR clearly concludes, the proposed project will not have a significant impact on cultural resources and will not have a cumulative impact on cultural resources whether the cumulative area is the City limits or the entire ethnographic region.

Response to Comment 75. The commenter is incorrect – the project hydrology study clearly shows that post-development flows will be equal or less than pre-development conditions with construction and maintenance of the proposed detention basins. Each building area will have its own basin, and the four basins across the southern boundary of the site will help assure that offsite flows will not exceed existing runoff volumes. The Final Hydrology Study is required by the City development review process to more accurately characterize drainage conditions based on the final building and property development plans. However, the final plans must be consistent and are based on the draft hydrology plan included in Appendix G-1 of the Draft EIR. Therefore, potential flooding impacts will be less than significant, as indicated in Sections 4.7.5.2 and 4.7.5.3 of the Draft EIR.

Response to Comment 76. As demonstrated in Response to Comment D-3, No. 75 above, the commenter is incorrect - the project will <u>not</u> cause significant drainage or flooding impacts. The project hydrological analysis clearly shows that offsite runoff in the post-development condition will not exceed pre-development conditions for downstream land uses. Therefore, the project is not expected to make any contributions to cumulatively considerable flooding impacts in this area.

The analysis in Section 4.7, *Hydrology and Water Quality*, of the DEIR also determined that the project would not result in significant water quality impacts either onsite or for downstream properties, so the project is also not expected to make any contributions to cumulatively considerable water quality impacts in this area.

Response to Comment 77. While it is correct that soil sampling last occurred in 2004, the commenter is incorrect that this requires additional soil testing. The site has lain fallow since that time, and the only farming that has occurred in the non-citrus portions of the site have been dry farming which does not require the application of pesticides or other agricultural chemicals. In fact, the site has not even been dry farmed for several years, and the onsite ruderal vegetation has only been managed for weed abatement purposes. In addition, the citrus trees have not been commercially harvested, nor have they been irrigated or maintained as a commercial activity (i.e., no pesticides or other agricultural chemicals applied). The commenter has provided no evidence why the 2004 soil samples need to be updated. For the purposes of CEQA review, the City considers the information provided in the Draft EIR to be accurate.

Response to Comment 78. The commenter is incorrect; the Draft EIR does address removing the trail segment along the Quincy Channel north of Eucalyptus Avenue. When this trail segment was first proposed, there was an under-crossing of the SR-60 planned that would allow a trail connection to be constructed along the Quincy Channel north of the freeway. Since that time, the City has eliminated that potential under-crossing, which means the segment of the trail along the channel north of Eucalyptus Avenue would not connect to any other trail. Therefore, the ProLogis project is proposing the trail follow the north side of Eucalyptus Avenue when it is realigned through the proposed project.

There would then be a continuous trail up the Quincy Channel from the south to Eucalyptus Avenue, then the trail would go east and west along the north side of Eucalyptus Avenue. A similar trail improvement was required of the Westridge project approved just east of the proposed project. The EIR discusses potential conflicts with the "improve air quality and promote energy efficiency" section of the RTP in Section 4.8.7 of the Land Use and Planning chapter, page 4.8-18.

Response to Comment 79. It is true the project will remove some amount of potential affordable housing, and it will add more warehousing in this portion of the City. The project would also contribute to more warehousing City-wide (i.e., the southern portion of the City has an industrial specific plan). However, the comments regarding the significance of the impact are the opinion of the commenter and will have to be decided by the City Council. If the City decides to approve this project, it would have to adopt a Statement of Overriding Considerations to document that the benefits of the project (e.g., employment, revenues) outweigh the significant impacts of the project, as required by CEQA.

Table 3.C clearly identifies 6.65 million square feet of industrial projects in eight locations within the City (Sites 5, 6, 8-13). This list does include the WestRidge and Highland Fairview Corporate Park ("Skechers") projects, but does not include World Logistics Center project of 41.6 million square feet of industrial space because that project was not proposed when the Notice of Preparation for this ProLogis project was prepared in 2008, which is the baseline time at which cumulative projects are established for an EIR analysis.

Response to Comment 80. The noise impact study was conducted based on applicable City noise standards, including those identified in the City's Municipal Code and General Plan Noise Element indicated on pages 4.9-5 through 4.9-9 in the DEIR, and provided disclosure of potential noise impact areas. Specific comments on the noise study are addressed in Responses 81-93.

Response to Comment 81. The dominant on-site noise generating activity is the truck maneuvering during the loading/unloading operations at the loading docks. These noise-generating activities include trucks moving in the loading dock, idling, unloading or loading, moving out of the loading dock, and leave the site. The noise impact analysis was based on the site plan and land use assumptions for the proposed LADP development to determine that the closest distance between the loading/unloading area and the future residences to the south. This distance is approximately 280 feet. Other activities associated with the trucks on-site would be traveling at slow speed (15 mph) to get in and out of the site or to move to the designated parking area. This activity generates much lower noise level and last much shorter time when compared to the activities occurring within the loading dock area. Therefore, evaluating the potential truck-related noise within the loading dock area represents the worst case scenario.

It should be noted that noise from on-site operations, including loading/unloading and onsite maneuvering, have been adequately evaluated at the nearest noise-sensitive land uses and no significant noise impacts were identified. Similarly, even though individual truck noise from trucks driving on public streets is not regulated by the local governments (city or county), project-related traffic noise level increases along roadway segments in the project vicinity were shown to be less than 3 dBA and would not be perceptible by the human ear.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

Response to Comment 82. The 3 dBA increase was not identified in the noise impact analysis as a threshold on page 4.9-2 in the DEIR. Rather, it was stated that "audible impacts that refer to

increases in noise levels noticeable to humans generally refer to a change of 3 dB or greater, since this level has been found to be barely perceptible in exterior environment. It should be noted that, every doubling of the sound energy from the source would result in a 3 dBA increase in sound level. This would mean that, given everything else remains the same, the traffic volume needs to be doubled to cause an increase of 3 dBA in traffic noise. For noise level changes that are not perceptible by the human ear, they would not cause any audible change and would therefore not result in any significant noise impacts. The City's noise thresholds were identified in DEIR Section 4.9.2, Existing Policies and Regulations (pages 4.9-5 to 4.9-8), where an exterior noise level of 60 to 65 dBA CNEL/Ldn and an interior noise level of 45 dBA CNEL/Ldn were identified for residential uses, as well as a maximum source land use noise level for residential uses is 60 dBA during daytime hours (7 a.m. to 10 p.m.) and 55 dBA during the nighttime hours (10 p.m. to 7 a.m.). For commercial source land uses, the maximum noise level is 65 dBA during daytime hours and 60 dBA during nighttime hours. (Source: Chapter 11.80.030, Table 11.80.030-2, City of Moreno Valley Municipal Code, City of Moreno Valley).

Response to Comment 83. The City's Municipal Code, Table 11.80.030-2, Maximum Sound Levels for Source Land Uses states that, "…restricts noise levels above 55 dBA at night and 60 dBA during the day in residential areas, when measured at a distance of 200 feet or more from the real property line of the source of the sound if the sound occurs on privately owned property, …" Therefore, it is clear that the City's Municipal Code specifically indicates that measurement of the source noise levels would be "at a distance of 200 feet or more from the real property line of the source of the sound". For this project, the nearest residences are at a distance of 664 feet or more from the project (sound source) site. Evaluating the noise level at the nearest residential uses meets the City's definition specified in the Municipal Code.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast. This alternative plan would substantially reduce noise impacts from warehousing for the residences southeast of the project site.

Response to Comment 84. The City's noise thresholds for transportation sources were identified in the DEIR Section 4.9.2, Existing Policies and Regulations (pages 4.9-5 to 4.9-8), where an exterior noise level of 60 to 65 dBA CNEL/Ldn and an interior noise level of 45 dBA CNEL/Ldn were identified for residential uses, For industrial land uses, the City identifies 70 dBA CNEL as the acceptable exterior noise threshold. Most of the roadway segments in the project vicinity would have up to 2.0 dBA increase in traffic noise as a result of the project-related traffic. This range of traffic noise level increases would not be perceptible by the human ear in an outdoor environment. The only exception is along Eucalyptus Avenue between Moreno Beach Drive and Redlands Boulevard, where the project-related traffic noise level increases would be from 2.5 to 13.6 dBA under the Existing With Project Conditions and from 4.5 to 13.3 dBA under the 2012 With Project Conditions. Since this segment of the road goes or will go through industrial land uses and vacant land, the City's noise standard for industrial land uses of 70 dBA CNEL was used. The 70 dBA CNEL noise contour would be confined to within the roadway right-of-way, therefore, there would be no significant traffic noise impact on land uses along the road.

Response to Comment 85. The City has separate noise standards regulating mobile (traffic) and stationary (on-site operational activity) noise sources in its General Plan Noise Element and Municipal Code. Therefore, noise from different sources is analyzed based on the noise regulations applicable to the activity generating it. The City's noise standards regulating traffic noise are those from the General Plan Noise Element in terms of the 24-hour weighted community noise equivalent level (CNEL) to protect residents during the more sensitive evening and nighttime hours from noise

exposure. The CNEL noise metric is averaged and weighted over a 24-hour period, so it is not practical or feasible to combine the CNEL with the short-term, intermittent noise events associated with stationary sources such as truck loading/unloading activities or activity in the parking lot. Chapter 9.03.040 of the City's Planning and Zoning Code states that in all residential districts, air conditioners, heating, cooling, and ventilating equipment and all other mechanical lighting or electrical devices shall be operated so that noise levels do not exceed 60 dBA (L_{dn}) at the property line. The City's Municipal Code, Section 9.10.140, specifies that all commercial and industrial uses shall be operated so that noise created by any loudspeaker, bells, gongs, buzzers, or other noise attenuation or attracting devices shall not exceed 55 dBA at any one time beyond the boundaries of the property. Chapter 11.80.030, Table 11.80.030-2, City of Moreno Valley Municipal Code, sets a maximum source land use noise level for residential uses as 60 dBA during daytime hours (7 a.m. to 10 p.m.) and 55 dBA during the nighttime hours (10 p.m. to 7 a.m.). For commercial source land uses, the maximum noise level is 65 dBA during daytime hours and 60 dBA during nighttime hours. The City does not have noise standards regulating stationary sources such as on-site loading/unloading activities, therefore, the percentile exceedance levels (Ln) recommended in the State's Modal Community Noise Ordinance, which represent the noise levels that were exceeded for N percent of the time during the one-hour analysis period, are used in the analysis (DEIR, page 4.9-21 under Long-term Operational Noise Impacts for Truck Loading/Unloading Operations) Because the adjacent future development had no final plans available at the time the noise impact study was conducted, the future potential noise impact from on-site operations was evaluated separately using the best assumptions available at the time the noise impact analysis was conducted. The closest possible loading/unloading area was used for on-site operations adjacent to the future planned residential uses.

Response to Comment 86. Please refer to Responses to Comments D-3, Nos. 84 and 85 above for traffic noise impact analysis. Also, please refer Response to Comment D-3, No. 85 on the use of separate noise standards from different noise sources. Please refer to the Response to Comment D-3, No. 83 on the noise level analyzed at the nearest residential property line, rather than the project's own property line. The proposed on-site building would function as a noise barrier for receivers on the opposite side of the noise source. As a rule-of-thumb, a noise barrier that blocks the line-of-sight between the noise source and the receiver would provide at least a 5 dBA in noise reduction (Based on Caltrans Technical Noise Supplement (TeNS, Caltrans, November 2009), for every 2 feet increase in barrier height, an additional 1 dBA noise reduction would be achieved). Since the building would be at least 10 feet above ground and is much higher than the barrier height that barely blocks the line-of-sight, it would provide noise attenuation higher than 5 dBA.

Response to Comment 87. The noise impact analysis evaluated existing and future ambient noise level increases by the project-related traffic on roadway segments in the project vicinity, and determined that no significant noise impacts would occur, partly since the majority of the roadway segments would not have noise level increases that are audible in the outdoor environment and partly since there are no sensitive land uses along the roadway segments with relatively large project-related traffic and the projected noise levels would not exceed the exterior noise standards for the land uses along these segments (industrial uses and vacant land). The City's noise thresholds for transportation sources were identified in 4.9.2, Existing Policies and Regulations (Pages 4.9-5 to 4.9-8), where an exterior noise level of 60 to 65 dBA CNEL/Ldn and an interior noise level of 45 dBA CNEL/Ldn were identified for residential uses, For industrial land uses, the City identifies 70 dBA CNEL as the acceptable exterior noise threshold. Most of the roadway segments in the project vicinity would have up to 2.0 dBA increase in traffic noise as a result of the project-related traffic. This range of traffic noise level increases would not be perceptible by the human ear in an outdoor environment. The only exception is along Eucalyptus Avenue between Moreno Beach Drive and Redlands Boulevard, where the project-related traffic noise level increases would be from 2.5 to 13.6 dBA under the Existing With Project Conditions and from 4.5 to 13.3 dBA under the 2012 With Project Conditions. Since this segment of the road goes or will go through industrial land uses and vacant land, and the noise standard for industrial land uses, the 70 dBA CNEL noise contour would be confined to within the roadway right-of-way and would not impact these industrial land uses, there

would be no significant noise impact on land uses along the road. Therefore, no significant traffic noise impacts would occur. Similarly, for on-site operational noise sources, even though the ambient noise level would increase as a result of the project operations, no noise-sensitive land uses would be exposed to noise levels that exceed the City's noise standards for such uses.

Response to Comment 88. Please refer to the response for Response to Comment D-3, No. 87 for the existing noise levels in the project vicinity. The City's General Plan Noise Element (or any other Element) does not have noise level restrictions specified for construction activity. The City's Municipal Code, Chapter 11.80.030, prohibits grading activities between the hours of 8:00 p.m. and 7:00 a.m. and prohibits construction activities from 8:00 p.m. to 6:00 a.m. during the week and between 8:00 p.m. and 7:00 a.m. on weekends and holidays. However, it does not specify any upper noise limits for construction activity. Compliance with the construction hours specified in the City's Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code, mitigation measures 4.9.6.1A through 4.9.6.1D have been identified to reduce the noise levels that would expose nearby sensitive receptors to high construction noise.
It should be noted that the noise levels obtained from the 1987 edition of Noise Control for Buildings and Manufacturing Plants (Bolt, Beranek & Newman, 1987) represent a conservative analysis for construction equipment. Because of technology advancement, most current day construction equipment emits lower noise levels compared to the 1987 version.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast. This alternative plan would substantially reduce noise impacts from warehousing for the residences southeast of the project site.

Response to Comment 89. The City's General Plan Noise Element (or any other Element) does not have noise level restrictions specified for construction activity. Policy 6.5.2 only states that construction activities shall be operated in a manner that limits noise impacts on surrounding uses. The City's Municipal Code, Chapter 11.80.030, prohibits grading activities between the hours of 8:00 p.m. and 7:00 a.m. and prohibits construction activities from 8:00 p.m. to 6:00 a.m. during the week and between 8:00 p.m. and 7:00 a.m. on weekends and holidays. However, it does not specify any upper noise limits for construction activity. Compliance with the construction hours specified in the City's Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code, Mitigation Measures 4.9.6.1A through 4.9.6.1D have been identified to reduce the noise levels that would expose nearby sensitive receptors to high construction noise.

Response to Comment 90. Please refer to Response to Comment D-3, No. 89 above on construction activity meeting the City's requirements identified in its Municipal Code and to limit noise closest to the existing residences. Mitigation Measure 4.9.6.1D has been amended as follows:

4.9.6.1D. *During ~~all~~ project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities ~~that would result in high noise levels~~ to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer for specific construction activities that must be conducted outside of the permitted time periods.*

For activities that would be conducted inside the building/structure and would not result in any noise annoyance to off-site land uses, they can occur outside of the hours specified in the Municipal Code.

Response to Comment 91. According to the project noise assessment, none of these measures would be required for noise mitigation purposes.

No significant construction noise impacts would occur if construction of the proposed project would occur within the permitted hours of 6:00 a.m. to 8:00 p.m. of any working day, and within the permitted hours of 7:00 a.m. and 8:00 p.m. on weekends and federal holidays. Compliance with the construction hours specified in the City's Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code. Mitigation Measures 4.9.6.1A – 4.9.6.1D were identified in the Draft EIR to ensure that the City's City's noise standards are implemented.

As indicated in the noise impact study, no noise barriers would be required during project construction (DEIR, page 4.9-26 under Construction Noise Impact nor are they required during operation of the proposed project (DEIR, page 4.9-24 under Combined Noise Levels from On-site Stationary Sources). The proposed project will comply with all mitigation measures identified and comply with applicable federal, State, and City guidelines.

Response to Comment 92. The noise impact analysis has evaluated the project's cumulative impacts from both mobile and stationary sources. For example, based on all available information and provided future projected traffic noise along roadway segments in the project vicinity under the Project Buildout (2035) and General Plan Buildout conditions. As shown in Tables 4.9.J through 4.9.M on pages 4.9-15 to 4.9-20 of the DEIR, project-related traffic noise level increases under these two scenarios would be 1.3 dBA or less and the proposed land uses would not be significantly impacted by the future traffic noise in the project vicinity. Furthermore, on DEIR pages 4.9-20 through 4.9-24, with a worst-case scenario of all on-site stationary noise sources occurring at the same time with their maximum noise level, the maximum noise level measured at 200 feet from the project's southern boundary would be 55 dBA L_{max}. Although this "combined" noise level is not likely to occur due to the intermittent nature of theses noise events, if it occurs, it would still not exceed the City's 55 dBA L_{max} nighttime standard for residential uses. Therefore, no significant cumulative noise impacts were identified, either from mobile or from stationary noise sources.

Response to Comment 93. After review, the LSA Noise Assessment Group determined that none of these references provide additional relevant information to determine the project's noise impacts in a more accurate or appropriate manner. All project-related mobile and stationary noise sources have been evaluated and compared to noise standards applicable to these different noise sources. No additional or overlapping noise analysis is required to confirm the findings in the noise impact analysis.

Response to Comment 94. The City of Moreno Valley uses a more restrictive, higher truck generating rate for high cube warehouses (buildings over 200 KSF). The total trip generation of the project used in the analysis is higher than that if the analysis was purely based on ITE rates.

Response to Comment 95. The commenter is incorrect - the analysis does not use a plan to plan comparison and uses the trips from the proposed project in the analysis. The "Without Project" analyses for all scenarios are based on conditions where the proposed site is vacant. Therefore, the comparison between without and with project conditions is comparing no development on site with the proposed project. An existing plus project analysis has also been included which evaluates the impacts of the project on existing physical conditions.

Response to Comment 96. LOS is a metric used by traffic engineers throughout the state to evaluate traffic conditions. LOS is based on delay and is a function of traffic volumes and capacity at intersections. Section 4.11.1.3 of the DEIR explains the concept of LOS. In addition, the Traffic Study also includes v/c ratios as requested by the commenter.

Response to Comment 97. In terms of traffic, most of the trips are using the SR-60 freeway. The routes from the project to the SR-60 freeway do not pass through existing and future residential areas or schools with the proposed change to the Circulation Element. An examination of school locations in the area did not show any schools with direct access to the freeway. The entire traffic analysis is based on the concept of Passenger Car Equivalents (PCE) which converts trucks to an equivalent number of passenger cars to correctly evaluate impacts of trucks which can be larger and slower than passenger cars. The traffic impacts of trucks sharing the road with passenger vehicles have been adequately analyzed.

Response to Comment 98. The following table provides an analysis of the project's consistency with, or the inapplicability of, the various transportation-related policies cited on pages 4.11-11 to 4.11-14 of the Draft EIR. Please note that this additional information does not result in identification of new or severe impacts.

City General Plan Policies/Objectives	Project Consistency
Community Development Element	
Policy 2.2.17: Discourage nonresidential uses on local residential streets that generate traffic, noise, or other characteristics that would adversely affect nearby residents.	As identified on page 4.11-37 in the Draft EIR, the project proposes to eliminate the planned Quincy Street connection to the north of proposed Eucalyptus Avenue. Elimination of the Quincy Street connection creates a physical barrier between the proposed project's industrial uses and the nearby residential uses, and will help to segregate and prevent truck traffic from entering future residential streets.
Circulation Element	
Objective 5.1: Create a safe, efficient, and neighborhood-friendly street system.	The project is an industrial development and as such does not fall under a "neighborhood" as used in the General Plan. The project will construct roadways along its frontage to City standards. See response to Policy 2.2.17.
Policy 5.1.1: Plan access and circulation of each development project to accommodate vehicles (including emergency vehicles and trash trucks), pedestrians, and bicycles.	Access and circulation for the project will accommodate vehicles (including emergency vehicles and trash trucks), pedestrians, and bicycles.
Policy 5.1.2: Plan the circulation system to reduce conflicts between vehicular, pedestrian, and bicycle traffic.	The project will construct roadways and sidewalks to City Standards. The City Standards are developed to create safe conditions.
Policy 5.1.3: Require adequate off-street parking for all developments.	The project provides off street parking based on City standards.
Policy 5.1.4: Driveway placement shall be designed for safety and to enhance circulation wherever possible.	The project will construct driveways to City Standards. The City Standards are developed to create safe conditions.
Policy 5.1.5: Incorporate Americans with Disabilities Act (ADA) and Title 24 requirements in roadway improvements as appropriate.	City Standards include both ADA and Title 24 requirements
Policy 5.1.6: Design new developments to provide opportunity for access and circulation to future adjacent developments.	Adjacent vacant land will be provided access.
Objective 5.2: Implement access management policies.	Roadways will be constructed per City Standards that incorporate various access

City General Plan Policies/Objectives	Project Consistency
	management policies.
Policy 5.2.1: Locate residential units with access from local streets. Minimize direct residential access from collectors. Prohibit direct single-family driveway access on arterials and higher classification roadways.	See the response above for Objective 5.2. This policy is inapplicable to the proposed industrial project.
Policy 5.2.2: Feed short local streets into collectors.	See the response above for Objective 5.2. This policy is inapplicable to the proposed industrial project.
Policy 5.2.3: Encourage the incorporation of traffic-calming design into local and collector streets to promote safe vehicle speeds.	See the response above for Objective 5.2. This policy is inapplicable to the proposed industrial project.
Objective 5.3: Maintain LOS C on roadway links, wherever possible, and LOS D in the vicinity of SR-60 and high employment centers.	As identified on page 4.11-5 in the Draft EIR, the traffic study prepared for the project utilized a level of service standard of LOS D for all City intersections and roadways analyzed in the traffic study, with the exception of Moreno Beach Drive/Cottonwood Avenue, at which the level of service standard of LOS C was used. For all signalized ramp terminus intersections on SR-60, the level of service standard of between LOS C and LOS D was used. As identified on pages 4.11-31, 4.11-32, 4.11-33, 4.11-35, and 4.11-37 in the Draft EIR, all impacts to City intersections are mitigated to less than significant levels with mitigation.
Policy 5.3.1: Obtain right-of-way and construct roadways in accordance with the designation shown on the General Plan Circulation Element Map and the City street improvement standards.	The project will be required to construct adjacent half street sections in accordance with City street improvement standards. Although the project will not construct Encilia Avenue, the project will preserve right-of-way along the south project boundary to allow Encilia Avenue to be constructed in the future in accordance with the designation shown on the General Plan Circulation Element Map and the City street improvement standards.
Policy 5.3.5: Ensure that new development pays a fair-share cost to provide local and regional transportation improvements and to mitigate cumulative traffic impacts. For this purpose, require new developments to participate in Transportation Uniform Mitigation Fee (TUMF), the Development Impact Fee Program (DIF), and any other applicable transportation fee programs and benefit assessment districts.	As identified on pages 4.11-31, 4.11-32, 4.11-33, and 4.11-35 in the Draft EIR, the project applicant shall implement transportation improvements, either through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of Moreno Valley.
Policy 5.3.6: Where new developments would increase traffic flows beyond the LOS C (or LOS D, where applicable), require appropriate and feasible mitigation measures as a condition of approval. Such measures may include extra right-of-way and improvements to accommodate left-turn and right-turn lanes at intersections, or other improvements.	See response to Objective 5.3. All impacts to City intersections are mitigated to less than significant levels with mitigation.
Policy 5.3.7: Provide consideration to projects that have overriding regional or local benefits that would be desirable even though the LOS standards cannot be met. These projects would be required to analyze traffic impacts and mitigate such impacts to the extent that it is deemed feasible.	See response to Objective 5.3. All impacts to City intersections are mitigated to less than significant levels with mitigation. Impacts to freeway ramps and freeway segments cannot be mitigated and would remain significant and unavoidable until such time that

City General Plan Policies/Objectives	Project Consistency
	improvements are constructed. Caltrans does not have a mechanism for development projects to contribute to improvements on State Highways and the City has no control over when and how regional freeway improvements will be constructed.
Objective 5.4: Maximize efficiency of the regional circulation system through close coordination with State and regional agencies and implementation of regional transportation policies.	As identified on page 4.11-30 in the Draft EIR, the traffic study includes analysis of regional transportation facilities. These facilities are funded by the Transportation Uniform Mitigation Fee (TUMF), which establishes jurisdictional fair-share contributions for regional transportation facilities (e.g., freeway interchanges, regional arterials, and railroad grade separations) in western Riverside County. The following improvements within the project area are included in the TUMF program: • SR-60/Moreno Beach Drive Interchange reconstruction • SR-60/Redlands Boulevard Interchange reconstruction
Policy 5.4.1: Coordinate with Caltrans and the Riverside County Transportation Commission (RCTC) to identify and protect ultimate rights-of-way, including those for freeways, regional arterial projects, transit, bikeways, and interchange expansion.	See response to Objective 5.4~~.1~~.
Policy 5.4.2: Coordinate with Caltrans and the RCTC regarding the integration of Intelligent Transportation Systems (ITS) consistent with the principles and recommendations of the Inland Empire Regional ITS Architecture Project.	See response to Objective 5.4~~.1~~.
Objective 5.5: Maximize efficiency of the local circulation system by using appropriate policies and standards to design, locate, and size roadways.	Roadways for the project have been sized per the City's General Plan Circulation Element. A General Plan Amendment is being processed to address the location of Encilia Avenue.
Policy 5.5.3: Prohibit points of access from conflicting with other existing or planned access points. Require points of access to roadways to be separated sufficiently to maintain capacity, efficiency, and safety of the traffic flow.	Project driveways are spaced to provide sufficient sight distances to maintain the capacity, efficiency and safety of traffic flow.
Policy 5.5.4: Wherever possible, minimize the frequency of access points along streets by the consolidation of access points between adjacent properties on all circulation element streets, excluding collectors.	The project consolidates driveways wherever possible.
Policy 5.5.5: Design streets and intersections in accordance with the Moreno Valley Municipal Code.	The project will be required to construct adjacent half street sections in accordance with City street improvement standards.
Policy 5.5.8: Whenever possible, require private and public land developments to provide on-site and off-site improvements necessary to mitigate any development-generated circulation impacts. A review of each proposed land development project shall be undertaken to identify project impacts to the circulation	See response to Objective 5.3 and Policy 5.3.6.

City General Plan Policies/Objectives	Project Consistency
system. The City may require developers to provide traffic impact studies prepared by qualified professionals to identify the impacts of a development.	
Policy 5.5.9: Design curves and grades to permit safe movement of vehicular traffic per applicable Caltrans and Moreno Valley standards.	The project will be required to construct adjacent half street sections in accordance with City street improvement standards, including appropriate curve radii standards.
Policy 5.5.10: Provide adequate sight distances for safe vehicular movement at all intersections and driveways.	The project will be required to construct adjacent half street sections in accordance with City street improvement standards, including appropriate site distance provisions.
Objective 5.8: Encourage development of an efficient public transportation system for the entire community.	This objective is inapplicable to the proposed industrial project, because this is an objective oriented to an efficient public transportation system within the City, and is larger than a project level initiative. The project will provide bus bays in the area where RTA requests them.
Policy 5.8.1: Support the development of high-speed transit linkages, or express routes, that would benefit the citizens and employers of Moreno Valley.	See the response above for Objective 5.8. This policy is inapplicable to the proposed industrial project.
Policy 5.8.4: Ensure that all new developments make adequate provision for bus stops and turnout areas for both public transit and school bus service.	The project will provide bus bays in the area where RTA requests them.
Objective 5.10: Encourage bicycling as an alternative to single occupant vehicle travel for the purpose of reducing fuel consumption, traffic congestion, and air pollution.	This objective is inapplicable to the proposed industrial project, because this is an objective oriented to promoting bicycling within the City and is larger than a project level initiative. However, the project will provide bike lanes on Eucalyptus Avenue and also provides bike parking to facilitate alternative transportation should employees desire to bike to work.
Policy 5.10.1: Bikeways shall link residential neighborhood areas with parks, employment centers, civic and commercial areas, and schools.	The project provides bike parking to facilitate alternative transportation should employees desire to bike to work.
Objective 5.11: Eliminate obstructions that impede safe movement of vehicles, bicyclists, and pedestrians.	The project will construct roadways based on City standards, which consider all modes of travel and their safety.
Policy 5.11.2: Driveways shall be designed to avoid conflicts with pedestrian and bicycle travel.	The project will construct driveways to City Standards. The City Standards are developed to create safe conditions.
Program 5-1: Periodically review current traffic volumes, traffic collision data, and the pattern of urban development to coordinate, program, and as necessary revise the planning and prioritization of road improvements.	This program is inapplicable to the proposed industrial project, because this is a program for the City to review traffic data for the purposes of revising the transportation plan and for prioritizing roadway improvements within the City.
Program 5-2: Periodically reassess the goals, objectives and policies statements of the Circulation Element and propose amendments, as necessary.	This program is inapplicable to the proposed industrial project, because this is a program for the City to reassess the Circulation

City General Plan Policies/Objectives	Project Consistency
	Element as necessary.
Program 5-3: Develop a comprehensive strategy to ensure full funding of the circulation system. The strategy will include the DIF, TUMF, and other funding sources that may be available to the City. In addition, the creation of benefit assessment districts, and road and bridge fee districts may be considered where appropriate.	This program is inapplicable to the proposed industrial project, because this is a program for the City to develop a comprehensive strategy to ensure full funding of the circulation system using the DIF, TUMF, other funding sources, benefit assessment districts, and road and bridge fee districts.
Program 5-4: Develop a multi-year transportation infrastructure improvement program that, to the extent feasible, phases the construction of new projects in advance of new development.	This program is inapplicable to the proposed industrial project, because this is a program for the City to develop a multi-year transportation infrastructure improvement program.
Program 5-5: The above-referenced program will prioritize circulation improvement projects to be funded from DIF, TUMF and other sources. Prioritization to consider the following factors: (a) Traffic safety; (b) Congestion relief; (c) Access to new development; and (d) Equitable benefit.	This program is inapplicable to the proposed industrial project, because this is a program for the City to develop a multi-year transportation infrastructure improvement program with prioritized circulation improvements.
Program 5-6: Conduct studies of specified arterial segments to determine if any additional improvements will be needed to maintain an acceptable LOS at General Plan build-out. Generally, these segments will be studied as new developments are proposed in their vicinity. Measures will be identified that are consistent with the Circulation Element designation of these roadway segments, such as additional turn lanes at intersections, signal optimization by coordination and enhanced phasing, and travel demand management measures. The study of specified arterial segments will be required to identify measures to maintain an acceptable LOS at General Plan build-out for at least one of the reasons discussed below: (a) Segments will need improvement, but their ultimate volumes slightly exceed design capabilities. (b) Segments will need improvements but require inter-jurisdictional coordination. (c) Segments would require significant encroachment on existing adjacent development if built out to their Circulation Element designations.	This program is inapplicable to the proposed industrial project, because this is a program for the City to conduct studies of specified arterial segments to determine if any additional improvements will be needed to maintain an acceptable level of service at General Plan build-out.
Program 5-7: Establish traffic study guidelines to deal with development projects in a consistent manner. The traffic study guidelines shall include criteria for projects that propose changes it the approved General Plan land uses.	This program is inapplicable to the proposed industrial project, because this is a program for the City to establish traffic study guidelines. The City has traffic study guidelines and the analysis was conducted in accordance to these guidelines.
Program 5-13: Implement Transportation Demand Management (TDM) strategies that reduce congestion in the peak travel hours. Examples include carpooling, telecommuting, and flexible work hours.	Similar mitigation measures are already included in Section 4.3 Air Quality of the Draft EIR under **Mitigation Measure 4.3.6.5A** on page 4.3-33, **Mitigation Measure 4.3.6.5B** on page 4.3-34, and **Mitigation Measure 4.3.6.6A** on 4.3-36.

Response to Comment D-3, No. 78 above explains why the project is proposing to remove the Quincy Channel trail link north of Eucalyptus Avenue (it does not connect to any trail to the north). The trail is proposed to be realigned through both the ProLogis and the WestRidge (located to the east of ProLogis project) projects to follow the north side of Eucalyptus Avenue, and then connect up to the Quincy Channel trail south of Eucalyptus Avenue. There would then be a continuous trail along the Quincy Channel from the south to Eucalyptus Avenue, then the trail would go east and west along the north side of Eucalyptus Avenue. A similar trail improvement was required of the Westridge project.

Response to Comment 99. It is correct that the Trails Commission has accepted the amendment to the Master Plan of Trails. However, the Trails Commission is not an approval body, and approval from the City Council will be required because the Master Plan of Trails is part of the General Plan.

Response to Comment 100. Beyond a delay of 100 seconds, the HCM analysis methodologies fail to accurately reflect increased delays. For future conditions, background traffic growth will lead to congestion and cumulative impacts. As development occurs, fees will be collected to improve the circulation system to accommodate growth in traffic. The project generates fewer trips than the current land use designation for the site. Therefore, the planned improvements included in the DIF and TUMF should be sufficient to mitigate cumulative impacts from this project, as other cumulative development occurs. As stated in Section 4.11.6.4, the project will mitigate its impacts to the existing plus project conditions, per CEQA.

Response to Comment 101. The City's DIF includes the General Plan Roadway system. Since the project generates less trips than those anticipated in the General Plan, the ultimate General Plan Roadway system will be sufficient to accommodate project traffic. As new development occurs, fees will be collected to improve the circulation system to accommodate growth in traffic. As stated in Section 4.11.6.4, direct project impacts will be mitigated by the project.

Response to Comment 102. As stated in Section 4.11.6.4, of the DEIR, the project will mitigate its direct impacts to intersections based on the Existing Plus Project analysis. Cumulative impacts will be mitigated by payment of TUMF, DIF and fair-share contributions.

Response to Comment 103. Potential project-related traffic noise impacts are determined based on the worst-case scenario, which is typically the build-out year that has the highest traffic volumes. Traffic noise impacts for the opening year are presented to show interim year project-related increases, which were found to be small and less than significant. Since overall traffic volumes would be higher in 2016 when compared to the overall traffic volumes in 2012, project-related contribution would be even smaller in 2016 compared to 2012. Therefore, the use of 2012 as the opening year would not affect the findings in the noise impact analysis since project-related traffic noise level increases in 2016 would be smaller than those identified in 2012. Noise impacts associated with on-site stationary sources, such as loading/unloading operations, would not be affected by the difference in opening year because they are analyzed with project buildout conditions for the worst case scenario on potential noise impacts on adjacent land uses. Therefore, no significant effect would occur for the difference in opening year in the noise impact analysis.

Response to Comment 104. The latest information from the County is that the Badlands landfill will close in 2024 not 2016, so the references to 2016 will be changed (see below). Therefore, the project will not have a significant impact on solid waste disposal services because the landfill will have adequate capacity to accommodate the proposed project's waste stream.

4.12.1.7 Cumulative Impacts to Solid Waste Services (Draft EIR p.4.12-5)

AB 939 mandates the reduction of solid waste disposal in landfills. While the Badlands Sanitary Landfill has an estimated closure date of ~~2016~~ 2024, as previously identified, the City's waste hauler will also use other County landfills in the area (e.g., Lamb Canyon Landfill and El Sobrante Landfill). The estimated closure date of the Lamb Canyon Landfill is 2023 and the estimated closure date of the El Sobrante Landfill is 2030. With planned expansion activities of landfills in the project vicinity and projected growth rates contained within the City's General Plan EIR, sufficient landfill capacity would exist to accommodate future disposal needs through City build out in 2030. Therefore, build out of the City General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant.

Response to Comment 105. The commenter is incorrect. A comprehensive Water Supply Assessment was prepared for this project, which was extensively discussed in Section 4.12.2.6.2 of the Draft EIR. That analysis evaluated available water supplies compared to current and future projected conditions under a variety of scenarios (i.e., various drought conditions). That analysis determined there were sufficient supplies of water available to serve the project over a 20-year time frame.

Response to Comment 106. The project will install infrastructure to support solar power, which is all the City is encouraging, thus the consistency statement. The applicant has agreed to obtain LEED Certified status meaning that the buildings will be much closer to zero net energy (which includes both operational energy consumption and the life cycle of building materials) than were buildings constructed in the past, thus they are consistent with the aim of zero net energy. The Draft EIR discusses the existing greenhouse gas/climate change setting including the main gases of concern; current emissions inventory at the global, US, and State levels; a detailed description of what global warming is and the effects that result, all of which could be considered the "threat of greenhouse gas pollution and global warming." The EIR attempts to present a non-sensational, balanced description based on the best information available. Section 4.13.2 describes the entire regulatory setting, including all applicable federal, State and City of Moreno Valley regulations and policies.

Response to Comment 107. The process of LEED certification is a demanding one that includes not only aspects of the building construction but also is greatly affected by tenant operations. As the EIR is only covering aspects under the control of the applicant and not the future tenant, achieving the LEED status can only be discussed in general terms. The feasibility of suggested GHG-related mitigation measures have been discussed in other responses, see the Responses to Comments 60, 108, 112 in this letter (D-3, Johnson & Sedlack) and Responses to Comments 1 and 27 in Letter D-2 (Sierra Club).

Response to Comment 108. Mitigation Measure 4.13.6.1A lists select features from Title 24 of the California Code of Regulations to emphasize these important features are included in the project construction. The measure states that the features are required by Title 24 of the California Code of Regulations. Since the measures are required by Code, they are feasible. Mitigation measures which require compliance with environmental regulations have been found by the California courts to be common and reasonable mitigation measures (*Sundstrom v. County of Mendocino* (11988) 202 Cal. App.3d)

Response to Comment 109. A clerical error was made in the Draft EIR regarding energy conservation and project mitigation. Section 4.3, *Air Quality*, contains two mitigation measures that refer to a 20 percent reduction in project energy use beyond or below Title 24. First, the "20 percent reduction" phrase refers to older California Building Code requirements – these older codes were much less stringent than the current California "Green" Building Code, which includes the latest Title 24 requirements. In addition, one measure just refers to "Title 24" while the other refers to "2008 California Title 24, Part 6 Energy Efficiency Standards". These references are inconsistent, and the

measures have been modified to reflect the most current regulatory requirements for energy conservation. The most current California Green Building Code was adopted in 2010, but incorporates the most current Title 24, Part 6 Energy Efficiency Standards which are from 2008, not 2010. Projects that would have been able to achieve a 20 percent reduction in building energy use from previous California Building Codes would most likely not be able to achieve a 20 percent reduction from the current code because it is much more stringent than previous versions.

It should be noted that the state has already approved new energy standards effective January 1, 2014 that would require industrial buildings to achieve 20 percent or more savings above the 2008 Title 24 standard. Until that time, the project is required to achieve a 10 percent reduction from the 2008 Title 24 standards.

Response to Comment 110. The implementation of any water conservation strategy insures that water use efficiency will be improved compared to the situation of no water conservation strategy. The Mitigation Monitoring Plan states that the various activities outlined in this measure will be implemented to the satisfaction of the Planning Division prior to issuance of an occupancy permit, so construction must include some or all of these measures or no permit can be issued.

Response to Comment 111. The EIR acknowledges that the expected project GHG emissions will exceed the interim, proposed SCAQMD Tier 1, 2 and 3 thresholds, none of which have been adopted as thresholds of significance. Also, as described in Section 4.13.2, page 4.13-6, no applicable agency, including the federal, California, and City of Moreno Valley governments, have adopted a greenhouse gas emissions threshold of significance. It is in this absence of regulatory guidance that this EIR is attempting to assess the significance of project emissions of greenhouse gases. The CEQA Guidelines do include two qualitative thresholds, which the DEIR used as the basis for significance, as discussed in Sections 4.13.5 and 4.13.6. The DEIR concludes that the project would have a less than significant impact for the first CEQA threshold: *Would the proposed project conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?* The DEIR concludes that the project would have a significant impact for the second CEQA threshold: *Would the proposed project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* and includes Mitigation Measures 4.13.6.1A thru 4.16.6.1C to reduce this impact.

Response to Comment 112. See also Response to Comment D-3, No. 111 above. The EIR complies with OPR guidance related to GHG/Climate change analyses and all other guidance applicable to the region. With implementation of the strategies and programs described in the EIR, it was concluded that the project is consistent with the strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05. Based on the threshold of the project's consistency with these measures, the project has a less than significant impact as it complies with these measures. Because the project's impacts alone would not cause or significantly contribute to global climate change, project-related CO_2e emissions and their contribution to global climate change impacts in the State of California would not make a significant contribution to cumulatively considerable GHG emission impacts.

Response to Comment 113. As discussed in Section 6.3.3 of the Draft EIR, Alternative 3 does reduce several of the significant impacts of the project, and it is feasible because the applicant controls the proposed project site. While Alternative 5 does reduce some significant impacts of the project (including land use since it would not require a GPA or ZC), the applicant does not own or control that or any other potential offsite location for this project. Therefore, Alternative 5 is not feasible compared to Alternative 3. In addition, Alternative 3 is the only one that eliminates significant impacts to agricultural resources, so it was selected as the Environmentally Superior Alternative. For additional discussion, see Response 7 earlier in this section.

Response to Comment 114. As explained in Response to Comment D-3, No. 113 above, Alternative 5 is not feasible compared to Alternative 3 as the applicant does not own or control any offsite properties that would accommodate the proposed project. In addition, almost all of the significant impacts of the project would also be present at an alternative site, based on the proposed land uses and air pollutant emissions. Alternative 3 does reduce some of the significant impacts of the proposed project, and it will be up to the discretion of the City Council whether to approve the proposed project, or adopt one of the project alternatives. If the City Council approves the proposed project, it would have to adopt a Statement of Overriding Considerations that demonstrates the benefits of the project (e.g., employment, revenues) outweigh the significant impacts of the project.

LETTER D-4A

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August 31, 2012

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RE: Comment on Draft Environmental Impact Report for ProLogis Eucalyptus Industrial Park (State Clearinghouse No. 2008021002)

Dear Mr. Bradshaw:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County (collectively "LIUNA Local Union No. 1184" or "LIUNA" or "Commenters") regarding the Draft Environmental Impact Report ("DEIR") prepared for the ProLogis Eucalyptus Industrial Park, State Clearinghouse No. 2008021002 ("Project").

We have reviewed the DEIR with the assistance of:

1. Atmospheric Scientist, Dr. James Clark, Ph.D.
2. Hydrogeologist, Matthew Hagemann, C.Hg., MS.

These experts have prepared written comments that are attached hereto, and which are incorporated in their entirety. The City of Moreno Valley ("City") should respond to the expert comments separately. These experts and our own independent review demonstrate that the DEIR is woefully inadequate and that a new supplemental EIR is required to be prepared and recirculated for public comment. In particular, the EIR suffers from the following significant errors and omissions, among others:

1

- SEGMENTATION OF PROJECT: The DEIR improperly segments the Project by failing to include the infrastructure (e.g., roads, water, and sewer) as part of the Project.

- LOSS OF FARMLAND: The DEIR acknowledges that the Project's conversion of Prime Farmland is a significant impact, but the DEIR fails to adequately mitigate for the loss of farmland. The conclusion that mitigation measures are infeasible is unsupported.

- HAZARDOUS MATERIALS: The baseline of the physical environmental conditions in the vicinity of the Project is erroneous because the DEIR does not provide any details on the types of pesticides used on the Project site, relies on two outdated Phase I Environmental Site Assessments ("ESAs") that do not cover the entire Project site, and fails to disclose the status of an underground storage tank.

- GREENHOUSE GAS: The DEIR fails to provide support for the conclusion that greenhouse gas emissions after mitigation will be less than significant.

- AIR QUALITY: The DEIR fails to adequately analyze impacts to air quality because: (1) the DEIR underestimates the potential particulate emissions for the construction phase of the Project, (2) fails to accurately compare construction emissions to daily construction significance thresholds, (3) fails to consider health risks from contaminated dust, (4) fails to properly identify and address the Project's operational air quality impacts, (5) fails to disclose impacts to offsite receptors, and (6) fails to adequately analyze cumulative impacts.

Commenters urge the City to revise the EIR to adequately describe, analyze, and mitigate the Project and its impacts.[1] The revised EIR should be recirculated to allow public review and comment. 1

I. PROJECT DESCRIPTION

The Project site encompasses 122.8 acres of land located within the City of Moreno Valley, south of and adjacent to SR-60, east of Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel in Riverside County. (DEIR, p. 3-1). Single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the Project site. (DEIR, p. 3-1). The Assessor's Parcel Numbers ("APNs") for this site are 488-330-011, 488-330-012, 488-330-013, 488-330-017, 488-330-018, 488-330-019, 488-330-022, 488-330-023, 488-330-024, and 488-330-025. (DEIR, p. 3-1). 2

[1] We reserve the right to supplement these comments at later hearings and proceedings for this Project. See, *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109.

The Project would include the construction of a warehouse facility comprising six buildings consisting of a total of approximately 2,244,638 square feet. (DEIR, p. 3-2). The Project site is divided into 2 areas: (1) the northern area (north of future Eucalyptus Avenue) would contain approximately 1,030,377 square feet of warehouse uses divided between two buildings and (2) the southern area (south of the future Eucalyptus Avenue) would consist of approximately 1,214,261 square feet of warehouse uses divided among four separate buildings. (DEIR, p. 3-2). The specific uses/users are not known at this time. (DEIR, p. 3-11).

The Project site currently consists of 57 acres used to grow grapefruit, 36 acres used for hay and alfalfa production, as well as portions that are vacant. (DEIR p. 4.2-1). Approximately 82.5 acres of the Project site is designated as Prime Farmland. (DEIR, p. 4.2-6).

The Project would require significant changes to the General Plan and local zoning ordinances including: 2

- General Plan Amendment. The proposed project includes an amendment to the Land Use Element to change the General Plan designations for a portion of the project site from Residential 15, Residential 5 and Residential 2 to Business Park. (DEIR, p. 1-2). The project also proposes an amendment to the Circulation Element by making changes to the alignment of Encilia Street and the removal of Quincy Street from within the project boundaries. (DEIR, p. 1-2).

- Change of Zone. The proposed project includes a change to the project site zoning from Business Park (BP), Business Park Mixed-use (BPX), Residential Agriculture 2 (RA2), Residential 5 (R5), and Residential 15 (R15) to Light Industrial (LI). (DEIR, p. 1-2).

- Municipal Code Amendment. The project includes a Municipal Code Amendment to establish a minimum clearance of 250 feet between adjacent residential zoning districts and any truck court or primary truck circulation driveway in lieu of the buffer established by the Business Park zone. (DEIR, p. 1-2).

II. Standing

Members of Local Union No. 1184 live, work, and recreate in the immediate vicinity of the Project site. These members will suffer the impacts of a poorly executed or inadequately mitigated Project, just as would the members of any nearby homeowners association, community group, or environmental group. Hundreds of LIUNA Local Union No. 1184 members live and work in areas that will be affected by traffic, air pollution, and water pollution generated by the Project. 3

In addition, construction workers will suffer many of the most significant impacts from the Project as currently proposed, such as from air pollution emissions from poorly maintained or controlled construction equipment, possible risks related to hazardous materials on the Project site, and other impacts. Therefore, LIUNA Local Union No. 1184 and its members have a direct interest in ensuring that the Project is adequately analyzed and that its environmental and public health impacts are mitigated to the fullest extent feasible. 3

III. LEGAL STANDARDS

A. EIR

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). (See, e.g., Pub. Res. Code § 21100). The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652). "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109).

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1)). "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564). The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810). 4

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and all feasible mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that

any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

While the courts review an EIR using an "abuse of discretion" standard, "the reviewing court is not to 'uncritically rely on every study or analysis presented by a project proponent in support of its position. A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (*Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of University of California*, 47 Cal. 3d 376, 391 409, fn. 12 (1988)). As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946).

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B. Supplemental EIR

Recirculation of an EIR prior to certification is required "when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented (cf. Guidelines, § 15162, subd. (a)(1), (3)(B)(1)); (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance (cf. Guidelines, § 15162, subd. (a)(3)(B)(2)); (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt (cf. Guidelines, § 15162, subd. (a)(3)(B)(3), (4)); or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1130, citing *Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043.

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Significant new information requiring recirculation can include:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

> (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(14 Cal. Code Regs. § 15088.5(a)).

The DEIR fails to analyze significant environmental impacts pertaining to the Project and to fully consider available mitigation measures to address those impacts. A revised EIR is required to be prepared and recirculated to address these deficiencies. 5

IV. THE DEIR IMPROPERLY SEGMENTS THE PROJECT

A. Legal Standard

The courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." *County of Inyo v. City of Los Angeles,* 71 Cal.App.3d 185, 193 (1977). Thus, CEQA mandates "that environmental considerations do not become submerged by chopping a large project into many little ones -- each with a minimal potential impact on the environment -- which cumulatively may have disastrous consequences." *Bozung v. LAFCO*, 13 Cal.3d 263, 283-84 (1975); *City of Santee v. County of San Diego*, 214 Cal.App.3d 1438, 1452 (1989). Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project and a public agency may not segment a large project into two or more smaller projects in order to mask serious environmental consequences. As the Court of Appeal stated: 6

> The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, **covering the entire project, from start to finish**...the purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.

Natural Resources Defense Council v. City of Los Angeles, 103 Cal.App.4th 268 (2002) (emphasis added).

In *County of Amador v. City of Plymouth*, 149 Cal. App. 4th 1089, 1095 (2007) an Indian tribe intended to build a large gaming development comprised of a hotel, restaurants, and bars, on land located in or adjacent to the city. The Court held that the

construction of public works, including a city road to the casino hotel, constituted a project within the scope of CEQA. *Id.* at 1100. The Court cited to the CEQA Guideline § 15378(a)(1) which states that the following is included in the term "project": "public works construction and related activities, clearing or grading of land [and] improvements to existing public structures..." *Id.* at 1100.

B. The DEIR Improperly Segments the Project By Failing to Include the Infrastructure as Part of the Project

The DEIR states:

> If the proposed project is constructed prior to the West Ridge project, ProLogis will install the infrastructure necessary to serve its project (e.g., roads, water, and sewer) and will be reimbursed by the City from the West Ridge developer at the time that project is constructed. If the West Ridge project is constructed first, ProLogis will contribute an appropriate amount to the City for a reimbursement account to help off-site improvement costs installed by the West Ridge project that serve the ProLogis project. The timing of improvements shall be coordinated by the City in cooperation with ProLogis and the West Ridge.

(DEIR, p. 3-11). Instead of including the roads, water, and sewer lines required to serve the ProLogis Project as part of the Project, the DEIR treats these infrastructure improvements as a separate project included in the cumulative projects list provided in Table 3.C: Cumulative Projects. (DEIR, p. 3-16). The City is improperly chopping the ProLogis Project into different segments, which is prohibited by CEQA because proper analysis of the whole project is thwarted. Like the casino road in *County of Amador v. City of Plymouth*, the roads, water, and sewer lines that will serve the ProLogis Project must be included as part of the Project and properly analyzed as part of the whole Project. 6

V. THE DEIR FAILS TO ANALYZE AND MITIGATE ALL POTENTIALLY SIGNIFICANT IMPACTS

An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1); 14 Cal.Code Regs. § 15126(a); *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354). CEQA requires that an EIR must not only identify the impacts, but must also provide "information about how adverse the impacts will be." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831). The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692). 7

CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564). The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (Guidelines §15002(a)(2)). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub.Res.Code § 21081; 14 Cal.Code Regs. § 15092(b)(2)(A) & (B)).

In general, mitigation measures must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370). Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B)). A lead agency may not make the required CEQA findings unless the administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

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CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)), and describe those mitigation measures in the CEQA document. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4). A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available)). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364). To demonstrate economic infeasibility, "evidence must show that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." (*Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181). The EIR must provide evidence and analysis to show project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at 734-737). This requires not just cost data, but also data showing insufficient income and profitability. (*See Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements)). Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. (*Id.* at § 15126.4(a)(2)).

A lead agency may not conclude that an impact is significant and unavoidable without requiring the implementation of all feasible mitigation measures to reduce the impacts of a project to less than significant levels. (CEQA Guidelines §§ 15126.4, 15091). 7

A. The DEIR Fails to Adequately Mitigate for the Loss of Farmland

1. Preservation Is an Appropriate Mitigation Measure for the Loss of Agricultural Resources

Preservation can be used as a tool to mitigate impacts of urbanizing land and it is encouraged and supported by legislative pronouncements and case law. For example,

> [s]ee the following legislative pronouncements to the effect that conversion of agricultural land is of significant concern, and that the preservation of agricultural land is significant goal of the state. Gov. Code, § 51220 (Williamson Act findings that agricultural preservation is valuable and necessary); Civ. Code, § 815 (legislative declaration that preservation of agricultural lands "is among the most important environmental assets of California"); Pub. Resources Code, § 10200 *et seq.* (California Farmland Conservancy Program Act (formerly the Agricultural Land Stewardship Program of 1995), promoting the establishment of agricultural easements as a means to preserve agricultural land); Pub. Resources Code, §§ 21031.1, 21061.2, 21095 (CEQA provisions requiring the Resources Agency to take steps it to ensure that the environmental effects of agricultural land conversion are quantitatively and consistently considered in the environmental review process); Stats. 1993, ch. 812, § 1, subd. (d) (declaring a legislative intent that CEQA should play an important role in the preservation of agricultural lands). 8
>
> In *Mira Mar* [*Mobile Community v. City of Oceanside* (4th Dist. 2004) 119 Cal. App. 4th 477 [14 Cal. Rptr. 3d 176]], the court heard a challenge to the City of Oceanside's approval of a condominium project on 7.5 acres of private property. The project would cause the loss of about .86 acres of coastal sage scrub, which was identified as a significant impact to a sensitive resource. The EIR required the applicant to mitigate for this loss at a ratio of 3 to 1 (or 2.58 acres of mitigation for .86 acres of last habitat). In implementing this mitigation measure, the city required the preservation of .65 acres of undisturbed coastal sage scrub, the restoration and preservation of 2.3 acres of disturbed coastal sage scrub, and the creation of .63 acres of new coastal sage scrub on site. Petitioners argued that this mitigation was inadequate because *preservation* of coastal sage scrub does not mitigate for lost habitat, making the measure "illusory and

> inadequate." 119 Cal. App. 4th 477, 495. The Court of Appeal disagreed, citing CEQA Guildelines section 15370, as well as the opinions of various resource agencies, for the proposition that preservation can be a feasible means of reducing or eliminating the impact of lost habitat.
>
> While the *Mira Mar* case deals specifically with biological and habitat resources, the reasoning of this case seems to have more general applicability to mitigation for lost resources, including agricultural resources.

(Guide to CEQA, Michael H. Remy, et. al., eleventh edition, p. 549-550).

2. The DEIR Fails to Adopt Appropriate Mitigation Measures for the Loss of Farmland

Approximately 82.5 acres of the Project site is designated as Prime Farmland. (DEIR, p. 4.2-6). The DEIR states that "[b]ecause Prime Farmland is a finite resource, its conversion to a non-agricultural use is significant." (DEIR, p. 4.2-6). The DEIR identifies several mitigation measures including mitigation measures discussed in the City General Plan EIR: 8

- Enrolling productive agricultural land, not presently under contract, under a Williamson Act Contract;
- Providing protection to ongoing agricultural operations from complaints and nuisance complaints from adjacent new development;
- Protecting productive agricultural land subject to conversion through the purchase of or transfer of its development rights;
- Purchasing conservation easements on existing agricultural land to ensure that the land is never converted to urban uses; and
- Donating funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

(DEIR, p. 4.2-7 - 4.2-8). However, the DEIR states that

> [t]he potential mitigation measures identified by the City's General Plan have been deemed infeasible by the property owner under current economic conditions. In addition, supplementary analysis of the project

> site and local economic conditions indicates that continued citrus production and/or the raising of row crops would not be economically feasible on the project site (see Appendix L).

(DEIR, p. 4.2-8) (emphasis added).

The conclusion that the mitigation measures are infeasible is completely unsupported. The DEIR states the City General Plan EIR mitigation measure of enrolling productive land under Williamson Act contracts is infeasible because the "contracts are entered into voluntarily by property owners" and these contracts would "result only in temporary contracts at any time after the ten-year contract period ends." (DEIR, p. 4.2-8). Mitigation measures are designed to minimize significant environmental impacts, not necessarily to eliminate them. (Pub. Res. Code § 21100(b)(3); 14 Cal. Code Regs. § 15126.4(a)(1)). The minimum term for a Williamson Act contract is 10 years, however jurisdictions have the option of making them longer. (*Williamson Act Program - Basic Contract Provisions*, State of California Department of Conservation, available at http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/index.aspx#what is a williamson act contract). Enrolling land into Williamson Act contracts would minimize the environmental impacts of converting Prime Farmland to warehouses.

8

In evaluating the feasibility of the mitigation measures: (1) purchasing conservation easements and (2) donating funds to a regional or statewide program, the DEIR states

> The purchase or transfer of development rights, purchase of conservation easements, or donation of funds to assist in the conservation of agricultural land would need to be implemented to ensure the preservation of agricultural land. As stated previously, the City anticipates the conversion of agricultural land within the City and does not set aside land for permanent preservation. The City expects that the majority of the land within the City will be converted to urban uses, although some agriculture will continue as interim uses, as allowed by the City's Development Code for all zoning categories.

(DEIR, p. 4.2-8 - 4.2-9). These "reasons" are flawed because the identified mitigation measure was to donate funds to *regional* or *statewide* programs that promote and implement the use of agricultural land conservation easements. The "reasons" do not address why donating funds to regional or statewide programs is infeasible.

A supplemental EIR is required to analyze and require implementation of these feasible mitigation measures to reduce the Project's impacts on agricultural land. The fact that the measures are set forth in the City's own General Plan itself makes a prima facie case that the measures are feasible and should be implemented. If the City

concludes that the measures are infeasible, then it must provide substantial evidence to demonstrate infeasibility. The EIR must provide evidence and analysis to show project cannot be economically implemented. (*Kings County, supra*, 221 Cal.App.3d at 734-737). This requires not just cost data, but also data showing insufficient income and profitability. (*See Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322, 327 (infeasibility claim unfounded absent data on income and expenditures showing project unprofitable); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 694 (upholding infeasibility finding based on analysis of costs, projected revenues, and investment requirements)). The EIR is devoid of any such evidence and is therefore legally inadequate. 8

B. The DEIR Fails to Adequately Analyze Hazards and Hazardous Materials and Establishes an Erroneous Baseline

1. CEQA Baseline Standard

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmnt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> ...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

9

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 ("*Save Our Peninsula*"). As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula*,87 Cal.App.4th 99, 121-123). As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711).

2. Residual Pesticides in the Soil May Pose Health Risks to Workers and Nearby Residents

According to the DEIR, 57 acres of the Project site are used to grow grapefruit and 36 acres of the Project site are used for hay and alfalfa production. (DEIR, p. 4.2-1).

The DEIR and supporting documents fail to provide any specific details on the types of pesticides that have been used on the Project site in association with these agricultural operations and therefore the DEIR fails to adequately describe the environmental setting for the Project. According to Mr. Hagemann,

> [o]ur review has shown known and potential pesticide use at the Project site as follows:
>
> - Data available online from the California Department of Pesticide Regulation show that 2,4-D, 2-Ethylhexyl Ester was used on the Project site.[2,3] Occupational exposure to 2,4-D, 2-Ethylhexyl Ester can occur via inhalation or dermal contact and can result in skin irritation, respiratory failure, hyperventilation, and pulmonary enemas.[4]
> - Organochlorine pesticides DDE and DDT were detected in soil samples collected at the Project site[5], indicating past use. Use of organochlorine pesticides in the area is common: review of the Department of Toxic Substances Control's (DTSC) Envirostor database shows that the surrounding lands have been surveyed for organochlorine pesticides, DDE and DDT.[6] These pesticides can persist in soil for hundreds of years despite being banned in the 1970s.[7] Exposure to DDT can result in headaches, nausea, and convulsions.[8] The U.S. EPA identifies DDT and DDE as probable human carcinogens.[9]
> - The EPA states that soils at fruit orchards, such as the grapefruit orchard on the Project site, may contain high levels of arsenic from application as a pesticide.[10] Another chemical used on fruit orchards is lead arsenate, a very persistent pesticide.[11] Arsenic is a known human carcinogen and even short-term inhalation of arsenic

9

[2] ftp://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104149.html
[3] ftp://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104217.html
[4] http://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+7309
[5] Phase I Environmental Site Assessment, 84 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 9 and Phase I Environmental Site Assessment, 37 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 8
[6] http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000825 and http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000931
[7] http://www.atsdr.cdc.gov/toxprofiles/tp35.pdf, p. 3
[8] http://www.epa.gov/ttn/atw/hlthef/dde.html
[9] http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=80&tid=20
[10] http://water.epa.gov/drink/info/well/health.cfm
[11] http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1551991/

dust can cause gastrointestinal effects[12] while lead is known to cause neurotoxicological effects.[13]

Pesticide use at the Project site was not disclosed in the DEIR and the detection of pesticide residuals in soil were not described in the Hazards and Hazardous Materials section.

Failure to disclose the presence of pesticide residuals in Project site soils may pose significant health risks to construction workers. Construction of the Project requires grading and the disturbance of subsurface soils and removal of citrus groves (DEIR, p. 4.7-21). During earthmoving activities, construction workers will be exposed, via inhalation of dust and dermal contact, to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site. To protect worker safety, Project site soils must be sampled for pesticides. Sampling results should be compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels[14] and California Human Health Screening Levels.[15] 9

Soil sampling results should also be evaluated for the protection of nearby residents, located 50 feet from the southern boundary and 200 feet from the northern boundary of the Project site (DEIR, p. 4.3-6). Inhalation of pesticides has been linked to asthma in recent research.[16,17] A report prepared by the California Department of Health identifies pesticides as an asthma trigger.[18] Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

Construction activities, such as grading and excavation of soils, may generate dust that contains pesticides in concentrations that are harmful to the health of workers and nearby residents and which may act as an asthma trigger. Project site soils should be sampled and results should be compared to human health screening levels. A revised DEIR should be prepared to disclose the results of sampling and include any necessary mitigation to reduce impacts to the health of construction workers and nearby residents.

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[12] http://www.epa.gov/ttn/atw/hlthef/arsenic.html
[13] http://www.epa.gov/lead/pubs/learn-about-lead.html#effects
[14] http://www.epa.gov/region9/superfund/prg/
[15] http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf
[16] http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf
[17] http://www.ncbi.nlm.nih.gov/pubmed/21368619
[18] http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf, p. 22

3. The Phase I Environmental Site Assessments Completed for the Project Site are Outdated and Inadequate

According to Mr. Hagemann,

The DEIR relies on the findings from two Phase I Environmental Site Assessments (ESAs) that were completed in October and November 2003, nearly nine years ago. The Phase I ESAs surveyed 121 acres of the 123-acre Project site. The Applicant purchased the Project site more than five years ago.[19] A Phase I ESA, according to the U.S. EPA, must be conducted within one year of the acquisition of the property and on-site visual inspections must be completed within 180 days prior to acquiring ownership of the property.[20]

Because the Phase I ESAs are dated and omit two acres of the Project site, they cannot be used to evaluate conditions that are potentially hazardous to construction workers and future site personnel. Therefore, the DEIR's analysis of the Project site based on these Phase I ESAs is inadequate. 10

Review of Google Earth images shows that the Project site has been used for ongoing agricultural operations since the Phase I ESAs were completed in 2003. Limited pesticide sampling was conducted during the Phase I ESAs (a total of 8 soil samples for a 123-acre Project site) but because the samples were collected nine years ago and because they do not reflect continued agricultural use, the results are reflective of current site conditions.

The Phase I ESAs cover 121 acres of the 123-acre Project site. We have created a map to show the areas of the Project site surveyed by the two 2003 Phase I ESAs and the boundaries for the current Project site (Attachment A). As the map shows, not all areas of the current Project site were included in the 2003 Phase I ESAs' site assessments.

The DEIR fails to establish an adequate environmental setting for the Project site because it relies on Phase I ESAs that are outdated and do not cover the entire Project site. A revised DEIR is required, including a new Phase I ESA, to evaluate the Project site's current environmental conditions.

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[19] http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120726-moreno-valley-officials-seek-comments-on-prologis-project.ece
[20] http://www.epa.gov/brownfields/aai/aaicerclafs.pdf

4. The DEIR Fails to Disclose the Status of an Underground Storage Tank

According to Mr. Hagemann,

> A 13,400 gallon underground storage tank (UST), abandoned in the 1950s, was removed from the Project site in 2004 (Appendix F, p. 3/191). The Phase I ESA recommended an additional investigation to be conducted in the area of the former UST (Appendix F, p. 10/191). Accordingly, a permit for removal of the UST was submitted to the Riverside County's Department of Environmental Health in December 2003 and soil samples around the area of the UST were analyzed in 2004. However, the DEIR and supporting documents did not include any documentation that the UST was properly closed by the Riverside County Department of Environmental Health. If the UST removal was not approved, an Underground Storage Tank Closure Application and Permit[21], per the Riverside County Department of Environmental Health Guidelines,[22] must be submitted.

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The DEIR fails to establish an adequate baseline because it does not provide the status of a 13,400 gallon UST. A revised DEIR is required to disclose this important information (i.e., whether closure was granted by the Riverside County Department of Environmental Health).

C. The DEIR Fails to Adequately Analyze Greenhouse Gas Emissions

The DEIR states that the Project's operational greenhouse gas (GHG) emissions, before mitigation, are estimated to be 79,000 metric tons of CO_2e/year (MT CO_2e/yr) which exceed the SCAQMD threshold of 10,000 MT CO_2e/yr and are therefore considered significant. (DEIR, p. 4.13-19). The Project's GHG emissions exceed the SCAQMD threshold by nearly eight times. After mitigation, the DEIR states that GHG emissions will be less than significant. (DEIR, p. 4.13-21). This conclusion is completely unsupported. The DEIR fails calculate what the Project's GHG emissions will be after the mitigation measures are implemented. In fact, the DEIR and supporting documents, including a GHG Study (Appendix B), fail to provide any evidence that the proposed mitigation measures will reduce GHG emissions by a factor of eight.

12

According to Mr. Hagemann,

[21] http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/UST_Closure_App.pdf
[22] http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/Closure_by_removal_UST.pdf

A revised DEIR should be prepared to show the efficiency of the Project's proposed mitigation measures in reducing greenhouse gases. If these measures do not account for an eight-fold reduction in the Project's estimated GHG levels, additional mitigation measures (listed below) that are routinely considered in other CEQA projects should be implemented:

- Require preparation of a traffic control plan;
- Demonstrate proper inspection and maintenance of construction equipment;
- Implement a carpool program for construction workers;
- Employ a construction site manager to verify that engines are properly maintained and keep a maintenance log;
- Configure construction parking to minimize traffic interference;
- Consolidate truck deliveries when possible;
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site;
- Suspend use of all construction equipment operations during second stage smog alerts; 12
- Establish a staging zone for trucks that are waiting to load or unload material at the work zone in a location where diesel emissions from the trucks will have minimum impact on abutters and the general public;
- Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners and operable windows;
- Require all diesel trucks used by construction contractor(s) at the site, or for on-road hauling of construction material, to be post-1996 models; Diesel portable generators less than 50 hp shall not be allowed at the construction site;
- Use of hybrid and fuel efficient construction equipment and support vehicles (e.g., pick-up trucks);
- Use of grid electricity for smaller equipment such as saws, pumps, and welders;[23]
- Reduction in vehicle miles travelled in construction crew commutes through trip carpooling, trip reduction, providing bus service for crews from work sites to carpool parking areas, and in providing incentives to carpool; and
- Use of a Heavy-Duty Off-Road Vehicle Plan to ensure compliances with construction mitigation measures (e.g., hourly meters on equipment, documenting the serial number, horsepower,

[23] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf, p. 47

> manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment).[24]

A supplemental EIR should be prepared that calculates the Project's GHG emissions after implementation of all feasible mitigation measures. The supplemental EIR should analyze all mitigation measures set forth in the GHG Guidance Document published by the California Attorney General, Addressing Climate Change at the Project Level (see attached exhibit, also available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf). If GHG impacts remain significant after implementation of all feasible mitigation measures, then the EIR must acknowledge that the impacts are significant an unavoidable, and the City must adopt a statement of overriding considerations. 12

D. The DEIR Fails to Adequately Analyze Impacts to Air Quality

1. The DEIR Underestimates the Potential Particulate Emissions for the Construction Phase of the Project

Computer modeling (e.g., the California Air Resource Board's ("CARB's") Urban Emission ("URBEMIS") and the California Emissions Estimator Model ("CalEEMod")) is used to estimate emissions of criteria pollutants during construction and operational phases of projects. The South Coast Air Quality Management District ("SCAQMD") permits the use of the outputs from both the URBEMIS and CalEEMOD in air quality analyses. According to Dr. Clark, there are significant differences between these two models that "must be highlighted in the DEIR." In pertinent part, Dr. Clark states: 13

> The changes in the method used to estimate construction impacts from the proposed project by using the CalEEMod model instead of the URBEMIS model include:
>
> - Failure to account for wind-blown fugitive dust[25]. According to the July, 2011 CalEEMod Technical Paper, wind-blown fugitive dust is not calculated in CalEEMod. For sites as large as the proposed project site, this can result in significant quantities of particulate matter being released.
> - SCAQMD's surveys of construction sites were limited to sites of 35 acres or less. For projects larger than 35 acres the data was extrapolated by increasing the number of construction days but not increasing the number of construction equipment pieces used on a

[24] Ibid., p. 431
[25] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 4.

given day. The impact is to reduce the construction PM estimates for the site as compared to URBEMIS[26].

- The acreage to be based upon Walker's Building Estimator's Reference Book. Grading in URBEMIS is based upon 25% of total project acreage in one day. The impact of this change is to decrease PM emissions from grading in the CalEEMod[27].

13

A revised DEIR should be prepared to highlight the differences between the two models so that the potential impacts are adequately analyzed.

2. The DEIR Fails to Accurately Compare Construction Emissions to Daily Construction Significant Thresholds

According to Dr. Clark, the CalEEMod results were not presented properly. The model shows CEQA significance levels were exceeded as well as South Coast Air Quality Management District Localized Significance Thresholds were exceeded. In pertinent part, Dr. Clark states:

> Unlike the operational emissions from most projects, which are typically more or less continuous, emissions from construction sites are highly variable depending on the type of construction that is being performed. For example, grading results in large quantities of fugitive dust and combustion emissions from diesel-powered equipment. Short-term emissions during the various construction phases can be considerable and may result in degradation of local and regional air quality and severe health effects.
>
> To determine whether short-term emissions may result in degradation of local and regional air quality and severe health effects, it is common practice for lead agencies to compare project emissions to quantitative significance thresholds developed by local air districts as a screening tool for CEQA review. Thresholds of significance for construction emissions are typically expressed on a short-term basis, *i.e.* daily or hourly basis to adequately capture impacts due to the high variability of emissions during different construction stages.
>
> Table 1 presents a summary of short-term emissions thresholds developed by SCAQMD and other air districts for assessing impacts on air quality from construction projects.

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[26] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.
[27] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

Table 1:
CEQA significance thresholds for construction emissions from various air districts

Air district construction thresholds*	NOx (lbs/day)	ROG (lbs/day)	PM_{10} (lbs/day)	DPM (lbs/day)	$PM_{2.5}$ (lbs/day)	CO (lbs/day)
SCAQMD	100	75	150		55	550
BAAQMD	54	54	82		54	
EDCAPCD	82	82				
SLOCAPCD				7		
MBUAPCD			82			550
FRAQMD	25	25	80			
SMAQMD	85					
YSAQMD	82	82	150			

SCAQMD = South Coast Air Quality Management District, CEAQ Handbook, 1993;
BAAQMD = Bay Area Air Quality Management District, CEQA Guidelines 2009;
EDCAPCD = El Dorado County Air Pollution Control District, CEQA Guide, February 2002;
SLOCAPCD = San Louis Obispo County Air Pollution Control District, CEQA Air Quality Handbook, December 2009.
MBUAPCD = Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, June 2004,
FRAQMD = Feather River Air Quality Management District, http://www.fraqmd.org/CEQA_Thresholds.htm;
SMAQMD Sacramento Metropolitan Air Quality Management District, Guide to Air Quality Assessment, July 2004;
YSAQMD, Yolo-Solano Air Quality Management District, Air Quality Handbook, Guidelines for Determining Air Quality Thresholds of Significance and Mitigation Measures for Proposed Development Projects that Generate Emissions from Motor Vehicles, revised 2002

14

A review of the CalEEMod analysis for the project shows that the mitigated construction emissions of ROG and PM2.5 exhaust (a surrogate for diesel particulate emissions) are in excess of the CEQA significance thresholds listed above. During Year 2013, ROG and PM2.5 exhaust emissions are estimated to be 368.03 lbs/day and 7.95 lbs/day, respectively.

In addition to the Significant Thresholds above, SCAQMD recommends the use of Localized Significance Thresholds (LSTs) to determine potential impacts to receptors near projects. According to the Air Quality Analysis prepared by the proponent, Table I of the Air Quality Analysis shows that the emissions of the pollutants on the peak day of construction are below the SCAQMD LST. In this table the proponent uses the emission estimates from the grading phase of the construction. The proponent inaccurate asserts that the emission levels will be below the LST values.

Table 2:
Construction LST Impacts from Air Quality Analysis

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM_{10}	$PM_{2.5}$
On-Site (grading) Emissions	104	55	8.4	6.3
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	No	No

A review of the CalEEMod analysis shows that the highest emission values are not associated with the grading phase. In Section 2.0 Emission Summary of the CalEEMod analysis presented in the Air Quality Analysis the construction impacts are listed as:

Table 3:
Construction LST Impacts from CalEEMod Output

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM_{10}	$PM_{2.5}$
Mitigated Construction Emissions	139.84	166.77	29.2	8.28
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	**Yes**	**Yes**

The Proponent's analysis of air quality impacts clearly fails to accurately describe the impacts of the emissions on the receptors closest to the project site. Based on my expert opinion, applicable significance thresholds, and the CalEEMod analysis performed by the proponent, I conclude that the Project will have significant adverse impacts from construction air emissions of fugitive dust, ROG, and diesel emissions. The lead agency must re-evaluate the construction emissions and incorporate a phased approach to estimate the true impacts of construction activities on air quality, and propose all feasible mitigation measures to reduce these significant emissions, in a RDEIR.

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3. The DEIR Fails to Consider Health Risks From Contaminated Dust

According to Dr. Clark:

Residual contaminants in soils at the site may be entrained in dust generated during construction activities. The release of residual contamination is a potentially significant impact, given the past use of the site for agricultural production. According to the California Department of Toxic Substances Control August 2002 Interim Guidance for Sampling Agricultural Fields for School Sites (known sensitive receptors), "the most commonly detected pesticides have been DDT and it's derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. Of these pesticides, toxaphene has been the major pesticide driving unacceptable levels of risk requiring remediation by soil removal." Given the volume of soils to be graded at each of the sites it is imperative to understand whether particulate matter generated at the sites will pose a potential health risk to sensitive receptors in the vicinity of each site.

According to DTSC, "the guidance is applicable to agricultural land that is currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural land that is no longer in production and has not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized, and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field."

There is no indication of a sampling and analysis plan in the DEIR, or the Project documents provided by the lead agency, a serious deficiency in the documents. Prior to issuing a DEIR for the project, the Proponent should be required to complete a sampling and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the sites. In the absence of any sampling or analysis, and given the past use of the Project site, I conclude that there is at least a fair argument that the Project may have significant impacts related to residual contaminants at the site.

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4. The DEIR Fails to Properly Identify and Address the Project's Operational Air Quality Impacts

The DEIR states, without any evidentiary support, that the project's emissions of criteria pollutants will not result in a considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. According to Dr. Clark,

> During the operational phase of the project the project will have the potential to generate significant quantities of criteria pollutants (NO_x, SO_x, Ozone precursors, PM). According to Table 3-1 of the most recent BAAQMD CEQA guidance, a construction of a 259,000 square foot light industrial or warehouse operation will typically violate NOx construction thresholds and GHG operational thresholds. The proposed Project's 2,000,000 square feet plus of warehouse and manufacturing buildings are nearly 8 times the size of the screening threshold, ensuring a violation of local air quality thresholds. I therefore conclude that the Project will have significant NOx and GHG emissions during Project operations.
>
> The air quality impacts from the traffic associated with a 2,000,000 square foot facility are significant. Typically the impacts are quantified by the number of vehicle trips per day. In the case of the proposed project, the primary concern will be the number of truck trips per day. A truck trip is one round trip (one trip segment to a site and one trip segment away from a site).
>
> According to one source, Bluffstone and Ouderkirk[28], a 500,000 square feet facility on 50 acres, will on average have 350 truck trips per day (or 700 trip segments) associated with its development. This figure is proportionate to estimates for an AMB Property Corporation center in Redlands (1,000 truck trips for a 1.3 million square feet structure); Wal-Mart distribution centers in Pueblo, Colorado (700 truck trips per day for an 880,000 square feet facility), Connecticut, and Delaware (both 1,000 truck trips per day for 1.2 million square feet structures); and a grocery distribution center in New York (Boas, 2002; Gasiewski, 2004; Hernandez, 2005; Pueblo Chieftain, 2004; Sholl, 2004).
>
> Estimates from other sources indicate approximately 1 truck per 1,000 square feet of the building, which means that the proposed project would require 1,000 trucks per day (or 1,000 trip segments per day) for the warehouse segment of the Project. The number of truck trips could be

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[28]Bluffstone and Ouderkirk. 2007. Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire. Contemporary Economic Policy 25(1):

> higher at a new, more efficient facility where more inventory is moved per day. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of Moreno Valley is unknown. It is clear that the size of the Project will have significant NOx and GHG emissions during Project operations.
>
> A proper cumulative impact analysis is vital for an environmental analysis because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact. The increase in PM in the region, even for short periods of time, will only exacerbate the already serious air quality issues in the region.

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5. The DEIR Fails to Disclose Impacts to Offsite Receptors

The Project is located in the South Coast Air Basin and Riverside County,[29] both of which are designated non-attainment for PM10 and ozone. (DEIR, p. 4.3-6). According to Mr. Hagemann,

> [s]ignificant emissions of PM10 and ozone and contributing factors such as NOx and ROG will lead to a worsening of regional air quality. The Project's estimates of construction emissions need to be properly disclosed and mitigated to ensure that the Project has a less than significant impact on regional air quality.
>
> *Estimates and impacts of project's construction and operational emissions*
> Project construction and operation will result in significant emissions of ROG, NOx, and PM10 even after mitigation (DEIR, pp. 4.3-29, 4.3-34).
>
> Construction emissions
> The DEIR estimates that the Project's construction emissions of NOx and ROG will be significant as they exceed the SCAQMD thresholds of 100 lbs/day and 75 lbs/day, respectively (DEIR, p. 4.3-23) and identifies mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-23 – 4.3-29). Even with mitigation, the Project's emissions of NOx and ROG will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-29).
>
> Operational emissions
> The DEIR estimates that the Project's emissions of ROG, NOx, and PM10 from operational activities will be significant as they exceed the SCAQMD

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[29] http://www.epa.gov/oaqps001/greenbk/ancl.html

thresholds of 55 lbs/day, 55 lbs/day, and 150 lbs/day, respectively (DEIR, p. 4.3-33). The DEIR proposes mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-33 – 4.3-34) but, even with mitigation, the Project's emissions will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-34).

Gaseous particles such as NOx can react in the atmosphere to form PM10.[30,31] Because Riverside County and the South Coast Air Basin are both designated non-attainment for PM10, significant emissions of NOx can lead to a further degradation of regional air quality. NOx emissions can also react to produce ground-level ozone.[32] Exposure to NOx emissions and its products (ozone and PM10) can lead to the airway inflammation and can cause or exacerbate conditions such as emphysema and bronchitis.[33]

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ROG can react to form ozone and contributes to smog formation.[34,35] Exposure to ozone can result in coughing, throat irritation, and chest pain, burning, and discomfort.[36] Smog exposure can lead to sneezing, nausea, coughing, headaches, and chest constriction.[37] A study published in the New England Journal of Medicine concluded that the risk of dying from respiratory diseases is three times higher in areas of concentrated ozone.[38]

Exposure to PM10 can cause bronchitis, increase the number and severity of asthma attacks, damage to lung tissue, and even premature death.[39] Research identifies that dust from construction is a major contributor to PM10 and that PM10 exposure is associated with asthma.[40] Inhalation of PM10 can exacerbate asthma especially in children who are susceptible to higher risks from PM10 exposure.[41]

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[30] http://www.fhwa.dot.gov/resourcecenter/teams/airquality/brochure/particulatebrochure.pdf
[31] http://www.epa.gov/captrade/documents/power.pdf
[32] *Ibid.*
[33] http://www.epa.gov/air/nitrogenoxides/health.html
[34] http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm
[35] http://www.arb.ca.gov/html/gloss.htm#smog
[36] http://www.epa.gov/o3healthtraining/population.html
[37] http://are.berkeley.edu/courses/EEP101/spring03/AllThatSmog/extern.html
[38] http://www.nytimes.com/gwire/2009/03/12/12greenwire-study-links-smog-exposure-to-premature-death-10098.html
[39] http://www.epa.gov/airtrends/aqtrnd95/pm10.html and http://www.arb.ca.gov/html/brochure/pm10.htm
[40] http://scerpfiles.org/cont_mgt/doc_files/EH-01-2.pdf
[41] http://www.co.imperial.ca.us/airpollution/attainment%20plans/final%20ic%202009%20pm10%20sip%20document.pdf

The Project will have significant emissions of ROG, NOx, and PM10. Because Riverside County and the South Coast Air Basin are designated non-attainment areas for ozone and PM10, Project construction and operation will further degrade regional air quality. Exposure to ROG, NOx, and PM10 has adverse health effects and can impact offsite receptors, especially children in the nearby residences – a significant and undisclosed public health impact that the DEIR does not consider. 17

A revised DEIR should be prepared to disclose impacts to offsite receptors from Project construction and operation. Additional mitigation measures must be implemented to ensure that Project emissions of ROG, NOx, and PM10 are reduced to the maximum extent feasible.

6. The DEIR Fails to Adequately Analyze Cumulative Impacts

1. Legal Standard

An EIR must discuss significant cumulative impacts. CEQA Guidelines section 15130(a). This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable...'Cumulatively considerable' means that the incremental effects of an individual 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." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." (CEQA Guidelines section 15355(a)). 18

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (*Communities for a Better Environment v. Cal. Resources Agency ("CBE v. CRA")*, (2002) 103 Cal.App.4th 98, 117). A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b)).

As the court stated in *CBE v. CRA,* 103 Cal. App. 4th at 114:

> Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

(Citations omitted).

In *Kings County Farm Bureau v. City of Hanford,* 221 Cal.App.3d at 718, the court concluded that an EIR inadequately considered an air pollution (ozone) cumulative impact. The court said: "The EIR concludes the project's contributions to ozone levels in the area would be immeasurable and, therefore, insignificant because the [cogeneration] plant would emit relatively minor amounts of [ozone] precursors compared to the total volume of [ozone] precursors emitted in Kings County. The EIR's analysis uses the magnitude of the current ozone problem in the air basin in order to trivialize the project's impact." The court concluded: "[t]he relevant question to be addressed in the EIR is not the relative amount of precursors emitted by the project when compared with preexisting emissions, but whether any additional amount of precursor emissions should be considered significant in light of the serious nature of the ozone problems in this air basin."[42] The *Kings County* case was reaffirmed in *CBE v. CRA,* 103 Cal.App.4th at 116, where the court rejected cases with a narrower construction of "cumulative impacts."

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Similarly, in *Friends of Eel River v. Sonoma County Water Agency,* (2003) 108 Cal. App. 4th 859, the court held that the EIR for a project that would divert water from the Eel River had to consider the cumulative impacts of the project together with other past, present and reasonably foreseeable future projects that also divert water from the same river system. The court held that the EIR even had to disclose and analyze projects that were merely proposed, but not yet approved. The court stated, CEQA requires "the Agency to consider 'past, present, and probable future projects producing related or cumulative impacts . . . .'" (Guidelines, § 15130, subd. (b)(1)(A)). The Agency must interpret this requirement in such a way as to 'afford the fullest possible protection of the environment.'" (*Id.*, at 867, 869). The court held that the failure of the EIR to

[42] *Los Angeles Unified v. City of Los Angeles,* 58 Cal.App.4th at 1024-1026 found an EIR inadequate for concluding that a project's additional increase in noise level of another 2.8 to 3.3 dBA was insignificant given that the existing noise level of 72 dBA already exceeded the regulatory recommended maximum of 70 dBA. The court concluded that this "ratio theory" trivialized the project's noise impact by focusing on individual inputs rather than their collective significance. The relevant issue was not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant given the nature of the existing traffic noise problem.

analyze the impacts of the project together with other proposed projects rendered the document invalid. "The absence of this analysis makes the EIR an inadequate informational document." (*Id.,* at 872).

The Court in *Citizens to Preserve the Ojai v. Bd. of Supervisors,* 176 Cal.App.3d 421 (1985), held that an EIR prepared to consider the expansion and modification of an oil refinery was inadequate because it failed to consider the cumulative air quality impacts of other oil refining and extraction activities combined with the project. The court held that the EIR's use of an Air District Air Emissions Inventory did not constitute an adequate cumulative impacts analysis. The court ordered the agency to prepare a new EIR analyzing the combined impacts of the proposed refinery expansion together with the other oil extraction projects. 18

2. The DEIR Fails to Adequately Analyze Cumulative Construction Impacts

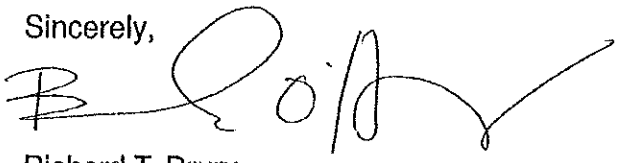
As part of its cumulative impact analysis, the DEIR identifies 13 proposed projects encompassing approximately 7.3 million square feet of space within five miles of the Project site (DEIR, p. 3-16). However, the DEIR does not identify the construction schedule of these projects except to state that "a number of individual projects may be under construction simultaneously with the proposed project." (DEIR, p. 4.3-37). The WestRidge Commerce Center Project (which will be built adjacent to the proposed Project) is scheduled to be constructed in 2012, a schedule similar to the proposed Project. According to Mr. Hagemann, 19

> [s]imultaneous construction of these projects, along with other potential projects, is likely to result in PM10, NOx, and ROG emissions that will have a cumulatively significant impact. The construction timetables of all projects within the vicinity of the Project site should be identified. Any cumulatively significant emissions should be disclosed and impacts to workers and nearby residents should be addressed in a revised DEIR.

VI. CONCLUSION

For the foregoing reasons, LIUNA Local Union No. 1184 urge the City to continue the matter for future consideration pending completion of a supplemental EIR addressing the Project's significant impacts and mitigation measures. Thank you for your attention to these comments. Please include this letter and all attachments hereto in the record of proceedings for this project. 20

Sincerely,



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Lozeau Drury LLP
Attorneys for LIUNA Local Union No. 1184

RESPONSES TO LETTER D-4A

Response to Comment 1: The following responses will address the specific comments made by the commenter regarding these topics.

Response to Comment 2: The project information summarized by the commenter is correct.

Response to Comment 3: The City understands comments made by the LIUNA Local Union No. 1184 regarding standing to make these comments. While it is not the City's responsibility to determine standing, the following responses will address all the comments raised in this letter consistent with CEQA.

Response to Comment 4: The information provided in the letter regarding several EIR and CEQA topics is factually correct, but it may or may not apply to this particular EIR for this specific project. Nonetheless, the following responses address specific comments made by the commenter on the Draft EIR for the ProLogis project.

Response to Comment 5: The information provided in the letter regarding recirculation of an EIR under is factually correct, but it may or may not apply to this particular EIR for this specific project. Nonetheless, the following responses address specific comments made by the commenter on the Draft EIR for the ProLogis project. The City contends that this information does not rise to the level of that requiring circulation, but several mitigation measures have been added to make certain there will be no significant impacts relative to the issues raised by the commenter.

Response to Comment 6: The commenter is correct that the project description of the EIR must describe the "whole of the action" as outlined in CEQA. However, the City believes the EIR does provide that information and does not segment the utility or infrastructure improvements outlined by the commenter. The discussion related to the Westridge project was only relative to the timing and funding of the various improvements for which both projects would either construct or provide a fair share contribution towards their construction, since both were being processed at approximately the same time. Section 3.5.4 of the ProLogis EIR clearly identifies the various utility improvements for which the project will be responsible, and Section 3.5.5 outlines the road and intersection improvements for which the ProLogis project is responsible. The following discussion in Section 3.5.1, Operations and Infrastructure Timing, was included to show the relationship of the two projects in terms of the timing of the various improvements.

3.5.1 Operations and Infrastructure Timing

The EIR evaluated "worst case" conditions of the project operating 24/7. If the proposed project is constructed prior to the West Ridge project, ProLogis will install the infrastructure necessary to serve its project (e.g., roads, water, and sewer) and will be reimbursed by the City from the West Ridge developer at the time that project is constructed. If the West Ridge project is constructed first, ProLogis will contribute an appropriate amount to the City for a reimbursement account to help off-site improvement costs installed by the West Ridge project that serve the ProLogis project. The timing of improvements shall be coordinated by the City in cooperation with ProLogis and the West Ridge developer.

Therefore, the project EIR does not segment these improvements from inclusion in the project description. The impacts of these improvements are also addressed in the appropriate sections of the environmental analysis (e.g., 4.3, *Air Quality*, 4.11, *Transportation and Traffic*, and 4.12, *Utilities*).

Response to Comment 7: The information provided in the letter regarding implementation of all feasible mitigation measures is factually correct, but it may or may not apply to this particular EIR for this specific project. Nonetheless, the following responses address specific comments made by the commenter on specific sections of the Draft EIR and mitigation for impacts on those sections.

Response to Comment 8: The commenter presents information that indicates preservation of habitat is appropriate mitigation for loss of habitat based on the results of the *Mira Mar* case in Oceanside. The commenter then concludes that concept can be applied to loss of prime agricultural land. The comparison may not be directly applicable, but an Appeals Court decision (Building Industry Association of Central California v. County of Stanislaus) certified in November 29, 2010 may be more applicable to this situation. That case concluded that it is appropriate to mitigate at a 1:1 ratio for the loss of prime agricultural land through the acquisition of an offsite agricultural easement if such a program is established by a county or regional governmental entity. However, as outlined in the DEIR section, there is no established County or regional program, and active agriculture in western Riverside County is no longer economically viable or feasible.

The commenter also quotes the "farmland mitigation measures" in the General Plan EIR (GPEIR) out of context. The commenter implies that these measures are recommended in the GPEIR, but actually the EIR section, after only describing the potential measures, concludes that they are all infeasible, does not adopt any mitigation measures for loss of farmland, and concludes impacts related to loss of farmland are significant and unavoidable. There are also numerous references in the GP that state the City's support of interim farmland and agricultural use throughout the City in all land use designations as long as they are economically viable as outlined in Objective 4.1 shown below and included with other materials in Final EIR Appendix E:

> **Objective 4.1** "Retain agricultural open space as long as agricultural activities can be economically conducted, and are desired by agricultural interests, and provide for an orderly transition of agricultural lands to other urban and rural uses."

It should also be noted that a statement of overriding considerations was adopted for the GPEIR to address this and other significant impacts of implementing the City GP. Therefore, no mitigation is required for the ProLogis project relative to loss of farmland, as outlined in the DEIR.

Response to Comment 9: The information provided in the letter regarding several EIR and CEQA topics is factually correct, but it may or may not apply to this particular EIR for this specific project. The City believes the EIR did use the proper baseline for hazardous materials. The commenter states that the Phase 1 ESA reports for the site were "out of date", however, CEQA does not mandate when the data from certain types of studies, such as Phase 1 reports, are considered out of date. The only concept of "out of date" refers to the typical limitation for financial institutions upon which to base their decisions using Phase 1 ESA reports. For that purpose, Phase 1 reports are typically only considered "good" for 90 days. However, if it can be established that the conditions outlined in the Phase 1 have not changed since that report was prepared, a lead agency may rely on that information for the purposes of CEQA documentation. That is the case with the ProLogis EIR, in that the project applicant acquired the project site in 2008 and hired a local grower to manage the citrus trees until December of 2013 when the trees were removed to reduce irrigation and maintenance costs. Until the time the trees were removed, the developer indicates no agricultural chemicals were applied to the property, and the commenter's own records show that various materials were applied back in 2010.

The commenter also questioned the number of samples taken on the site. The comment references the Department of Toxic Substance Control Interim Guidance for Sampling Agricultural Properties (Third Revision), dated August 7, 2008 as the standard that should have been used for pesticide sampling conducted during the several Phase I Environmental Site Assessment (ESA) reports for

various parcels that comprise the site. The referenced (California) Department of Toxic Substance Control (DTSC) document is:

> "*specific to agricultural properties where pesticides and/or fertilizers were presumably applied uniformly, for agricultural purposes consistent with normal application practices. It is applicable to agricultural properties that are currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural properties that are no longer in production and have not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field. This is the underlying premise of the guidance…,*"

Properties not requiring agricultural sampling under the referenced guidance include property used exclusively as grazing lands or pasture. The guidance also states that dry-land farming, which is the practice of growing a crop without irrigation, are not treated with pesticides or infrequently treated, since the lack of water does not provide a desirable habitat for most agricultural pests. Properties that clearly qualify as dry-land farming do not need further investigation for pesticides or metals. "*For properties where there is uncertainty regarding dry-land farming, limited sampling may be conducted at a rate of four discrete samples per site, with one sample collected in each quadrant*." It should be noted that five samples were taken on the ProLogis site, one each in the four quadrants and one near the northern portion of the site near the former UST location.

The DTSCs 2003 Interim Guidance for Sampling Agricultural Properties, which they referenced as to why additional samples for organo-chloro-phosphate (OCPs) were necessary, was taken out of context. The 2008 Interim Guidance for Sampling Agricultural Properties speaks to how an environmental assessor for the DTSC should conduct an evaluation of an agricultural property to be converted into another use. The guidance is envisioned as being most relevant to sites on which schools will be constructed or for residential use. However, it does apply to any project with DTSC oversight. Properties not subject to this guidance include former agricultural property that has been graded for construction or other purposes, land used exclusively for grazing or pasture, most dry-land farming fields, and sites that were agricultural properties prior to 1950. The subject site would be an exempted site as it was dry farmed land.

Based on standard spraying practices for such crops, the number of soil samples taken at the subject site during the Phase I ESA demonstrate that pesticide use was infrequent and limited over the site, and are at levels that are below regulatory requirements for residential property. These are the baseline conditions with respect to pesticide use at the site.

In terms of sample frequency, the sampling pattern should be sufficient to characterize the site. The guidance, done for school and residential properties, apparently interprets this as a range for properties from one acre to fifty acres (with the number of each of the following categories increasing every few acres), of between 4 and 60 borings, 4 and 15 composite organo-chloro-phosphate (OCP) samples. For acreages greater than 50, consultation with the DTSC is required. However, mitigation of frequency is available to sites based on documentation of consistent ownership, operator, and use. It should be noted that none of our samples were composites but all were discrete samples, so they are more representative of what is actually on the properties. The DTSC's document is a guidance document for school sites and residential properties not those that are to be commercial/industrial. The intent is to avoid having children (schools, residential) from coming in contact with soils with high levels of OCPs. Therefore, evidence supports the EIR's contention that there are no significant OCPs present on the site, and only trace amounts were detected in the onsite sampling in 2003.

The state records provided by the commenter indicate that approximately 200 pounds of 2,4-D, 2-Ethylhexyl Ester (DEHE) was applied to the site as a general herbicide (based on data in the

commenter's letter and appendix) in 2010. DEHE is a very common herbicide used in the United States and can be purchased at retailers like Home Depot. Assuming it was applied to the 70 acres of the site without citrus trees (i.e., available for dry farming), this equals less than 3 pounds per acre, or 0.00002 ounce per square foot, in other words a very small amount. In addition, this chemical has a relatively short half-life. Data from the National Library of Medicine, provided by the commenter, indicates that DEHE has a half-life of 1 to 51 days when applied as a spray, and 4-16 days when applied in granular form. In only 6 months there would be less than 0.5 percent of the original product in the soil, so this is not a significant soil contamination issue. It is expected this chemical would have become inert or diluted well past the point of concern or any established governmental action level in the 3 years or more from its most recent application in 2010.

NOTE: There is NO evidence that DDT, DDE, or arsenic were ever applied to the project site, they were not typical pesticides that were sprayed for dry farming and/or citrus production in this area.

The existing conditions at the time the NOP was issued (February 21, 2012), which is when the timeframe of baseline conditions is established, were there was no dry framing or citrus production being conducted on the site, although the trees were being maintained at a minimal level so they would not die and become a fire hazard.

Although both Phase 1 ESA reports were done in 2003, the onsite conditions have not changed appreciably since the Phase 1 reports were done. The commenter also stated the "entire" site had not been surveyed. While this may be technically correct, the commenter failed to note that 98.5 percent or 121 acres of the 122.8-acre site was surveyed, and the 1.8 acres not surveyed were on the far west boundary of the site and planted with citrus, so it is reasonable to conclude the conditions found on the rest of the site apply to this portion as well. It should also be noted that the underground storage tank that would on the site at one time was removed or remediated according to the "Report of Removal of the Abandoned Underground Storage Tank" dated January 28, 2004 in the DEIR Appendix F.

Section 2.3*, Interviews*, in the Phase 1 reports indicate the following:

On November 12, 2003, our environmental assessor interviewed Mr. Pat Kawamoto, owner of APN 477-120-015. Mr. Kawamoto reportedly has owned the land for over 25 years. According to Mr. Kawamoto, no petroleum storage tanks have ever been present on the project site. Mr. Kawamoto indicated that the project site had been regularly leased to Mr. David Bruno of Bruno Ranching for agricultural purposes. Mr. Kawamoto had no knowledge of any pesticides or PCBs stored or used on the site.

In addition, the following information from the EIR (Section 4.6, *Hazards and Hazardous Materials*, bears directly on this discussion:

> …because the project site has been historically utilized for agricultural production and because of the close proximity to SR-60, soil samples were taken in various parts of the project site to further evaluate the potential contamination on the site. Soil samples were also collected from the area of a wind-machine remaining in the western portion of the site, the area adjacent to SR-60 in the northern portion of the site, and from selected areas of the citrus groves on the site. These soil samples are identified in Figure 4.6.1. [*NOTE: 5 sampling locations spread out around the site*]
>
> Two soil samples were collected at the base of the wind-machine. One 200 to 300-gallon petroleum tank is located in the western portion of the site within the column of the wind machine structure. In interviews with Raymond Noriega, manager of the site, he indicated that the wind machine had not been used in the past 10 years that he had been employed there. Soil samples were taken at depths of 1.5 feet and 3 feet below the ground surface to asses the potential of

hydrocarbon compounds occurring in the soil. Laboratory results indicated no detectable concentrations of hydrocarbon compounds in the samples collected.

Two soil samples were collected at areas adjacent to SR-60 at depths of one to four inches below ground surface to assess the potential of lead contamination. Laboratory results indicated total lead concentrations of 0.601 to 4.41 milligrams per kilogram (mg/Kg), which were determined to be insignificant.[1] In addition, on September 3, 2003, five near-surface (upper 6 inches) soil samples were collected from selected areas (upper portion) of possible drainage accumulation and pesticide usage on the site. The detected concentrations of organochlorine pesticides and PCBs were within the allowable Preliminary Remedial Goals (PRGs) for the project. No additional assessment for organochlorine pesticides or PCBs is recommended for the site.[2] *[NOTE: emphasis added]*

On November 7, 2003, three near-surface (upper six inches) soil samples were collected from selected areas (lower portion) of possible drainage accumulation and pesticide usage on the site. The detected concentrations of organochlorine pesticides and PCBs were within the allowable PRGs for the project. No additional assessment for organochlorine pesticides or PCBs is recommended for the site.[3] *[NOTE: emphasis added]*

At the request of the current owner of the site (northern portion), the area of the former abandoned 13,400-gallon UST was excavated during the site reconnaissance on September 20, 2003. No significant hydrocarbon odors or staining were observed. Between January 5 and 8, 2004, the UST was removed from the site. The UST had been abandoned in-place approximately 50 years ago. The abandonment reportedly consisted of removal of free-liquids; removal of the UST top; then backfilling the interior of the UST with on-site soils. Due to the installation of a 12-inch diameter, Eastern Municipal Water District (EMWD) waterline main in the north portion of the UST, the north portion of the UST was not removed. No indication of soil contamination was observed during the UST removal work. Additionally, soil sampling was conducted on January 7, 2004, at depths between 2 feet and 6 feet below the former bottom elevation of the UST, under the direction of a representative from the County of Riverside DEH Hazardous Materials Management Division. Laboratory results of the collected soil samples indicated a concentration of total petroleum hydrocarbons as oil (116 mg/Kg) in the soil sample collected at 2 feet below the bottom elevation of the UST. No other hydrocarbons, BTEX,[4] or fuel oxygenates were detected; therefore, no additional environmental investigation is recommended for the former UST location.[5] *[NOTE: emphasis added]*

Therefore, the project site was previous surveyed for pesticides and no significant impacts were found. It has also been documented that the former UST on the site was properly remediated, so it also would not pose a threat to any workers on the site during grading. This previous documentation supports the conclusion that there are no significant health risks on the project site for construction workers related to the proposed project. However, to determine the most current hazmat conditions of the site, the following measure will be added to the DEIR in response to this and other comments:

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1 *Phase 1 Preliminary Environmental Site Assessment 84± Acres, Assessor Parcel Numbers (APNs) 477-120-001 and 477-120-006, Near Intersection of Pettit Street and Highway 60, Moreno Valley, California*, R M Environmental, October 30, 2003, page 8,

2 *Phase 1 Preliminary Environmental Site Assessment 84± Acres, Assessor Parcel Numbers (APNs) 477-120-001 and 477-120-006, Near Intersection of Pettit Street and Highway 60, Moreno Valley, California*, R M Environmental, October 30, 2003, page 9,

3 *Phase 1 Preliminary Environmental Site Assessment 37± Acres, Assessor Parcel Numbers (APNs) 477-120-(007, 008, 014, 015), Near Intersection of Pettit Street and Highway 60, Moreno Valley, California*, R M Environmental, November 25, 2003, page 8.

4 BTEX is an acronym for benzene, toluene, ethyl benzene, and xylene. This group of volatile organic compounds (VOCs) is found in petroleum hydrocarbons, such as gasoline, and other common environmental contaminants.

5 *Report of Removal of Abandoned 13,400± gallon Diesel Underground Storage Tank, APN 477-120-001, Near the Intersection of Pettit Street and Highway 60, Moreno Valley, California,* R M Environmental, January 28, 2004.

4.6.6.1A Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.

The text of the EIR will be revised to reflect this additional information. Implementation of this measure will assure that any potential impacts related to pesticide residues on the project site, to either area residents or construction workers on the site, will be reduced to less than significant levels. The addition of this measure will address the commenter's comments in this regard.

Response to Comment 10: Most of this comment was addressed in the early portion of Response 9 above. The commenter's citation that the U.S. EPA requires Phase 1 ESA reports to be prepared within 180 days of property acquisition are related to federal remediation of sites and do not apply directly to the requirements of CEQA to provide accurate information on the project site. As previously stated, CEQA does NOT require a Phase 1 ESA report, but they are typically used to provide the baseline information for EIRs. Although the Phase 1 reports for this project are ten years old, there has been no evidence presented that would indicate baseline conditions are otherwise than presented in the EIR. The site has been dry farmed and supported citrus trees for many years, which were removed in December 2013 to reduce irrigation and maintenance costs and reduce fire hazards. The previous Response 9 addressed the coverage of the Phase 1 reports (121 out of 122.8 acres or 98.5 percent of the site surveyed) much more than an adequate statistical sampling of the site. Response 9 also outlines an additional mitigation measure that addresses these concerns.

Response to Comment 11: As outlined in the previous Response 9 in this letter, the DEIR did evaluate the removal or remediation of the former Underground Storage Tank (UST) which was fully documented in Appendix F of the EIR. There is no empirical evidence that there is any hazmat or health risk from a UST on the site since it has been effectively remediated.

Response to Comment 12: This comment states that the EIR did not show the GHG emissions with mitigation. The reductions with mitigation were not calculated because the GHG-related mitigation measures included in the EIR do not have quantified reduction amounts. The EIR supports the statement of less-than-significance qualitatively by stating: "…project-related GHG emissions and their contribution to global climate change impacts in the State are less than significant and less than cumulatively considerable because: (1) the project's impacts alone would not cause or significantly contribute to global climate change, and (2) the project has no substantial effect on consumption of fuels or other energy resources, especially fossil fuels that contribute to GHG emissions when consumed."

Response to Comment 13: This commenter asks for information about the URBEMIS modeling results. The URBEMIS model was not used in the EIR, except for a few parameters in the health risk assessment. None of the construction or operational emissions modeling were conducted using URBEMIS, only CalEEMod, which is currently the accepted computer emission modeling program recommended by the SCAQMD. Thus, there is no need for highlighting the differences in the models.

In addition, the commenter quotes information from the CalEEMod Technical Paper, but leaves out the following sentence: "This limitation could result in underestimated fugitive dust emissions if high wind and loose soil are substantial characteristics for a given land use/construction scenario." As this project will be constructed following the requirements for dust control specified in SCAQMD Rule 403, including watering the disturbed areas three times per day, there will be no "loose soil".

Response to Comment 14: First, the commenter states the DEIR fails to accurately compare construction emissions to daily construction significance thresholds. The comment correctly states that ROG emissions would be exceedance of the CEQA thresholds, as is also stated in the EIR. However, the comment incorrectly states that $PM_{2.5}$ emissions would be exceedance of the CEQA thresholds. The comment correctly identifies the EIR emissions rate of $PM_{2.5}$ as 7.95 lbs/day, and then correctly states that the threshold is 55 lbs/day. It is not clear why the commenter believes that 7.95 lbs/day of $PM_{2.5}$ would be in exceedance of 55 lbs/day.

Further in Section D.2, on page 21: A review of the CalEEMod analysis shows that the highest emission values are not associated with the grading phase. By design and SCAQMD direction, LST analyses only include onsite emissions. The following table from the Air Quality technical report Appendix shows all the onsite emissions for all the construction phases. Note that the onsite emissions (i.e., not fugitive) for the grading phase are the greatest.

	Onsite Pollutant Emissions, lbs/day							
Construction Phase	**ROG**	**NO_X**	**CO**	**SO_2**	**Fugitive PM_{10}**	**Exhaust PM_{10}**	**Fugitive $PM_{2.5}$**	**Exhaust $PM_{2.5}$**
Site Preparation	10.43	84.72	47.82	0.07	7.05	4.27	3.87	4.27
Grading	12.5	103.9	55.13	0.1	3.38	5.01	1.29	5.01
Building Construction	5.63	37.37	23.73	0.04	0	2.54	0	2.54
Architectural Coating	342.39	2.96	1.94	0	0	0.27	0	0.27
Paving	7.91	33.81	20.89	0.03	0	2.93	0	2.93

Response to Comment 15: As outlined in Responses 9 through 11 above, there is no empirical evidence that onsite soils are contaminated by pesticides or other agricultural chemicals. However, Response 9 outlines an additional mitigation measure that will assure there are no health risks from pesticides or contaminated soil on the site.

Response to Comment 16: It is not clear why the BAAQMD CEQA Guidance is pertinent to this project, as the Bay Area has substantially different climate and pollution conditions that the South Coast area. As a result of these differences, the BAAQMD has different NOx construction and GHG operational standards than the SCAQMD does. The EIR adequately compares all construction and operational emissions to the appropriate SCAQMD thresholds.

Response to Comment 17: The commenter states the DEIR fails to disclose impacts to offsite receptors. The EIR includes a localized impacts analysis for both construction and operational emissions as well as a full health risk assessment of operational emissions. These analyses completely disclose project-related impacts to offsite receptors.

Response to Comment 18: The information provided in the letter regarding the legal standard for cumulative impacts is factually correct, but it may or may not apply to this particular EIR for this specific project. In fact, the information is not specific to the ProLogis project but is rather a restatement of court case citations and evaluations, so there is no specific response to this comment relative to the EIR.

Response to Comment 19: The EIR includes a complete cumulative air quality impacts analysis that satisfies all CEQA requirements and that includes the conclusion that the long-term cumulative air quality impacts would be significant and avoidable. A similar analysis is performed regarding water supplies and water-related impacts, and that analysis concludes the project will not make a significant contribution to any cumulatively considerable impacts outlined in the DEIR.

Response to Comment 20: The commenter will receive a copy of the revised FEIR document prior to action on the project, similar to that afforded public agencies for projects in the City of Moreno Valley (i.e., 10 days before the next Planning Commission hearing).

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

LETTER D-4B

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August 31, 2012

Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Attn: Mr. Michael Lozeau

Subject: Comment Letter on the Draft Environmental Impact Report for the Prologis Eucalyptus Industrial Park, SCH No. 2008021002.

Dear Mr. Lozeau:

At the request of Lozeau | Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project, including the Draft Environmental Impact Report[1] (DEIR) for the Prologis Eucalyptus Industrial Park (hereafter called the Project), SCH No. 2008021002 and its appendices. The proposed project site is located in the eastern portion of the City of Moreno Valley, in Riverside County, California. The 122.8-acre project site is located south of State Route 60 (SR-60) east of the Moreno Valley Auto Mall, and adjacent to and west of the Quincy Channel. According to the DEIR the proposed project would result in the construction and operation of a warehouse facility, consisting of approximately 2,244,638 square feet (sq ft). 1

Currently the site is used undeveloped for commercial uses and has two citrus groves in the northeastern and northwestern portions of the site, while the central and southern portions are vacant and support mainly weedy vegetation. According to a March, 2012 Memo from LSA

[1] LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg. 1-2

Associates[2], the project site contains 57-acres of citrus (Grapefruit) trees with the rest of the site vacant. The surrounding area has been dry-farmed in the past, and the eastern end of the City has historically supported a variety of crops, including citrus, melon, potatoes, etc[3]. There are three small natural drainage features on site, two ephemeral channels in the southwestern portion of the site and the larger Quincy Channel along the eastern edge of the property. According to the DEIR[4], there is some minor amount of refuse is present in the southwest and southeast corners of the site from unauthorized dumping.

Land adjacent to the project site includes vacant land east and south of the proposed project site, SR- 60 to the north, and the Moreno Valley Auto Mall and the City of Moreno Valley Fire Station No. 58 northwest of the project site. Existing single-family residential uses are located approximately 50 feet southeast of the southeastern corner of the project site[5].

The proposed project has had and will have significant impacts on the community prior to the approval of the DEIR. The proposed project will require significant changes in the local zoning ordinances (General Plan for the City of Moreno Valley) including:

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[2] LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

[3] LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

[4] LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 3-1

[5] LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 3-1

- Approval of a General Plan Amendment to change the land use designation of 71.3 acres of the project site from Residential (R15, R5, and R2) to Business Park (BP) so the entire site would then be designated Business Park (BP).
- Approval of a Zone Change of the entire 122.8 acres from its current zoning designations of Business Park (BP), Business Park/Mixed Use (BPX), Residential 15 District (R15), Residential 5 District (R5), and Residential Agriculture 2 (RA-2) to all Light Industrial (LI).
- Zone Change will also be used to redraw the boundary of the Primary Animal Keeping Overlay (PAKO) district.
- Approval of an amendment to the City's Master Plan of Trails to relocate the Eucalyptus Avenue Trail to the north side of future Eucalyptus Avenue and eliminate the planned trail segment on Quincy Avenue from SR-60 to Fir Avenue (future Eucalyptus Avenue), based on discussion with the City Trails Commission.
- Approval of an amendment to the Circulation Element of the General Plan. These changes include the following:
    - Eliminate the undeveloped Quincy Street from Eucalyptus Avenue south to Encilia Avenue;
    - Realign Encilia Avenue from its current alignment such that its westerly terminus is located at Moreno Beach Drive instead of the current General Plan westerly terminus at Eucalyptus Avenue; and
    - The segment between Quincy Channel and Moreno Beach Drive would be classified as a Collector.

In addition, to the changes above, the proposal of the project has forced the Moreno Valley Unified School District (MVUSD) to abandon plans to locate an elementary school (MVUSD Elementary School #24), a middle school (MVUSD Middle School #7), and a high school (MVUSD

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High School #5) in the vicinity of Redlands Boulevard and future Eucalyptus Avenue, in close proximity to the proposed. After the Notice of Preparation (NOP) for the proposed project was released, MVUSD decided to abandon plans for these school sites and relocate the future school facilities in a different area of the City[6]. Students who live in the area to be serviced by the proposed schools will now have to travel farther to attend schools.

The DEIR for the Project, determined that the proposed project's construction and operational phases would have impacts on air quality that would be less than significant with mitigation incorporated. These conclusions are premature and based upon a flawed analysis of the potential emissions at the site. The proponents should re-evaluate the impacts of the project and present them in a revised draft environmental impact report (RDEIR). 1

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

This DEIR was issued prematurely without considering the serious flaws in the Proponent's analysis of the project. The flaws include:

1. The proponent's use of the CalEEMod ensures an underestimation of the potential particulate emission for the construction phase of the proposed project.
2. Failure of the proponent to compare construction emissions to daily construction significance thresholds;
3. Failure to consider health risks from contaminated dust; and
4. Failure to properly identify and address the Project's operational air quality impacts.

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[6] LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 4.3-6.

COMMENTS

1. **The Proponent's Use Of The CalEEMod Ensures An Underestimation Of The Potential Particulate Emission For The Construction Phase Of The Proposed Project.**

The California Air Resource Board's (CARB's) Urban Emission (URBEMIS) model and the California Emissions Estimator Model (CalEEMod) are computer models designed to estimate emissions of criteria pollutants during construction and operational phases of projects. Currently, South Coast Air Quality Management District (SCAQMD) accepts the outputs from both models in their air quality analyses. Significant differences in the models must be highlighted in the DEIR. The changes in the method used to estimate construction impacts from the proposed project by using the CalEEMod model instead of the URBEMIS model include: 3

- Failure to account for wind-blown fugitive dust[7]. According to the July, 2011 CalEEMod Technical Paper, wind-blown fugitive dust is not calculated in CalEEMod. For sites as large as the proposed project site, this can result in significant quantities of particulate matter being released.
- SCAQMD's surveys of construction sites were limited to sites of 35 acres or less. For projects larger than 35-acres the data was extrapolated by increasing the number of construction days but not increasing the number of construction equipment pieces used on a given day. The impact is to reduce the construction PM estimates for the site as compared to URBEMIS[8].

[7] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 4.

[8] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

- Grading in URBEMIS is based upon 25% of total project acreage in one day. Grading in CalEEMod is based upon Walker's Building Estimator's Reference Book. The impact of this change is to decrease PM emissions from grading in the CalEEMod[9] by tying the emissions to the number of pieces of equipment present at the site.

The proponent's must include an analysis of these impacts in a revised DEIR (RDEIR) to ensure that an accurate analysis of the potential impacts from the proposed project are presented as required by CEQA.

3

2. Failure To Accurately Compare Construction Emissions To Daily Construction Significance Thresholds.

Unlike the operational emissions from most projects, which are typically more or less continuous, emissions from construction sites are highly variable depending on the type of construction that is being performed. For example, grading results in large quantities of fugitive dust and combustion emissions from diesel-powered equipment. Short-term emissions during the various construction phases can be considerable and may result in degradation of local and regional air quality and severe health effects.

To determine whether short-term emissions may result in degradation of local and regional air quality and severe health effects, it is common practice for lead agencies to compare project emissions to quantitative significance thresholds developed by local air districts as a screening tool for CEQA review. Thresholds of significance for construction emissions are typically expressed on a short-term basis, *i.e.* daily or hourly basis to adequately capture impacts due to the high variability of emissions during different construction stages.

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[9] CalEEMod. Technical Paper: Methodology Reasoning and Policy Development of the California Emission Estimator Model. July, 2011. Pg 5.

Table 1 presents a summary of short-term emissions thresholds developed by SCAQMD and other air districts for assessing impacts on air quality from construction projects.

Table 1:
CEQA significance thresholds for construction emissions from various air districts

Air district construction thresholds*	NOx (lbs/day)	ROG (lbs/day)	PM_{10} (lbs/day)	DPM (lbs/day)	$PM_{2.5}$ (lbs/day)	CO (lbs/day)
SCAQMD	100	75	150		55	550
BAAQMD	54	54	82		54	
EDCAPCD	82	82				
SLOCAPCD				7		
MBUAPCD			82			550
FRAQMD	25	25	80			
SMAQMD	85					
YSAQMD	82	82	150			

SCAQMD = South Coast Air Quality Management District, CEAQ Handbook, 1993;
BAAQMD = Bay Area Air Quality Management District, CEQA Guidelines 2009;
EDCAPCD = El Dorado County Air Pollution Control District, CEQA Guide, February 2002;
SLOCAPCD = San Louis Obispo County Air Pollution Control District, CEQA Air Quality Handbook, December 2009.
MBUAPCD = Monterey Bay Unified Air Pollution Control District, CEQA Air Quality Guidelines, June 2004,
FRAQMD = Feather River Air Quality Management District, http://www.fraqmd.org/CEQA_Thresholds.htm;
SMAQMD Sacramento Metropolitan Air Quality Management District, Guide to Air Quality Assessment, July 2004;
YSAQMD, Yolo-Solano Air Quality Management District, Air Quality Handbook, Guidelines for Determining Air Quality Thresholds of Significance and Mitigation Measures for Proposed Development Projects that Generate Emissions from Motor Vehicles, revised 2002

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According to the DEIR[10], "criteria pollutant emissions during project construction would exceed the SCAQMD emission thresholds for oxides of nitrogen (NO_X) and reactive organic gases (ROG). Compliance with SCAQMD Rules and Regulations during construction will minimize construction-related air quality impacts from fugitive dust emissions and construction equipment emissions. Mitigation is required. The proposed

[10] LSA. 2012. Draft Environmental Impact Report, State Clearinghouse No. 2008021002, Prologis Eucalyptus Industrial Park (formerly Prologis Park Moreno Valley Eucalyptus Project), City of Moreno Valley, Riverside County, California. LSA Associates, Inc. 1500 Iowa Ave, Suite 200, Riverside, CA LAS Project No. PLO1101. Prepared July 2012 pg 1.

project would not exceed any of the localized significance thresholds (LSTs) during construction periods." This statement is incorrect and misleading.

A review of the CalEEMod analysis for the project shows that the mitigated construction emissions of ROG and particulate matter less than 2.5 microns ($PM_{2.5}$) exhaust (a surrogate for diesel particulate emissions) are in excess of the CEQA significance thresholds listed above. During Year 2013, ROG and $PM_{2.5}$ exhaust emissions are estimated to be 368.03 lbs/day and 7.95 lbs/day, respectively.

In addition to the Significant Thresholds above, SCAQMD recommends the use of LSTs to determine potential impacts to receptors near projects. According to the Air Quality Analysis prepared by the proponent, Table I of the Air Quality Analysis (Table 2 below) shows that the emissions of the pollutants on the peak day of construction are below the SCAQMD LST. In this table the proponent uses the emission estimates from the grading phase of the construction. The proponent inaccurate asserts that the emission levels will be below the LST values.

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Table 2:

Construction LST Impacts from Air Quality Analysis

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM_{10}	$PM_{2.5}$
On-Site (grading) Emissions	104	55	8.4	6.3
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	No	No

A review of the CalEEMod analysis shows that the highest emission values are not associated with the grading phase. In Section 2.0 Emission Summary of the CalEEMod analysis presented in the Air Quality Analysis the construction impacts are listed as:

Table 3:

Construction LST Impacts from CalEEMod Output

Emission Sources	Pollutant Emissions, lbs/day			
	NOx	CO	PM_{10}	$PM_{2.5}$
Mitigated Construction Emissions	139.84	166.77	29.2	8.28
LST Threshold	270	1,577	13	8
Significant Emissions?	No	No	**Yes**	**Yes**

The Proponent's analysis of air quality impacts clearly fails to accurately describe the impacts of the emissions on the receptors closest to the project site (homes within 50 feet of the site boundary and the fire station immediately adjacent to the site boundary). Emissions of $PM_{2.5}$ (surrogate for diesel exhaust) and PM_{10} from the construction site may have lasting impacts on the receptors nearby.

Diesel exhaust contains nearly 40 toxic substances including toxic air contaminants (TACs) and may pose a serious public health risk for residents in the vicinity of the facility. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs[11] includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

DPM and TAC emissions may affect numerous sensitive receptors in the region including onsite construction workers, fire personnel at the station adjacent to the site and the single-family residences located near the site. Evidence exists that clouds of soot emitted by heavy-duty

[11] URS. 2012. Impacts to Air Quality from the Construction and Operation of the Brannon Solar, LLC Solar Energy Generation Project. Dated Febraury 7, 2012. Table A-7

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construction equipment can travel downwind for miles, then drift into heavily populated areas. For example, health impact studies from the SCAQMD[12] have documented that diesel emissions travel miles from the sources impacting residents.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death[13,14,15]. Fine diesel particles are deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.[16] Exposure to diesel exhaust increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.[17]

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[12] SCAQMD MATES I, II, and III have documented the impacts for DPM in the SCAB.

[13] California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

[14] U.S. EPA, Health Assessment Document for Diesel Engine Exhaust, Report EPA/600/8-90/057F, May 2002.

[15] Environmental Defense Fund, Cleaner Diesel Handbook, Bring Cleaner Fuel and Diesel Retrofits into Your Neighborhood, April 2005; http://www.edf.org/documents/4941_cleanerdieselhandbook.pdf, accessed March 27, 2008.

[16] California Air Resources Board , Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

[17] Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel's April 22, 1998 Meeting.

A recent analysis found that air pollution from diesel construction equipment is already taking a heavy toll on the health and economic well-being of Californians[18,19].

PM_{10} emissions from the construction phase of the proposed project may be extremely troublesome for receptors near the site (i.e., homes near the site boundary and the fire station next to the site) since they will act as carriers for residual pesticides/herbicides from the site (see comment below). The project site currently contains 57-acres of citrus (Grapefruit) trees and the surrounding area has been dry-farmed in the past, and the eastern end of the City of Moreno Valley historically supported a variety of other crops[20]. Given the proximity of receptors to the site and the estimated emission rates of particulate matter from the site after mitigation, it is clear that construction activities at the project site will adversely impact the previously identified receptors. 4

Based on my expert opinion, applicable significance thresholds, and the CalEEMod analysis performed by the proponent, I conclude that the Project will have significant adverse impacts from construction air emissions of fugitive dust, ROG, and diesel emissions. The lead agency must re-evaluate the construction emissions and incorporate a phased approach to estimate the true impacts of construction activities on air quality, and propose all feasible mitigation measures to reduce these significant emissions, in a RDEIR.

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[18] These estimates are conservative because they do not include emissions from a large number of small construction projects (residential and commercial and projects smaller than 1 acre in size). Further, John Hakel, vice president of the Associated General Contractors, which represents construction equipment fleet owners and general contractors, indicated that the report appeared to underestimate the sheer volume of construction equipment.

[19] Union of Concerned Scientists, Digging up Trouble: Construction Pollution in the Bay Area; http://www.ucsusa.org/assets/documents/clean_vehicles/Bay-Area-Fact-Sheet.pdf, accessed March 27, 2008.

[20] LSA. 2012. Project Memorandum: Agricultural Use of ProLogis Industrial Property. Memorandum from Kent Norton, LSA Riverside Office to Jeff Bradshaw, City of Moreno Valley. Dated March 21, 2012.

3. Failure To Consider Health Risks From Contaminated Dust.

Residual contaminants in soils at the site may be entrained in dust generated during construction activities. The release of residual contamination is a potentially significant impact, given the past use of the site for agricultural production. According to the California Department of Toxic Substances Control August 2002 Interim Guidance for Sampling Agricultural Fields for School Sites (known sensitive receptors), "the most commonly detected pesticides have been DDT and it's derivatives DDD and DDE, toxaphene, dieldrin, and aldrin. Of these pesticides, toxaphene has been the major pesticide driving unacceptable levels of risk requiring remediation by soil removal." Given the volume of soils to be graded at each of the sites it is imperative to understand whether particulate matter generated at the sites will pose a potential health risk to sensitive receptors in the vicinity of each site. 5

According to DTSC, "the guidance is applicable to agricultural land that is currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural land that is no longer in production and has not been disturbed beyond normal disking and plowing practices. Each field of the same crop is assumed to have been watered, fertilized, and treated with agricultural chemicals to the same degree across the field. Because of this homogeneous application, contaminant levels are expected to be similar at any given location within the field."

There is no indication of a sampling and analysis plan in the DEIR, or the Project documents provided by the lead agency, which is a serious deficiency. Prior to issuing a DEIR for the project, the Proponent should be required to complete a sampling and analysis plan to confirm or rule out the possibility of the presence of residual contaminants at the site. Identifying residual pesticides or other contaminants in soils at the site

prior to construction activities will provide an opportunity for the Proponent to remove/mitigate the potential exposure of sensitive receptors within the vicinity of the sites. In the absence of any sampling or analysis, and given the past use of the Project site, I conclude that there is at least a fair argument that the Project may have significant impacts related to residual contaminants at the site. 5

4. Failure To Properly Identify and Address the Project's Operational Air Quality Impacts.

The DEIR asserts with no analysis whatsoever that the project's emissions of criteria pollutants will not result in a considerable net increase of any criteria pollutant for which the project region is in no-attainment under an applicable federal or state ambient air quality standard.

During the operational phase of the project the project will have the potential to generate significant quantities of criteria pollutants (NO_x, SO_x, Ozone precursors, PM). According to Table 3-1 of the most recent BAAQMD CEQA guidance, a construction of a 259,000 square foot light industrial or warehouse operation will typically violate NOx construction thresholds and GHG operational thresholds. The proposed Project's 2,000,000 square feet plus of warehouse and manufacturing buildings are nearly 8 times the size of the screening threshold, ensuring a violation of local air quality thresholds. I therefore conclude that the Project will have significant NOx and GHG emissions during Project operations. 6

The air quality impacts from the traffic associated with a 2,000,000 square foot facility are significant. Typically the impacts are quantified by the number of vehicle trips per day. In the case of the proposed project, the primary concern will be the number of truck trips per day. A truck trip is one round trip (one trip segment to a site and one trip segment away from a site).

According to one source, Bluffstone and Ouderkirk[21], a 500,000 square feet facility on 50 acres, will on average have 350 truck trips per day (or 700 trip segments) associated with its development. This figure is proportionate to estimates for an AMB Property Corporation center in Redlands (1,000 truck trips for a 1.3 million square feet structure); Wal-Mart distribution centers in Pueblo, Colorado (700 truck trips per day for an 880,000 square feet facility), Connecticut, and Delaware (both 1,000 truck trips per day for 1.2 million square feet structures); and a grocery distribution center in New York (Boas, 2002; Gasiewski, 2004; Hernandez, 2005; Pueblo Chieftain, 2004; Sholl, 2004).

Estimates from other sources indicate approximately 1 truck per 1,000 square feet of the building, which means that the proposed project would require 1,000 trucks per day (or 1,000 trip segments per day) for the warehouse segment of the Project. The number of truck trips could be higher at a new, more efficient facility where more inventory is moved per day. Without proper modeling of the emissions from these additional vehicles the impacts on the environment and the citizens of Moreno Valley is unknown. It is clear that the size of the Project will have significant NOx and GHG emissions during Project operations.

A proper operational impact analysis is vital for an environmental analysis because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that the environmental damage often occurs incrementally from a variety of small sources with which they interact. The increase in PM in the region, even for short periods of time, will only exacerbate the already serious air quality issues in the region.

6

[21]Bluffstone and Ouderkirk. 2007. Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire. Contemporary Economic Policy 25(1):

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project will result in significant adverse impacts that were not identified in the DEIR and that are not adequately mitigated. Many of the DEIR's conclusions that environmental impacts are not significant or less than significant with mitigation are unsupported or contradicted by the evidence. As a result, several analyses presented in the DEIR, including impacts on air quality fail to identify or disclose the magnitude of significant adverse impacts. To protect air quality and public health the Proponent must prepare a RDEIR for the Project. 7

Sincerely,

James Clark, Ph.D.

RESPONSES TO LETTER D-4B
LOZEAU DRURY, MEMORANDUM FROM JAMES CLARK, PH.D.

Response to Comment 1: Most of this comment repeats information from the EIR regarding characteristics of the project and requested approvals. The following responses address each of the specific comments made by the commenter on several topics, as outlined below.

Response to Comment 2: The air quality assessment for the project used the CalEEMod program because the SCAQMD requires projects doing CEQA-level analyses to use that particular program. See the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury.

Response to Comment 3: For a detailed response regarding the use of CalEEMod vs. URBEMIS, see the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury.

Response to Comment 4: For a detailed response on comparing construction emissions to daily construction thresholds, see the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury.

Response to Comment 5: This comment is similar to that addressed in Response D-4A-9 in the letter from Mr. Drury. There is no empirical evidence that onsite soils are contaminated by pesticides or other agricultural chemicals. However, Response D-4A-9 outlines an additional mitigation measure that will assure there are no health risks from pesticides or contaminated soil on the site.

Response to Comment 6: For a detailed response on operational impacts of the project, see the Response to Comment D-4A-16 in the previous Letter D-4A from Lozeau Drury.

Response to Comment 7: Contrary to the commenter's conclusion, there does not appear to be sufficient empirical evidence presented that would lead a reasonable person to conclude the EIR is flawed or lacking in its analysis of these potential impacts. A mitigation was added in response to comments by this commenter and the related comments by Mr. Drury (Letter D-4A), but there is no justification for recirculation based on this information, and there are no new or substantially different significant impacts of the project.

LETTER D-4C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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August 30, 2012

Brooke O'Hanley
Lozeau | Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

Subject: **Comments on the Prologis Eucalyptus Industrial Park Project, Riverside County, California**

Dear Ms. O'Hanley:

We have reviewed the July 2012 Draft Environmental Impact Report (DEIR) for Prologis Eucalyptus Industrial Park Project ("Project"). The Project would construct six buildings encompassing approximately 2.3 million square feet (or 53 acres) of warehouse space. The Project site would be located on a 123-acre lot in the eastern portion of the City of Moreno Valley in Riverside County, California.

We have reviewed the DEIR for issues associated with hazards and hazardous materials, greenhouse gases, air quality, and cumulative impacts. Project construction will result in potentially significant impacts to construction workers and nearby residents that are not adequately disclosed in the DEIR. A revised DEIR needs to be prepared to fully disclose, evaluate, and mitigate these impacts. 1

Hazards and Hazardous Materials:

Construction workers and nearby residents may be at risk during construction from failure to disclose baseline soil conditions at the Project site. 2

Residual pesticides in soil may pose health risks to workers and nearby residents

Currently, 57 acres of the Project site are used to grow grapefruit and 36 acres of the Project site are used for hay and alfalfa production (DEIR, p. 4.2-1). The DEIR and supporting documents do not provide any specific details on the types of pesticides that have been used on the Project site in association with

these agricultural operations. Our review has shown known and potential pesticide use at the Project site as follows:

- Data available online from the California Department of Pesticide Regulation show that 2,4-D, 2-Ethylhexyl Ester was used on the Project site.[1,2] Occupational exposure to 2,4-D, 2-Ethylhexyl Ester can occur via inhalation or dermal contact and can result in skin irritation, respiratory failure, hyperventilation, and pulmonary enemas.[3]
- Organochlorine pesticides DDE and DDT were detected in soil samples collected at the Project site[4], indicating past use. Use of organochlorine pesticides in the area is common: review of the Department of Toxic Substances Control's (DTSC) Envirostor database shows that the surrounding lands have been surveyed for organochlorine pesticides, DDE and DDT.[5] These pesticides can persist in soil for hundreds of years despite being banned in the 1970s.[6] Exposure to DDT can result in headaches, nausea, and convulsions.[7] The U.S. EPA identifies DDT and DDE as probable human carcinogens.[8]
- The EPA states that soils at fruit orchards, such as the grapefruit orchard on the Project site, may contain high levels of arsenic from application as a pesticide.[9] Another chemical used on fruit orchards is lead arsenate, a very persistent pesticide.[10] Arsenic is a known human carcinogen and even short-term inhalation of arsenic dust can cause gastrointestinal effects [11] while lead is known to cause neurotoxicological effects.[12]

2

Pesticide use at the Project site was not disclosed in the DEIR and the detection of pesticide residuals in soil were not described in the Hazards and Hazardous Materials section.

Failure to disclose the presence of pesticide residuals in Project site soils may pose significant health risks to construction workers. Construction of the Project requires grading and the disturbance of subsurface soils and removal of citrus groves (DEIR, p. 4.7-21). During earthmoving activities, construction workers will be exposed, via inhalation of dust and dermal contact, to Project site soils which may contain harmful levels of pesticide residuals associated with agricultural activities on the site. To protect worker safety, Project site soils must be sampled for pesticides. Sampling results should be

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[1] ftp://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104149.html
[2] ftp://cdpr.ca.gov/pub/outgoing/calpip/26814174623515_120824104217.html
[3] http://toxnet.nlm.nih.gov/cgi-bin/sis/search/a?dbs+hsdb:@term+@DOCNO+7309
[4] Phase I Environmental Site Assessment, 84 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 9 and Phase I Environmental Site Assessment, 37 acres. Near Intersection of Pittit Street and Highway 60, Moreno Valley, California, p. 8
[5] http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000825 and http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000931
[6] http://www.atsdr.cdc.gov/toxprofiles/tp35.pdf, p. 3
[7] http://www.epa.gov/ttn/atw/hlthef/dde.html
[8] http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=80&tid=20
[9] http://water.epa.gov/drink/info/well/health.cfm
[10] http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1551991/
[11] http://www.epa.gov/ttn/atw/hlthef/arsenic.html
[12] http://www.epa.gov/lead/pubs/learn-about-lead.html#effects

compared to health-protective regulatory screening levels such as U.S. EPA Regional Screening Levels[13] and California Human Health Screening Levels.[14]

Soil sampling results should also be evaluated for the protection of nearby residents, located 50 feet from the southern boundary and 200 feet from the northern boundary of the Project site (DEIR, p. 4.3-6). Inhalation of pesticides has been linked to asthma in recent research.[15,16] A report prepared by the California Department of Health identifies pesticides as an asthma trigger.[17] Offsite receptors, including any children living in the neighboring residences, may be exposed to pesticide residuals via dust generated during Project construction.

Construction activities, such as grading and excavation of soils, may generate dust that contains pesticides in concentrations that are harmful to the health of workers and nearby residents and which may act as an asthma trigger. Project site soils should be sampled and results should be compared to human health screening levels. A revised DEIR should be prepared to disclose the results of sampling and include any necessary mitigation to reduce impacts to the health of construction workers and nearby residents.

2

Phase I ESAs completed for the Project site are outdated and inadequate

The DEIR relies on the findings from two Phase I Environmental Site Assessments (ESAs) that were completed in October and November 2003, nearly nine years ago. The Phase I ESAs surveyed 121 acres of the 123-acre Project site. The Applicant purchased the Project site more than five years ago.[18] A Phase I ESA, according to the U.S. EPA, must be conducted within one year of the acquisition of the property and on-site visual inspections must be completed within 180 days prior to acquiring ownership of the property.[19]

Because the Phase I ESAs are dated and omit two acres of the Project site, they cannot be used to evaluate conditions that are potentially hazardous to construction workers and future site personnel. Therefore, the DEIR's analysis of the Project site based on these Phase I ESAs is inadequate.

Review of Google Earth images shows that the Project site has been used for ongoing agricultural operations since the Phase I ESAs were completed in 2003. Limited pesticide sampling was conducted during the Phase I ESAs (a total of 8 soil samples for a 123-acre Project site) but because the samples were collected nine years ago and because they do not reflect continued agricultural use, the results are reflective of current site conditions.

3

[13] http://www.epa.gov/region9/superfund/prg/
[14] http://www.calepa.ca.gov/brownfields/documents/2005/CHHSLsGuide.pdf
[15] http://extension.psu.edu/ipm/resources/urbanphilly/partnerships/handouts/asthma-pests.pdf
[16] http://www.ncbi.nlm.nih.gov/pubmed/21368619
[17] http://www.cdph.ca.gov/programs/caphi/Documents/AsthmaStrategicPlan.5-5-08.pdf, p. 22
[18] http://www.pe.com/local-news/riverside-county/moreno-valley/moreno-valley-headlines-index/20120726-moreno-valley-officials-seek-comments-on-prologis-project.ece
[19] http://www.epa.gov/brownfields/aai/aaicerclafs.pdf

The Phase I ESAs cover 121 acres of the 123-acre Project site. We have created a map to show the areas of the Project site surveyed by the two 2003 Phase I ESAs and the boundaries for the current Project site (Attachment A). As the map shows, not all areas of the current Project site were included in the 2003 Phase I ESAs' site assessments.

The Phase I ESAs are outdated and do not cover the entire Project site; therefore, they cannot be used to define baseline conditions for the DEIR's Hazards and Hazardous Materials section. A revised DEIR should be prepared to include a new Phase I ESA that evaluates current Project site conditions.

3

Status of an underground storage tank is uncertain

A 13,400 gallon underground storage tank (UST), abandoned in the 1950s, was removed from the Project site in 2004 (Appendix F, p. 3/191). The Phase I ESA recommended an additional investigation to be conducted in the area of the former UST (Appendix F, p. 10/191). Accordingly, a permit for removal of the UST was submitted to the Riverside County's Department of Environmental Health in December 2003 and soil samples around the area of the UST were analyzed in 2004. However, the DEIR and supporting documents did not include any documentation that that the UST was properly closed by the Riverside County Department of Environmental Health. If the UST removal was not approved, an Underground Storage Tank Closure Application and Permit[20], per the Riverside County Department of Environmental Health Guidelines,[21] must be submitted. A revised DEIR should be prepared to disclose whether closure was granted by the Riverside County Department of Environmental Health.

Greenhouse Gas Emissions:

The Project's operational greenhouse gas (GHG) emissions, before mitigation, are estimated to be 79,000 metric tons of CO_2e/year (MT CO_2e/yr) which exceed the SCAQMD threshold of 10,000 MT CO_2e/yr and are therefore considered significant (DEIR, p. 4.13-19). After mitigation, the DEIR states that GHG emissions will be less than significant (DEIR, p. 4.13-21). However, the DEIR does not calculate what the Project's GHG emissions will be after the mitigation measures are implemented.

4

The Project's GHG emissions exceed the SCAQMD threshold by nearly eight times. The DEIR and its supporting documents, including a Greenhouse Gas Study attached as Appendix B, do not provide any evidence that the proposed mitigation measures will reduce GHG emissions by a factor of eight.

A revised DEIR should be prepared to show the efficiency of the Project's proposed mitigation measures in reducing greenhouse gases. If these measures do not account for an eight-fold reduction in the Project's estimated GHG levels, additional mitigation measures (listed below) that are routinely considered in other CEQA projects should be implemented:

- Require preparation of a traffic control plan;

[20] http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/UST_Closure_App.pdf
[21] http://www.rivcoeh.org/opencms/system/galleries/download/Environmental-Health/HMM/Closure_by_removal_UST.pdf

- Demonstrate proper inspection and maintenance of construction equipment;
- Implement a carpool program for construction workers;
- Employ a construction site manager to verify that engines are properly maintained and keep a maintenance log;
- Configure construction parking to minimize traffic interference;
- Consolidate truck deliveries when possible;
- Provide dedicated turn lanes for movement of construction trucks and equipment on and off site;
- Suspend use of all construction equipment operations during second stage smog alerts;
- Establish a staging zone for trucks that are waiting to load or unload material at the work zone in a location where diesel emissions from the trucks will have minimum impact on abutters and the general public;
- Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners and operable windows;
- Require all diesel trucks used by construction contractor(s) at the site, or for on-road hauling of construction material, to be post-1996 models; Diesel portable generators less than 50 hp shall not be allowed at the construction site;
- Use of hybrid and fuel efficient construction equipment and support vehicles (e.g., pick-up trucks);
- Use of grid electricity for smaller equipment such as saws, pumps, and welders;[22]
- Reduction in vehicle miles travelled in construction crew commutes through trip carpooling, trip reduction, providing bus service for crews from work sites to carpool parking areas, and in providing incentives to carpool; and
- Use of a Heavy-Duty Off-Road Vehicle Plan to ensure compliances with construction mitigation measures (e.g., hourly meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment).[23]

4

Air Quality:

The Project is located in the South Coast Air Basin and Riverside County[24], both of which are designated non-attainment for PM10 and ozone (DEIR, p. 4.3-6). Significant emissions of PM10 and ozone and contributing factors such as NOx and ROG will lead to a worsening of regional air quality. The Project's estimates of construction emissions need to be properly disclosed and mitigated to ensure that the Project has a less than significant impact on regional air quality.

5

Estimates and impacts of project's construction and operational emissions

[22] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf, p. 47
[23] Ibid., p. 431
[24] http://www.epa.gov/oaqps001/greenbk/ancl.html

Project construction and operation will result in significant emissions of ROG, NOx, and PM10 even after mitigation (DEIR, pp. 4.3-29, 4.3-34).

Construction emissions

The DEIR estimates that the Project's construction emissions of NOx and ROG will be significant as they exceed the SCAQMD thresholds of 100 lbs/day and 75 lbs/day, respectively (DEIR, p. 4.3-23) and identifies mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-23 – 4.3-29). Even with mitigation, the Project's emissions of NOx and ROG will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-29).

Operational emissions

The DEIR estimates that the Project's emissions of ROG, NOx, and PM10 from operational activities will be significant as they exceed the SCAQMD thresholds of 55 lbs/day, 55 lbs/day, and 150 lbs/day, respectively (DEIR, p. 4.3-33). The DEIR proposes mitigation measures to reduce the Project's emissions (DEIR, pp. 4.3-33 – 4.3-34) but, even with mitigation, the Project's emissions will still exceed SCAQMD thresholds and therefore are considered significant (DEIR, p. 4.3-34).

5

Gaseous particles such as NOx can react in the atmosphere to form PM10.[25,26] Because Riverside County and the South Coast Air Basin are both designated non-attainment for PM10, significant emissions of NOx can lead to a further degradation of regional air quality. NOx emissions can also react to produce ground-level ozone.[27] Exposure to NOx emissions and its products (ozone and PM10) can lead to the airway inflammation and can cause or exacerbate conditions such as emphysema and bronchitis.[28]

ROG can react to form ozone and contributes to smog formation.[29,30] Exposure to ozone can result in coughing, throat irritation, and chest pain, burning, and discomfort.[31] Smog exposure can lead to sneezing, nausea, coughing, headaches, and chest constriction.[32] A study published in the New England Journal of Medicine concluded that the risk of dying from respiratory diseases is three times higher in areas of concentrated ozone.[33]

Exposure to PM10 can cause bronchitis, increase the number and severity of asthma attacks, damage to lung tissue, and even premature death.[34] Research identifies that dust from construction is a major

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[25] http://www.fhwa.dot.gov/resourcecenter/teams/airquality/brochure/particulatebrochure.pdf
[26] http://www.epa.gov/captrade/documents/power.pdf
[27] *Ibid.*
[28] http://www.epa.gov/air/nitrogenoxides/health.html
[29] http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm
[30] http://www.arb.ca.gov/html/gloss.htm#smog
[31] http://www.epa.gov/o3healthtraining/population.html
[32] http://are.berkeley.edu/courses/EEP101/spring03/AllThatSmog/extern.html
[33] http://www.nytimes.com/gwire/2009/03/12/12greenwire-study-links-smog-exposure-to-premature-death-10098.html
[34] http://www.epa.gov/airtrends/aqtrnd95/pm10.html and http://www.arb.ca.gov/html/brochure/pm10.htm

contributor to PM10 and that PM10 exposure is associated with asthma.[35] Inhalation of PM10 can exacerbate asthma especially in children who are susceptible to higher risks from PM10 exposure.[36]

The Project will have significant emissions of ROG, NOx, and PM10. Because Riverside County and the South Coast Air Basin are designated non-attainment areas for ozone and PM10, Project construction and operation will further degrade regional air quality. Exposure to ROG, NOx, and PM10 has adverse health effects and can impact offsite receptors, especially children in the nearby residences – a significant and undisclosed public health impact that the DEIR does not consider. 5

A revised DEIR should be prepared to disclose impacts to offsite receptors from Project construction and operation. Additional mitigation measures must be implemented to ensure that Project emissions of ROG, NOx, and PM10 are reduced to the maximum extent feasible.

Cumulative Impacts:

The DEIR identifies 13 proposed projects encompassing approximately 7.3 million square feet of space within five miles of the Project site (DEIR, p. 3-16). The DEIR does not identify the construction schedule of these projects except to state that "a number of individual projects may be under construction simultaneously with the proposed project" (DEIR, p. 4.3-37). The WestRidge Commerce Center Project (which will be built adjacent to the proposed Project) is scheduled to be constructed in 2012, a schedule similar to the proposed Project. Simultaneous construction of these projects, along with other potential projects, is likely to result in PM10, NOx, and ROG emissions that will have a cumulatively significant impact. 6

The construction timetables of all projects within the vicinity of the Project site should be identified. Any cumulatively significant emissions should be disclosed and impacts to workers and nearby residents should be addressed in a revised DEIR.

Sincerely,

Uma Bhandaram

Matt Hagemann, P.G., C.Hg.

[35] http://scerpfiles.org/cont_mgt/doc_files/EH-01-2.pdf
[36] http://www.co.imperial.ca.us/airpollution/attainment%20plans/final%20ic%202009%20pm10%20sip%20document.pdf

RESPONSES TO LETTER D-4C
LOZEAU DRURY, MEMORANDUM FROM MATTHEW HAGEMANN

Response to Comment 1: It appears that Mr. Hagemann's comments were incorporated more or less directly into the letter from Mr. Drury (Letter D-4A). However, the following responses will address Mr. Hagemann's comments with reference to the responses to Mr. Drury's letter when appropriate.

Response to Comment 2: The commenter believes that residual soil contamination may contribute health risks to area residents and workers on the project site. However, the issues raised by Mr. Hagemann have already been addressed in Response to Comment D-4A-9 through D-4A-11.

Response to Comment 3: The commenter believes the Phase 1 ESA reports are out of date. These comments are addressed in the previous Response to Comment D-4A-9 and D-4A-10.

Response to Comment 4: For a detailed response on greenhouse gas emissions of the project, see the Response to Comment D-4A-12 in the previous Letter D-4A from Lozeau Drury.

Response to Comment 5: For a detailed response on comparing construction emissions to daily construction thresholds, see the Responses to Comments D-4A-13 and D-4A-14 in the previous Letter D-4A from Lozeau Drury. For a detailed response on operational impacts of the project, see the Response to Comment D-4A-16 in the previous Letter D-4A from Lozeau Drury. The DEIR presented evidence and supported its conclusions with empirical evidence that the project would not result in any significant health risks to local residents as a result of project air emissions, both in the short-term and over the long-term.

Response to Comment 6: The commenter makes the same comment as Mr. Drury in Response to Comment D-4A-19. The reader is referred to that response for more information.

RESPONSES TO LETTER D-4D: LOZEAU DRURY APPENDICES

Response to Appendix 1 – GHG Strategies Issued by the State Attorney General's Office: Section 4.13 of the DEIR examined the potential impacts of the ProLogis project relative to greenhouse gases, and compared the project characteristics and impacts to the .

As outlined in DEIR Section 4.13.5.1, *Greenhouse Gas Plan, Policy, Regulation Consistency*, the CAT and the CARB have developed several reports to achieve the Governor's GHG targets that rely on voluntary actions of California businesses, local government and community groups, and State incentive and regulatory programs. These include the CAT's 2006 "Report to Governor Schwarzenegger and the Legislature," the CARB's 2007 "Expanded List of Early Action Measures to Reduce Greenhouse Gas Emissions in California," and the CARB's "Climate Change Proposed Scoping Plan: a Framework for Change. The reports identify strategies to reduce California's emissions to the levels proposed in Executive Order S-3-05 and AB 32 (i.e., 29 percent below existing "business as usual" emissions) that are applicable to proposed project. Table 4.3.C presents the applicable Recommended Actions (qualitative measures) identified to date by CARB in its Climate Change Proposed Scoping Plan and whether or not the proposed project is consistent with the applicable Recommended Actions. Table 4.13.C, Proposed Scoping Plan Recommended Actions for Climate Change, in the DEIR examined the project's consistency with these policies.

In addition, GHG emissions reduction strategies were also set forth in the 2006 CAT Report, and the strategies included in the CAT Report that apply to the project were evaluated in Table 4.13.E of the DEIR, which also summarized the extent to which the project would comply with the strategies to help California reach the emission reduction targets. The strategies listed in DEIR Table 4.13.E were addressed as either part of the project, required mitigation measures, or requirements under local or State ordinances.

The mitigation measures outlined in the Attorney General's guidance have already been addressed in the two evaluation processes outlined above, since most or all of the AG's recommendations are an outgrowth of the CAT report. Therefore, the project does not need an additional evaluation specifically against the AG's criteria.

Response to Appendix 2 – Resumes for James Clark Ph.D. and Matt Hagemann: Resumes were provided for the two primary authors of the supplementary comment memos that were included in the Lozeau Drury Letter D-4A. No comments on their qualifications.

Response to Appendix 3 – CalEEMod Technical Paper (July 2011 SCAQMD et al): This report outlines the methodology, reasoning, and policy development issues related to the California Emission Estimator Model (CalEEMod). The commenter does not indicate why this reference was included, so no specific response is necessary. A discussion on two comments regarding differences between the project emissions using CalEEMod and the older URBEMIS model is provided in Responses D-4A-13 and D-4B-3.

Response to Appendix 4 – Initial Statement of Reasons for Rulemaking – Staff Report (CARB): The commenter does not indicate why this reference was included, so no specific response is necessary. However, the air quality study prepared for the project included a Health Risk Assessment (HRA) that assumed diesel exhaust as a toxic air contaminant and used the procedures established by the SCAQMD to conduct the HRA.

Response to Appendix 5 – Health Assessment Document for Diesel Engine Exhaust (U.S. EPA): The commenter does not indicate why this reference was included, so no specific response is necessary. However, the air quality study prepared for the project included a Health Risk Assessment

(HRA) that assumed diesel exhaust as a toxic air contaminant and used the procedures established by the SCAQMD to conduct the HRA, which are in turn consistent with the U.S. EPA guidance.

Response to Appendix 6 – Interim Guidance for Sampling Agricultural Fields for School Sites (Cal DTSC 8/02): The commenter refers to this document in relation to comments that the soil sampling conducted for the Phase 1 ESA reports on the project site were not consistent with the guidance in this report. A discussion on two comments regarding this topic is provided in Responses D-4A-9 through D-4A11 and D-4C-3.

Response to Appendix 7 – Various DTSC forms and chemical data materials related to pesticide applications or suspected applications on the project site (various dates around 2010): The commenter refers to this document in relation to comments that the onsite soils may be contaminated with pesticides, and the attached materials document that certain pesticides were applied to the site (or at least purchased by site maintenance staff) around 2010. A discussion on two comments regarding this topic is provided in Responses D-4A-9, and it should be noted a mitigation measure (4.6.6.1A) was added to do additional soil testing before grading (see Response D-4A-9).

Response to Appendix 8 – Various reports and data on pesticides and other agricultural chemicals (various): The commenter refers to this document in relation to comments that the onsite soils may be contaminated with pesticides such as DDT, DDE, and arsenic. A discussion on two comments regarding this topic is provided in Responses D-4A-9, and it should be noted a mitigation measure (4.6.6.1A) was added to do additional soil testing before grading (see Response D-4A-9).

Response to Appendix 9 – Use of California Human Health Screening Levels in Evaluation of Contaminated Properties (January 2002): The commenter refers to this document in relation to comments that the onsite soils may be contaminated with various kinds of pesticides applied over the years. A discussion on comments regarding this topic is provided in Responses D-4A-9, and it should be noted a mitigation measure (4.6.6.1A) was added to do additional soil testing before grading (see Response D-4A-9).

Response to Appendix 10 – Strategic Plan for Asthma in California, 2008 – 2012, and other reports related to health and air quality: This report was included apparently to support the commenter's contention that there will be health risks to local residents and construction workers from project air emissions, including diesel emissions. The air quality study prepared for the project was comprehensive and based on guidance from SCAQMD for such studies. It included a Health Risk Assessment (HRA) that assumed diesel exhaust as a toxic air contaminant and used the procedures established by the SCAQMD to conduct the HRA, which are in turn consistent with U.S. EPA guidance. The study determined impacts on local residents would be less than significant, although it would contribute to cumulatively significant air impacts due to the poor quality of air in the South Coast Air Basin.

In addition, the commenter is referred to Section 4 of this document for an evaluation of a less intensive modified plan, which is a subset of the Reduced Intensity Alternative evaluated in the DEIR (and which was determined to be environmentally superior to the Proposed Project). This less intensive plan proposes to develop 4 warehouse buildings, leaving the southeast portion of the site vacant for future development of residential uses consistent with existing zoning (R-5 and RA-2) adjacent to the existing residential neighborhood to the southeast.

3. EIR ERRATA AND ADDITIONS

Any corrections to the Draft Environmental Impact Report (EIR) text and figures generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. The Draft EIR text and figures have not been modified to reflect these EIR modifications.

These EIR errata are provided to clarify, refine, and provide supplemental information for the Eucalyptus Industrial Park Draft EIR. Changes may be corrections or clarifications to the text and figures of the original Draft EIR. Other changes to the EIR clarify the analysis in the EIR based upon the information and concerns raised by commenters during the public review period. None of the information contained in these EIR modifications constitutes significant new information or changes to the analysis or conclusions of the Draft EIR.

The information included in this EIR erratum that resulted from the public comment process does not constitute substantial new information that requires recirculation of the Draft EIR. The California Environmental Quality Act (CEQA) Guidelines, Section 15088.5, states in part:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

   (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

   (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

   (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

   (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The changes to the Draft EIR included in these EIR modifications do not constitute "significant" new information because:

No new significant environmental impact would result from the project or from a new mitigation measure;

There is no substantial increase in the severity of an environmental impact that would result unless mitigation measures are adopted that reduce the identified significant impacts to a level of insignificance;

No feasible project alternative or mitigation measure considerably different from others previously analyzed has been proposed or identified that would clearly lessen the significant environmental impacts of the project; and

The Draft EIR is not fundamentally or basically inadequate or conclusory in nature such that meaningful public review and comment were precluded.

Therefore, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate Draft EIR.

For simplicity, the EIR modifications contained in the following pages are in the same order as the information appears in the Draft EIR. Changes in text are signified by strikeouts (~~strikeouts~~) where text has been removed and by underlining (underline) where text has been added. The applicable page numbers from the Draft EIR are also provided where necessary for easy reference.

Draft EIR, Section 1.0 Executive Summary, Summary (pages 1-13 through 1-73)

Table 1.C: The Environmental Summary in the Draft EIR has been updated to be consistent with changes that have been made, as a result of the responses to comments. Changes have been made to mitigation measures for air quality, biological resources, cultural resources, and noise. These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR. The change to Impact 4.3.6.1 was an editorial one, the action section 4.3.5.1 concluded the impact related to "Conflict with an Existing Agricultural Zone" was less than significant with no mitigation required, but Table 1.C wrongly showed it as "significant with no mitigation available". This has been corrected.

IMPORTANT NOTE: *The various changes to the mitigation measures will be presented following Table 1.C, but the actual wording changes will not be reflected in Table 1.C to avoid duplication and unnecessary length of the table. However, a note will be included in the table to reference mitigation measures that have changed. The revised mitigation measures will appear in their entirety in Section 4, Mitigation Monitoring and Reporting Program.*

Table 1.C: ProLogis Eucalyptus Industrial Park - Environmental Summary

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.1 AESTHETICS		
Impact 4.1.6.1: Existing Visual Character or Quality of Site and Its Surroundings: Implementation of the proposed project would replace the undeveloped character of the project site with an urban setting containing warehouse uses. Therefore, the change in the character of the site would be recognizable and would constitute a permanent alteration of the existing visual character of the project site. Although the visual characteristic of the project site would change, the proposed project would replace the existing vacant parcel with an attractive, well designed development through the use of architectural elements, landscaping, and design of the project site. In addition, the proposed project would be designed and constructed per applicable City Municipal Code and General Plan standards. Despite these requirements, a ~~less than~~ significant impact related to this issue would occur.	No feasible mitigation is available	Significant and unavoidable

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.2 AGRICULTURAL RESOURCES		
Impact 4.2.6.1: Conflict with an Existing Agricultural Zone: The proposed project would ~~not~~ conflict with an existing agricultural zone. An approximately 12-acre portion of the project site is zoned Residential Agriculture (R-A-2) with a PAKO designation, and is located near the southern border. With the development of the project, this portion of the site would be rezoned to Light Industrial to allow for the proposed warehouse distribution uses. ~~While~~ This zone change would not conflict with the existing zone for this area of the project site. This type of change is expected, ~~and~~ planned for within the City, and is consistent with the City's overall vision. Impacts are less than significant.	~~No feasible mitigation is available~~ No mitigation required.	~~Significant and unavoidable~~ Less than Significant
Impact 4.2.6.2: Conversion of State Designated Farmland: The project site is designated as 67 percent Prime Farmland (82.5 acres) and 12 percent (39.8 acres) as Farmland of Local Importance ~~(5.3 acres)~~. While farmland conservation measures have been implemented in other areas of the State, neither the City of Moreno Valley nor Riverside County maintains a program that developers and property owners can participate in to offset agricultural resource impacts; therefore, the conversion of State designated Prime Farmland is a significant impact.	No feasible mitigation is available	Significant and unavoidable
4.3 AIR QUALITY		
Impact 4.3.6.2: Equipment Exhaust Emissions From Construction Activities Impacts: Grading and other construction activities would result in combustion emissions from heavy-duty construction vehicles, haul trucks, utility engines, and vehicles transporting the construction crew. Construction equipment/vehicle emissions during proposed on-site grading periods would exceed the SCAQMD daily thresholds for CO and NO_X. This remains a significant impact requiring mitigation.	**4.3.6.2C** Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City. Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission	Implementation of identified mitigation measures would reduce construction-related emissions; however, it is not possible to quantify emission reductions for all pollutants, so impact remains significant and unavoidable.

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	reductions that are no less than what would be achieved by a Level 3 diesel emission 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 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devices used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations. A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. **4.3.6.2D** All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. **4.3.6.2H** The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and ~~during smog season (May through October)~~ ~~by~~ shall not allow~~ing~~ construction equipment to be left idling for more than five minutes (per California law). **4.3.6.2J** Grading plans, construction specifications and bid documents shall also include the following	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	~~notations~~ requirements: • Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty; • Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads; • Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect; • The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site; • The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours; • High-pressure injectors shall be provided on diesel construction equipment ~~where feasible~~ if available; • Engine size of construction equipment shall be limited to the minimum practical size; • Substitute gasoline-powered for diesel powered construction equipment where ~~feasible~~ gasoline powered equipment is available; • Use electric construction equipment where ~~feasible~~ it is practical to use such equipment;	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	• Install catalytic converters on gasoline-powered equipment where ~~feasible~~ this type of equipment is available; • Ride-sharing program for the construction crew ~~shall be encouraged and~~ shall be supported by contractor(s) via incentives or other inducement; • Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs; • Lunch vendor services shall be ~~provided~~ allowed on site during construction to minimize the need for off-site vehicle trips; and • All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered. **4.3.6.2K** Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues within 24 hours.	
Impact 4.3.6.3: Localized Construction Equipment Exhaust Emissions Impacts: Emissions of PM_{10} and $PM_{2.5}$ exceed the localized threshold that would occur for construction activity. PM_{10} and $PM_{2.5}$ emissions are a significant impact requiring mitigation.	**4.3.6.3A** Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or ~~should~~ shall maintain at least 2 feet of freeboard in accordance with the	Although **Mitigation Measures 4.3.6.3A** through **4.3.6.3C** would reduce localized emission rates up to 50 percent, the localized construction

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer). **4.3.6.3B** Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road. **4.3.6.3C.** Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.	thresholds are exceeded at the nearest residences for PM_{10} and $PM_{2.5}$. Therefore, even with implementation of **Mitigation Measures 4.3.6.3A** through **4.3.6.3C**, impacts associated with localized construction emissions for PM_{10} and $PM_{2.5}$ would remain significant and unavoidable.

Impact 4.3.6.5 Long-Term Project-Related Emissions Impacts: Project-related emissions for CO, ROG, NO_X, PM_{10}, and $PM_{2.5}$ would exceed the SCAQMD daily emissions thresholds during the operational phase of the project. This is a significant impact requiring mitigation.	**4.3.6.5B** Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features may include (but are not limited to) the following:
	
	• Construction of buildings that exceed statewide energy requirements beyond ~~20~~ 10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards:
	  o Use of low-emissions water heaters;
	  o Use of central water-heating systems;
	  o Use of energy-efficient appliances;
	  o Use of increase insulation;
	  o Use of automated controls for air conditioners;
	  o Use of energy-efficient parking lot lighting; and
	  o Use of lighting controls
		Although implementation of Mitigation Measures 4.3.6.5A through 4.3.6.5B may reduce vehicle trips associated with the proposed project, it is not possible to quantify the reduction in the amount of emissions that may occur. In the absence of mitigation to reduce the proposed project's emission of contribution of ROC and NOx to below SCAQMD thresholds, long-term air quality impacts resulting from the operation of the proposed project would remain significant and unavoidable.

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation

	and energy-efficient lighting.
	• Utilize low-VOC interior and exterior coatings during project repainting.
	• Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the amount of vehicle trips.
	• Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.
	• Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required.
	• Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats.
	• Reduction of energy demand associated with potable water conveyance through the following methods:
	  ○ Incorporating drought-tolerant plants into the landscaping palette; and
	  ○ Use of water-efficient irrigation techniques.
	• Energy-efficient low-pressure sodium parking lot lights or lighting equivalent as determined by the City, shall be used;
	• Buildings shall be oriented	

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	north-south where feasible; • Implement an on-site circulation plan in parking lots to reduce vehicle queuing; • Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than ~~100~~ 250 employees or multitenant worksites; • Include bicycle parking facilities such as bicycle lockers and racks; • Include showers for bicycling employees use; and • Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.	
Impact 4.3.6.6: Localized Project Operational Emissions. All localized operational emissions for the proposed project, with the exception of PM_{10} and $PM_{2.5}$ emissions, are below the localized significance threshold. Since PM_{10} and $PM_{2.5}$ emissions exceed the localized significance thresholds, operational activities associated with the proposed project may cause long-term localized air quality impacts and mitigation is required.	**4.3.6.6A** Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 20 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. Any combination of The following design features including but not limited to the following list shall be used to fulfill this requirement: • Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable	Although implementation of **Mitigation Measures 4.3.6.6A** and **4.3.6.6B** may reduce vehicle trips associated with the proposed project, it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions generated and current commuter habits, it is unlikely the implementation of TDMs/TCMs will result in a reduction of operational project emissions to below existing localized operation emissions thresholds. In the absence of mitigation to reduce the proposed project's localized emission of

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	by the City. • Increase in insulation such that heat transfer and thermal bridging is minimized. • Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. • Incorporate dual-paned or other energy efficient windows. • Incorporate energy efficient space heating and cooling equipment. • Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented. • To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site. • Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings. • All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. • To reduce energy demand associated with potable water conveyance, the project shall implement the following: o Landscaping palette	contribution of PM10 and PM2.5 to below localized emission thresholds, long-term air quality impacts resulting from the operation of the proposed project would remain significant and unavoidable.

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	emphasizing drought-tolerant plants; ○ Use of water-efficient irrigation techniques; and, ○ U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads. • The project shall provide secure, weather-protected, on-site bicycle storage/parking. • The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided. • The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information. • The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan. • The project shall provide at least two electric vehicle charging stations. Locations and	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans. • Lease/purchase documents shall identify that tenants are encouraged to promote the following: ○ Implementation of compressed workweek schedules. ○ SmartWay partnership; ○ Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers. ○ Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers. ○ Use of fleet vehicles conforming to 2010 air quality standards or better. ○ Installation of catalytic converters on gasoline-powered equipment. ○ Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	○ Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles. ○ Provision of preferential parking for EV and CNG vehicles. ○ Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance. ○ Use of electric (instead of diesel or gasoline-powered) yard trucks. ○ Use of SmartWay 1.25 rated trucks. ○ Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules. ○ Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time. ○ Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas. ○ Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses. ○ Each facility operator which upon occupancy does not	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	already operate 2007 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.4 BIOLOGICAL RESOURCES		
Impact 4.4.6.2: Riparian Habitat or Other Sensitive Natural Communities: The three on-site drainages, including the Quincy Channel, contain riparian/riverine area. While the proposed project would incorporate the design standards identified in the City's Municipal Code, the development of the proposed project may result in the elimination of habitat for special-status plant species (mule fat scrub) or reduce population size of sensitive plant species below self-sustaining levels. Therefore, a potentially significant impact would occur and mitigation is required.	**4.4.6.2A** As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. (0.36 acre impact = 0.72 acre replacement). This off-site replacement shall be accomplished through the contribution of in-lieu fees to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of riparian habitat adjacent to the tributaries of the San Jacinto River or within the Santa Ana River watershed. Documentation of acceptance of the SAWA contribution shall be provided to the City prior to issuance of a grading permit. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP. **4.4.6.2B** The project applicant shall retain qualified personnel to prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP) to oversee restoration of temporarily affected areas (0.35 acre of riverine/riparian habitat) to their pre-construction contours and vegetation. The HMMP will be approved by USACE and CDFG prior to the City issuing any	Less than Significant with Mitigation

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	occupancy permits. Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.	
Impact 4.4.6.3: Jurisdictional Waters/Wetlands: Implementation of the proposed project would result in permanent impacts to 0.051 acre (354 linear feet) of non-wetland waters of the United States and waters of the State and 0.362 acre (440 linear feet) of State streambed associated with the eastern, southern, and western drainages In addition to permanent impacts, the proposed project would result in temporary impacts to 0.054 acre (332 linear feet) of non-wetland waters of the United States and waters of the State and 0.33 acre (547 linear feet) of State streambed associated with construction activities. This is a significant impact requiring mitigation.	**4.4.6.3A** The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE and a Section 1602 Streambed Alteration Agreement from the CDFG Direct temporary impacts to more than 0.1 acre of jurisdictional area that are regulated by the USACE, CDFG, and RWQCB shall be mitigated at a 2:1 ratio, including enhancement and/or creation of wetlands or the contribution of in-lieu feed to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of off-site riparian habitat, as outlined in Mitigation Measure 3.3.6.2A. The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.	Less than Significant with Mitigation
4.5 CULTURAL RESOURCES		
Impact 4.5.6.1: Prehistoric Cultural Resources: The cultural resources survey indicates there are no recorded cultural sites or surface evidence that cultural resources are present on the project site. Correspondence from Native American groups represents appropriate consultation under SB 18. The site's location within the Moreno Hills Complex indicates a potential exists that excavation and construction activities may uncover	**4.5.6.1A** Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a	Less than Significant with Mitigation

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previously undetected prehistoric or historic cultural resources. This is a significant impact requiring mitigation.	professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program. **4.5.6.1B** Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	4.5.6.1C If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility. **4.5.6.1D** Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:	

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find." **4.5.6.1E** If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.	
Impact 4.5.6.2: Paleontological Resources: The project site is located in an area identified as having a "high sensitivity" for paleontological resources. Construction of the proposed project has the potential to result in significant impacts to nonrenewable paleontological resources, requiring mitigation.	**4.5.6.2D** Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan: "If any suspected paleontological resources are discovered during ground-disturbing activities, the	Less than Significant with Mitigation

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Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction."	
4.6 HAZARDS AND HAZARDOUS MATERIALS		
4.6.6 Although the EIR did not identify any significant impacts related to hazardous materials, the mitigation measure was added to assure there will be no impacts related to soil contamination.	**4.6.6.1A** Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.	Less than Significant
4.9 NOISE		
Impact 4.9.6.1: Short-Term Construction Noise Impacts: Construction activities would include grading, excavation, and installation activities generating noise levels up 91 dBA L_{max} at 50 feet from an active construction area. These noise levels would diminish rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling of distance. The worst-case scenario during construction would be a noise level of 91 dBA L_{max} at a distance of 50 feet from the noise source to the nearest existing sensitive receptor. However, compliance with the construction hours specified in the City's	**4.9.6.1D.** During all project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and	Less than Significant with Mitigation

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Municipal Code would result in construction noise impacts that are less than significant. While impacts would be considered less than significant as long as construction activities occur within the designated hours identified in the City's Municipal Code, mitigation measures have been identified to reduce the noise levels that would expose nearby sensitive receptors to noise levels in excess of the City's noise standards.	holidays, unless written approval is obtained from the City Building Official or City Engineer for specific construction activities that must be conducted outside of the permitted time periods.	
4.11 TRANSPORATION		
Impact 4.11.6.1A: Existing (2011) with project Conditions (Intersection) Traffic and Level of Service Impacts: The addition of project traffic to this scenario would result in conditions exceeding the established LOS standard at the following intersections: Redlands Boulevard/SR-60 Westbound Ramps (a.m. and p.m. peak hours); and Redlands Boulevard/Eucalyptus Avenue-Fir Avenue (p.m. peak hour). The project would contribute toward the worsening of the already unsatisfactory LOS at the intersection of Redlands Boulevard/SR-60 Westbound Ramps and would create a significant impact at the intersection of Redlands Boulevard/Eucalyptus Avenue-Fir Avenue. Therefore, mitigation is required at both intersections.	**4.11.6.4A** Prior to issuance of a ~~building permit~~ Certificate of Occupancy, the project applicant shall construct ~~pay the fair share contribution toward~~ the following traffic improvements ~~through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program~~: • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy. • **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and ~~This improvement is listed in the City's DIF program. A~~ add a northbound left-turn lane and a southbound left-turn lane. ~~These improvements are listed in the TUMF.~~ If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.	With the implementation of the recommended improvements, the minimum level of service standards would be maintained for the Existing (2011) with project condition and impacts would be reduced to a less than significant level for all identified intersections. However, improvements to freeway facilities are under the authority of Caltrans. Since the City has no control over when and how the improvements will be in place, impacts associated with SR-60 ramp intersections would remain significant and unavoidable until such improvement is constructed.

Table 1.C: ProLogis Eucalyptus Industrial Park - Environmental Summary

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
4.12 GLOBAL CLIMATE CHANGE		
Greenhouse Gas Emissions and Climate Change: Construction of the project would emit approximately 37.5 tons per day of CO_2 equivalent emissions, while occupancy of the project will emit 61,000 tons of CO_2 equivalent emissions per year. The carbon dioxide, methane, and nitrous oxide emissions that would be associated with the proposed project is approximately 0.0024 percent of California's 2004 total emissions for carbon dioxide, methane, and nitrous oxide (492 Tg CO_2 Eq). The proposed project would be consistent with all feasible and applicable strategies to reduce greenhouse gas emissions in California. Therefore, the impact of the proposed project, based on these specifications, would be less than significant. The SCAQMD currently recommends that potential GHG emissions be addressed through energy efficiency.	**4.13.6.1B.** Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project: • Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project. • Use of "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project. • Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions. • Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants. • Design the project building to exceed the California Building Code's (CBC) Title 24 energy standard, including, but not limited to, any combination of the following: o Increase insulation such that heat transfer and thermal bridging is minimized. o Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.	Less than Significant with Mitigation Since the project is consistent with the strategies to reduce California's emissions to the levels proposed by Executive Order S-3-05, the project's incremental contribution to climate change at the project level is less than significant.

Table 1.C: ProLogis Eucalyptus Industrial Park - Environmental Summary

Issues/Impacts	Mitigation Measures	Level of Significance after Mitigation
	○ Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment. • Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping. • Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings. • Install light-colored "cool" roof) and cool pavements. • Install energy-efficient heating and cooling systems, appliances and equipment, and control systems. • Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.	

Draft EIR Section 4.1, AESTHETICS

4.1.1.1 Topographic/Vegetation Features (page 4.1-1)

Until recently, commercial citrus groves occup~~y~~ied the northwestern and northeastern portions of the project site, forming a dark-green canopy over approximately a third of the site area. The 2006 City General Plan EIR notes that the remaining citrus groves are "visually pleasing features" (MVGP FEIR, p. 5.11-2). However, in December 2013, the trees were removed due to ongoing maintenance and irrigation costs, and fire protection concerns (J. Jachetta, personal communication, December 2, 2013).

4.1.6 Significant Impacts

4.1.6.1 Scenic Vistas (page 4.1-9)

Views from SR-60 and Residences North of SR-60. …As identified in Figure 4.1.3, existing views from this vantage point include SR-60 in the foreground, a concrete lane divider ~~and the tops of citrus groves~~ in the midground, and the Mount Russell ~~Range~~ in the background. As part of conditions of approval for the proposed project, two rows of ~~the existing~~ orange trees would be provided and

maintained on the northern portion of the project site adjacent to SR-60 and along the perimeter of the proposed project site adjacent to the public ROW or residential zoning. With development of the proposed project, buildings, associated parking lots, and ornamental landscaping would be built and placed on the project site. This would change existing views from the single-family residences north of SR-60 along Pettit Street. Foreground views would consist of SR-60, midground views would consist of a concrete divider and the tops of the remaining~~mature~~ orange trees, and background views would consist of the upper half of the proposed warehouse buildings.

~~It is anticipated that the existing orange trees have an approximate height ranging from 12 feet to 16 feet.~~ Two rows of the former orange trees will be retained on the northern boundary adjacent to SR-60. Additionally, new orange trees would be planted along the northern length of Buildings No. 1 and 2. With the inclusion of the orange trees along this project boundary, the existing residences would see the upper 27 to 31 feet of the proposed buildings.

4.1.6.2 Scenic Resources and Scenic Highways (page 4.1-17)

… As illustrated in Figure 4.1.4, existing eastbound views on SR-60 would be altered with the development of the proposed project. Motorists would still view noise attenuation walls, urban development, landscaping, and ~~orange~~ scattered trees as they look to the south, although these views would be of short duration for motorists traveling at normal freeway speeds.

Level of Significance after Mitigation. Since there is no feasible mitigation is available to reduce impacts related to the substantial change in visual character from development of the proposed project, impacts associated with this issue would remain significant and unavoidable.

NOTE: *This conclusion would be the same regardless with or without the existing citrus trees onsite, so the conclusions and mitigation outlined in the DEIR do not change (i.e., significant).*

Draft EIR Section 4.2, AGRICULTURAL RESOURCES

4.2.1 Existing Setting (page 4.2-1)

NOTE: *The following paragraph was reworded to account for removal of the citrus trees.*

~~In addition to on-site farming of citrus, a~~Active agricultural operations take place on properties located to the north of SR-60, east and south of the proposed project site.

… The project site can be divided into two ~~three~~ categories of land cover: ~~citrus production,~~ hay/alfalfa production and fallow. ~~Currently,~~ Until recently, the majority of the northern portion of the site (approximately 57 acres) was ~~is~~ used for citrus production. ~~The remaining portions of the site are~~ Approximately 36 acres of the site, located in the southern portion of the site, supports hay/alfalfa and approximately 75 acres of fallow land is located in the northern portion of the site. Until December 2013, approximately 50 acres of the site contained citrus trees, but these were removed to eliminate ongoing maintenance and irrigation costs and potential fire safety issues. In any case, they are planned to be removed as part of project development. Currently, there are several abandoned wells and a non-functioning wind machine that were used in the past for on-site agricultural uses.

4.2.6.1 Conversion of State Designated Farmland (page 4.2-8)

Mitigation Measures. The potential mitigation measures identified by the City's General Plan have been deemed infeasible by the property owner under current economic conditions. In addition, supplementary analysis of the project site and local economic conditions indicates that continued citrus production and/or the raising of row crops would not be economically feasible on the project site (see Appendix ~~L~~ E).

4.2.6.2 Conversion of an Existing Agricultural Operation to a Non-Agricultural Use (page 4.2-9)

Threshold	Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

The proposed project would result in the development of industrial uses on land that was ~~has~~ historically ~~been~~ utilized for citrus production. Implementation of the proposed project would result in the ~~retention or~~ provision of rows of citrus trees along the northern portion of the project site adjacent to SR-60, along the western perimeter of Building No. 6, and along the southern perimeter of Buildings No. 5 and 6. Although these citrus trees would be ~~retained or~~ provided along the perimeter of the project site, the ~~retention or~~ provision of citrus trees on site is for ornamental and landscaping purposes and not for agricultural cultivation. The conversion of the project site's agriculture land to non-agricultural uses is a result of various economic and demographic factors. Increased cost for water and a continuing demand for housing and other development in the City and region are the primary reasons for this agricultural land conversion.

NOTE: *The removal of the citrus trees onsite in December 2013 does not change the conclusions of the DEIR regarding agricultural impacts or mitigation. Loss of agricultural soils and former citrus activity would still be significant.*

Draft EIR Section 4.3, AIR QUALITY

Section 4.3.6.2 Equipment Exhaust from Construction-Related Activities (pages 4.3-23 and 4.3-24)

NOTE: *The following requirement was added to Mitigation Measure 4.3.6.2C in response to concerns expressed by the South Coast Air Quality Management District (Letter B-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

4.3.6.2C Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier II Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.

Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devises used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3

diesel emission 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 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devises used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

NOTE: *The following requirement was added to Mitigation Measure 4.3.6.2D in response to concerns expressed by the South Coast Air Quality Management District (Letter B-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

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

NOTE: *The following requirement was added to Mitigation Measure 4.3.6.1H in response to concerns expressed by Johnson and Sedlack (Letter D-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

4.3.6.2H The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and ~~during smog season (May through October)~~ by not allowing construction equipment to be left idling for more than five minutes (per California law).

NOTE: *The following requirement was added to Mitigation Measure 4.3.6.2J in response to concerns expressed by Johnson and Sedlack (Letter D-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

4.3.6.2J Grading plans, construction specifications and bid documents shall also include the following requirements ~~notations~~:

- Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;
- Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;
- Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;
- The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site;

- The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;
- High-pressure injectors shall be provided on diesel construction equipment ~~where feasible~~ if available;
- Engine size of construction equipment shall be limited to the minimum practical size;
- Substitute gasoline-powered for diesel powered construction equipment where ~~feasible~~ gasoline powered equipment is available;
- Use electric construction equipment where ~~feasible~~ it is practical to use such equipment;
- Install catalytic converters on gasoline-powered equipment where ~~feasible~~ this type of equipment is available;
- Ride-sharing program for the construction crew ~~shall be encouraged and~~ shall be supported by contractor(s) via incentives or other inducement;
- Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
- Lunch vendor services shall be ~~provided~~ allowed on site during construction to minimize the need for off-site vehicle trips; and
- All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered.

NOTE: *The following requirement was added to Mitigation Measure 4.3.6.2K in response to concerns expressed by Johnson and Sedlack (Letter D-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

4.3.6.2K Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues within 24 hours.

Section 4.3.6.3 Localized Construction Equipment Exhaust Emissions Impacts (page 4.3-30)

4.3.6.3A Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to be covered or ~~should~~ shall maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).

Section 4.3.6.5 Long-Term Project-Related Emissions Impacts (page 4.3-33)

NOTE: *A clerical error was made in the Draft EIR in Mitigation Measure* 4.3.6.5B*. These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.*

Mitigation Measures

4.3.6.5B Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features may include (but are not limited to) the following:

- Construction of buildings that exceed statewide energy requirements beyond ~~20~~ 10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards:
  - Use of low-emissions water heaters;
  - Use of central water-heating systems;
  - Use of energy-efficient appliances;
  - Use of increase insulation;
  - Use of automated controls for air conditioners;
  - Use of energy-efficient parking lot lighting; and
  - Use of lighting controls and energy-efficient lighting.
- Utilize low-VOC interior and exterior coatings during project repainting.
- Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the amount of vehicle trips.
- Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings.
- Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required.
- Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats.
- Reduction of energy demand associated with potable water conveyance through the following methods:
  - Incorporating drought-tolerant plants into the landscaping palette; and
  - Use of water-efficient irrigation techniques.
- Energy-efficient low-pressure sodium parking lot lights or lighting equivalent as determined by the City, shall be used;
- Buildings shall be oriented north-south where feasible;
- Implement an on-site circulation plan in parking lots to reduce vehicle queuing;
- Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than ~~100~~ 250 employees or multitenant worksites;
- Include bicycle parking facilities such as bicycle lockers and racks;
- Include showers for bicycling employees use; and

- Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.

Section 4.3.6.6 Project-Related Localized Operational Emission Impacts (pages 4.3-35 through 4.3-37)

Mitigation Measure 4.3.6.6A has been modified to address concerns expressed by the South Coast Air Quality Management District (Letter B-3), Sierra Club (Letter D-2), and Johnson & Sedlack (Letter D-3). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR.

4.3.6.6A Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of ~~20~~ 10 percent until January 1, 2014. For building permits issued after that date, new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. ~~Any combination of~~ The following design features ~~including but not limited to the following list~~ shall be used to fulfill this requirement:

- Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City.
- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.
- Incorporate dual-paned or other energy efficient windows.
- Incorporate energy efficient space heating and cooling equipment.
- Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.
- To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.
- Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.
- All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.
- To reduce energy demand associated with potable water conveyance, the project shall implement the following:
  - Landscaping palette emphasizing drought-tolerant plants;
  - Use of water-efficient irrigation techniques; and,
  - U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
- The project shall provide secure, weather-protected, on-site bicycle storage/parking.

- The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided.
- The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information.
- The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan.
- The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plans.
- Lease/purchase documents shall identify that tenants are encouraged to promote the following:
    - Implementation of compressed workweek schedules.
    - SmartWay partnership;
    - Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers.
    - Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers.
    - Use of fleet vehicles conforming to 2010 air quality standards or better.
    - Installation of catalytic converters on gasoline-powered equipment.
    - Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets.
    - Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles.
    - Provision of preferential parking for EV and CNG vehicles.
    - Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance.
    - Use of electric (instead of diesel or gasoline-powered) yard trucks.
    - Use of SmartWay 1.25 rated trucks.
    - <u>Each facility operator shall provide regular sweeping of onsite parking and drive areas using street sweepers that comply with applicable SCAQMD Rules.</u>

- Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets applicable air quality emission standards. This log shall be available for inspection by City staff at any time.
- Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas.
- Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses.
- Each facility operator which upon occupancy does not already operate 2007 and newer trucks shall in good faith be required to apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.

Draft EIR, Section 4.4, BIOLOGICAL RESOURCES

4.4.1 Existing Setting

4.4.1.2 Vegetation (page 4.4-4)

… Until December 2013, agriculture-citrus (citrus tree orchards) occurred on the northwestern, northeastern, and east-central portions of the project site and occup~~y~~ied approximately 57.2 acres. The trees were removed recently to avoid additional maintenance and irrigation costs, and to help reduce fire safety issues. Approximately 47.4 acres of ruderal vegetation occurs on the project site and is dominated by weedy vegetation that is typically associated with a past disturbance (agriculture).

Section 4.4.6.2, Riparian Habitat or Other Sensitive Natural Communities (page 4.4-29)

Impact 4.4.6.2: *The proposed project has the potential to permanently affect 0.36 acre of riparian/riverine habitat and to temporarily affect 0.35 acre of riparian/riverine habitat.*

Threshold	Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site consists of highly disturbed land from which most natural vegetation has been removed by regular disking for weed abatement and historical citrus cultivation.

NOTE: *The removal of the citrus trees in December 2013 does not affect the conclusions of the DEIR regarding biological impacts or mitigation.*

MITIGATION NOTE: *Based on a pre-application MSHCP project meeting with CDFG, USFWS, RCA, and RWQCB that occurred on October 10, 2012, the following minor changes and clarifications have been made to the indicated mitigation measures, mainly to incorporate temporary impacts into the compensation for permanent impacts but also to make the EIR mitigation measures consistent with the DBESP implementation measures:*

4.4.6.2A As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. ~~(0.36 acre impact = 0.72 acre replacement). This off-site replacement shall be accomplished through the contribution of in-lieu fees to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of riparian habitat adjacent to the tributaries of the San Jacinto River or within the Santa Ana River watershed. Documentation of acceptance of the SAWA contribution shall be provided to the City prior to issuance of a grading permit.~~ Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.

4.4.6.2B ~~The project applicant shall retain qualified personnel to prepare and implement a Habitat Mitigation and Monitoring Plan (HMMP) to oversee restoration of temporarily affected areas (0.35 acre of riverine/riparian habitat) to their pre-construction contours and vegetation. The HMMP will be approved by USACE and CDFG prior to the City issuing any occupancy permits.~~ Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.

NOTE: *The DBESP replaces the need for a separate Habitat Mitigation and Monitoring Plan.*

Section 4.4.6.3, Jurisdictional Waters/Wetlands (page 4.4-31)

4.4.6.3A ~~The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE and a Section 1602 Streambed Alteration Agreement from the CDFG Direct temporary impacts to more than 0.1 acre of jurisdictional area that are regulated by the USACE, CDFG, and RWQCB shall be mitigated at a 2:1 ratio, including enhancement and/or creation of wetlands or the contribution of in-lieu feed to the Santa Ana Watershed Association (SAWA) for its efforts in removal of invasive plants and restoration of off-site riparian habitat, as outlined in Mitigation Measure 3.3.6.2A.~~ The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.

Draft EIR, Section 4.5, CULTURAL AND PALEONTOLOGICAL RESOURCES

Section 4.5.6.1 Prehistoric Cultural Resources (page 4.5-6)

All of the mitigation measures were modified to better address concerns expressed by the Pechanga Band and Morongo Tribe (Letters A-4 and A-5, respectively). These changes to the Draft EIR do not result in a significant impact and has no material effect on the findings of the Draft EIR, and are shown below:

4.5.6.1A Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.

4.5.6.1B Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.

4.5.6.1C If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.

4.5.6.1D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

"If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."

Although DEIR Section 4.5.5.2, Human Remains, concludes potential impacts of the project will be less than significant with compliance with state law, Mitigation Measure 4.5.6.1E has been added at the request of the tribe to help assure there will be no significant impacts related to the potential discovery of human remains during grading:

4.5.6.1E If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.

Section 4.5.6.2, Paleontological Resources

The following mitigation measure was added to address general concerns expressed by the Pechanga Band and Morongo Tribe (Letters A-4 and A-5, respectively).

4.5.6.2D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

"If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction."

Draft EIR Section 4.6, HAZARDS AND HAZARDOUS MATERIALS

Section 4.6. Significant Impacts

This section did not identify any significant impacts related to hazardous materials, including past use of pesticides on the project site in the past. However, the following measure is proposed in response to comments in Letter D-4 in this regard:

4.6.6.1A Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.

Draft EIR Section 4.9, NOISE

Section 4.9.6.1 Short-Term Construction Noise Impacts (pages 4.9-26 and 4.9-27)

Mitigation Measure 4.9.6.1D was amended to be consistent with the City's Municipal Code for noise and to specify hourly limits for work nearest the existing residences. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the Draft EIR.

4.9.6.1D. During ~~all~~ project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities ~~that would result in high noise levels~~ to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer for specific construction activities that must be conducted outside of the permitted time periods.

Draft EIR Section 4.11 TRANSPORTATION

Section 4.11. (page 4.11-14)

Section 4.11.6.6 Mitigation Measures (page 4.11-31)

The following text has been amended to clarify the intension of the measure. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the Draft EIR.

4.11.6.4A Prior to issuance of a ~~building permit~~ Certificate of Occupancy, the project applicant shall construct ~~pay the fair-share contribution toward~~ the following traffic improvements ~~through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program~~:

- **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.
- **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and ~~This improvement is listed in the City's DIF program. A~~ add a northbound left-turn lane and a southbound left-turn lane. ~~These improvements are listed in the TUMF.~~

If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.

Draft EIR Section 4.12, UTILITIES AND SERVICE SYSTEMS

Section 4.12.1.7 Cumulative Impacts to Solid Waste Services (page 4.12-5)

The following text has been amended to clarify the Badlands Sanitary Landfill is scheduled to close in 2024 not 2016. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the Draft EIR.

AB 939 mandates the reduction of solid waste disposal in landfills. While the Badlands Sanitary Landfill has an estimated closure date of ~~2016~~ 2024, as previously identified, the City's waste hauler will also use other County landfills in the area (e.g., Lamb Canyon Landfill and El Sobrante Landfill). The estimated closure date of the Lamb Canyon Landfill is 2023 and the estimated closure date of the El Sobrante Landfill is 2030. With planned expansion activities of landfills in the project vicinity and projected growth rates contained within the City's General Plan EIR, sufficient landfill capacity would exist to accommodate future disposal needs through City build out in 2030. Therefore, build out of the City General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant.

Draft EIR 4.13, GLOBAL CLIMATE CHANGE

Section 4.13.6.1 Greenhouse Gas Emissions (page 4.13-20)

The following text has been amended to clarify the intension of the measure. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the Draft EIR.

4.13.6.1B. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project:

- Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project.
- Use of "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project.
- Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions.
- Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced more efficiently at centralized power plants.
- Design the project building to exceed the California Building Code's (CBC) Title 24 energy standard, including, but not limited to, any combination of the following:
    - Increase insulation such that heat transfer and thermal bridging is minimized.
    - Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption.

  - Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment.
- Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings.
- Install light-colored "cool" roof) and cool pavements.
- Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.

Draft EIR 6.0, ALTERNATIVES

Section 6.5 Environmentally Superior Alternative (page 6-39)

There was a typographical error in Table 6.M under Alternative 5 for Air Quality that has been rectified below. This change to the Draft EIR does not result in a significant impact and has no material effect on the findings of the Draft EIR.

Table 6.M: Summary of Significant Environmental Impacts of the Project Alternatives

Topic	Proposed Project Impact	Impacts of Alternatives[1]					
		PP	1	2	3	4	5
Aesthetics	Scenic Vistas	S			S		
Aesthetics	Scenic Resources and Scenic Highways	S			S		
Aesthetics	Substantial degradation of the existing visual character or quality of the site and its surroundings	S			S		
Aesthetics	Cumulative Aesthetic Impacts	S			S		
Agriculture	Loss of State Designated Farmland	S		S		S	S
Agriculture	Conversion to a Non-agricultural Use	S		S		S	S
Agriculture	Cumulative Agricultural Resources	S		S		S	S
Land Use	Consistency with Regional or Local Land Use Plans, Policies, or Goals	S			S	S	
Land Use	Cumulative land use changes	S			S		
Air Quality	Construction Air Pollutant Emissions	S		S	S	S	S
Air Quality	Architectural Coating Emissions	S		S	S	S	S
Air Quality	Operational Air Pollutant Emissions	S		S	S	S	S
Air Quality	Consistency with Air Quality Management Plan	S		S	S		S
Air Quality	Cumulative Pollutant Air Emissions	S		S	S	S	S
Transportation	Opening Year (2016) with Project Level of Service	S		S	S	S	S
Transportation	Opening Year (2016) Cumulative with Project Level of Service	S		S	S	S	S
Transportation	Cumulative Traffic Impacts	S		S	S	S	S

[1] Proposed Project (PP)
Alternative 1: No Project – No Build
Alternative 2: No Project (Tentative Tract Map 32255)
Alternative 3: Reduced Intensity
Alternative 4: Mixed Commercial/Office/Residential
Alternative 5: Off-Site Location
S = Significant

4. REDUCED INTENSITY ALTERNATIVE EVALUATION

Based on input received at the City's public hearings and after completion of the Final EIR on April 2, 2014, the applicant is proposing the City adopt the Reduced Intensity Alternative evaluated in the DEIR (pages 6-18 through 6-24 and 6-37 through 6-40). The Reduced Intensity Alternative evaluated developing 25% less warehousing on the site (1.7 million square feet) compared to the Proposed Project (2.2 million square feet). The he applicant has now proposed to develop only 4 of the 6 warehouse buildings (1.5 million square feet) which is consistent with the Reduced Intensity Alternative evaluated in DEIR Section 6.0 (1.7 million square feet). The DEIR did not contain a specific site plan depicting the Reduced Intensity Alternative, so the applicant has prepared a conceptual site plan referred to in this analysis as the "less intensive modified plan".

The proposed less intensive modified plan is consistent with the Reduced Intensity Alternative and proposes that 84.8 acres of the site would be developed for warehousing while the remaining 38 acres would remain undeveloped at this time. The vacant land would retain its existing General Plan and zoning designations (R2 and R5). This less intensive modified plan represents a net decrease in square footage of approximately 32 percent compared to the original Proposed Project, and a 7 percent reduction in square feet compared to the Reduced Intensity Alternative evaluated in the DEIR (see Table 4.A). The less intensive modified plan removes the two industrial buildings (Buildings 5 and 6 in the original site plan) closest to the residential homes southeast of the project site.

Warehouse buildings under the less intensive modified plan are 1,515 feet from the nearest existing residential neighborhood (southwest), and 1,636 feet from the existing neighborhood at the southeast corner. The less intensive modified plan also provides a 250-foot buffer between the nearest warehouse truck court and future residential uses. In addition, the large detention basin that was proposed at the south end of Building 6 in the original plan would be moved to near the southeast corner of Building 4 in the less intensive modified plan. Approval of this modified plan would also establish a minimum 250-foot buffer from truck activity areas and future residential uses on the former location of warehouse buildings 5 and 6 under the original plan. Otherwise, the development characteristics of Buildings 1 through 4 would remain the same as those outlined and analyzed in the Draft EIR. For the purposes of this environmental analysis, the less intensive modified plan is considered equivalent to the Reduced Intensity Alternative except where noted that impacts are less than those of the Reduced Intensity Alternative. The conceptual land plan for the less intensive modified plan is shown in Figure 4.2 in this section. Table 4.A presents the land uses and ITE rates of the four scenarios evaluated in the following sections.

It is important to emphasize that the less intensive modified plan would allow development of future residential uses in the southeast portion of the project site, consistent with the existing R-5 and RA-2 zoning (Parcel 5), adjacent to the existing residential neighborhood to the southeast. The modified plan also has a 250-foot setback from the project warehouses to the future residential uses, consistent with the City's municipal code requirements (i.e., use of a 250-foot buffer and a non-building easement over a portion of Parcel 5).

Table 4.A: Land Use Characteristics Evaluation Scenarios

Land Use (ITE rate) Characteristics	Land Use Scenario			
	Proposed Project	Existing Zoning	Reduced Intensity Alternative (EIR)	Less Intensive Modified Plan[1]
Warehousing (152)				
Square Footage	2,244,600	0	1,683,000	1,529,500
Gross Acres	122.8	0	90.8	84.8
Vacant Acres	0	0	32.0	(38.0)
Business Park/Business Park Mixed Use (770)				
Square Footage	0	622,000	0	0
Gross Acres	0	48.3	0	0
Multi-Family (230) Residential (R-15)				
Units	0	548	0	0
Gross Acres	0	36.5	0	0
Single Family (210) Residential (R-5 & R-2)				(Future)
Units	0	133	0	126
Gross Acres	0	38.0	0	38.0
TOTAL				
Square Feet	**2,244,600**	**622,000**	**1,683,000 (-25%)**	**1,529,000 (-32%)**
Units	**0**	**681**	**0**	**126**
Gross Acres	**122.8**	**122.8**	**122.8**	**122.8**

Source: ProLogis data and trip generation table from LSA Traffic Group, September 2014 (See FEIR Appendix F)
[1] **NOTE:** Residential units under this plan would be built at some later by a different developer with separate CEQA review. This plan is a sub-set of the Reduced Intensity Alternative from the DEIR, it is **NOT** a new alternative.

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0 250 500

FEET

Source: Prologis

FIGURE 4.1

Eucalyptus Industrial Park
Environmental Impact Report

Original Project Site Plan

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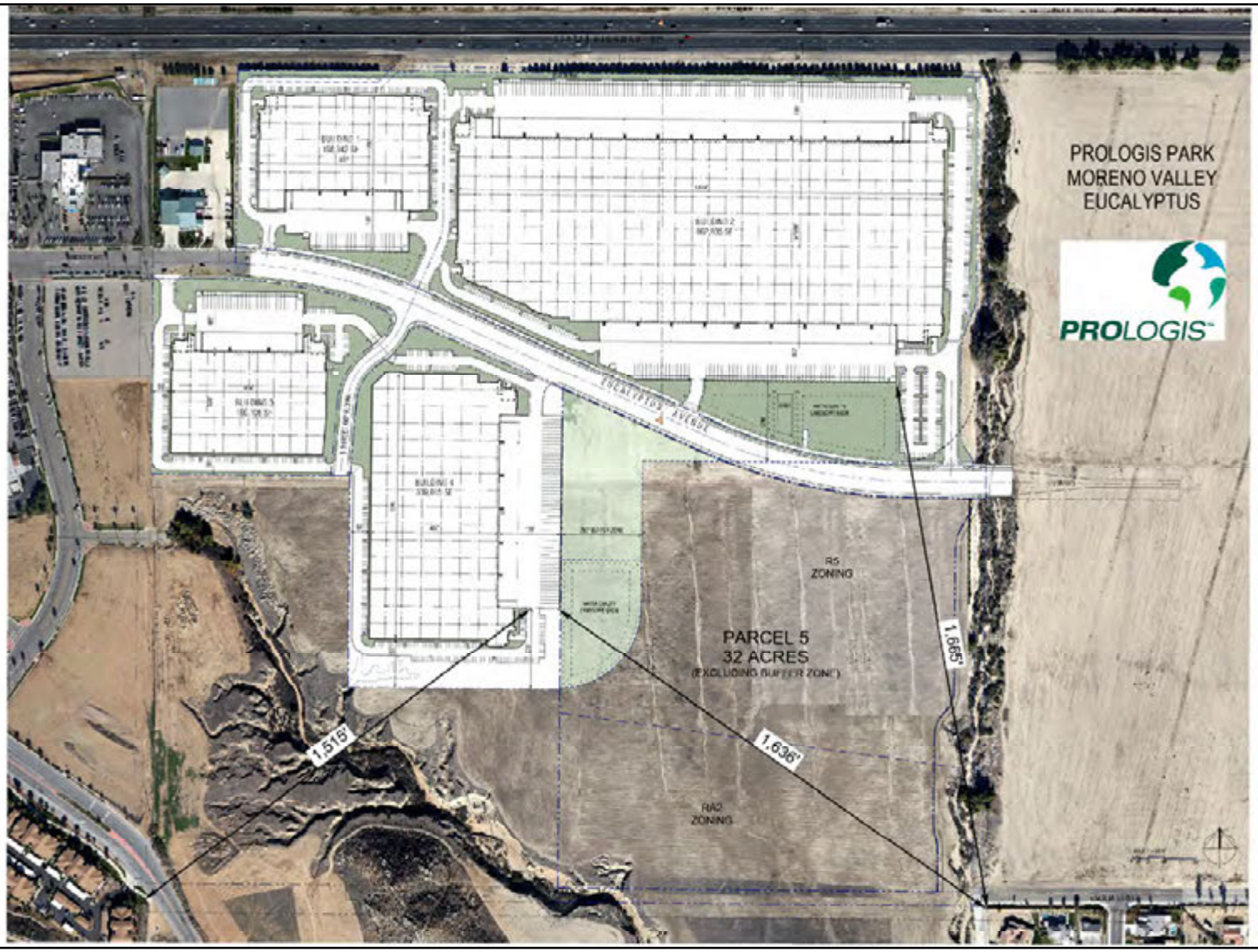

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Source: Prologis

FIGURE 4.2

Eucalyptus Industrial Park
Environmental Impact Report

Less Intensive Modified Site Plan

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It should be noted that the 38 acres of residential uses shown in Table 4.A for the less intensive modified plan are only approximate, and the actual acreage will be based on appropriate development constraints, development impact fees, and conditions of approval imposed on the property during the City's development review process of the revised parcel map and revised tentative tract map.

The following analysis is based on Section 6.3.3 of the DEIR but goes into more detail based on development details of the less intensive modified plan. Table 4.D at the end of this section summarizes the impacts of the less intensive modified plan compared to both the Proposed Project and the Reduced Intensity Alternative evaluated in the DEIR. In addition, this analysis shows what the impacts of developing the site under its existing zoning designations (i.e., with Business Park/Business Park-Mixed Use, Residential 15, Residential 5, and Residential 2 uses).

4.1 Aesthetics

(a) **Proposed Project –** Project would introduce 6 large warehouse buildings into the area, with existing residential uses adjacent to the southeast. Impacts from loss of views and new night lighting are significant even with mitigation.

(b) **Existing Zoning –** Development of the site under existing zoning designations would result in the alteration of the existing visual character of the site but with new residential uses adjacent to the existing residences to the southeast, and development intensity increasing from R2 next to the existing residences to more dense R5 and R15 uses to the north along Eucalyptus Avenue. This pattern would be consistent with that outlined in the existing General Plan and zoning. New development would adhere to City design and development standards for each particular land use, but would still be a substantial change from existing vacant conditions.

(c) **Reduced Intensity Alternative –** Impacts to views and lighting are substantially reduced by eliminating 25% of development in the southeast portion of the site compared to the Proposed Project. However, impacts are still significant, similar to the Proposed Project.

Under the less intensive modified plan impacts to views and lighting are substantially reduced by eliminating 32% of development proposed in the southeast portion of the site (Buildings 5 and 6) compared to the Proposed Project. However, impacts are still significant compared to the Proposed Project.

(d) **Summary** - Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, but impacts of all three are significant due to the fundamental change in character for the area from existing conditions.

4.2 Agricultural Resources

(a) **Proposed Project –** Project would introduce 6 large warehouse buildings onto an area designated as Prime Farmland and Farmland of Local Importance. Impacts from the loss of prime agricultural lands are significant and no mitigation is available.

(b) **Existing Zoning –** Development of the project site with urban uses would result in the conversion of Prime Farmland. Impacts associated with development of this alternative would be significant and unavoidable.

(c) **Reduced Intensity Alternative –** Impacts to farmland would be substantially reduced by eliminating 25% of development (i.e., in the southeast portion of the site) compared to the Proposed Project. Impacts are less than significant.

Under the less intensive modified plan, impacts to farmland would be substantially reduced by eliminating 32% of proposed development (i.e., Buildings 5 and 6 in the southeast portion

of the site) compared to that planned under the Proposed Project. Agricultural impacts associated with the development of the less intensive modified plan are less than significant as no development would occur (i.e., the land would remain at least temporarily vacant) in the southeast portion of the site. However, it is likely that the southeast corner of the project site would eventually be developed with residential uses. Subsequent CEQA analysis would need to be conducted at that time regarding all impacts of that proposed residential development on approximately 38 acres (see previous Table 4.A). The loss of this agricultural land would be temporarily delayed under this development scenario.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced to less than significant levels compared to the Proposed Project.

4.3 Air Quality

(a) **Proposed Project –** Project would produce operational air pollutant emissions except for SO_x above CEQA threshold limits (see Table 4.B below). Impacts from increased air quality emissions would be significant even with mitigation.

(b) **Existing Zoning –** A similar mix of equipment would operate during earthmoving and construction activities as the Proposed Project. Peak daily construction emissions would be below SCAQMD thresholds of significance for CO, ROC, and SO_x (See Table 4.B below). Although SCAQMD regulations and project-specific mitigation measures would reduce the amount of construction emissions, impacts associated with construction emissions for NOx remain significant and unavoidable. Although the total number of trips is increased, the volume of each operational pollutant emitted during operation the Existing General Plan would be less since there would be no diesel trucks involved. Operational emissions would continue to exceed SCAQMD significance thresholds for NO_x, CO, and ROG, but would not exceed operational thresholds for PM_{10} and $PM_{2.5}$. The impacts for the Existing General Plan development to air quality would be decreased, but the long-term air quality impacts resulting from this alternative would continue to be significant and unavoidable.

(c) **Reduced Intensity Alternative** - Impacts due to operational air pollutant emissions would be reduced by eliminating 25% of development in the southeast portion of the site compared to the Proposed Project (see Table 4.B below). However, even with a 25% reduction in air quality emissions impacts are still significant even with mitigation.

Under the less intensive modified plan, impacts due to operational air pollutant emissions would be reduced by eliminating 32% of development proposed in the southeast portion of the site (Buildings 5 and 6) compared to the Proposed Project (see Table 4.B below). However, air quality emissions are still significant even with mitigation.

(d) **Summary** - Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, however impacts of all three are still significant.

Table 4.B: Comparison of Operational Emissions

Source	Pollutant Emissions (lbs/day)					
	CO	ROC	NO_X	SO_X	PM_{10}	$PM_{2.5}$
Proposed Project	1,801	289	2,001	3.1	370	85
Existing Zoning	850	114	230	1.2	130	11
Reduced Intensity Alternative	1,351	217	1,501	2.3	278	64
less intensive modified plan	1,225	197	1,361	2.1	252	58
SCAQMD thresholds	**550**	**55**	**55**	**150**	**150**	**55**

Source: data from DEIR Section 6.0 and extrapolated from LSA Associates, Inc., September 2014

Note: During Public Comment and Hearings many people commented on the health impacts of truck related air pollution. While there are health effects associated with exposure to diesel particulate matter (DPM), the following graphs (Figures 4.3 and 4.4) indicated that compliance with state and federal regulations will substantially reduce diesel-related emissions in the coming years. In addition, the previous Table 4.B compares operational emissions of the proposed project to development under the existing zoning, the Reduced Intensity Alternative in the EIR, and the less intensive modified plan.

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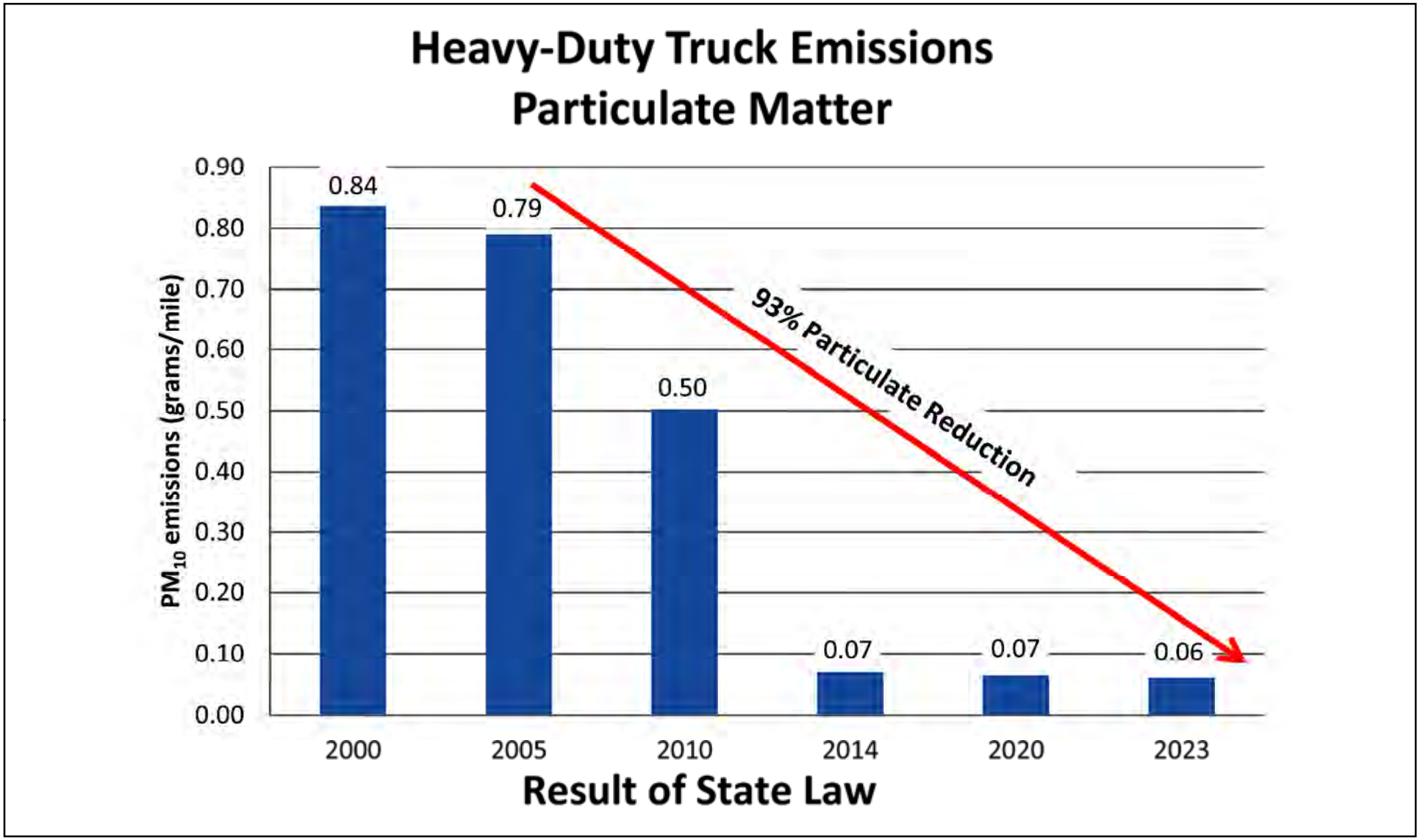

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FIGURE 4.3

Eucalyptus Industrial Park
Environmental Impact Report

Source: ARB EMFAC2011 model data.

Heavy Duty Truck Emissions Particulate Matter

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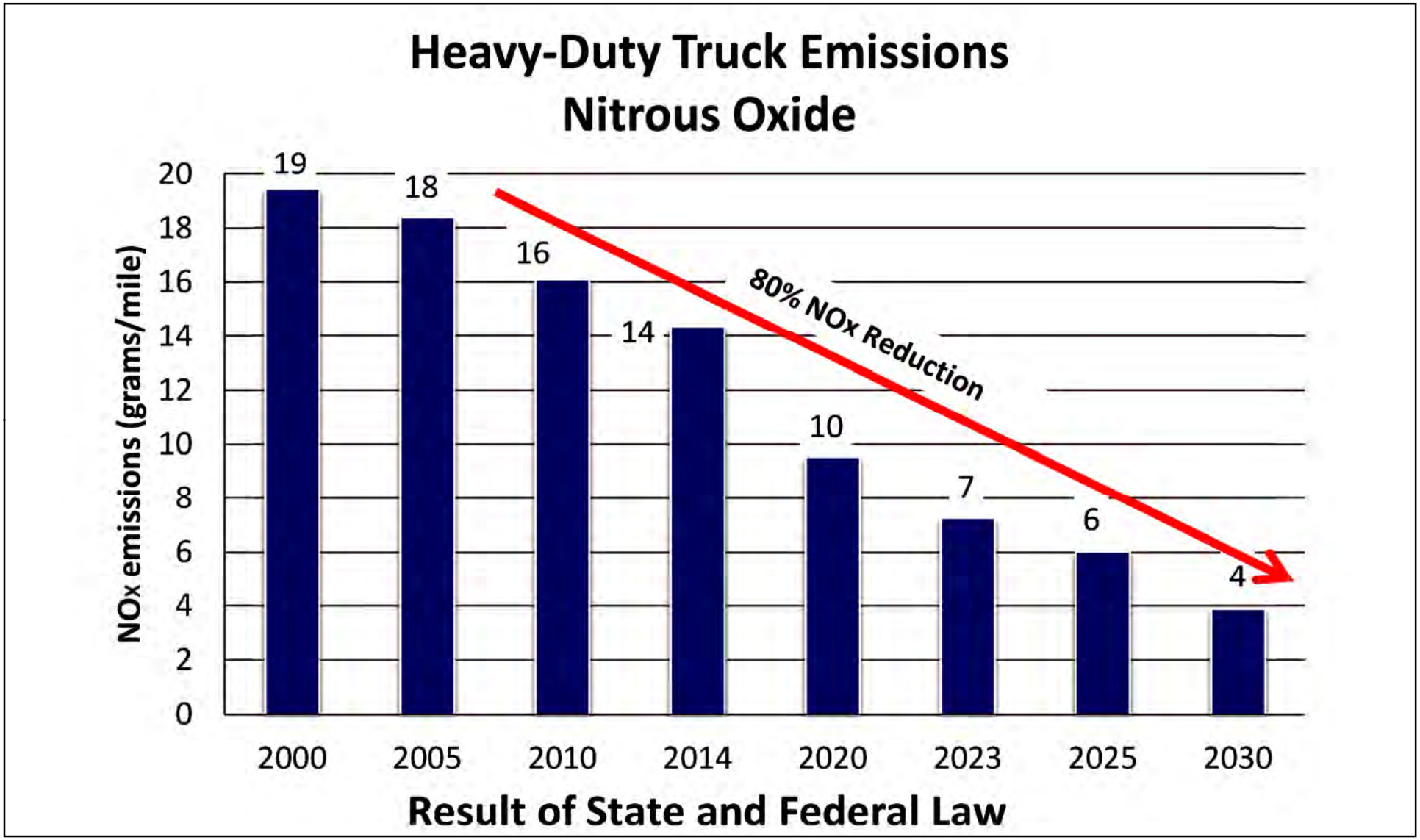

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FIGURE 4.4

Eucalyptus Industrial Park
Environmental Impact Report

Source: ARB EMFAC2011 model data.

Heavy Duty Truck Emissions Nitrous Oxide

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4.4 Biological Resources

(a) **Proposed Project –** Project has the potential to impact migratory bird species, 15 listed special status species (including burrowing owl), riparian/riverine habitat, and jurisdictional waters/wetlands. However, these impacts can be reduced to levels of less than significant by implementation of the recommended mitigation measures.

(b) **Existing Zoning –** This alternative would result in grading of the entire project site. No plant species listed by the State and/or Federal government as endangered or threatened were identified on site during the field reconnaissance. Similar to the proposed project, potential impacts of site development would be reduced to less than significant levels by implementing mitigation similar to that recommended for the proposed project.

(c) **Reduced Intensity Alternative –** Impacts to migratory birds and riparian/riverine habitat would be reduced to less than significant in this alternative compared to the proposed project due to the elimination of 25% of development in the southeast portion of the site. This alternative would still have significant impacts related to jurisdictional water/wetlands and listed species (including burrowing owl), which would be reduced to less than significant levels by mitigation measures similar to the proposed project.

Under the less intensive modified plan, impacts to biological resources would be reduced compared to the Proposed Project due to the elimination of development in the southeast corner. Like the Reduced Intensity Alternative, the less intensive modified plan would have less than significant impacts to migratory birds and riparian/riverine habitat with mitigation. In addition, recommended project mitigation would reduce impacts to jurisdictional water/wetlands and listed species (including burrowing owl) to less than significant levels.

(d) **Summary –** The Reduced Intensity Alternative, including the less intensive modified plan, have impacts to migratory birds, riparian/riverine habitat, jurisdictional water/wetlands, and listed species (including burrowing owl) that can be mitigated to less than significant levels with implementation of recommended mitigation.

4.5 Cultural Resources

(a) **Proposed Project –** No cultural resources have previously been detected within the project limits. However, as undetected cultural or paleontological resources could be encountered so mitigation was recommended to reduce potential impacts to less than significant levels.

(b) **Existing Zoning –** Development would result in ground-disturbing activities affecting the entire project site, and similar archaeological and paleontological impacts would be anticipated when compared to the Proposed Project. Adherence to the archaeological and paleontological mitigation measures identified for the proposed project would reduce impacts to less than significant, and no greater impacts would occur with this alternative.

(c) **Reduced Intensity Alternative –** Similarly to the proposed project, this alternative would include ground-disturbing activities all but 34 acres in the southeast portion of the project site. Similar archaeological and paleontological impacts would be anticipated when compared to the Proposed Project. Therefore, adherence to the archaeological and paleontological mitigation measures identified for the proposed project would reduce impacts to less than significant levels. Compared with the proposed project, no greater impact would occur with this alternative.

The development area of the less intensive modified plan is smaller than the Proposed Project, so implementation of the recommended mitigation would reduce potential impacts to less than significant levels.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are similar compared to the Proposed Project, and all three would have the same mitigation which would reduce potential impacts to less than significant levels.

4.6 Forest Resources

(a) **Proposed Project –** The City of Moreno Valley's General Plan does not identify any forest resources on the project site or surrounding area, and the project site is currently vacant, although it did support citrus trees in the past. Therefore, no significant impact would occur in relation to forest resources.

(b) **Existing Zoning –** The City of Moreno Valley's General Plan does not identify any forest resources on the project site or surrounding area. Therefore, there are no significant impacts under the any development scenario for the project site.

(c) **Reduced Intensity Alternative** – Although the Reduced Intensity Alternative project site is smaller than the Proposed Project site, the site is still in the same location. Therefore, like the Proposed Project, no significant impacts related to forest resources would occur.

Under the less intensive modified plan, development would be locatedon the same site as the Proposed Project. Therefore, no significant impacts to forest resources would occur.

(d) **Summary** - Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are the same as the Proposed Project. No reduction in impact would occur.

4.7 Geology and Soils

(a) **Proposed Project –** The Proposed Project, like all of southern California, would be subject to moderate to severe ground shaking. However, with adherence to UBC, the California Building Code, and City design and engineering standards. Impacts associated with this issue would be considered less than significant.

(b) **Existing Zoning –** Development of the Existing General Plan would have geologic and soil-related impacts since the project site is located in a seismically active area and is subject to ground shaking resulting from activity on local and regional faults. Development of the proposed project site would be required to adhere to UBC, the California Building Code, and City design and engineering standards. Impacts associated with this issue would be considered less than significant.

(c) **Reduced Intensity Alternative –** Although the Reduced Intensity Alternative project site is smaller than the proposed project site, the site is still in the same location. Therefore, like the Proposed Project adherence to UBC, the California Building Code, and City design and engineering standards will reduce significant impacts to less than significant levels.

The less intensive modified plan is the same site as the Proposed Project. Therefore, no significant impacts related to ground shaking would occur with adherence to UBC, the California Building Code, and City design and engineering standards.

(d) **Summary** - Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are essentially the same as the Proposed Project. No reduction in impact would occur.

4.8 Global Climate Change

(a) **Proposed Project –** Project would produce greenhouse gas emissions above CEQA threshold limits. Impacts from increased greenhouse gas emissions would be significant and require mitigation. The recommended measures would reduce potential climate change impacts to less than significant levels.

(b) **Existing Zoning –** GHG emissions would increase as development under existing zoning designations would measurably increase the number of daily trips made to the site. Implementation of the mitigation recommended for the proposed project, or similar measures applicable to residential projects, could help keep these emissions at less than significant

levels, but this impact would need to be evaluated in a subsequent CEQA document when specific development was proposed.

(c) **Reduced Intensity Alternative –** Impacts due to greenhouse gas emissions would be reduced by eliminating 25% of development in the southeast portion of the site compared to the Proposed Project. However, even with a 25% reduction in air quality emissions impacts are still significant and require mitigation measures similar to those recommended for the proposed project which would reduce impacts to less than significant levels.

Under the less intensive modified plan, impacts due to greenhouse gas emissions would be reduced by eliminating 32% of development planned in the southeast portion of the site (Buildings 5 and 6) compared to the Proposed Project. GHG emissions would require the recommended project mitigation to reduce levels to less than significant levels.

(d) **Summary** - Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, but implementation of the required project mitigation would reduce GHG emission and climate change impacts to less than significant levels for all the other development scenarios.

4.9 Hazards and Hazardous Materials

(a) **Proposed Project –** The Proposed Project would result in the on-site handling of hazardous substances, both during project construction and operation. However, adherence to existing regulations related to the handling and transport of potentially hazardous materials during construction and operation would reduce impacts to less than significant levels.

(b) **Existing Zoning –** Development of the site according to existing zoning designations would result in the on-site handling of hazardous substances, both during project construction and operation. All development in the City is required to adhere to existing local, State, and Federal regulations pertaining to hazardous materials, therefore, impacts associated with hazards and hazardous materials under this alternative would be reduced in magnitude and would remain at less than significant levels.

(c) **Reduced Intensity Alternative –** Because the Reduced Intensity Alternative would construct fewer warehouse uses, impacts associated with the transport or use of hazardous materials or potential upsets or accidents may be reduced in magnitude due to the reduced quantities of hazardous materials that would be present on the site. Similar to the Proposed Project, the Reduced Intensity Alternative would be required to adhere to applicable local, State, and Federal standards associated with hazards and hazardous materials. Impacts of the Reduced Intensity Alternative would remain at less than significant levels, similar to the Proposed Project.

Under theless intensive modified plan, impacts related to hazardous materials would be further reduced compared to the Reduced Intensity Alternative. In addition, like all projects in the City, the less intensive modified plan would be required to adhere to applicable local, State, and Federal standards associated with hazards and hazardous materials. The Reduced Intensity Alternative would remain less than significant, similar to the Proposed Project.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project, however impacts of all three are still less than significant with implementation of the recommended mitigation.

4.10 Hydrology and Water Quality

(a) **Proposed Project –** The Project would modify existing on-site pattern of drainage and would require the installation of drainage improvements that may include detention/retention basins, connected to existing in-street drainage features, on-site storm drains, and other features.

The project proposes three basins south of building 2 north of Eucalyptus Avenue and a basin south of buildings 5 and 6. With adherence to required local, State, and Federal policies pertaining to surface and groundwater resources, NPDES requirements, SWPPP, BMPs, and preparation of a WQMP impacts related to hydrology and water quality would be less than significant.

(b) **Existing Zoning –** Development of the site under existing zoning designations would require the modification of the existing on-site pattern of drainage and would require the installation of drainage improvements that may include detention/retention basins, connection to existing in-street drainage features, on-site storm drains, and other features. The extent of the impermeable surfaces (parking area) would be similar to the project so it would have similar environmental impacts to the Proposed Project. All local, State, and Federal policies and regulations pertaining to surface water and groundwater resources would remain in effect under the existing zoning. Any development of the site has the potential to affect water quality due to sedimentation and erosion, runoff from paved surfaces, and contamination caused by a mixture of sediment, debris, and other contaminants. However, construction of any onsite land uses would be required to follow applicable NPDES requirements, including the preparation of and adherence to an SWPPP and BMPs. A standard condition with any such development would be the preparation and implementation of a WQMP, which would effectively mitigate post-construction water quality impacts from the developed area. Similar to the Proposed Project, potential impacts related to hydrology and water quality would be less than significant.

(c) **Reduced Intensity Alternative –** Due to the smaller development area of the Reduced Intensity Alternative, this scenario would have a reduced impact on the project site compared to the Proposed Project. However, development of this alternative would still require the modification of the existing onsite pattern of drainage. Adherence with required local, State, and Federal policies pertaining to surface and groundwater resources, NPDES requirements, SWPPP, BMPs, and preparation of a WQMP would reduce impacts to less than significant levels.

Similar to the Reduced Intensity Alternative, the less intensive modified plan would reduce impacts to the project site by not constructing buildings 5 and 6 proposed in the southeast corner. However, this project would still require the installation of drainage improvements that may include detention/retention basins, connection to existing in-street drainage features, on-site storm drains, and other features. The less intensive modified plan proposes three basins south of Building 2 above Eucalyptus Avenue, similar to the proposed project, a small additional basin south of Building 1, and a basin east of Building 4. Similar to the Proposed Project the less intensive modified plan would be required to adhere to local, State, and Federal policies pertaining to surface and groundwater resources, NPDES requirements, SWPPP, BMPs, and preparation of a WQMP. Impacts would be less than significant.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project, however impacts of all three are still less than significant.

4.11 Land Use and Planning

(a) **Proposed Project –** The project would require a General Plan Amendment that would change the General Plan designations of the project site from Residential to Business Park and an amendment to the Circulation Element of the General Plan. A Zone Change from Business Park (BP), Multi-Family Residential (R-15), Suburban Residential (R-5), and Residential Agriculture (RA-2) to Light Industrial for the project site would also be required. In addition, the Proposed Project would be inconsistent with regional projections and the City's

Housing Element. Due to the lack of feasible mitigation this is a significant and unavoidable impact.

(b) **Existing Zoning –** Development of this alternative would not require a General Plan Amendment for the residential uses or business park uses as these uses are allowed under the existing land use designations. However, the business park component of this alternative would require a change of zone to allow the construction of buildings greater than 50,000 square feet. This alternative would comply with applicable provisions of local and regional plans (e.g., Water Quality Control Plan and Air Quality Management Plan). Compliance with applicable City policies related to development within the project site would ensure that on-site alternative uses would be compatible with existing development in the project area. However, since the development envisioned under this Existing General Plan has already been tentatively approved by the City, this alternative would not require a General Plan Amendment. Therefore, land use impacts associated with this scenario would be reduced to less than significant levels. This alternative would also be fully consistent with the City's Housing Element regarding future sites for affordable housing (i.e., R-15 parcels).

(c) **Reduced Intensity Alternative –** The Reduced Intensity Alternative would require the same General Plan Amendment and Zone Changes excluding the 32 acres in the southeastern corner that would be used as a buffer for the existing residences to the southeast (see previous Table 4.A). This would reduce potential land use impacts associated with the GPA and Zone Change. However, the Reduced Intensity Alternative would still be inconsistent with regional projections and the City's Housing Element. Similar to the Proposed Project, due to the lack of feasible mitigation this is a significant and unavoidable impact.

The less intensive modified plan would be similar to the proposed project and Reduced Intensity Alternative in that it would require the same GPA and Zone Changes. Similar to the Reduced Intensity Alternative the southeast corner of the site would have a 250 foot buffer from any future residential uses, reducing potential land use impacts associated with the GPA and Zone Change. This alternative would leave 38 acres in the southeastern corner of the property temporarily vacant which would act as a buffer for the existing residences to the southeast (see previous Table 4.A). It is expected that this vacant land would eventually be developed with residential uses consistent with the existing General Plan and zoning. Similar to the Proposed Project and the Reduced Intensity Alternative, the less intensive modified plan is inconsistent with regional projections and the City's Housing Element. Therefore, impacts are significant and unavoidable.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, however impacts of all three are still significant and unavoidable.

4.12 Mineral Resources

(a) **Proposed Project –** The project site is not identified as a locally important mineral resource recovery site. Therefore, no impact related to mineral resources would occur.

(b) **Existing Zoning –** Development of the project site with any build scenario would not result in the loss of or reduce the availability of mineral resources or the resource base from which they would be derived. No impact to mineral resources would occur.

(c) **Reduced Intensity Alternative –** Although the Reduced Intensity Alternative project site is smaller than the Proposed Project site, the site is still in the same location. Therefore, like the proposed project no significant impacts related to mineral resources would occur.

The less intensive modified plan is also located on the same site as the Proposed Project. Therefore, no impact related to mineral resources would occur.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project, however all three are located on the same site and therefore have less than significant impacts on mineral resources.

4.13 Noise

(a) **Proposed Project –** Project would produce construction noise levels that would require mitigation measures to reduce short-term noise impacts to levels of less than significant. However, project-related traffic noise would not be perceptible and therefore is considered a less than significant impact.

(b) **Existing Zoning –** Development of the site under existing zoning designations would require the implementation of mitigation measures to reduce construction noise impacts to less than significant levels. The short-term noise impacts resulting from project construction and stationary noise impacts associated with the operation of the shopping center would be similar and remain less than significant with mitigation incorporated.

The increase in project-related traffic for this scenario would result in an incremental increase in traffic noise which increases the overall mobile source noise impact. Parking lot noise, mechanical ventilation noise, and noise from the loading docks would still occur under this alternative. In addition, the uses envisioned under the Existing General Plan would increase the number (i.e., more commercial buildings) and extent of noise sources but would still have noise approaching levels below significant levels. Therefore, project-related traffic noise would not be perceptible and therefore is considered a less than significant impact.

(c) **Reduced Intensity Alternative –** Similar to the Proposed Project, the Reduced Intensity Alternative would have short-term construction noise impacts that would be mitigated to less than significant levels. Because the alternative is smaller than the Proposed Project it would generate less traffic and thereby less traffic-related noise. However, like the Proposed Project, noise impacts of this alternative would be less than significant.

Due to it reduced development footprint, noise impacts on sensitive receptors would be greatly reduced under the less intensive modified plan. IfBuildings 5 and 6 are not constructed, the nearest sensitive receptors are 1,515 feet from the nearest warehouse. However, mitigation will still be required to further reduce construction noise impacts. Similar to the Proposed Project, operational noise impacts would be less than significant under this alternative and would still generate traffic onto surrounding streets, with a resulting increase in noise levels.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, however construction noise impacts of all three are still less than significant with mitigation.

4.14 Population and Housing

(a) **Proposed Project –** The proposed project would generate up to 1,532 job opportunities. The new employment opportunities resulting from development of the proposed warehouse uses would improve the City's current jobs-to-housing ratio by providing jobs to local residents. As the jobs would likely be filled by local residents the Proposed Project will not significant increase the City's population. In addition, the Proposed Project will not displace housing or people.

(b) **Existing Zoning –** Development under existing zoning designations would result in the development of business park uses making it difficult to conclude if or how many persons from outside of the area may be required to relocate to Moreno Valley to fill positions in the business park. Therefore, it is not possible to determine if this scenario would result in a

population increase in the City. However, the development of single-family and multi-family residential units would result in a direct increase to the existing population, consistent with the City's Housing Element. Potential impacts of this development scenario related to population and housing would be less than significant.

(c) **Reduced Intensity Alternative –** The Reduced Intensity Alternative would generate 25% fewer jobs compared to the Proposed Project. The Reduced Intensity Alternative would be located on the same site as the Proposed Project. Therefore, the alternative would not displace housing or people.

The less intensive modified plan would generate 32% fewer jobs compared to the Proposed Project (based on the square footage reduction). The less intensive modified plan would not displace housing or people. In addition, the southeast quarter of the site would maintain its General Plan Land Use Designations and Zoning (R2 and R5), which would allow the development of future residential housing. Based on this, it is expected this alternative would have less than significant impacts on population and housing.

(d) **Summary –** Potential impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project; however, impacts of all three are still less than significant.

4.15 Public Services

(a) **Proposed Project –** The Project would be required to pay development impact fees for schools, police services, and fire services. The payment of development impact fees would offset any impacts to these public services that may result from the development of the Proposed Project.

(b) **Existing Zoning –** Demands on schools, parks, other public facilities, law enforcement, and fire protection services would be greater in magnitude than what was identified for the Proposed Project, however, payment of City and School DIFs would help offset the increased demands for service, so impacts would be reduced to less than significant levels.

(c) **Reduced Intensity Alternative –** Compared to the Proposed Project, the Reduced Intensity Alternative would result in a reduction of approximately 25 percent of proposed warehouse uses. However, the magnitude of impacts on public services would be similar to the Proposed Project (i.e., no residential development). The Reduced Intensity Alternative would be required to pay development impacts to reduce potential impacts to less than significant levels.

Compared to the Proposed Project, the less intensive modified plan would generate approximately 32% less need for public services due to having fewer proposed warehouse uses. However, like the Proposed Project and Reduced Intensity Alternative, the less intensive modified plan would have a similar magnitude or overall of impact on public services (i.e., no residential uses). The project would be required to pay development impact fees and impacts would be less than significant.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project, however all three would have similar impacts to public services and would be required to pay development impact fees to reduce potential impacts to less than significant levels.

4.16 Recreation

(a) **Proposed Project –** The Proposed Project does not contain any residential components. Therefore, there would be no significant increase in existing population and no increase in demand for park and recreation facilities. No impact would occur.

(b) **Existing Zoning –** The increase in population from new housing would increase the demand for park and recreation facilities, therefore future development would be required to dedicate or provide in-lieu fees for approximately 7.24 acres of land for park uses (based on anticipated project population). The dedication of land and/or the payment of parkland fees would reduce potential recreation impacts to less than significant levels.

(c) **Reduced Intensity Alternative –** The Reduced Intensity Alternative would not result in any increase in the City's population (i.e., no additional housing). Therefore, this alternative would have no impacts related to parks and recreation facilities, similar to the Proposed Project.

The less intensive modified plan would have little or no impact to parks or recreation similar to the Reduced Intensity Alternative and the Proposed Project because none of them propose any residential units which would generate additional population. Therefore, no significant impact to parks and recreation facilities would occur.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are reduced compared to the Proposed Project, however, none of these scenarios propose residential uses, therefore, all three would have no impact on parks and recreation facilities.

4.17 Traffic

(a) **Proposed Project –** The Proposed Project would cause potentially significant traffic impacts on roadway segments and intersections through deficient LOS levels (4,408 daily trips and 7,527 PCE trips). The estimated trip generation for the Proposed Project, Existing General Plan Alternative, and the less intensive modified plan are compared in Table 4.C below. Even with mitigation some traffic impacts would be significant and unavoidable due to certain roadway improvements not being under the jurisdiction of the City and could not be guaranteed to be in place when development would be operational.

(b) **Existing Zoning –** Development under existing zoning designations would result in an almost three-fold increase in average daily traffic (ADT) and a 55% increase in passenger car equivalents (PCE) trips compared to the Proposed Project (see Table 4.C). This additional traffic would substantially increase traffic impacts on nearby roads and intersections, resulting in much worse levels of service (LOS) even with mitigation. Note that the use of PCE accounts for increased traffic impacts due to the larger size of trucks on roadways.

The addition of traffic volumes associated with this scenario could result in deficient LOS levels at one or more of the intersections in the project vicinity during the lifetime of the development. While significant traffic impacts may occur under this alternative, these impacts could be mitigated by payment of DIF and (County) TUMF fees as appropriate. Despite the implementation of appropriate mitigation measures, certain roadway improvements would not be under the jurisdiction of the City and cannot be guaranteed to be in place when development under existing zoning designations would occur. Therefore, traffic-related impacts would remain significant and unavoidable.

(c) **Reduced Intensity Alternative –** This alternative would reduce traffic trip generation and traffic impacts on local roadways by approximately 25% by eliminating a quarter of the total warehouse development in the southeast portion of the site compared to the Proposed Project. However, even with this reduction in traffic trip generation, impacts are still significant even with mitigation since some roadways that need improvements are not under the control of the City.

The less intensive modified plan would have slightly less traffic trip generation than the Reduced Intensity Alternative because it would have slightly less square footage. The estimated trip generation for the Proposed Project, Existing General Plan Alternative, and the less intensive modified plan are compared in the table below (see Table 4.C), which shows the less intensive modified plan would generate 30% less total traffic (PCE) compared to the

Proposed Project. It is important to note that, while this modified plan does not propose residential development at this time, it would leave approximately 38 acres in the southeastern portion of the project property vacant for now. At some point in the future, it is anticipated this 38 acres would be developed into 126 housing units under the R-5 and R-2 zones as outlined in the previous Table 4.A, based on 5 units per acre for the R-5 property and 2 units per acre for the R-2 land. Even with a substantial reduction in trip generation, traffic impacts of this modified plan are considered to be significant even with mitigation. In addition, like the Proposed Project, including the Reduced Intensity Alternative, certain roadway improvements are not under the jurisdiction of the City and could not be guaranteed to be in place when development would be operational.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project (i.e., almost 30% less), however impacts of all three are still significant and unavoidable.

It should be noted that when residential uses are eventually added to the vacant land of the less intensive modified plan (southeast corner of the property), overall traffic impacts of these land uses would be 13.8% less than those anticipated under the Proposed Project, as shown in Table 4.C.

Table 4.C: Comparison of Average Daily Vehicle Trips

Scenario	AM Peak	PM Peak	Daily Trips (ADT)[1]	Trip Total (PCE)[2]	% PCE to Project
Proposed Project					
Truck Trips	133	157	1,989	5,107	--
Car Trips	176	199	2,420	2,420	
Total	309	356	4,409	7,527	
Existing Zoning[3]					
Truck Trips	205	185	1,129	2,845	+ 55.3%
Car Trips	758	793	8,848	8,848	
Total	1,894	1,860	12,188	11,693	
Reduced Intensity Alternative (from EIR)					-25.0%
Truck Trips	100	118	1,491	3,830	
Car Trips	132	149	1,815	1,815	
Total	232	267	3,306	5,645	
Less Intensive Modified Plan-Industrial Only[4]					-29.7%
Truck Trips	91	107	1,337	3,428	
Car Trips	139	156	1,864	1,864	
Total	230	263	3,201	5,292	
Less Intensive Modified Plan-Industrial + (Future) Residential[4]					-13.8%
Truck Trips	91	107	1,337	3,428	
Car Trips	234	282	3,064	3,064	
Total	325	389	4,401	6,492	

Source: LSA Associates, September 2014 based on land uses and ITE rates shown in Table 4.A (see FEIR Appendix F).

[1] Average Daily Trips (ADT)
[2] Passenger Car Equivalents (PCE)
[3] Assumes 30 percent floor area ratio or site coverage for business park uses (i.e., total building square footage divided by the total gross site area).
[4] **IMPORTANT NOTE:** ProLogis is proposing development of only industrial uses at this time – the industrial plus residential scenario is provided for information purposes only to show traffic generation under ultimate buildout conditions at some point in the future if the residential uses are developed on the vacant portion of the project property

4.18 Utilities and Service Systems

(a) **Proposed Project –** The project would connect to existing utility infrastructure, require installation of water supply infrastructure, and would generate solid waste. However, the project would be required to adhere to existing requirements identified by the City and EMWD, obtain verification from the water purveyor that water is available to serve the development, and adhere to provisions of the solid waste provider of the site. These requirements would result in the project having less than significant impacts related to Utilities and Services.

(b) **Existing Zoning –** Development under the existing zoning designations would connect to existing utility infrastructure subject to the terms and conditions of the City and EMWD. This scenario would generate approximately 226,718 gallons of wastewater per day, which is a fivefold increase over what the proposed project would generate, and would increase the wastewater treatment demand. However, adherence to existing requirements identified by the City and EMWD would result in impacts remaining at a less than significant level.

The development of the business park and various residential uses would require the installation of water supply infrastructure to serve the project site and would consume approximately 277,660 gallons of water per day, which is over three times more than what would be consumed by the Proposed Project. However, development under this scenario would be required to obtain verification from the water purveyor (EMWD) that water is available to serve the development. In the event that the amount of water required for this alternative is available, impacts associated with this issue would be less than significant. However, in the event that water is not available for the Existing General Plan, a significant impact associated with this issue would occur.

This development scenario would generate 5,158 tons of solid waste per year, which is over twice what the Proposed Project would be expected to generate. Therefore, demands on solid waste services and landfill capacity would be increased in magnitude. However, development under this scenario would also be required to adhere to the provisions of the solid waste provider that would service the project site. Even with the increase, solid waste impacts under this alternative would be expected to remain at less than significant levels.

(c) **Reduced Intensity Alternative –** The Reduced Intensity Alternative reduces total development compared to the Proposed Project by 25%, therefore it is reasonable to conclude that demands on utilities services would also be reduced by 25%. The Reduced Intensity Alternative, like the Proposed Project, would be required to adhere to existing requirements identified by the City and EMWD, obtain verification from the water purveyor that water is available to serve the development, and adhere to provisions of the solid waste provider of the site. Like the Proposed Project, the Reduced Intensity Alternative would have less than significant impacts related to utilities.

The less intensive modified plan reduces proposed development by 32%, compared to the Proposed Project (i.e., Buildings 5 and 6 would not be constructed). Therefore it is reasonable to conclude that demands on utilities services would also be reduced by approximately 32%. The less intensive modified plan, like the Proposed Project and Reduced Intensity Alternative, would be required to adhere to existing requirements identified by the City and EMWD, obtain verification from the water purveyor that water is available to serve the development, and adhere to provisions of the solid waste provider of the site. Like the Proposed Project and the Reduced Intensity Alternative, the less intensive modified plan is expected to have less than significant impacts related to utilities.

(d) **Summary –** Impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, however impacts of all three are less than significant.

4.19 Cumulative Impacts

(a) **Proposed Project –** The Proposed Project would have significant cumulative impacts related to permanent conversion of farmland, long-term operational air pollutant emissions of CO, ROC, NOx, PM10, and PM2.5, and increased traffic operations on local roadways and at local intersections. There are no feasible mitigation measures to reduce impacts related to the conversion of Prime Farmland, reduce long-term air pollutant operational emissions and mitigate increased traffic; therefore cumulative impacts would remain significant and unavoidable for these topics.

(b) **Existing Zoning –** Development under the existing zoning designations would contribute toward the permanent conversion of farmland, long-term operational air pollutant emissions, and increased traffic operations on local roadways and at local intersections. In addition, there are no mitigation measures that would reduce long-term air quality operational impacts to below the SCAQMD threshold standard and no mitigation measures that would reduce impacts associated with increased traffic in the area. Therefore, cumulative impacts associated with long-term air quality and long-term traffic would remain significant and unavoidable. This scenario would also require the development of the project site. Since there is no feasible mitigation that would reduce the cumulative impacts associated with the conversion of Prime Farmland, cumulative impacts associated with farmland conversion would remain significant and unavoidable.

(c) **Reduced Intensity Alternative –** Similar to the Proposed Project, the Reduced Intensity Alternative would have significant cumulative impacts related to permanent conversion of farmland, long-term operational air pollutant emissions, and increased traffic operations on local roadways and at local intersections. Although cumulative impacts would have a 25% reduction, there are no feasible mitigation measures to reduce impacts related to the conversion of Prime Farmland, reduce long-term air pollutant operational emissions and mitigate increased traffic; therefore cumulative impacts would remain significant and unavoidable.

Similar to the Proposed Project and the Reduced Intensity Alternative, the less intensive modified plan would have significant cumulative impacts related to permanent conversion of farmland, long-term operational air pollutant emissions, and increased traffic operations on local roadways and at local intersections. Although cumulative impacts would have a 32% reduction in planned development compared to the Proposed Project, there are no feasible mitigation measures to reduce impacts related to the conversion of Prime Farmland, reduce long-term air pollutant operational emissions and mitigate increased traffic; therefore cumulative impacts would remain significant and unavoidable.

(d) **Summary –** Cumulative impacts of the Reduced Intensity Alternative, including the less intensive modified plan, are substantially reduced compared to the Proposed Project, however, all three development scenarios contribute to some cumulative impacts.

SUMMARY

The Proposed Project has significant and unavoidable impacts related to aesthetics, agricultural resources, air quality, land use, and transportation.

The Existing Zoning would also have significant and unavoidable impacts related to agricultural resources, air quality, and transportation, but would reduce aesthetic and land use impacts to less than significant levels compared to the Proposed Project, as long as future development was consistent with the City's development standards. It is also possible the Existing Zoning would substantially increase impacts on climate change, public services, recreation, and utilities, but it is expected these impacts could be reduced to less than significant levels with mitigation.

The Reduced Intensity Alternative under the EIR, including the currently proposed less intensive modified plan, would still have significant impacts related to aesthetics, air quality, land use, and transportation. Due to the reduced size of the less intensive modified plan (32% reduction), these impacts would be substantially reduced in magnitude compared to the Proposed Project. In addition, the less intensive modified plan would reduce impacts to agricultural resources to less than significant levels compared to the Proposed Project, at least until the southeastern portion of the site was developed with residential uses which are expected to be consistent with existing General Plan and zoning designations.

The following Table 4.D compares environmental impacts associated with the Proposed Project, Existing General Plan Alternative, and the Less Intense Modified Plan.

Table 4.D: Comparison of Impacts of the Proposed Project, Existing Zoning, and Reduced Intensity Alternative (including the Less Intensive Modified Plan)

Environmental Issue	Proposed Project	Existing Zoning	Reduced Intensity Alternative and Less Intensive Modified Plan
Aesthetics	**SIG**	←LTS	**←SIG**
Agricultural Resources	**SIG**	**SIG**	←LTS
Air Quality	**SIG**	**→SIG**	**←SIG**
Biological Resources	LTS/mit	LTS/mit	LTS/mit
Cultural Resources	LTS/mit	LTS/mit	LTS/mit
Forest Resources	NI	NI	NI
Geology and Soils	LTS	LTS	LTS
Global Climate Change	LTS/mit	→LTS/mit	←LTS/mit
Hazards and Hazardous Materials	LTS/mit	LTS/mit	LTS/mit
Hydrology and Water Quality	LTS/mit	LTS/mit	LTS/mit
Land Use and Planning	**SIG**	←LTS	**←SIG**
Mineral Resources	NI	NI	NI
Noise	LTS/mit	LTS/mit	←LTS/mit
Population and Housing	LTS	→LTS	←LTS
Public Services	LTS	→LTS	←LTS
Recreation and Parks	LTS	→LTS/mit	=
Transportation and Traffic	**SIG**	**→SIG**	**←SIG**
Utilities and Service Systems	LTS	→LTS	←LTS

Impact Abbreviations
NI: No Impact
LTS: Less than Significant Impact
LTS/mit: Less than Significant Impact with Mitigation
SIG: Significant Impact with or without Mitigation

Project Alternatives
→ Compared with the proposed project, the level of the impact is increased.
← Compared with the proposed project, the level of the impact is reduced.
\+ Compared with the proposed project, a new impact has been identified.
\- Compared with the proposed project, an impact has been eliminated.
←SIG Compared with the proposed project, the level of the impact is reduced, yet still significant.

5. MITIGATION MONITORING AND REPORTING PROGRAM

5.1 INTRODUCTION

This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

ProLogis Eucalyptus Industrial Park

The program has been prepared in compliance with State law and the Environmental Impact Report (EIR) (State Clearinghouse No. 2008021002) prepared for the project by the City of Moreno Valley.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid adverse effects on the environment (Public Resource Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in the Final EIR.

5.2 MITIGATION MONITORING AND RESPONSIBILITIES

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

5.3 MITIGATION MONITORING AND REPORTING PROGRAM CHECKLIST

Project File Name: Eucalyptus Industrial Park **Applicant: Prologis**
Date: September 26, 2014

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3 AIR QUALITY						
4.3.6.2A. Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall place construction equipment staging areas at least 200 feet away from sensitive receptors. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading and once during grading and construction operations.	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order
4.3.6.2B Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize power sources (e.g., power poles) or clean-fuel (e.g., fuel other than diesel or gasoline) generators where feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City.	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order
4.3.6.2C Prior to the issuance of a grading permit, the project developer shall require by contract specifications that contractors shall utilize California Air Resources Board (CARB) Tier III Certified equipment or better during the rough/mass grading phase for the following pieces of equipment: rubber-tired dozers and scrapers. Contract specifications shall be included in the	City of Moreno Valley Engineering and Building and Safety Planning Division	Once prior to Grading	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
proposed project construction documents, which shall be reviewed by the City. Project start to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devises used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission 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 horsepower shall meet Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emission control devises used by the contractor shall achieve emission reductions that are no less than what would be achieved by a Level 3 diesel emission control strategy for a similarly sized engine as defined by CARB regulations. A copy of each unit's certified tier specifications, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.2D All clearing, grading, earthmoving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions. On-site truck idling shall be prohibited in excess of five minutes.	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During grading	Review of construction documents and on-site inspection		Issuance of a Stop Work Order
4.3.6.2E The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2F The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions. Speed limit signs (15 mph maximum) shall be posted at entry points to the project site, and along any unpaved roads providing access to or within the project site and/or any unpaved designated on-site travel routes.	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2G Groundcover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).	City of Moreno Valley Engineering and Building and Safety Planning Division	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.2H The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2I The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2J. Grading plans, construction specifications and bid documents shall also include the following requirements: • Off-road construction equipment shall utilize alternative fuels where feasible e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty; • Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads; • Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect; • The contractor or builder shall	City of Moreno Valley Engineering and Building and Safety Planning Division	Review plans, specifications, and bid documents prior to grading; conduct site inspections during construction operations.	Prior to Issuance of Grading Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site; • The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours; • High-pressure injectors shall be provided on diesel construction equipment if available; • Engine size of construction equipment shall be limited to the minimum practical size; • Substitute gasoline-powered for diesel powered construction equipment where gasoline powered equipment is available; • Use electric construction equipment where it is practical to use such equipment; • Install catalytic converters on gasoline-powered equipment where this type of equipment is available; • Ride-sharing program for the construction crew shall be supported by contractor(s) via incentives or other inducement; • Documentation shall be provided to the City of Moreno Valley indicating						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs; • Lunch vendor services shall be allowed on site during construction to minimize the need for off-site vehicle trips; and • All forklifts used during construction and in subsequent operation of the project shall be electric or natural gas powered.						
4.3.6.2K. Throughout project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues within 24 hours.	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.2L. All project entrances shall be posted with signs which state: • Truck drivers shall turn off engines when not in use; • Diesel delivery trucks servicing the project shall not idle for more than three (3) minutes; and • Telephone numbers of the building facilities manager and CARB, to	City of Moreno Valley Engineering and Building and Safety	Ongoing throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
report violations. These measures shall be enforced by the on-site facilities manager (or equivalent).						
4.3.6.2M. During project grading and construction, the various project contractors shall adhere to the control measures listed in Tables 1.G and 1.H (attached to the MMRP).	City of Moreno Valley Engineering and Building and Safety	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.3A Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all trucks hauling dirt, sand, soil, or other loose materials are to e covered or shall maintain at least 2 feet of freeboard I accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and the top of the trailer).	City of Moreno Valley Engineering and Building and Safety	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.3B. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that construction access roads shall be paved at least 100 feet onto the site from the main road.	City of Moreno Valley Engineering and Building and Safety	Throughout construction	Prior to issuance of Grading Permits	On-site inspection		Issuance of a Stop Work Order
4.3.6.3C. Prior to the issuance of grading permits, the project applicant shall require by contract specifications that all streets within the construction site shall be swept once per day if visible soil materials are carried to adjacent streets.	City of Moreno Valley Engineering and Building and Safety Planning Division	One time Review and Approval of Grading Plans Throughout construction	Prior to issuance of Grading Permits During Construction	Review and Approval of Grading Plans On-site inspection		Withhold Grading Permit Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.3.6.4A. The project applicant shall use "Low-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the project applicant shall use materials that do not require painting or are pre-painted.	City of Moreno Valley Engineering and Building and Safety Planning Division	Throughout construction	During Construction	On-site inspection		Issuance of a Stop Work Order
4.3.6.5B. Prior to issuance of building permits, the project applicant shall provide evidence to the City that energy-efficient and low-emission methods and features of building construction shall be incorporated into the project design. These methods and features may include (but are not limited to) the following: ○ Construction of buildings that exceed statewide energy requirements beyond Construction of buildings that exceed statewide energy requirements beyond 10 percent of that identified in Title 24, Part 6 Energy Efficiency Standards: ○ Use of low-emissions water heaters; ○ Use of central water-heating systems; ○ Use of energy-efficient appliances; ○ Use of increased insulation; ○ Use of automated controls for air	City of Moreno Valley Engineering and Building and Safety and Planning Division	Prior to building and during construction operations.	Prior to Issuance of Building Permit	Review of construction documents and on-site inspection		Withhold Grading Permit or Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
conditioners; ○ Use of energy-efficient parking lot lighting; and ○ Use of lighting controls and energy-efficient lighting. • Utilize low-VOC interior and exterior coatings during project repainting. • Provide on-site improvements such as sidewalks or pedestrian walkways to promote pedestrian activity and reduce the number of vehicle trips. • Installation of skylights and energy-efficient lighting that exceeds California Title 24 standards where feasible, including electronic dimming ballasts and computer-controlled daylight sensors in the buildings. • Shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and building shall be planted at the proposed project site. These strategies will minimize the heat island effect and thereby reduce the amount of air conditioning required. • Strategies to be considered include fans to assist natural ventilation, centralized water and space conditioning systems, high efficiency individual heating and cooling units, and automatic setback thermostats. • Reduction of energy demand associated with potable water conveyance through the following						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
methods: ○ Incorporating drought-tolerant plants into the landscaping palette; and ○ Use of water-efficient irrigation techniques. • Energy-efficient low-pressure sodium parking lot lights or equivalent as determined by the City shall be used; • Buildings shall be oriented north-south where feasible; • Implement an on-site circulation plan in parking lots to reduce vehicle queuing; • Develop a trip reduction plan to achieve 1.5 average vehicle ridership (AVR) for businesses with fewer than 250 employees or multi-tenant worksites; • Include bicycle parking facilities such as bicycle lockers and racks; • Include showers for bicycling employees use; and • Construct on-site pedestrian facility improvements such as building access that is physically separated from street and parking lot traffic and walk paths.						
4.3.6.6A Prior to issuance of the first building permit, building and site plan designs shall ensure that the project's energy efficiencies surpass applicable 2008 California Title 24, Part 6 Energy Efficiency Standards by a minimum of 10 percent until January 1, 2014. For building permits issued after that date,	City of Moreno Valley Building and Safety Planning Division	Prior to Construction (once)	Prior to Issuance of Building Permits	Review of building plans and on-site inspection		Withhold Building Permits

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
new state energy standards require a 20 percent reduction from 2008 Title 24, Part 6 Energy Efficiency Standards. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City. The following design features shall be used to fulfill this requirement: • Buildings shall exceed California Title 24 Energy Efficiency performance standards for water heating and space heating and cooling, as deemed acceptable by the City. • Increase in insulation such that heat transfer and thermal bridging is minimized. • Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. • Incorporate dual-paned or other energy efficient windows. • Incorporate energy efficient space heating and cooling equipment. • Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City. Automatic devices to turn off lights when they are not needed shall be implemented.						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance

• To the extent that they are compatible with landscaping guidelines established by the City, shade-producing trees, particularly those that shade paved surfaces such as streets and parking lots and buildings shall be planted at the project site.
• Paint and surface color palette for the project shall emphasize light and off-white colors which reflect heat away from the buildings.
• All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.
• To reduce energy demand associated with potable water conveyance, the project shall implement the following:
  ○ Landscaping palette emphasizing drought-tolerant plants;
  ○ Use of water-efficient irrigation techniques; and,
  ○ U.S. EPA Certified WaterSense labeled for equivalent faucets, high-efficiency toilets (HETs), and water-conserving shower heads.
• The project shall provide secure, weather-protected, on-site bicycle						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
storage/parking. • The project shall provide on-site showers (one for males and one for females). Lockers for employees shall be provided. • The project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce greenhouse gas (GHG) emissions. A plan will be submitted by the TMA to the City within two months of project completion that outlines the measures implemented by the TMA, as well as contact information. • The project shall provide preferential parking for carpools and vanpools. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to final site plan approval, preferential parking for carpools and vanpools shall be delineated on the project site plan. • The project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the project building plan. • Lease/purchase documents shall identify that tenants are encouraged to promote the following: ○ Implementation of compressed workweek schedules. ○ SmartWay partnership; ○ Achievement of at least 20 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 percent of all long-haul trips carried by SmartWay 1.0 or greater carriers. ○ Achievement of at least 15 percent per year (as a percentage of previous percentage, not total trips) increase in percentage of long-haul trips carried by SmartWay carriers until it reaches a minimum of 85 percent of all consolidator trips carried by SmartWay 1.0 or greater carriers. ○ Use of fleet vehicles conforming						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
to 2010 air quality standards or better. ○ Installation of catalytic converters on gasoline-powered equipment. ○ Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets. ○ Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles. ○ Provision of preferential parking for EV and CNG vehicles. ○ Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance. ○ Use of electric (instead of diesel or gasoline-powered) yard trucks. ○ Use of SmartWay 1.25 rated trucks. ○ Each facility operator shall provide regular sweeping of onsite parking and drive areas. ○ Each facility operator shall maintain a log of all trucks entering the facility to ensure that, on average, the daily truck fleet meets the quantities and emissions standards listed in the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Draft EIR. This log shall be available for inspection by City staff at any time. ○ Each facility operator shall prohibit all vehicles from idling in excess of five minutes in all onsite areas. ○ Each facility operator shall ensure that onsite staff in charge of keeping the daily log and monitoring for excess idling will be trained and certified in diesel health effects and technologies, such as by requiring attendance at CARB-approved courses. ○ Each facility operator upon occupancy that do not already operate 2007 and newer trucks shall in food faith apply for funding to replace or retrofit their trucks such as Carl Moyer, VIP, Prop 1B or similar funds. Should funds be awarded, the tenant shall be required to accept and use them.						
4.4 BIOLOGICAL RESOURCES						
4.4.6.1A. If tree removal or clearing and grubbing activities must take place during the general nesting season (February 1 through August 31), a nesting bird survey shall be conducted within seven (7) days prior to any vegetation disturbance activities. If passerine birds are found to be nesting or there is evidence of nesting behavior inside the impact area, an	City of Moreno Valley Planning Division	Prior to grading and periodic site inspections during grading	Prior to Issuance of Grading Permit	Review of Evidence that a qualified biologist has been hired and the pre-construction survey has been completed.		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
exclusion buffer, to be determined by the appropriate agency (e.g. the City, County, and/or CDFG), shall be set in place around the nest where no vegetation disturbance will be permitted. For raptor species, such as hawks and owls, this buffer may be as large as 500 feet. A qualified biologist shall closely monitor nests until it is determined that they are no longer active, at which time construction activity in the vicinity of nests may continue.				Review of a report of the survey findings. Periodic site inspections during construction activities during the nesting season to ensure compliance.		
4.4.6.1B. Prior to site grading, a pre-construction survey shall be required for the burrowing owl to confirm the presence/absence of this species from the site. The survey shall be conducted by a qualified biologist within 30 days prior to ground disturbance, and in accordance with MSHCP survey requirements, to avoid direct take of burrowing owls. If burrowing owls are determined to occupy the project site or immediate vicinity, the City of Moreno Valley Planning Department shall be notified and avoidance measures as identified in **Mitigation Measure 4.4.6.1C,** shall be implemented. Implementation of avoidance measures shall be executed pursuant to the MSHCP, the California Fish and Game Code, and the MBTA, and according the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993) and reviewed the City of Moreno Valley, the Riverside Conservation Authority, and/or	City of Moreno Valley Planning Division	Once prior to grading	Prior to Issuance of Grading Permit	Review of Evidence that a qualified biologist has been hired and the pre-construction survey has been completed. Review of a report of the survey findings.		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
by the CDFG.						
4.4.6.1C. As recommended in the BUOW Survey and Mitigation Guidelines prepared by the California BUOW Consortium, no disturbance to an occupied burrow shall occur within approximately 160 feet of an occupied burrow during the non-breeding season (September 1 through January 31), or within approximately 250 feet of an occupied burrow during the breeding season (February 1 through August 31). For unavoidable impacts, passive relocation of burrowing owls shall be implemented. Passive relocation shall be conducted by a qualified biologist in accordance with procedures set forth by the MSHCP and California Burrowing Owl Consortium. Passive relocation of occupied burrows supporting a breeding pair of burrowing owls shall be conducted outside of the breeding season pursuant to the California Fish and Game Code and the MBTA.	City of Moreno Valley Planning Division	Prior to grading	Prior to Issuance of Grading Permit	Provide evidence to the City that the passive relocation plan has been approved by CDFG and USFWS.		Withhold Grading Permit
4.4.6.2A. As outlined in the project's Determination of a Biologically Equivalent or Superior Preservation (DBESP) report, the project applicant shall compensate for the temporary and permanent impact on and loss of jurisdictional waters and streambeds by providing a minimum 2:1 off-site replacement of equivalent riverine/riparian habitat prior to project construction. Offsite restoration, enhancement, and/or land purchase mitigation for the drainage impacts will occur at an offsite location through one or	City of Moreno Valley Planning Division	As outlined in the approved DBESP	Prior to Issuance of Certificate of Occupancy	Demonstrate completion of DBESP implementation measures		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
more of the following: an USACE approved mitigation bank, through an in lieu fee mitigation program, and/or land purchase and conservation. DFG and USFWS will need to provide concurrence that this mitigation is equivalent or superior to that proposed for impact through their review and acceptance of the DBESP.						
4.4.6.2B. Riparian/riverine resources that are temporarily impacted by project construction shall be returned to their preconstruction contours and hydroseeded, as outlined in the DBESP.	City of Moreno Valley Planning Division	Once, prior to issuance of Certificate of Occupancy	Prior to Issuance of Certificate of Occupancy	Applicant to demonstrate compliance with DBESP		Withhold Certificate of Occupancy
4.4.6.3A. The project applicant shall obtain a Section 404 Nationwide or Individual Permit, as appropriate, from the USACE, a Section 401/Porter-Cologne Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from the CDFG. Offsite restoration, enhancement, and/or land purchase mitigation of jurisdictional drainage impacts will occur at an off-site location through one or more of the following: an USACE approved mitigation bank, through an in-lieu fee mitigation program, and/or land purchase and conservation.	City of Moreno Valley Planning Division	Once, prior to issuance of Certificate of Occupancy	Prior to Issuance of Certificate of Occupancy	Project applicant to submit to the City a copy of the USACE Section 404 Permit and the Section 1602 Streambed Alteration Agreement from the CDFG		Withhold Certificate of Occupancy
CULTURAL RESOURCES						
4.5.6.1A Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured	City of Moreno Valley Planning Division	Prior to grading	Prior to Issuance of Grading Permit	Provide evidence to the City that a qualified archaeological monitor has been		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
for qualified Tribal representatives, and that a professional archaeological monitor meeting Secretary of Interior standards has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.				retained to oversee all ground altering activities		
4.5.6.1B Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist, and the Tribal representative(s) shall be allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the	City of Moreno Valley Planning Division	Prior to grading and throughout ground disturbing activities.	Prior to Issuance of Grading Permit	Provide evidence to the City that a qualified archaeological monitor has been retained to oversee all ground altering activities and that the Soboba, Morongo, and Pechanga Tribes have been notified as to when ground altering activities will occur on site. The archaeological monitor shall invite one or more Native American monitors to participate in the		Withhold Grading Permit and/or Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.				monitoring program at the expense of the applicant.		
4.5.6.1C If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the	City of Moreno Valley Planning Division	Throughout ground disturbing activities.	On-site Inspection during construction	If historic resources are found the archaeologist shall provide a recommendation to the City as to how to handle and evaluate the resources. If archaeological resources are found the archaeologist shall notify the applicant, City and local Native American representatives. A written disposition of the mitigation shall be provided to the City by the archaeologist.		Issuance of a Stop Work Order

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University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.						
4.5.6.1D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan: "If any suspected archaeological resources are discovered during ground-disturbing activities and the archaeological monitor or Tribal representatives are not present, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call the project archaeologist and the Tribal representatives to the site to assess the significance of the find."	City of Moreno Valley Planning Division	Once prior to issuing permit	Prior to Issuance of Grading Permit.	Verify that plans contain specified language		Withhold Grading Permit.
4.5.6.1E If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner	City of Moreno Valley Planning Division	Ongoing during ground disturbing activities.	On-site Inspection during construction if human remains are discovered.	The contractor and/or archaeologist shall contact the applicant and City if human remains are discovered.		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.						
4.5.6.2A. Prior to the issuance of grading permits, the project applicant shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Program (PRIMP). The PRIMP shall include the provision of a trained paleontological monitor during on-site soil disturbance activities. The monitoring for paleontological resources shall be conducted during the rough-grading phase of the project. In the event that paleontological resources are unearthed or discovered during excavation, **Mitigation Measure 4.5.6.2C** shall apply. Conversely, if no paleontological resources are unearthed or discovered on site during excavation, no additional action is required.	City of Moreno Valley Planning Division	Prior to grading and on-going during ground disturbing activities.	Prior to Issuance of Grading Permit	Provide evidence to the City that a qualified paleontologist has been retained, and that the paleontologist(s) shall prepare a PRIMP for City approval. A qualified paleontologist(s) shall be retained by the applicant to monitor during rough grading. A report of findings shall be submitted to the City after the finalization of construction.		Withhold Grading Permit/ Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.5.6.2B. The paleontological monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples of soil shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains.	City of Moreno Valley Planning Division	Prior to grading and on-going during ground disturbing activities.	Prior to Issuance of Grading Permit	A qualified paleontologist(s) shall be retained by the applicant to monitor during rough grading. A report of findings shall be submitted to the City after the finalization of construction.		Withhold Grading Permit/ Issuance of a Stop Work Order
4.5.6.2C. If paleontological resources are unearthed or discovered during excavation of the project site, the monitoring for paleontological resources shall be conducted on a full-time basis for the duration of the rough-grading of the project site. The following recovery processes shall apply: • Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted with additional field staff and in accordance with modern paleontological techniques. • All fossils collected during the project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the	City of Moreno Valley Planning Division	Ongoing during ground disturbing activities.	When paleontological resources are unearthed or discovered	A qualified paleontologist(s) shall be retained by the applicant to monitor full time during the duration of ground disturbing activities. A report of findings shall be submitted to the City after the finalization of construction.		Issuance of a Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
specimens. • A report documenting the results of the monitoring and salvage activities and the significance of the fossils shall be prepared. • All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.						
4.5.6.2D Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan: "If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction."	City of Moreno Valley Planning Division	Once before issuing grading permit.	Prior to Issuance of Grading Permit	Verify plans contain specified language.		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
HAZARDS AND HAZARDOUS MATERIALS						
4.6.6.1A Prior to issuance of a grading permit for the project, a qualified contractor shall test onsite soils for contamination by agricultural chemicals. If present in concentrations above established actionable levels or thresholds, these materials shall be removed and transported to an appropriate landfill by a licensed contractor. This measure shall be implemented to the satisfaction of the Building Division including written documentation of the disposal of any agricultural chemical residue in conformance with all applicable regulations.	City of Moreno Valley Planning Division	Prior to grading	Prior to Issuance of Grading Permit and receipt of supplemental Phase II soil testing	Applicant shall provide written results of subsequent soil testing for pesticides		Withhold Grading Permit
HYDROLOGY AND WATER QUALITY						
4.7.6.1A. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall provide evidence to the City that a Notice of Intent (NOI) has been filed with the Regional Water Quality Control Board for coverage under the State NPDES General Construction Permit for discharge of storm water associated with construction activities.	City of Moreno Valley Planning Division Building and Safety Engineering	Prior to grading	Prior to Issuance of Grading Permit and review of grading plan documents	Applicant shall provide written evidence that an NOI has been filed with the Regional Water Quality Control Board.		Withhold Grading Permit
4.7.6.1B. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall submit to the State Water Quality Control Board a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to	City of Moreno Valley Planning Division Building and Safety Engineering	Prior to grading and onsite inspection during construction	Prior to Issuance of Grading Permit	Review of grading and construction documents and on-site inspection. Applicant shall provide written evidence that a SWPPP has been		Withhold Grading Permit and/or Issuance of Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
control on-site and off-site erosion during the entire grading and construction period. Additionally, the SWPPP shall identify structural and nonstructural BMPs to control sediment and nonvisible discharges from the site. BMPs to be implemented in the SWPPP may include, but shall not be limited to, the following: • Sediment discharges from the site may be controlled by the following: gravel bags, silt fences, straw wattles and temporary debris basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs will be periodically inspected during construction, and repairs will be made when necessary as required by the SWPPP. • No materials of any kind shall be placed in drainage ways. • Materials that could contribute non-visible pollutants to storm water must be contained, elevated, and placed in temporary storage containment areas. • All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected per RWQCB standards to eliminate any discharge from the site. Stockpiles will be surrounded by silt fences. The SWPPP will include inspection forms for routine monitoring of the site during the construction phase to				filed with the Regional Water Quality Control Board.		

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
ensure NPDES compliance. • Additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary. • The SWPPP will be kept on site for the entire duration of project construction and will also be available to the local RWQCB for inspection at any time. In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.						
4.7.6.1C. Prior to the issuance of grading permits, the project applicant shall provide evidence to the City that the following provisions have been added to construction contracts for the project: • The Construction Contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sediment control measures called for in the SWPPP. Monthly reports shall be maintained by the Contractor and submitted to the City for inspection. In addition, the Contractor will also be required to maintain an inspection log and have the log on site to be reviewed by the City of Moreno Valley and the representatives of the Regional Water Quality Control Board.	City of Moreno Valley Planning Division Engineering	Once prior to grading	Prior to issuance of Grading Permit	City review and approval of grading plans.		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
4.7.6.2A. Prior to grading plan approval and the issuance of a grading permit by the City, the project applicant shall receive approval from the City of Moreno Valley for a Final Water Quality Management Plan (F-WQMP). The F-WQMP shall specifically identify pollution prevention, site design, source control, and treatment control BMPs that shall be used on site to control predictable pollutant runoff in order to reduce impacts to water quality to the maximum extent practicable. BMPs to be implemented in the F-WQMP may include (but shall not be limited to) the following: • Required landscaped areas shall not use decorative concrete or impervious surfaces. • Landscape plans shall incorporate native and drought-tolerant plants, trees, and shrubs. Landscaping shall be maintained weekly and maintenance contractor will properly dispose of all landscape wastes. • Irrigation systems shall be inspected monthly by the landscape contractor to check for over-watering, leaks, or excessive runoff to paved areas. Timers will be used to prevent over-watering. • Signage will be inspected and maintained twice a year for legibility. • Outdoor Loading/Unloading truck docks shall be kept in a clean and orderly condition with weekly	City of Moreno Valley Planning Division Engineering	Once prior to grading	Prior to issuance of Grading Permit	City review and approval of Final Water Quality Management Plan		Withhold Grading Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
inspections, continuous monitoring, and immediate clean up of spills. • Parking area maintenance shall be swept or vacuumed at least quarterly, if there is any trash or debris in between the routine sweeping, it shall be swept or vacuumed immediately. • Trash enclosures will be inspected and maintained weekly or as needed by maintenance contractor. • On-site extended detention/sedimentation basins and sand filters will treat all of the site's runoff via vegetated swales and will be maintained and inspected at least twice a year and prior to October 1. • Additional BMPs will be documented in the WQMP and utilized if necessary. In the event that it is not feasible to implement the above BMPs, the City of Moreno Valley can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.						
4.7.6.3A. Prior to grading plan approval, the project proponent shall receive approval on a project-specific Final Hydrology Study, with supporting engineering calculations, from the City Engineer. The Final Hydrology Study shall incorporate relevant requirements identified by the City, and/or site-specific geotechnical investigations. A Preliminary	City of Moreno Valley Planning Division Engineering	Once prior to tentative tract map approval Once prior to	Prior to tentative tract map approval Prior to issuance of	City review and approval of Preliminary Hydrology Study City review and approval of Final		Withhold hearing to approve the tentative tract map. Withhold Grading

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Hydrology Study will be required prior to approval of the associated project tentative tract map.		grading	Grading Permit	Hydrology Study		Permit
NOISE						
4.9.6.1A. During all project site excavation and grading on site, the project contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing during construction	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1B. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest to the project site.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1C. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest to the project site during all project construction.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order
4.9.6.1D. During project site construction activities at Building 6 (i.e., closest to existing residences), the construction contractor shall limit all construction-related activities to between the hours of 6:00 a.m. and 8:00 p.m. on weekdays and between the hours of 7:00 a.m. to 8:00 p.m. on weekends and holidays, unless written approval is obtained from the City Building Official or City Engineer.	City of Moreno Valley Building and Safety Engineering Planning Division	Ongoing throughout construction /on-site inspection	Throughout Construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
TRANSPORTATION						
4.11.6.4A. Prior to issuance of a Certificate of Occupancy the project applicant shall construct the following traffic improvements: • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is currently approved, and permitted by Caltrans. If not otherwise completed prior to project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy. • **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** If not otherwise completed prior to project opening, prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements: Install a traffic signal and add a northbound left-turn lane and a southbound left-turn lane. If the improvements are constructed by others prior to the Certificate of Occupancy, the applicant shall pay its fair share towards the improvements through the City's DIF program.	City of Moreno Valley Building and Safety Engineering Planning Division	Prior to Certificate of Occupancy on the building.	Prior to the Issuance of a Certificate of Occupancy	Evidence of the construction of the improvements. If construction has already occurred by others evidence of payment of DIF fees.		Withhold Certificate of Occupancy
4.11.6.4B. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley	City of Moreno Valley Building and Safety Engineering	Once before construction	Prior to the Issuance of Building Permits	Evidence of Payment of City DIF fees and WRCOG TUMF fees.		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
based on the City's DIF system and the County's TUMF program: • **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound left-turn lane and a southbound left-turn lane. These improvements are listed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.	Planning Division					
4.11.6.4C. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley	City of Moreno Valley Building and Safety Engineering	Once before construction	Prior to the Issuance of Building Permits	Evidence of Payment of City DIF fees and WRCOG TUMF fees.		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
based on the City's DIF system and the County's TUMF program: • **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Alessandro Boulevard.** Add a southbound through lane. This improvement is listed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is listed in the City's DIF program. Add a northbound through lane. The Redlands Boulevard/SR-60 Interchange reconstruction would implement the northbound through	Planning Division					

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
lane. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Redlands Boulevard/Fir Avenue/Eucalyptus Avenue.** Install a traffic signal. Add a westbound right-turn lane and provide overlap phasing for the westbound right turns. Add a westbound left-turn lane and an eastbound left-turn lane. These improvements are programmed in the City's DIF program. Add a northbound left-turn lane, a southbound through lane, and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/Eucalyptus Avenue.** Add a southbound right-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMF fees would						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
mitigate the significant impact at this location. • **Redlands Boulevard/Alessandro Boulevard.** Add a southbound left-turn lane. This improvement is programmed in the TUMF. Therefore, payment of the TUMF fees would mitigate the significant impact at this location.						
4.11.6.4D. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program. At some locations, the DIF and TUMF fees would not fully mitigate the project's impact. For these locations, additional improvements shall be implemented by the project applicant prior to the issuance of a certificate of occupancy for the project: • **Nason Street/Eucalyptus Avenue.** Add a northbound right turn lane. This improvement is programmed in the City's DIF; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.76%) toward restriping the westbound approach to provide dual left-turn lanes. • **Nason Street/Alessandro Boulevard.** Add an eastbound	City of Moreno Valley Building and Safety Engineering Planning Division	Once before construction and onsite inspection for improvements.	Prior to the Issuance of Building Permits Where improvements must be built by the developer – Prior to a Certificate of Occupancy on the first building.	Evidence of Payment to the City of fair share contribution in addition to payment of DIF, TUMF and build improvements where indicated in the mitigation measure.		Withhold Building Permit and/or Withhold Certificate of Occupancy.

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
through lane and a westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 1.4%) toward modification of the traffic signal to provide overlap phasing for the eastbound right-turn lane. • **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Eucalyptus Avenue.** Convert the existing						

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eastbound through lane to a left-turn lane and the eastbound right-turn lane to a shared through/right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, the project shall contribute a fair share (calculated to be 8.63%) toward modification of the traffic signal to provide right-turn overlap phasing for the westbound right-turn lane. • **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane, This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Alessandro Boulevard.** Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
building occupancy since it was identified as a direct project impact. • **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, and a westbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound through lane, southbound left-turn lane, northbound through lane, and northbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane and a southbound left-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.						
4.11.6.4E. Prior to issuance of building permits, the project applicant shall pay the fair-share contribution toward the following traffic improvements through fees paid to the City of Moreno Valley based on the City's DIF system and the County's TUMF program, or through a fair-share contribution to the City of	City of Moreno Valley Building and Safety Engineering Planning Division	Once before construction	Prior to the Issuance of Building Permits	Evidence of Payment of City DIF fees and WRCOG TUMF fees or fair share contribution		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Moreno Valley as noted below: • **Nason Street/Eucalyptus Avenue.** Add a northbound right-turn lane and an eastbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.6%) toward modification of the traffic signal to provide right-turn overlap phasing for the eastbound and northbound right turns. • **Nason Street/Alessandro Boulevard.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 1.35%) toward the addition of an eastbound left-turn lane and modification of the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
traffic signal to provide overlap phasing for the westbound right-turn lane. • **Moreno Beach Drive/SR-60 Westbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/SR-60 Eastbound Ramps.** The Moreno Beach Drive/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF and is currently in the design phase. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Eucalyptus Avenue.** Restripe eastbound approach to dual left-turn lanes and add a northbound through lane, a westbound through lane, and a southbound right-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection.						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
Implementation of the improvements identified for this intersection in **Mitigation Measure 4.11.6.4D** would also partially mitigate the significant impact at this intersection. In addition, the project shall pay a fair share (calculated to be 5.17%) toward modification of the traffic signal to provide right-turn overlap phasing for the southbound right-turn lane. • **Moreno Beach Drive/Cottonwood Avenue.** Add a southbound through lane, a northbound through lane, an eastbound left-turn lane, an eastbound through lane, a westbound through lane, and a westbound left-turn lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Moreno Beach Drive/Alessandro Boulevard.** Add 2 southbound through lanes, 2 northbound through lanes, an eastbound through lane, and a westbound through lane. These improvements are programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Auto Mall Drive/Eucalyptus Avenue.** Install a traffic signal. This improvement is programmed in the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
City's DIF program. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Westbound Ramps.** Install a traffic signal. This improvement is programmed in the City's DIF program and will be installed before building occupancy since it was identified as a direct project impact. Therefore, payment of the DIF fee would mitigate the significant impact at this location. • **Redlands Boulevard/SR-60 Eastbound Ramps.** The Redlands Boulevard/SR-60 Interchange reconstruction would fully mitigate the project impact at this location. The interchange reconstruction project is programmed in the TUMF. Therefore, payment of the TUMF fee would mitigate the significant impact at this location. • **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane, eastbound through lane, eastbound left-turn lane, a westbound right-turn lane with overlap phasing, and a southbound right-turn lane with overlap phasing. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
significant impact at this intersection. In addition, add a southbound through lane, a southbound left-turn lane, a northbound through lane, a northbound left-turn lane, and a northbound right-turn lane. These improvements are programmed in the TUMF. Therefore, payment of the TUMF fee would also partially mitigate the significant impact at this location. In addition, the project shall pay a fair share (calculated to be 10.44%) of the cost of adding a southbound left-turn lane. • **Redlands Boulevard/Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, add a northbound left-turn lane, a northbound through lane, a southbound left-turn lane, and southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/Cottonwood Avenue.** Add an eastbound through lane and westbound through lane. These improvements are programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
significant impact at this intersection. In addition, add a northbound through lane and a southbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location. • **Redlands Boulevard/Alessandro Boulevard.** Install a traffic signal. This improvement is programmed in the City's DIF program; therefore, payment of the DIF fee would partially mitigate the significant impact at this intersection. In addition, and add a southbound left-turn lane, a northbound left-turn lane, a westbound left-turn lane, an eastbound left-turn lane, a westbound right-turn lane, a southbound through lane, a westbound through lane, and an eastbound through lane. These improvements are programmed in the TUMF. Therefore, payment of the DIF and TUMF fees would mitigate the significant impact at this location.						
4.11.6.4F. If the Encilia Avenue and Quincy Street Connection plan is implemented as part of the proposed project, then prior to issuance of building permits, the project applicant shall implement the following improvements, in addition to those identified in **Mitigation Measure 4.11.6.4.E**, either through fees paid to the City of Moreno Valley based on the City's DIF system and the County's	City of Moreno Valley Building and Safety Engineering Planning Division	Once before construction	Prior to the Issuance of Building Permits	Evidence of Payment of City DIF fees and WRCOG TUMF fees or fair share contribution.		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
TUMF program: • **Moreno Beach Drive/Eucalyptus Avenue.** Restripe the southbound shared through/right-turn lane to a southbound through lane. This improvement is programmed in the City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection. • **Redlands Boulevard/Fir Avenue-Eucalyptus Avenue.** Pay the fair share (calculated to be 10.84%) to add a southbound right-turn lane. • **Redlands Boulevard/Encilia Avenue-Eucalyptus Avenue.** Install a traffic signal and add a westbound left-turn lane. These improvements are programmed in the City's DIF program. In addition, add a northbound left-turn lane, northbound through lane, southbound left-turn lane, and a southbound through lane. These improvements are programmed in the TUMF program. Therefore, payment of the DIF and TUMF fees would fully mitigate the impact of the project at this intersection. • **Moreno Beach Drive/Encilia Avenue.** Install a traffic signal and add a northbound through lane, southbound left-turn lane, and a southbound through lane. This improvement is programmed in the						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
City's DIF program. Therefore, payment of the DIF fee would mitigate the impacts of the project at this intersection.						
GREENHOUSE GASES AND GLOBAL CLIMATE CHANGE						
4.13.6.1A. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that building features have been incorporated in building plans as required by Title 24 of the California Code of Regulations. These features include but are not limited to the following: • Exterior windows shall utilize window treatments for efficient energy conservation. • Per CALGreen Code requirements, water-efficient fixtures and appliances, including but not limited to low-flow faucets, dual-flush toilets minimizing water consumption by 20 percent from the Building Standards Code baseline water consumption shall be used. • Per CALGreen Code requirements, a Commissioning Plan shall be prepared and all building systems (e.g., heating, ventilation, and air-conditioning [HVAC], irrigation systems, lighting, and water heating) shall be commissioned by the Commissioning Authority.	City of Moreno Valley Building and Safety Planning Division	Once prior to construction	Prior to issuance of building permits	Review of construction documents and on-site inspection		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
• Per CALGreen Code, restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.						
4.13.6.1B. Prior to the issuance of building permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been incorporated into the design and construction of the project: • Use of locally produced and/or manufactured building materials for at least 10 percent of the construction materials used for the project. • Use of "Green Building Materials," such as those materials that are resource efficient, and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the project. • Limit unnecessary idling of construction equipment. A reduction in equipment idling would reduce fuel consumption, and therefore, GHG emissions. • Maximize the use of electricity from the power grid by replacing diesel- or gasoline-powered equipment. This would reduce GHG emissions because electricity can be produced	City of Moreno Valley Building and Safety Planning Division	Once prior to construction Once during on-site inspection	Prior to issuance of building permits	Review of construction documents/building plans and on-site inspection		Withhold Building Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
more efficiently at centralized power plants. • Design the project building to exceed the California Building Code's (CBC) Title 24 energy standard, including, but not limited to, any combination of the following: ○ Increase insulation such that heat transfer and thermal bridging is minimized. ○ Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption. ○ Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances, or other applicable electrical equipment. • Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping. • Install efficient lighting and lighting control systems. Use daylight as an integral part of the lighting systems in buildings. • Install reflective roof material (SRI >45) and cool pavements. • Install energy-efficient heating and cooling systems, appliances and						

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
equipment, and control systems. • Install solar or light-emitting diodes (LEDs) for outdoor lighting for auto parking areas.						
4.13.6.1C. Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of Moreno Valley that the following measures have been be incorporated into the operation of the project: • The project applicant shall use less than 3,900 Global Warming Potential (GWP) hydrofluorocarbon (HCF) refrigerants or natural refrigerants (ammonia, propane, carbon dioxide [CO_2]) for refrigeration and fire suppression equipment. • Provide vegetative or man-made exterior wall shading devices for east-, south-, and west facing windows. • Devise a comprehensive water conservation strategy appropriate for the project and its location. The strategy may include the following, plus other innovative measures that may be appropriate: o Install drought-tolerant plants for landscaping. o Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed	City of Moreno Valley Building and Safety Planning Division	Once Prior to construction Once during on-site inspection	Prior to issuance of occupancy permit	Review of construction documents and on-site inspection		Withhold Occupancy Permit

Mitigation Measure No. / Implementing Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/ Initials	Sanctions for Non-Compliance
water. ○ Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation controllers and sensors for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance. • Provide employee education about reducing waste and available recycling services.						

Table 1.G: Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

Source Category	Control Measures	Guidance
Backfilling	• Stabilize backfill material when not actively handling; and • Stabilize backfill material during handling; and • Stabilize soil at completion of activity.	• Mix backfill soil with water prior to moving; and • Dedicate water truck or high capacity hose to backfilling equipment; and • Empty loader bucket slowly so that no dust plumes are generated; and • Minimize drop height from loader bucket.
Clearing and grubbing	• Maintain stability of soil through pre-watering of site prior to clearing and grubbing; and • Stabilize soil during clearing and grubbing activities; and • Stabilize soil immediately after clearing and grubbing activities.	• Maintain live perennial vegetation where possible; and • Apply water in sufficient quantity to prevent generation of dust plumes.
Clearing forms	• Use water spray to clear forms; or • Use sweeping and water spray to clear forms; or • Use vacuum system to clear forms.	• Use of high pressure air to clear forms may cause exceedance of Rule requirements.
Crushing	• Stabilize surface soils prior to operation of support equipment; and • Stabilize material after crushing.	• Follow permit conditions for crushing equipment; and • Pre-water material prior to loading into crusher; and • Monitor crusher emissions opacity; and • Apply water to crushed material to prevent dust plumes.
Cut and fill	• Pre-water soils prior to cut and fill activities; and • Stabilize soil during and after cut and fill activities.	• For large sites, pre-water with sprinklers or water trucks and allow time for penetration; and • Use water trucks/pulls to water soils to depth of cut prior to subsequent cuts.
Demolition – mechanical/manual	• Stabilize wind erodible surfaces to reduce dust; and • Stabilize surface soil where support equipment and vehicles will operate; and • Stabilize loose soil and demolition debris; and • Comply with AQMD Rule 1403.	• Apply water in sufficient quantities to prevent the generation of visible dust plumes.

Table 1.G: Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

Source Category	Control Measures	Guidance
Disturbed soil	• Stabilize disturbed soil throughout the construction site; and • Stabilize disturbed soil between structures.	• Limit vehicular traffic and disturbances on soils where possible; and • If interior block walls are planned, install as early as possible; and • Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
Earthmoving activities	• Pre-apply water to depth of proposed cuts; and • Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 ft in any direction; and • Stabilize soils once earth-moving activities are complete.	• Grade each Project phase separately, timed to coincide with construction phase; and • Upwind fencing can prevent material movement on site; and • Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
Importing/exporting of bulk materials	• Stabilize material while loading to reduce fugitive dust emissions; and • Maintain at least 6 inches of freeboard on haul vehicles; and • Stabilize material while transporting to reduce fugitive dust emissions; and • Stabilize material while unloading to reduce fugitive dust emissions; and • Comply with CVC Section 23114.	• Use tarps or other suitable enclosures on haul trucks; and • Check belly-dump truck seals regularly and remove any trapped rocks to prevent spillage; and • Comply with track-out prevention/mitigation requirements; and • Provide water while loading and unloading to reduce visible dust plumes.
Landscaping	• Stabilize soils, materials, slopes	• Apply water to materials to stabilize; and • Maintain materials in a crusted condition; and Maintain effective cover over materials; and • Stabilize sloping surfaces using soil binders until vegetation or ground cover can effectively stabilize the slopes; and Hydroseed prior to rain season.
Road shoulder maintenance	• Apply water to unpaved shoulders prior to clearing; and • Apply chemical dust suppressants and/or washed gravel to maintain a stabilized surface after completing road shoulder maintenance.	• Installation of curbing and/or paving of road shoulders can reduce recurring maintenance costs; and • Use of chemical dust suppressants can inhibit vegetation growth and reduce future road shoulder maintenance costs.

Table 1.G: Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

Source Category	Control Measures	Guidance
Screening	• Pre-water material prior to screening; and • Limit fugitive dust emissions to opacity and plume length standards; and • Stabilize material immediately after screening.	• Dedicate water truck or high capacity hose to screening operation; and • Drop material through the screen slowly and minimize drop height; and • Install wind barrier with a porosity of no more than 50 percent upwind of screen to the height of the drop point.
Staging areas	• Stabilize staging areas during use; and • Stabilize staging area soils at project completion.	• Limit size of staging area; and • Limit vehicle speeds to 15 miles per hour; and • Limit number and size of staging area entrances/exits.
Stockpiles/bulk material handling	• Stabilize stockpiled materials, and stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 ft in height; or must have a road bladed to the top to allow water truck access or must have an operational water irrigation system that is capable of complete stockpile coverage.	• Add or remove material from the downwind portion of the storage pile; and • Maintain storage piles to avoid steep sides or faces.
Traffic areas for construction activities	• Stabilize all off-road traffic and parking areas; and • Stabilize all haul routes; and • Direct construction traffic over established haul routes.	• Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; and • Barriers can be used to ensure vehicles are only used on established parking areas/haul routes.
Trenching	• Stabilize surface soils where trencher or excavator and support equipment will operate; and • Stabilize soils at the completion of trenching activities.	• Pre-watering of soils prior to trenching is an effective preventive measure. For deep trenching activities, pre-trench to 18 inches, soak soils via the pre-trench and resuming trenching; and • Washing mud and soils from equipment at the conclusion of trenching activities can prevent crusting and drying of soil on equipment.
Truck loading	• Pre-water material prior to loading; and • Ensure that freeboard exceeds 6 inches (CVC 23114).	• Empty loader bucket such that no visible dust plumes are created; and • Ensure that the loader bucket is close to the truck to minimize drop height while loading.
Turf overseeding	• Apply sufficient water immediately prior to conducting turf vacuuming activities to meet opacity and plume length standards; and • Cover haul vehicles prior to exiting the site.	• Haul waste material immediately off site.
Unpaved roads/parking lots	• Stabilize soils to meet the applicable performance standards; and • Limit vehicular travel to established unpaved roads (haul routes) and unpaved parking lots.	• Restricting vehicular access to established unpaved travel paths and parking lots can reduce stabilization requirements.

Table 1.G: Air Quality Measure 4.3.6.2M Best Available Control Measures for Fugitive Dust (Apply to All Construction Activities)

Source Category	Control Measures	Guidance
Vacant land	• In instances where vacant lots are 0.10 acre or larger and have a cumulative area of 500 sf or more that are driven over and/or used by motor vehicles and/or off-road vehicles, prevent motor vehicle and/or off-road vehicle trespassing, parking and/or access by installing barriers, curbs, fences, gates, posts, signs, shrubs, trees, or other effective control measures.	

ac = acre(s) AQMD = Air Quality Management District CVC = California Vehicle Code ft = feet sf = square feet

Table 1.H: Air Quality Measure 4.3.6.2M Contingency Control Measures for Fugitive Dust (During High Winds in Excess of 25 MPH)

Fugitive Dust Source Category	Control Measures
Earthmoving	• Cease all active operations; or • Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	• On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than 4 consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than $^{1}/_{20}$ of the concentration required to maintain a stabilized surface for a period of 6 months; or • Apply chemical stabilizers prior to wind event; or • Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of 4 times per day; or • Establish a vegetative ground cover within 21 days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; or • Utilize any combination of these control actions such that, in total, these actions apply to all disturbed surface areas.
Unpaved roads	• Apply chemical stabilizers prior to wind event; or • Apply water 2 times per hour during active operation; or • Stop all vehicular traffic.
Open storage piles	• Apply water 2 times per hour; or • Install temporary coverings.
Paved road track-out	• Cover all haul vehicles; or • Comply with the vehicle freeboard requirements of Section 23114 of the CVC for both public and private roads.
All categories	• Executive Officer and the USEPA as equivalent to the methods specified in this table may be used.

CVC = California Vehicle Code
USEPA = United States Environmental Protection Agency

APPENDIX A

ATTACHMENTS TO JOHNSON & SEDLACK COMMENT LETTER DATED SEPTEMBER 4, 2012

APPENDIX B

SB 18 CONSULTATION DOCUMENTATION

APPENDIX C

REGIONAL AGRICULTURE REPORTS

APPENDIX D

GENERAL PLAN INFO ON AGRICULTURE

APPENDIX E

LOZEAU DRURY COMMENT LETTER ATTACHMENTS

APPENDIX F

TRIP GENERATION COMPARISON OF ALTERNATIVES