MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Melody Lardner dated March 26, 2012**

During the WLC review process, Ms. Lardner expressed concern that her "previous letter" had not been responded to in the Final EIR. The letter she provided was dated March 26, 2012 and was actually a comment letter submitted during the NOP process when the areas of analysis were being established for the EIR. As outlined in DEIR Section 2.0, Introduction, issues raised in comments made during the NOP period were evaluated in the DEIR. In fact, the issues the commenter raised in her letter (e.g., air quality, lighting, noise, biological resources, etc.) were all addressed in the DEIR.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Melody Lardner dated June 11, 2015**

In a letter dated June 11, 2015, Melody Lardner submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
I am writing to express my concern over the potential approval of the rezoning of a large area of our city for the World Logistics Center. I live on the east end of Moreno Valley not far from the proposed rezoning and future projects. When I purchased my home, I did my due diligence and checked out what was around me and how land was zoned. This area under the general plan was zoned for a large master planned community with various lot sizes ranging from RA2 to some areas of dense housing (R5/R10), but also golf courses, parks, open space, small business centers, and some commercial but not warehouses over the most of the area! I bought my home to live in and retire in and I am not one of those people referred to as the rich horse owners of the east end. We worked hard to buy our home and had a vision of what the area would look like in the future based on the general plan and master plan for this area. I now see my home value decreasing and my quality of life being affected (breathing, traffic, noise, aesthetics, etc.). This change is huge! And the developer purchased their land knowing what it was zoned as well.

Response 1:
The commenter is correct, the land east of Redlands Boulevard is currently and has been designated in the General Plan and zoning for a mixture of residential and other uses as part of the Moreno Highlands Specific Plan. Over time, General Plan and zoning designations on vacant land can change in response to market demands and the desires of the landowner. The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley in February 2012. The City requested that Highland Fairview prepare a specific plan for the entire project area, including land not owned by Highland Fairview. It was intended that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City while trying to minimizing potential environmental impacts such as traffic compared to other types of land uses such as those of the approved Moreno Highlands Specific Plan. Applications for a General Plan Amendment and Zone Change were submitted for the WLC project consistent with these proposed land use changes outlined above, and the City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts..

Comment 2:
Traffic: I have concerns over traffic. Traffic on the freeway is congested already and on and off ramps such as Moreno Beach and Redlands Blvd. area already very busy. CalTrans has not announced any plans to widen the 60 freeway through Moreno Valley. The overpasses are small at Moreno Beach, Redlands and Theodore and it is not clear when these will be widened in most cases. The ramps are also small in most places. And Gilman Springs is a two lane county road that is already hazardous and heavily used by commuters and there have been no plans to widen this road and I worry about increasing fatalities on this road. In addition, in areas of

warehousing or logistics, the traffic at shift changes can be a huge impact to the surrounding roads and freeways. I work near warehouses and logistics in another city and the traffic can be heavy at intersections and accidents occur between trucks and cars, with cars getting the worst of it in an accident. It was stated in the documentation that the planning commission has that Highland Fairview will be responsible to contribute $500,000 to freeway improvements. That is nothing compared to what it will cost to actually improve the freeway to what is needed. Just repairs to the damaged Theodore Street bridge are more than that!

Response 2:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local roadway and freeway improvements, and potential truck accidents, and proposes a number of mitigation measures such as installing certain improvements, and paying the County's Traffic Uniform Mitigation Fee (TUMF) for regional improvements. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The EIR identifies impacts to SR-60 and recommends mitigation, but implementation of any mitigation for freeway impacts is not under the control of the City (i.e., Caltrans) so these impacts are considered significant. Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The project will be required to largely fund the Theodore Interchange improvements for project access as well as other area improvements, including along Gilman Springs Road. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

The $500,000 called for in the development agreement is to be used for planning and not improvements. The total cost of the improvements to be paid for by Highland Fairview is many millions of dollars.

Comment 3:
Pollution and air quality: I have concerns over the impacts to air quality. I already have breathing issues as it is and adding more diesel pollutants to the air will significantly deteriorate the air in our area. I am enclosing a photo of one truck and how much it smokes just travelling down a freeway to give you a visual of what they put into the air. There will be a lot of trucks on the east end as well as on our roads and freeways all around the city with this project. While the city can regulate idling times, it does not help with start ups, accelerations and driving to and from the warehouses and these activities will contribute a lot of diesel exhaust into the air.

Response 3:
DEIR Section 4.3 examined various air quality impacts including cancer and non-cancer health hazards. These analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. Mitigation Measure 4.3.6.3B (l) ensures that only the much cleaner post-2010 diesel trucks will serve the WLC. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
Noise: Industrial noise is much different than the noise that might come from a master planned community that was supposed to be here. I did not move to the east end to be in an industrial area with those noises and I feel that is a significant impact to the area and the FEIR states this as well.

Response 4:
New warehouses would be buffered by a combination of landscaping, berms, and walls to help shield noise impacts from warehouse activities, as outlined in Mitigation Measures 4.12.6.2B through 4.1.6.2D. The EIR did determine that project-related noise impacts would be significant, therefore, the City will have to adopt a Statement of Overriding Considerations if it approves the WLC project. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 5:
Impacts to Roads: I am concerned that the city will not be able to maintain our roads properly. Trucks are very damaging to roads and already our roads on the east end are in poor shape. I work in an area of warehouses and logistics buildings and see the damage to the roads every day from this newer development.

Response 5:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets and freeway traffic on the SR-60 freeway. The various mitigation measures in DEIR Section 4.15 will help fund local and regional road and intersection improvements, while increased property tax revenues and onsite fuel sales will help the City continue funding street maintenance, including those that may sustain damage from trucks.

Comment 6:
Trail System: I am sad about the loss of the full multiple use trail system that was envisioned for the east end including a viable connection to the north side of the freeway. This was another part of what I thought was a great vision for the east end of the city that may be gone with this development.

Response 6:
Due to the proposed change in land uses (i.e., Moreno Highlands Specific Plan with largely residential to industrial warehouses) the WLC project proposes to route the trail system around the southwestern portion of the property and connect to Lake Perris to the southwest and the Mystic Lake area to the south. This will allow trail users to stay in more scenic areas adjacent to the WLC property. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 7:
Impacts to surrounding communities and areas: This project has potential to have impacts to other cities and communities in the area that may or may not be aware of what this proposal might do to them. And I was very unclear as to how this project may impact areas that were set aside to protect species as a way to mitigate development in the city but this proposal if built would have the potential to impact those areas set aside to protect species so then is it really still a protected area and is the development adequately mitigated? The pollution, noise and traffic may impact these areas now since they are in the San Jacinto Wildlife area and the surrounding badlands that are close to this center.

Response 7:
DEIR Section 4.4, *Biological Resources*, went into great detail about the existing resources of the adjacent wildlife areas (i.e., south and east of the project site) and determined that potential impacts would be less than significant based on the project design and implementation of the proposed 17 mitigation measures (FEIR Volume 1, Mitigation Monitoring Program), many of which addressed impacts to wildlife. The project would establish a 400-foot setback for warehouse buildings from the south property line (i.e., San Jacinto Wildlife Area boundary). The issue of building and development

setbacks was evaluated in the DEIR [Section 4.4.1.18(a), page 4.4-48]. In addition, many of the comments on the Draft EIR were regarding biological resources and were addressed in detail in the Final EIR Volume 1, Response to Comments (see particularly comments by the California Department of Fish and Wildlife (Letter B-3) and by a number of conservation organizations (Section F Letters). The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 8:
Development Agreement: I do not understand how the city can enter into a development agreement with the developer prior to this even being an approved project. It makes it appear the city is putting the cart before the horse and agreeing to development arrangements before the development is even approved. And does not leave any openings to seriously consider any alternatives to the proposed development. It makes me wonder if my input even counts for anything.

Response 8:
The Development Agreement is one of the discretionary approvals the City is considering relative to the WLC project. It outlines those benefits not already due to the City as part of the development review process that the developer would commit to in exchange for the long-term land use entitlement of the Specific Plan. For example, Section 4.8 of the Development Agreement requires Highland Fairview to mitigate all traffic impacts within the City.

Comment 9:
Landscaping: The document mentions the dense landscaping that will help hide this development and mitigate some of the noise. That was what was also promised for Skechers and that landscaping is not dense nor does it hide the development. The tree species selected are not known to be dense species as they note some of the trees to be used such as Palo Verde, Acacia and palms which are not necessarily dense canopies.

Response 9:
New warehouse buildings would have to be a minimum of 210 feet from the WLC boundaries as outlined in Mitigation Measure 4.1.6.1A. In addition, new warehouses would be buffered by a combination of landscaping, berms, and walls to help shield views and noise impacts from warehouse activities, as outlined in Mitigation Measures 4.1.6.1B and 4.1.6.1C (views) and 4.12.6.2B through 4.1.6.2D (noise). The Specific Plan contains landscaping design guidelines that respond to the State's drought guidelines and need for water conservation, while visually screening buildings from houses as the landscaping reaches maturity.

Comment 10:
Significant Impacts: I am concerned with the number of significant impacts with this development. I think the city really needs to consider that word "Significant." That is a big deal. The significant impacts are air quality, noise, traffic, land use, and aesthetics. These are big deals and matter to the quality of life of the citizens of this city and to our family. I think the city needs to move slowly on this and not re-zone such a large area to open the door for development that will have very significant impacts. I think more consideration needs to be given to moving slower and not blanket approving such a large land area in our city for a significant impact use.

Current Approved Re-zoned areas not even built out yet: I am concerned that there area has already approved for this type of development that have not been built out. The Skechers location is not built to what was approved, and the newer re-zoning between the Auto Mall and the Aldi warehouse are not built yet. Maybe we need to see how that pans out and what it is like to live with those first before approving such a large area of re-zoning.

Response 10:
The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The City requested that Highland Fairview prepare a specific plan for the entire project area, including land not owned by Highland Fairview. It was intended that such a large assemblage of property for this single use would provide unique marketing and

development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City while trying to minimizing potential environmental impacts such as traffic compared to other types of land uses such as those of the approved Moreno Highlands Specific Plan. The EIR did determine that the WLC project would have a number of significant impacts, therefore, the City Council will have to adopt a Statement of Overriding Considerations if it approves the WLC project if it believes the benefits of the project will outweigh its potential environmental impacts.

Comment 11:
Buffer Zones: I am not sure how closely everyone looked at those buffer areas next to residential areas. The proposed buffer is only 250 feet and that is 250 feet from the centerline of Redlands Blvd for instance. So from a backyard along Redlands Blvd. that is not very far - maybe a little over 300 feet from the backyard of residences to the back of a warehouse development. That is not much of a buffer between homes and a large warehouse building and truck loading docks.

Response 11
Response 9 above addresses the issue of buffers between warehouses and existing residences to the west.

Comment 12:
Project Objective of Good Freeway Access: The EIR mentions an objective of good freeway access. The access from Theodore, Gilman and Redlands Blvd are not good access to handle the traffic and trucks from these warehouses. As stated before the ramps and bridges are small and the roadways are not large. And the freeway is already heavily congested at times and is not proposed for any lane additions. How does this re-zoning meet project objectives then?

Response 12:
Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The project will be required to largely fund the Theodore Interchange improvements for project access as well as other area improvements, including along Gilman Springs Road. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 13:
East End Residents: I am really concerned that those of us who live on the east end are not being given enough consideration in this process. We have been portrayed as rich snobs and rich horse people that only care about ourselves. Well many of us are not rich nor own horses but we moved to this area as we saw a future of a nice life in a nice area of the city and invested our lives and savings here and we are not all rich by any means. Not all of us live in big new houses and we have worked hard to have what we do have now. We are the ones that will have to live closest to this massive change to what we thought we bought into that is very different than what is currently in the city general plan.

Please take time to consider the significant impacts this proposed re-zoning will have on the community and maybe take a step back and consider other options. Thank you.

Response 14:
These comments do not address the EIR but are personal opinions which are not part of the CEQA process. The City Council will consider this comment prior to making a decision on the WLC project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 4, 2015)

TO: Mark Gross
Planning Department
4177 Frederick Street
Moreno Valley, California 92552

FROM: Kent Norton, AICP, Associate
LSA Associates, Inc.

SUBJECT: **Response to MVUSD Letter, dated May 28, 2015**

In a letter dated May 28, 2015, the Moreno Valley Unified School District submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

COMMENT 1:
FEIR Air Quality and Community Risk and Hazards Comments
Most of the comments provided by MVUSD on the DEIR have been addressed in the revised Air Quality Study and revisions to the FEIR, including:
» assessment of acute non-cancer hazards
» discussion on ultrafine particles
» use of the new OEHHA guidance for a school-based health risk assessment
» evaluation of potential risks to 36 schools located within Moreno Valley

RESPONSE 1:
The City appreciates that MVUSD acknowledges the response to MVUSD's comments. However, all of MVUSD's comments on the DEIR were addressed as set forth in Volume 1 of the FEIR under the response to comment Letter E-3.

COMMENT 2:
The conclusions of the FEIR are that there would be no excess cancer risk or acute/chronic hazards to occupants of the MVUSD schools with implementation of the proposed project. However, we feel that the assertion in the FEIR that the proposed project would not result in any cancer risks from diesel emissions is overstating the results of the Advanced Collaborative Emissions Study (ACES), as described in more detail in the following paragraphs.

RESPONSE 2:
MVUSD's comments confuse the analysis for cancer risk with the distinct and separate analysis for acute/chronic hazards. While the cancer risk analysis did rely on the ACES prepared by HEI, the analysis for acute/chronic hazards relied on SCAQMD guidelines for analysis. Also, MVUSD does not acknowledge that while not necessary, the FEIR also included a cancer risk analysis based upon the most up-to-date OEHHA methodology which found no cancer impacts outside the project boundaries. In summary, regardless of methodology, there are no cancer or acute/chronic hazards outside the project boundaries. In addition, on the basis of the ACES prepared by HEI, there are no cancer or acute/chronic hazards within the project boundaries.

Further, the FEIR does not overstate the conclusion of the study. In their own words, the study authors found that "in contrast to previous health studies of TDE [traditional diesel exhaust], the ACES study found that lifetime exposure did not induce tumors or pre-cancerous changes in the lung and did not increase tumors related to NTDE [new technology diesel exhaust] in any other tissue."

COMMENT 3:
Master Response-2: Health Effects of Diesel Particulate Matter. Page 233 of the FEIR (also identified in Master Response-1 on page 221). This response does not correctly apply the findings of the new technology diesel exhaust (NTDE) in the ACES to the proposed project. The Master Response states that the proposed project would not result in any cancer risk from diesel emissions.

Although the results of the ACES report are encouraging, the conclusion reported in the FEIR that there is no cancer risk from "new technology trucks" is premature. In addition, "older" diesel trucks on the roads will continue to pose risks. The responses to comments made throughout the FEIR compare the reduction in risks from "older" trucks to "newer" trucks as the reason for rejecting additional mitigation.

The ACES report showed that rats and mice exposed to emissions from the new diesel engine exhaust did not develop lung tumors or toxic health impacts, although there were some minor physiological effects. There were small decreases in respiratory function and some signs of lung inflammation in the rats exposed to the highest DPM concentrations, but the effects were not severe. However, the study only looked at tissues and pulmonary function; other endpoints won't be evaluated until after the rodents are euthanized. Although the results are promising, it's premature to say the new NTDE engines eliminated all health impacts from diesel exhaust and there is no cancer risk.

RESPONSE 3:
MVUSD's comment claims that reliance on the HEI ACES is premature because it looked at a limited number of health endpoints, specifically "tissues and pulmonary function". This statement is both incorrect and not applicable. It is incorrect because HEI "evaluated animals histologically throughout the study for the presence of tumors and other types of lesions in the airways and in multiple tissues. In addition, they examined a vast array of biologic endpoints: hematologic (several cell types, plus coagulation), serum chemistry (including triglyceride and protein components), lung lavage (including numbers of cells and levels of multiple cytokines and markers of oxidative stress and tissue injury), and pulmonary function (HEI ACES Report p. 2)." That evaluation allowed HEI "to analyze the data from more than 100 endpoints in the broad areas of histology, serum chemistry, systemic and lung inflammation, and respiratory function, the investigators confirmed the a priori hypothesis, namely, that NTDE would not cause an increase in tumor formation or substantial toxic health effects in rats, although some biologic effects might occur (HEI ACES Report p.3)." It is not applicable because the HEI ACES was relied upon in the FEIR to analyze only the cancer impacts of the WLC project, other health endpoints were evaluated using SCAQMD guidelines for acute/chronic hazards.

MVUSD's comment regarding older diesel trucks does not apply to the WLC project because the WLC project prohibits such trucks. (WLC Project FEIR, Volume 3, p. 4.3-97, MM 4.3.6.3B(l)) The fact that other projects continue to rely on such trucks has no bearing on the environmental impacts of the WLC project.

Finally, the HEI ACES is a peer-reviewed lifetime exposure study of new technology diesel exhaust whose ACES Steering Committee included U.S. EPA, California Air Resources Board, and Natural Resources Defense Council (HEI ACES Report p.xii). In addition, the "draft reports were evaluated by the HEI ACES Review Panel — an independent panel of distinguished scientists who had no involvement in selecting or overseeing these studies and included some members of the HEI Review Committee (HEI ACES Report p.vii)." The study represents the latest scientific information on the health effects of new diesel technology exhaust.

COMMENT 4:
Furthermore, these findings are not consistent with the Office of Environmental Health Hazards Assessment (OEHHA) updated guidelines on health risk, which show an increased lifetime risk for early childhood exposure. The conclusion that "diesel exhaust does not contribute to cancer" (see also page 237) is not factual.

RESPONSE 4:
MVUSD's comment that the findings are not consistent with updated OEHHA guidelines is not accurate. The FEIR does contain a full analysis of the cancer impacts of the project using the updated OEHHA guidelines. That analysis finds there is no significant impact beyond the project boundaries and that only three homes within the project boundaries would experience a potentially significant impact. The FEIR then relies upon the HEI ACES to demonstrate that since the project requires new technology diesel engines, which do not contribute to cancer, there would be no significant cancer-related health impact. While MVUSD states the conclusion is not factual, it is, in fact, the primary conclusion of the HEI ACES: "that NTDE would not cause an increase in tumor formation or substantial toxic health effects." (HEI ACES Report p.3)

COMMENT 5:
Master Response-5: Air Filtration Systems for Residences. (Page 237 of the FEIR.) The conclusion of the health risk assessment was that operation of the project would not significantly contribute to health risk impacts outside the project site boundaries; therefore, the students and staff at MVUSD schools would not be adversely impacted by the project. However, the conclusion that "diesel exhaust does not contribute to cancer" is not factual (see our comments on Master Response-2). Response to Comment E-3-6. Page 325 of the FEIR. This response does not respond to the comment that the Reference Exposure Level (REL) does not account for all of the known health effects from diesel particulate matter, especially in children. The limitations of the methodology must be disclosed in the FEIR.

RESPONSE 5:
All current methods, including the recently updated OEHHA guidelines, were used to evaluate health impacts of the project. MVUSD does not identify which impacts are known and quantifiable but not addressed by the REL and the EIR preparer is not aware of any health effects which are not addressed by the REL. These issues are fully responded to Response to Comment E-3-5.

COMMENT 6:
Recirculation of the DEIR is Required. The FEIR adds significant new information to the DEIR, requiring recirculation pursuant to CEQA Guidelines Section 15088.5. The project description has change significantly since circulation of the DEIR, including but not limited to a change in boundary, a change in project buildout by eight years, and a reduction in one million square feet of development. This resulted in substantial changes throughout the DEIR; without recirculation the public is deprived of a meaningful opportunity to comment. Further, a significant number of new mitigation measures have been added, the environmental effects of which have not been evaluated.

RESPONSE 6:
CEQA Guidelines Section 15088.5 actually states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information that was added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR.

COMMENT 7:
Additionally, Mitigation Measure 4.5.6.1 B impermissibly defers analysis to a future project-level EIR. The revised DEIR must be recirculated for public review taking into account the above comments.

RESPONSE 7:
MM 4.5.6.1B does not impermissibly defer analysis. Rather it sets out the requirements to properly mitigate any potential impact to cultural resources encountered over the course of development. By laying out performance standards in the mitigation measure, MM 4.5.6.1B properly complies with CEQA.

COMMENT 8:
Draft Facts, Findings and Statement of Overriding Considerations
Page 225 through page 226. The District takes issue with the statement of overriding consideration, which states:

"Approval of the Project Will Ensure that the Health of Residents, School Children and Workers, both Within and Outside of the Project Area, Will Not Be Adversely Affected by the Construction and Operation of the Project"

While the project has reduced health risks to sensitive receptors in the area, "approval of the project" will result in a significant increase in air pollutant emissions and health risk from the substantial increase in diesel truck traffic. This discussion goes on to say that:

> *" ... diesel trucks which comply with stringent US EPA and CARB 2010 standard do not cause cancer or adverse health effect." And*
>
> *"As a result, the city will enjoy the numerous benefits which will flow from the construction and operation of the project without subjecting anyone to the risk of cancer and other adverse health effects which result from the use of older diesel trucks." (underline added)*

These statements are misquoted, because diesel particulate matter (DPM) is an air toxic contaminant (TAC). In fact, as identified in the latest Multiple Air Toxics Exposure Study (MATES-IV) conducted by the South Coast Air Quality Management District, DPM is still the primary driver of cancer risk in the air basin.

Unless 2010 trucks are mandated to not use diesel fuel, this statement of overriding considerations should be removed because it mischaracterizes risks (see comments on the FEIR Master Response-2, above). Impacts of the project may be minimized and/or less than 10 in a million cancer risk; but it does not mean there is "no risk" and "no health impacts." These statements contradict the significant unavoidable impact for localized construction and operational criteria air pollutant emissions identified in the EIR.

RESPONSE 8:
The conclusions of the Draft Facts, Findings and Statement of Overriding Considerations are correct. While MATES-IV does show that diesel exhaust is the primary driver of cancer risk, that is due to the fact that majority of diesel trucks on the road represent traditional diesel engine technology, not the new technology 2010 trucks that are a requirement of the WLC project. Furthermore, OEHHA characterized diesel exhaust as a toxic air contaminant based upon studies evaluating the effects of traditional diesel exhaust. None of the studies that OEHHA relied upon evaluated the effects of new technology diesel exhaust as described in the HEI ACES. In fact, HEI ACES represents the latest scientific evidence regarding cancer risk and that study concluded that "that NTDE would not cause an increase in tumor formation or substantial toxic health effects". Finally, in regard to non-cancer health effects from diesel exhaust, the FEIR also includes the standard analyses recommended by SCAQMD and found no significant health impacts.

RESPONSE SUMMARY: The conclusions contained in the FEIR are based upon the latest scientific evidence. Where the FEIR differs from standard analyses, such as the use of the updated OEHHA guidelines,

those standard analyses are also fully evaluated and presented as well. Even the traditional analyses show no health-related impacts outside the project boundaries.

MEMORANDUM

DATE:	Reissued August 5, 2015 (First issued June 4, 2015)
PROJECT:	World Logistics Center Final EIR
TO:	Mark Gross, Moreno Valley Planning Department
FROM:	Kent Norton, AICP, Associate
	LSA Associates, Inc.
SUBJECT:	**Response to RWQCB Email dated June 3, 2015**

On June 3, 2015 Glenn Robertson, an Engineering Geologist and CEQA Coordinator in the Regional Planning Programs Section of the Santa Ana Regional Water Quality Control Board sent an email to you making the following comments regarding the Final EIR:

Comment 1:
I have seen no notice of the City of Moreno Valley receiving comment on the Final EIR of the World Logistics Center before your June 11 Planning Commission hearing, but I have received public inquiry as to whether you still may be taking reactions into the meeting. I reread our Regional Board staff's April 25, 2013 letter for the DEIR, compared with answers by Final EIR Response to Comments (RTC), for any discrepancies on BMPs leading up to adoption of the project. We do have one concern that for us has always been unclear.

Aside from those RTC answers that essentially state that site BMPs are detailed in the Water Quality Management Plan, and that bioretention areas may be used in conjunction with detention/infiltration basins to capture and treat runoff from this large warehouse and transport project, Board staff do suggest inclusion of distinct plans for a structural BMP with absorbant material or other means to capture/separate oil and other automotive fluids that are likely to be carried toward the basins. We suggest that the first BMP that runoff enters may separate hydrocarbons from the water, and that characteristics of the bio-retention areas may designed to only subsequently "polish" the flows. This can be discussed between your staff and our Inland Stormwater staff as final design moves forward.

Response 1:
The following discussion from Section 4.9, Volume 3, page 4.9-56 of the FEIR addresses the concern raised:

> The project will comply with the *Water Quality Management Plan for the Santa Ana Region of Riverside County* (approved by the Santa Ana Regional Water Quality Control Board October 22, 2012), which requires the use of Low Impact Development (LID) BMPs that maximize infiltration, harvest and use, evapotranspiration and/or bio-treatment. Flows from the project will be treated first by LID BMPs where the flow will be infiltrated, evapotranspired, or treated. As required by **Mitigation Measure 4.9.6.1A**, the treated flows will then be reduced to below or equal to pre-development conditions by routing the on-site storm water flows through a series of on-site detention and infiltration basins before flows are released off site. These basins will provide incidental infiltration and secondary treatment downstream of the LID BMPs. All runoff from the site will be treated by LID BMPs and then routed through the detention and infiltration basins before it leaves the project area and into Mystic Lake and the San Jacinto Wildlife Area.

The Water Quality Management Plan Guidance Document for the Santa Ana Region of Riverside County discusses water quality impacts and the use of LID BMPs:

"LID BMPs have been shown in studies throughout the country to be effective and reliable at treating a wide range of Pollutants that can be found in urban runoff, including those listed above, and those subject to adopted TMDLs in the Santa Ana Region of Riverside County (Bacteria and Nutrients). As such, the LID BMPs required in this WQMP are expected to treat discharges of urban-sourced 303(d) listed Pollutants from subject projects to an impaired waterbody on the 303(d) list such that the discharge from the project would not cause or contribute to an exceedance of Receiving Water Quality Objectives."

Since SARWQCB has found that lids are "effective and reliable" and that their use "would not cause or contribute to an exceedance", the MM 4.9.6.1A addresses the concern raised in the comment. However, if a project-level review determines that additional BMPs are required to control pollutants from stormwater pollutant runoff, those BMPs would be considered as part of the project-level environmental review and NPDES permitting process. The separation of oil and other potential vehicle fluids from storm water runoff will be one of the primary objectives in the evaluation for treatment of runoff. During the preliminary and final design of each future building, BMP measures will be incorporated into the design to treat the pollutants of concern (POC). If absorbent material is the Best Available Technology (BAT) to achieve separation of oil and other vehicle fluids from runoff then it will be included in the treatment train used. The overall goal is to direct project runoff to adjacent landscaped areas where it will be allowed to infiltrate and support the proposed drought tolerant landscape, reducing and/or eliminating the need for irrigation.

RESPONSE SUMMARY: Future development under the WLC Specific Plan will meet all applicable laws, regulations, and permitting requirements in consultation with permitting agencies as appropriate, including the RWQCB, as outlined in the WLCSP EIR as part of future discretionary approvals.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 10, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Inland Empire Waterkeeper dated June 5, 2015**

In a letter dated June 5, 2015, Garry Brown with the Inland Empire Waterkeeper submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment I-A:
The Proposed Detention Basins Will Not Be Able to Adequately Control Runoff. Detention basins are designed to control peak flows and infiltrate some water, but are not the same as infiltration basins. Detention basins are used to slow down stormwater runoff, not to infiltrate large amounts of water. As the FEIR notes, water flows from the Badlands and the 60 freeway into the project site, where it then continues through the San Jacinto Wildlife Area and wetlands. To contain this large amount of water, large infiltration basins will be needed. The FEIR estimates the soil type and infiltration rate, but has not adequately examined it. WLC has presented no analysis of the effects of the large amounts of runoff that would flow into the San Jacinto Wildlife Area. To adequately mimic the natural condition of runoff flow, velocity, and volume, a more thorough analysis of the size, number, and location of infiltration basins must be conducted.

Response I-A:
The proposed detention basins will adequately control runoff. As stated in Section 4.9.6.1 on page 4.9-39, paragraph 2 of the FEIR, the detention basins are designed not only as detention basins but as combined infiltration and detention basins. The bottom two feet in depth of the basin is designed as an infiltration basin, i.e., the water will infiltrate in the ground because there is no outlet. Only when the water level rises above two feet will the water flow downstream. Table 4.9.J outlines the basin volumes for both detention and infiltration for each of the 11 basins.

As stated on page 4.9-47 of the FEIR the project's impacts will be mitigated with the implementation of infiltration basins and bioretention areas. The volume of runoff after the project is constructed will be less than the existing volume of runoff and the amount of infiltration will increase. A hydrologic analysis was performed for the pre and post project conditions based on historical runoff. The basins have been designed to ensure that the runoff matches the pre-project condition. The hydrologic analysis was based on conservative estimates of soil type and infiltration rates and will be updated with site specific information as each project is developed.

To the degree possible, the project will site basins in areas of cut that do not require over excavation, this should result in acceptable infiltration rates. In the event the soil at a basin site does not meet the required infiltration rate, dry wells, hybrid bioretention/dry wells or infiltration trenches will be used to achieve the target infiltration rate. All three of these BMP's will reach past impervious clay or compacted fill area to deeper more pervious soils. Dry wells are considered Class V wells and require submission of an "Inventory Form" to the EPA. Infiltration tests will be done prior to design of basins so that the proper BMP's can be incorporated into the basins. It should also be noted that groundwater levels in the project area are in excess of 100 feet below ground surface (DEIR Section 4.6.5.4, Geology and Soils). If infiltration declines, dry wells or other options can be used to improve infiltration better and allow habitat to co-exist in or around the basin.

The amount of runoff that will flow to the San Jacinto Wildlife Area will mimic pre-project conditions as outlined in **Mitigation Measures 4.9.6.1A and 4.9.6.1B.**

Comment I-B:
The Proposed Detention Basins Will Not Be Able to Capture a 100-year Storm Event. In the FEIR, WLC calculates that their proposed system of detention basins with limited infiltration capacity will be enough to hold the stormwater from a 3-hour and 24-hour 100-year storm event. However, it is unlikely that detention basins will be able to withstand such large storms. Even if the detention basins were able to hold back a significant portion of the runoff from a 100-year storm, detention basins are not designed to infiltrate large volumes of water. This means that while the volume of water exiting the project site may be similar to natural condition during a 100-year storm event, the duration of the discharge and its velocity would likely result in significant hydromodification of the downstream area that is not thoroughly considered in this FEIR. The project proponents must conduct a comprehensive analysis of the capacity of the facility to capture the stormwater from a 100-year storm event and the impacts of the discharge, if any, from such an event to the receiving waters.

Response I-B:
The detention basins are sized to contain the flow from the 100-year and smaller storms to mimic pre-project conditions as stated on page 4.9-39 of the FEIR. As stated in Comment 1-A the detention basins are designed as both infiltration and detention basins by allowing not outflow from the bottom of the basin. The duration and volume of water leaving the site will mimic the pre-project condition based on the combined infiltration and detention basin capacities. An analysis of the capacity of the infiltration and detention basins was performed and is contained in the Master Plan of Drainage Report. The analysis will be updated with site specific information as each project is designed.

Comment II:
The Proposed Detention Basins Will Likely Not Be Able to Adequately Control Pollutants Because They Will Likely Not Provide Enough Infiltration Capacity or Pretreatment. The project may result in surface water pollution during operation. The 40 million square foot project will turn thousands of acres of natural area into impervious roofs and roads.Storm water runoff from the roadways, parking lots, and commercial and industrial buildings can carry a variety of pollutants such as sediment, petroleum hydrocarbons, commonly utilized construction materials, landscaping chemicals, and pesticides; as well as metals such as iron, aluminum, cadmium, and toxic metals such as copper, lead, and zinc, which may lead to the degradation of downstream receiving waters. Runoff from landscaped areas may contain elevated levels of phosphorous, nutrients and suspended solids. WLC has not adequately shown that they are taking steps to control these pollutants and account for their potentially significant effect on the wildlife area that lies directly downstream from the project site. The California Stormwater Quality Association's (CASQA's) New Development and Redevelopment BMP Handbook (Handbook) shows that the only listed pollutant that detention basins remove with a "high" level of efficiency is trash.[1] This means that for virtually all other pollutants, even detention basins with some infiltration capacity are insufficient to remove all pollutants discharged to surface waters. The CASQA Handbook also adds that detention basins are relatively ineffective at removing soluble pollutants. The CASQA Handbook does not assert that the limited infiltration capability of some detention basins is enough to mitigate detention basins' ineffective removal rate of virtually all pollutants. Since the pollutants would be flowing into San Jacinto Wildlife Area and wetlands, the water flowing from the project site should not be contaminated by pollutants at all. Therefore, WLC must take steps to control pollutants, such as installing large infiltration basins with adequate pretreatment. WLC provides no analysis of the significant impact that polluted water would have upon the San Jacinto Wildlife Area and wetlands.

Specifically, detention basins only remove 40-60% of Oil and Grease. The CASQA Handbook says that detention basins have only "moderate" removal effectiveness for Oil and Grease.[1] The CASQA Handbook does

[1] California Stormwater Quality Association, *Stormwater Best Management Practice Handbook: New Development and Redevelopment*, TC-22, p.1 (2003).

not assert that the limited infiltration capability of some detention basins is enough to mitigate detention basins' ineffective removal rate of Oil and Grease. As WLC would be one of the largest master-planned warehousing complex in the world, there would be a large number of trucks delivering shipments every day. This means a significant amount of Oil and Grease would need to be removed prior to any stormwater discharging from the site or entering detention basins. Detention basins are not sufficient to remove this Oil and Grease. Pretreatment BMP's to control Oil and Grease prior to discharge into detention or infiltration basins are needed. WLC does not provide analysis of the significant effect that runoff polluted with Oil and Grease would have on the San Jacinto Wildlife Area and wetlands. Further, WLC does not provide BMPs or mitigation measures to deal with Oil and Grease.

Finally, the CASQA Handbook rated detention basins' nutrient removal capabilities as "low".[1] The CASQA Handbook does not assert that the limited infiltration capability of some detention basins is enough to mitigate detention basins' ineffective removal rate of nutrients. In addition, runoff from the WLC would enter the impaired waters of Canyon Lake and Lake Elsinore. Those two water bodies have Total Maximum Daily Loads (TMDL's) for nutrients. WLC explained in its FEIR that nutrients would be present in the stormwater from its facility. The proposed detention basins will not be able to rid the water of these nutrients, and would therefore be inadequate to satisfy the TMDL's of the impaired receiving water bodies. Waterkeeper notes that the proposed WLC discharges nutrient laden stormwater into receiving waters that are already impaired water bodies with a nutrient TMDL. This new discharge of nutrient laden stormwater to a waterbody with a nutrient TMDL would undoubtedly cause or contribute to a violation of water quality standards. Such a discharge would most likely be prohibited under the Clean Water Act. Again, for WLC to be in compliance with the TMDL's, they would have to use BMPs that are effective for removing nutrients, such as infiltration basins, not just detention basins with some infiltration capacity. In order for the environmental review process to be meaningful, and for the public and relevant agencies to be aware of significant impacts per CEQA, the method of water quality treatment of nutrients should be discussed in the FEIR.

Response II:
As stated in Section 4.9.6.3, page 4.9-55 of the FEIR, the treatment control BMP strategy for the project is to select LID BMPs that promote infiltration and evapotranspiration, including the construction of infiltration basins, bioretention facilities and extended detention basins " The CASQA 2003 Handbook states that infiltration is rated high for treating nutrients.

As stated in Section 4.9.6.3, page 4.9-56 of the FEIR the project will comply with the Water Quality Management Plan for the Santa Ana Region of Riverside County (approved by the Santa Ana Regional Wter Quality Control Board October 22, 2012), which requires the use of Low Impact Development (LID) BMPs that maximize infiltration, harvest and use, evapotranspiration and/or bio-treatment. Flows from the project will be treated first by LID BMPs where the flow will be infiltrated, evapotranspired, or treated. AS required by Mitigation Measure 4.9.6.1A, the treated lows will ten be reduced to below or equal to pre-development conditions by routing the on-site storm water flows through a series of on-site detention and infiltration basins before flows are released off site. These basins will provide incidental infiltration and secondary treatment downstream of the LID BMPs. All runoff from the site will be treated by LID BMPs and then routed through the detention and infiltration basins before it leaves the project area and into Mystic Lake and the San Jacinto Wildlife Area. The project will comply with the Nutrient TMDL for Lake Elsinore and Canyon Lake by implementing LID-based BMPs."

Mitigation Measures **4.9.6.3A and 4.9.6.3B** in the FEIR, treatment BMPs consisting of infiltration, bioretention and low impact development will be implemented. The Water Quality Management Plan complies with the NPDES and TMDL requirements and the project will direct runoff from impervious surfaces into bioretention facilities before the flow is routed to the infiltration/detention basins. The bioretention areas consist of landscaped areas that provide treatment and infiltration. Bioretention facilities will treat the runoff by infiltration, filtration through the soil media, and evapotranspiration. The detention/infiltration basins will provide additional treatment and infiltration after the flow is treated by the bioretention facilities. Note that the

detention basins are not being designed as "detention basins with some infiltration capacity", but are being designed as infiltration basins and detention basins. As noted, the water will be treated by bioretention facilities first as the primary means of treatment, and that the infiltration basins provide an additional level of treatment beyond what is required by the NPDES permit.

Comment III:
WLC Provides No Analysis of the Significant and Inevitable Impacts of Polluted Stormwater Runoff into the San Jacinto Wildlife Area and Wetlands. The WLC project site lies directly in the middle of a sub-watershed that directs water from the Badlands open space area and the 60 freeway through the San Jacinto Wildlife Area, wetlands, and Mystic Lake. The construction of the WLC and conversion of this mostly natural area to impervious surfaces on a scale yet experienced in the United States will influence the water quality in the San Jacinto Wildlife Area and wetlands, as well as other receiving waters. WLC has calculated that the natural flows of the drainage areas will continue. However, by converting the pervious surfaces to impervious and conducting shipping and transportation activities onsite, it is inevitable that the site will discharge more stormwater after construction than it is currently discharging and pollutants will be transported from the site to the San Jacinto Wildlife Area and wetlands, as well as other receiving waters.

With approximately ninety percent of the ephemeral water bodies that once covered huge areas of inland California are now gone, it is especially important that ephemeral water bodies like Mystic Lake protected from pollution and alteration.

The hydraulic conditions of wetlands, such as the San Jacinto Wildlife Area, are strongly influenced by sources and distribution of water. The project may result in the discharge of polluted surface water during operation. Storm water runoff from the roadways, parking lots, and commercial and industrial buildings can carry a variety of pollutants such as sediment, petroleum hydrocarbons, construction materials, landscaping chemicals, nutrients and metals. Releasing contaminated storm water at a controlled rate after a storm event will change the hydrology of downstream areas such as Mystic Lake by providing a more regular flow of water into the ephemeral lake. The FEIR is insufficiently detailed in its description of the type of treatment captured water will undergo, if any, before it is released into Mystic Lake. The FEIR must specify the type of treatment captured storm water will undergo prior to release into Mystic Lake and the San Jacinto Wildlife Area.

WLC provides no analysis of the effects of pollution or extra runoff on the San Jacinto Wildlife Area, wetlands, or ephemeral water bodies like Mystic Lake. The baseline water quality conditions on the project site, especially the southern border that abuts the San Jacinto Wildlife Area, should be established before any development on the project site is approved because a study conducted after the approval of a project "will inevitably have diminished influence on decision making."[2]

This is not only a potential significant effect of the project, it is inevitable. Therefore, if WLC does not conduct such an analysis, they would be violating CEQA by not providing the public and relevant agencies with a highly likely significant impact of the project.

Specifically, WLC needs to provide data on the impact of additional stormwater runoff and/or polluted stormwater on the San Jacinto Wildlife Area and wetlands, as well as their proposed mitigation. In addition, WLC needs to explain the monitoring system designed to determine whether additional stormwater runoff or polluted stormwater is discharging to the San Jacinto Wildlife Area. Since WLC proposes to have one of the world's largest master-planned warehousing complexes drain directly into a protected wildlife area and wetlands, WLC cannot simply claim that their BMPs will never fail. The importance of a clean, natural flow of water to the Wildlife Area and wetlands, combined with the massive scale of the project, necessitates that WLC take steps to ensure that inevitable impact of BMP failure on the Wildlife Area and wetlands is known.

---

[2] *Communities for a Better Environment et al., v. City of Richmond, 184 Cal.App.4th 70, 73 (2010). Page 5 of 6.*

Response III:
As stated in Response to Comments I-A, I-B, and II the water will match pre-project conditions and will be treated prior to release downstream. After the bioretention treatment, there is infiltration basins that both treat and conserve stormwater flows, there are also spreading areas that further treat, slow down the flow and release the flow similar to natural conditions. There will be no extra runoff leaving the site as indicated on page 4.9-47 of the FEIR. In addition, WLC has committed to developing and implementing a water quality management plan that test the water quality of the runoff both pre and post project and will implement adaptive management strategies to ensure that water quantity and quality leaving the site mimic prep-project conditions.

DEIR Section 4.9, *Hydrology and Water Quality*, demonstrates that the basins are adequate for detention and infiltration and their result will be to maintain pre-development replenishment of groundwater. This section also demonstrates the basins and BMPs will ensure that the runoff into the SJWA will not exceed pre-development levels in amount, velocity or pollutant loading.

Comment IV:
The Proposed BMPs Will Not Ensure that Groundwater is Adequately Recharged. As noted above, the proposed detention basin system will not be able to infiltrate water at the levels currently seen by the natural site (90%). Although detention basins can infiltrate some water, this is not their purpose. Therefore, unless WLC builds infiltration basins, there will not be groundwater recharge at natural levels. WLC does not provide an analysis of what impacts would occur were they to further deplete groundwater in the area. Given that the project area will undergo a massive increase in impervious surface area, it is overly speculative to assume that the loss of groundwater recharge will be offset by irrigation of the project's drought tolerant landscaped areas.

In light of the serious statewide drought and the arid region of the project site, virtually any groundwater depletion would constitute a significant impact. Therefore, per CEQA, WLC must conduct a groundwater depletion impact analysis. Given the gravity of the water shortage in California and the region, WLC cannot simply claim that its BMP system will always result in full groundwater recharge. Given the potentially very significant impact if the proposed BMPs do not result in full groundwater recharge, WLC must give an analysis of this situation per CEQA.

Response IV:
WLC is implementing infiltration basins. As stated in the comments above the proposed detention basins include infiltration basins and a hydrologic analysis was performed that shows that pre and post project conditions will infiltrate the same amount of water. The groundwater will be recharged to natural levels and will mimic natural conditions. The groundwater analysis was performed and is based on historical runoff and infiltration rates. See the analysis outlined in the Master Plan of Drainage Report.

Comment V:
Detention Basins are Not Habitat Mitigation. In the FEIR, WLC explains that their detention basins will also be used as low-quality habitat mitigation. Detention basins must be scraped clean periodically, and do not provide even low-quality habitat mitigation for impacts to wetlands. In addition, habitat mitigation credit cannot be given for a facility taking measures that they are required to do. The installation of detentions basins is the result of an analysis by the project proponent of the LID prioritization arising out of the County of Riverside's Municipal Separate Storm Sewer System Permit. WLC cannot receive mitigation credit for installing BMPs which are otherwise required and provide marginal habitat benefit, at best.

Response V:
Since this is a programmatic EIR, it will ultimately be up to the resource agencies to determine the actual habitat value of basins planned for actual future development. However, it is anticipated each basin will have a forebay that would be engineered and regularly maintained, plus a central area for detention and infiltration

which would have a maintained low flow channel but otherwise it would be sized and designed to allow habitat as well as detention/infiltration which connects to an engineered and maintained outlet. **Mitigation Measures 4.4.6.1A and B (buffer/basin design), 4.4.6.3A-C (permitting), 4.4.6.4F-K (basin management process)** outline various basin design and management requirements for future development.

Comment VI:
Construction Related Water Quality Impacts Will Be Significant. A proposed project of this size and nature in this location will require massive grading and construction likely to threaten downstream water quality. The Environmental Protection Agency has cited sediment-laden runoff from construction projects as one of the most potentially damaging forms of water pollution. Sediment leaving construction sites may deliver toxic chemicals and nutrients into waterways. The threat of increased sedimentation to Mystic Lake must be analyzed in the FEIR. Treatment Control BMPs listed in the FEIR do not include treatment for sediment. Instead, the FEIR relies on the future acquisition of an NPDES permit to address the control of sediment discharges from the project site. This is inadequate, and an assessment of the significant impacts of construction-related polluted runoff is necessary.

Response VI:
As stated in Section 4.9.6.2 on page 4.9-51 of the FEIR the implementation of NPDES permits, including the General Construction permit, ensures that the Federal and State standard for clean water are met. Enforcement of required NPDES permit requirements will prevent sedimentation and soil erosion through implementation of an SWPPP and periodic inspections by RWQCB staff.

As outlined in **Mitigation Measures 4.9.6.2A and 4.9.6.2B**, a stormwater pollution prevention plan that includes treatment control BMPs for sediment will be implemented in accordance with the California Construction General permit. These BMPs are designed to control sediment discharging from the site and include sand bags, silt fences, straw wattles, check dams, fiber rolls and debris basins.

Comment VII:
The Cumulative Impacts of Development in the Region are Not Adequately Addressed in the FEIR. Development within the watershed will result in an increase in impervious surfaces, in addition to changes in land use and associated pollutant runoff characteristics. Increased impervious surfaces are likely to alter existing hydrology and increase potential pollutant loads. The FEIR does not contemplate other reasonably foreseeable future projects that may have direct or indirect impacts on receiving waters and the adjacent San Jacinto Wildlife Area. WLC argues publicly that its proposal will create economic development in the area, and so the potential impacts of this project economic stimulus need to be addressed in the FEIR.

Response VII:
DEIR Section 4.9.7 *Hydrology and Water Quality – Cumulative Impacts*, acknowledges that development of the WLC project and other planned projects in the surrounding areas will add impervious surfaces and may alter existing drainages. However, similar to the proposed WLC project, each development project is required to design and mitigate its own impacts on area hydrology and water quality such that there should be no significant cumulative water quality impacts as long as future development, including warehousing within the WLCSP, meet existing laws and regulations regarding water quality and pollutant discharge limitations. While the cumulative traffic impact analysis did identify a large number of potential development projects in the surrounding area, these are included in and accounted for in the overall growth projection methodology used for the cumulative analysis for most other environmental issues (including hydrology and water quality) as it is not possible to quantify or sum the specific drainage or water quality-related impacts of each project to determine specific cumulative water quality impacts for the region. Rather, a more programmatic approach was used because the WLC EIR is a programmatic document, and subsequent development within the WLCSP will have to evaluate its own specific hydrological and water quality impacts at the time such development is proposed.

Comment VIII:

Conclusion. Waterkeeper supports responsible development and encourages the adoption of a comprehensive FEIR that more specifically addresses how the direct and indirect impacts of the project to the region's water quality, wildlife areas and wetlands will be mitigated.

Response VIII:
The FEIR does demonstrate that it has addressed both direct and indirect impacts of the proposed WLC project regarding hydrology, water quality, and biological resources to the degree possible in this programmatic document. Subsequent development within the WLCSP will have to evaluate its own specific hydrological, water quality, and biological impacts at the time such development is proposed, and will have to mitigate those impacts consistent with the programmatic measures outlined in the WLC EIR.

RESPONSE SUMMARY: The conclusions contained in the FEIR regarding hydrology and water quality are based upon the project-specific hydrology and water quality reports prepared in compliance with City and County guidelines. These issues were analyzed in detail in EIR Section 4.9, *Hydrology and Water Quality*, which determined programmatic impacts and cumulative impacts would be less than significant with implementation of project specific mitigation and design requirements on future development, both within and outside of the WLC Specific Plan (i.e., for cumulative impacts).

In addition, the conclusions contained in the FEIR regarding biological resources are based upon a number of project-specific biological studies. EIR Section 4.4, *Biological Resources*, determined that programmatic impacts and cumulative impacts on biological resources would be less than significant with implementation of project specific mitigation on future development as outlined in the Multiple Species Habitat Conservation Plan for Western Riverside County (i.e., for cumulative impacts).

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 10, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Duncan Bush dated June 6, 2015**

In a letter dated June 6, 2015, Duncan Bush submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Having received and reviewed the above mentioned report I was amazed to find out that the already significant proposed impacts to my property were increased by 25%. The purpose of an environmental report is to attempt to minimize the project impacts to adjoining properties, no to increase the impacts. I am speaking specifically about the building height limitations being increased along Gilman Springs Road from a "Draft EIR" height of 60 feet to 80 feet high in the Final Programmatic EIR, (Aesthetics, Section 4.1-63 middle of last paragraph). This change will block the already proposed impacted views from my house on Gilman Springs Road and those of the other homes in the Moreno Knolls Homeowners Association.

Response 1:
The Final EIR does correct a typographic error in the Draft EIR that cited 60 feet along the eastern boundary, but the Specific Plan and DEIR Figure 3-9 have always showed building heights along the eastern portion of the project to be 80 feet. See also Response 2 below for more information which describes a 250-foot wide buffer which was added along the west side of Gilman Springs Road to help address this issue.

Comment 2:
Just because the properties are outside of the limits of Moreno Valley does not give the City or developer the right to ignore our rights or the impacts to our properties with no attempts at mitigation. The City ignoring the rights of those outside of the City but not treating them equally to those properties within the city limits is a clear violation of EPA's Environmental Justice, "EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazard and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work." This is only location where the perimeter heights above 60 feet. Even the adjoining San Jacinto Wildlife Area has limits of 60 foot building heights plus a 400 foot landscaped setback. I would like to have the same consideration as the other species adjoining this proposed project.

Response 2:
Figure 3-9 in the Draft EIR clearly shows a building height limit of 80 feet along the eastern boundary of the project, so it is consistent with the current FEIR documentation (Figure 3-9 in the Revised DEIR). The City's CEQA procedures are based on the City's responsibilities as a lead agency under CEQA, a state law, while the EPA's EJ goal is guidance for federal agencies under the National Environmental Policy Act which applies to federal actions, so there no violation of any federal law or regulation involved. While the land and people within the City's boundaries are its primary responsibility, certainly the City wishes to protect environmental resources and minimize impacts on people outside of or adjacent to the City to the degree it can effectively. The commenter should be aware that splays of the San Jacinto Fault run along the west side of Gilman Springs Road within the WLC property, and the actual location of buildings west of GSR will ultimately depend on future

fault location studies when specific development is proposed along the west side of GSR (Planning Areas 7, 8, 9, an 12). These physical constraints will doubtlessly affect future building locations and setbacks.

In addition, page 4.1-65 of the DEIR states the following:

> **Views from the East.** Permanent views from existing residences east of Gilman Springs Road will fundamentally change. The views they now have of the agricultural fields on the project site will eventually be replaced by a view of an urbanized area consisting of warehouse buildings, parking areas, streets, and ornamental landscaping. The proposed buildings will not block views of the Mount Russell Range to the southwest but may block or partially block views of the Mystic Lake area.
>
> **Transient/Motorist Views along Gilman Springs Road.** Transient views for travelers on Gilman Springs Road will fundamentally change over time, as future buildings within the WLCSP will be visible to travelers in both directions, replacing existing views of agricultural fields. Eventually buildings within the Specific Plan may block or partially block views of the lower slopes of the Mount Russell Range, as well as distant views of Mystic Lake for southbound drivers. This is a potentially significant impact requiring mitigation.

Based on that analysis, the following mitigation measures were proposed which include views along the <u>eastern boundary</u> of the project (i.e., just west of and adjacent to Gilman Springs Road):

4.1.6.1A Each Plot Plan application for development along the western, southwestern, and eastern boundaries of the project (i.e., adjacent to existing or planned residential zoned uses) shall include a minimum 250-foot setback measured from the City/County zoning boundary line and any building or truck parking/access area within the project. The setback area shall include landscaping, berms, and walls to provide visual screening between the new development and existing residential areas upon maturity of the landscaping materials. The existing olive trees along Redlands Blvd. shall remain in place as long as practical to help screen views of the project site. This measure shall be implemented to the satisfaction of the Planning Official.

4.1.6.1C Prior to the issuance of a certificate of occupancy for buildings adjacent to the western, southwestern, and eastern boundaries of the project (i.e., adjacent to existing residences at the time of application) the screening required in Mitigation Measure 4.1.6.1A shall be installed in substantial conformance with the approved plans to the satisfaction of the Planning Official.

Even with implementation of these measures, the EIR concludes both project and cumulative visual impacts of the WLC project will be significant, and requires adoption of a Statement of Overriding Considerations under CEQA.

Comment 3:
My house (14670 Gilman Springs Road) is closer to the proposed project than any other property on Gilman Springs Road yet no noise impact study was performed on that location for this project.

Response 3:
Ambient noise monitoring for the project noise study was conducted at Site 2 (shown in DEIR Figure 4.12.2) which is relatively close to the commenter's residence. Section 4.12.6.2, Long-Term Noise Impacts, evaluates noise impacts of the WLC project, including along Gilman Springs Road. Page 4.12-53 of the DEIR noise analysis specifically states the following relative to noise along the east side of Gilman Springs Road near the commenter's residence:

Gilman Springs Road (between Eucalyptus Avenue and Street C, and between Jack Rabbit Trail and Bridge Street). There are three single-family homes scattered along these roadway segments. All of the houses are set back from the roadway, but none has soundwalls. A significant noise increase is projected for at least one of these segments in three of the four case years. Homes that are widely separated from other homes cannot be effectively mitigated with a soundwall. Therefore, the significant impact cannot be feasibly mitigated and it will remain significant and unavoidable.

The EIR acknowledges these impacts, recommends feasible mitigation, and some noise impacts are still significant. This will require adoption of a Statement of Overriding Considerations under CEQA.

Comment 4:
I also wrote two letters, one on March 13, 2012 and another on April 5, 2013. Only the first letter appears in the report and the responses to both letters were non-existent or sketchy at the best; not addressing the issues.

Response 4:
The commenter's March 13, 2012 letter actually commented on the Notice of Preparation issued for the WLC EIR in 2012, and that letter was acknowledged in Table 2.A , *NOP Comments Received*, in the Draft EIR. The issues raised by the commenter were addressed in appropriate sections of the DEIR (e.g., aesthetics, noise). The April 5, 2013 letter commenting on the Draft EIR was included in the Final EIR as Letter G-55 in FEIR Volume 1 - Response to Comments, on pages 1309-10 and the commenter's ten comments were each addressed in that section.

Comment 5:
This is also a significant impact to the designated "Scenic" Gilman Springs Road and increases this impact. The WIR writers are aware that this is the case, yet there is also no mention of increased impacts to the adjoining Moreno Knolls neighbors are mentioned, (like we don't exist).

Response 5:
CEQA involves the evaluation of impacts to public views, not private views, so impacts to views from individual residences are outside of the scope of the CEQA document. However, impacts to public views along Gilman Springs Road are addressed in Section 4.1.6 of the DEIR. Page 4.1-65 specifically states:

> ***Impact Summary: Scenic Vistas.*** *The implementation of the proposed project will obstruct and/or* <u>*substantially affect scenic views for residents living within, or in the vicinity of, the project, and for travelers on SR-60, Gilman Springs Road,*</u> *Redlands Boulevard, Theodore Street, and Alessandro Boulevard. Many of the views of the motoring public while on local roadways will fundamentally change; instead of views of open agricultural land, these residents and motorists will view new logistics buildings and the associated parking areas, roadways, infrastructure, and landscaping. Therefore, the project will have a significant visual impact. The degree to which these buildings may block views of major scenic resources (i.e., Mount Russell, the Badlands, and Mystic Lake) will depend on the location and heights of buildings.*[emphasis added)

Information on mitigation relative to view impacts along the east side of the project are outlined in Response 2.

Comment 6:
The project is in the wrong location and has significant cumulative failures in so many areas that I am unable to adequately respond to them all. Placing a project of this size with the truck traffic that comes with it should have been located along an Interstate Highway not a State Highway. Federal funding for such things as freeway widening, interchanges, and maintenance, flow easier to the Interstate System than the State Highway System.

Response 6:
The Final EIR and subsequent correspondence can only respond to specific comments made on the Final EIR documents. DEIR Section 4.15, *Traffic and Circulation*, evaluated the impacts of the proposed WLC project on local and regional streets, as well as the surrounding freeway system (i.e., SR-60 and I-215). While improvements have been made and are planned for both freeways, these improvements will not reduce levels of service during peak hours to within local or Caltrans standards, now or in the future, either with or without the proposed WLC project. This is why traffic impacts of the WLC project were identified in the DEIR as significant and unavoidable as potential mitigation was outside the control of the City (i.e., the lead agency).

Comment 7:
More than 70 percent of the commuters from Moreno Valley use Route 60 not the I-215. Why do we want this here and not East of I-215 as outlined in the existing General Plan?

Response 7:
The industrial area in the southwestern portion of the City, adjacent to theI-215 Freeway, is largely built out and would not support a project the size of the WLCSP. Landowners may propose changes to established General Plan land use designations if they can demonstrate the proposed change meets the overall intent of the General Plan and is generally consistent with its goals, policies, and objectives. DEIR Section 4.10, *Land Use and Planning*, determined the WLC project's was largely consistent with applicable land use policies. In addition, other sections of the DEIR evaluate various goals and objectives of the General Plan as they pertain to various environmental issues addressed in the EIR and as they relate to the proposed WLC project and the WLC project site. It is up to the City's decision-makers if the benefits of the project outweigh its significant environmental impacts. If so, they must adopt a Statement of Overriding Considerations to document that decision.

In addition, the traffic study for the WLC project indicates that new jobs created within the WLC would help incrementally reduce the commute distances and direction of traffic on the SR-60 freeway as the WLC project builds out. This is due to the City's historically low jobs/housing ratio which the WLC project would improve as new jobs were added in the City relative to the amount of housing.

MEMORANDUM

DATE: **Reissued August 5, 2015 (First issued July 13, 2015)**

TO: **Mark Gross, Moreno Valley Planning Department**

FROM: **Kent Norton, AICP, Associate, LSA Associates, Inc.**

SUBJECT: **Response to Letter from the Wolfskill Trust dated June 10, 2015**

In a letter dated June 6, 2015, Conchita Marusich with the Wolfskill Trust submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
(1) We are concerned that the utilities (i.e. gas, sewer, water, telephone, electric, etc.) for the project stops away from Gilman Springs Road. We would like to request that the City of Moreno Valley make sure the roads and/or open space areas where the utilities are located have the necessary easements and permanent access to those easements that would allow us to extend the utilities to our own property when needed.

Response 1:
This is not a CEQA issue. The project being considered by the City of Moreno Valley is a General Plan and Zoning-level application. Precise routing of roads, utilities, easements etc. are not established at this level of review. Once the General Plan and Zoning entitlements are approved, project engineering and design can commence and the City and utility agencies will review and approve project details such as road alignments, utility routing, sizing and location, etc. The commenter's interest in securing easement rights are appropriately directed to the utility providers. The comment will be provided to the City Council for consideration as part of the project review process.

Comment 2:
(2) We are concerned that the World Logistics Center project's utility lines (i.e sewer, water, gas, telephone, electric, etc.) have enough extra capacity to handle development on our property and the surrounding area.

Response 2:
This is not a CEQA issue (see Response 1 above).

Comment 3:
(3) We are also concerned about how the drainage control for the World Logistics Center project is being handled. It appears that there may be one or more drainage basins on or near our property and we would like to make sure that our property is not burdened with any of the drainage issues for the World Logistics Center project on our property.

Response 3:
This is not a CEQA issue. The property referenced in this letter is located upstream of the World Logistics Center property and therefore, is not affected by the manner in which drainage is managed within the WLC project area. The drainage from the commenter's property currently passes under Gilman Springs Road in a series of culverts. Historically, these culverts have been clogged by upstream debris that restricts their capacity and causes runoff to overtop Gilman Springs Road. The WLC EIR discusses a potential remedy to these conditions, a series of debris basins that could be located on the east side of Gilman Springs Road. It is these conceptual debris basins that the commenter is referencing. However, the precise location of basins is not established at this level of review. Once the General Plan and Zoning entitlements are approved, project engineering and design can commence and the City and County can review and approve project details such as basin sizing and location, etc.

The City of Moreno Valley and/or the County of Riverside will determine what drainage improvements (if any) are constructed in this area, most likely in connection with future improvements to Gilman Springs Road. The key point is that these conceptual basins are located upstream of the WLC property and are not part of the WLC concept drainage plans. The EIR contains a thorough evaluation of hydrology in Section 4.9 which is supplemented by the *Draft Drainage Report for World Logistics Center Specific Plan and Environmental Impact Report* by CH2M HILL, dated September 2014. This report can be found in Appendix J-1 of the EIR.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 30, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the San Jacinto Unified School District dated June 7, 2015**

In a letter dated June 7, 2015, the San Jacinto Unified School District submitted four letters in support of the WLC Project FEIR. The specific letters are presented below, followed by responses to each comment. All referenced attachments are found in the actual comment letter attached to this memo for reference.

Letter 1:
I write you this letter today to congratulate you for looking after the future of Moreno Valley and the surrounding region by considering the World Logistics Center as a reality in your city. The overall impact to your city will be immeasurable due to the job creation, increased productivity of your local population and workers, as well as placing Moreno Valley on the map as a destination place to both work and live.

This prosperous future will assist school districts in training and educating children to becoming productive citizens and workers who actually have jobs available that will keep them around instead of leaving for larger job markets found abroad. Having been a board member for over 15 years now, I have seen too often the most talented and brightest students graduate and not return to their community, mainly due to the lack of job opportunities available.

We often state that our communities will strengthen and flourish if we can have a hand in procuring their future with education and jobs. The education that will take place, integrating highly skilled and trained positions in the WLC, will continue to expand and grow as the venue becomes more and more successful. The success of the WLC will generate tax revenue, create more opportunities for residence within the community, create a more educated population, and eventually lower crime because of all of these things. All of these things are positive for the future of the region, which will include San Jacinto as well.

I applaud you for being risk takers, for the greatest risks usually generate the greatest rewards. The WLC is the way future business will take place, and Moreno Valley is poised to be one of the leaders in that aspect. I implore you to consider the WLC and recommend its completion as you forward your decision to your city council. A region's future hangs in the balance and your decision can make it a reality.
Thank you for that consideration.

Response 1:
Comment noted. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Letter 2:
I am writing in regard to the proposed $3 billion World Logistics Center that is currently planned for eastern Moreno Valley. I am in support of this project because not only will it be a tremendous boost to our valley's economy, it will also generate millions in dependable funding. This is funding that will help improve our public safety, build schools, streets, fire stations and other much needed public facilities. Furthermore, as the Assistant Superintendent of Educational Services for the San Jacinto Unified School District, I am excited about the

opportunities this proposed development will generate for our valley's youth as they prepare for college and/or careers.

A development such as the World Logistics Center would most certainly have a positive economic impact for neighboring communities, such as San Jacinto, but more importantly it would create an advantageous environment for our graduating students from both high school and college programs. A development center such as this one has great potential to bring our graduates back to the valley, where they will live and work and ultimately invest in our local communities. Many wonderful educational initiatives are already underway in our San Jacinto schools that Incorporate cutting-edge, rigorous and relevant career and technical education {CTE} pathways, which prepare our students for a wide range of high-wage, high-skill and high-demand careers. The proposed World Logistics Center will no doubt generate thousands of jobs, and give Riverside County the opportunity to retain our workforce. instead of losing graduates to neighboring counties.

I am very pleased with the direction that Moreno Valley is moving in regarding the World Logistics Center project because of the tremendous potential It has to bring industry to R1verside County, and to create jobs and skilled labor, which ultimately improve the quality of life for the community. Moreover, the educational opportunities are exciting to envision and if this proposed World Logistics Center was to become a reality, the collaboration, partnerships and integration of college and career readiness opportunities are endless! Career Technical Education pathways, such as robotics, computer graphic design, manufacturing, architectural engineering, and environmental awareness, that are currently underway in San Jacinto, would be excellent springboards for jumpstarting our economy within the context of the World Logistics Center.

The World Logistics Center proposal has the capability to retain and employ our students and improve the overall quality of life within our valley, and therefore is something that I wholeheartedly endorse! Thank you for your consideration of this letter.

Response 2:
Comment noted. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Letter 3:
As a community member and employee of the neighboring San Jacinto Valley, I am pleased to support the Highland Fairview and the World Logistics Center (WLC) in Moreno Valley. The proposed development would provide vital support to local communities, businesses, and families. Partnerships developed between businesses and schools would contribute positively to long-term economic improvements.

The WLC can greatly influence the quality of life in the region by employing citizens near their homes and greatly reducing commuting times. The WLC employment opportunities could provide a better quality of life by providing more family time, including more involvement with children and the community. This, in turn, would improve not only Moreno Valley, but also neighboring cities such as San Jacinto, which is minutes away.

The prospect of offering internships for students as they train for future jobs In technology that are located in neighboring communities would allow them to remain In the valley and utilize their skills here, rather than having to relocate to larger cities. This will, in turn, raise the standard of living in the valley and bring more businesses to support a skilled population that is ready for the workforce.

I am in strong support of the strength and stability the WLC would provide as part of the community and as a contributor to Southern California's economic growth. Without forward thinking developers such as Highland Fairview and the City of Moreno Valley, our children will be forced to move farther away to seek the opportunities of tomorrow. We have to embrace the future and not be afraid or find excuses to maintain the status quo while others pass us up.

Highland Fairview is offering an opportunity for economic growth. For this reason and the reasons cited above, it is critical the World Logistics Center becomes a reality in our community.
Thank you for your time and consideration.

Response 3:
Comment noted. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Letter 4:
I would like to express my support for the future creation of the World Logistics Center in eastern Moreno Valley. As school superintendent of neighboring San Jacinto Unified School District (SJUSD), our mission is to ensure all students graduate prepared to enter post-secondary education and/or the workforce with the ultimate vision of our students realizing a high quality of life, preferably in our local community.

SJUSD is preparing student for their future in unprecedented numbers and the results are astounding, but to tum our economy around, we must have businesses who invest in our community; this will only occur when there is an educated workforce to support industry. The World Logistics Center presents the opportunity to create a center of commerce that can influence neighboring cities, such as ours, and help create a lucrative environment for our college graduates to return to and an attractive area for families to live and work.

We envision a high quality of life happening right here in our communities, but that will require livable wages to prevent the mass exodus to Los Angeles and Orange County and San Diego that happens on a daily basis. The movement underway in Moreno Valley, which is being led by Highland Fairview, has tremendous potential to address much of the community's imbalance in their workforce. What is being planned and what has actually taken place to date certainly has my attention as we continue to find ways to bring industry to Riverside County.

We applaud Moreno Valley for their desire and capability, by way of the World Logistics Center, to take responsibility in building the kind of future they want for their future citizens: we know job creation and skilled labor to support these jobs increases the economic vitality of a community, thus making a community a destination place. We share in this vision for the future of Moreno Valley and believe this synergy could be extended to communities such as ours. Robotics, 3-0 printing, STEAM and medical career pathways are being implemented in our future-ready school district, and we welcome the opportunity to support local industry that has the capability to retain and employ our students, thus making our communities safer and desirable for all of us.

Thank you for the opportunity to express my support of this incredible educational and economic endeavor.

Response 4:
Comment noted. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 8, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from CARB dated June 8, 2015**

In a letter dated June 8, 2015, Heather Arias with the California Air Resources Board (CARB) submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
ARB reviewed the Draft Environmental Impact Report (DEIR) and provided comments to the City of Moreno Valley (City) in a letter dated April 16, 2013. ARB's comment letter expressed concern over the increase in health risk in the immediate area and the significant and unavoidable air quality and greenhouse gas related impacts caused by the proposed WLC. To address those concerns, ARB recommended actions to support the development, demonstration, and deployment of zero and near-zero emission technology at the WLC.

Unfortunately, ARB finds the FEIR to be legally inadequate and unresponsive to the comments ARB provided in its April 16, 2013 letter regarding the DEIR. ARB appreciates the opportunity to comment on the FEIR, as we have significant concerns with the analysis and mitigation currently outlined in the document. We urge the City to revise and recirculate the EIR, to reflect needed changes in mitigation and to bolster the analysis of potential health risks posed by the project, as required by California Environmental Quality Act (CEQA).

Response 1:
The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. As outlined in Table 1.C of the Final EIR – Volume 1 – Response to Comments, recirculation is not necessary based on the results of the additional analyses and responses to the many comments on the Draft EIR.

Comment 2:
In addition, we are aware of the possibility that the City may opt to move the WLC decision to a ballot measure. Given the potential emissions impacts and increase in health risk associated with project construction and operation, we strongly urge CEQA compliance by the City, irrespective of whether or not this project becomes a ballot measure.

Response 2:
DEIR Section 4.4 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

Comment 3:
<u>CEQA Background Regarding Responses to Comments and Need for EIR Recirculation.</u> When a significant environmental issue is raised in comments that object to the draft EIR's analysis, the response must be detailed and must provide a reasoned, good faith analysis. (14 CCR § 15088(c).) The responses to comments on a draft

EIR must state reasons for rejecting suggestions and objections concerning significant environmental issues. (City of Maywood v. Los Angeles Unified Sch. Dist. (2012) 208 Cal.App.4th 362, 391.) The need for a reasoned, factual response is particularly acute when critical comments have been made by other agencies or by experts. (See Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1367,1371.).

If significant new information[1] is added to an Environmental Impact Report (EIR)[2] after notice of public review has occurred, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. (Pub. Res. Code § 21092.1; 14 CCR § 15088.5.) "Significant new information" triggering the need for EIR recirculation includes information showing that (1) a new or more severe environmental impact would result from the project, (2) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of a project but the project proponent declines to adopt it, or (3) the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a)(1)-(4).)

A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. (14 CCR § 15088.5(e).)

Response 3:
The comment above describes requirements of CEQA in regard to response to comments and recirculation. The FEIR for the WLC project meets the requirements of CEQA in regard to response to comments. In addition, the FEIR does not meet any of the criteria for recirculation: (1) there are no new or more severe environmental impacts, (2) there are no feasible project alternatives that would lessen the environmental impacts and all feasible mitigation has been adopted, and (3) it is neither inadequate nor conclusory.

Comment 4:
<u>The Response to Comments Fails to Adequately Address ARB's Comments And Does Not Adopt All Feasible Mitigation Measures.</u> In its previous comment letter, ARB recommended "actions to support the development, demonstration, and deployment of zero and near-zero emission technology to reduce localized health risk and regional emissions. We believe that use of these technologies is feasible within the build-out years of the Center." However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out in 2030. These technologies are feasible measures that would lessen the WLC's impacts on criteria and greenhouse gas emissions, as well as air toxics and health risk.[3]

Because these mitigation measures have not been fully adopted for the proposed project, the EIR must be recirculated to incorporate the feasible mitigation measures, or to make a supportable finding that the measures are infeasible. (See 14 CCR § 15088.5(a)(3).)

---

[1] *"Information" triggering recirculation can include additional data or other information. (14 CCR § 15088.5(a).)*
[2] *Note that even if new information is not "added to an EIR," it can still trigger the need for recirculation. (See, e.g., Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 131 (information on important new mitigation measure, added to record after EIR was completed, should have been included in EIR and circulated for public review and comment given questions raised about its effectiveness and potential impacts).*
[3] *For the purposes of CEQA, "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. (California Code of Regulations, title 14, section 15364)*

Examples include battery electric and fuel cell electric forklifts, battery electric and hybrid electric medium-duty trucks, and plug-in hybrid electric transportation refrigeration units. For more information, please see ARB's Heavy-Duty Technology and Fuels Assessment: Overview, found at http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf.

However, the FEIR discussion (in particular, responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment does not adequately evaluate the current feasibility of hybrid technologies, or consider the potential for other zero and near-zero emission technologies to be feasible and commercially available, both at the present date and by project build-out.

The response to comment B-5-7 states that "the project will support a variety of future users which are unknown at this time so it is not possible to specify or require future users to have zero emission or alternative fuel fleets since most logistics companies use independent contractors and truck drivers rather than maintain their own fleets." This response is contradictory and insufficient to show that the proposed mitigation measures are infeasible. This is particularly true given the FEIR's inclusion of several requirements that are applicable to all future tenants; specifically, that all medium and heavy-duty diesel trucks entering logistics sites shall meet or exceed 2010 engine emission standards and all yard trucks shall be powered by electricity, natural gas, propane, or an equivalent non-diesel fuel. If the mitigation measures can restrict access to the facility by truck engine year, there is no reason the mitigation measures cannot similarly restrict access by allowable technologies.

Furthermore, the response to comments rejected the proposed measure of requiring that trucks travelling between the project and any ports or rail yards within 100 miles use zero or near zero emission technology. The reasons for rejecting this measure are also unclear. The response to comments notes that "the Port of Los Angeles is testing various types of zero-emission technology solutions for heavy-duty vehicles," which the response to comments explains have a "range of travel between 100 miles and 200 miles per charge." (WLC Response to Comments at 234.) Therefore, it remains unclear why a measure requiring zero or near zero emission trucks for trips within 100 miles of the project would not be feasible, particularly by project build out in 2030.

With regard to onsite service vehicles and equipment, the response to comment B-5-8 further notes that the only included mitigation measure incorporated into the FEIR is prohibiting the use of diesel-powered onsite vehicles and equipment. (WLC Response to Comments at 185.) Again, the reasons for not including mitigation measures for these onsite vehicles remain unclear, since the response to comments does not clearly address why these types of vehicles and equipment are not available in zero or near-zero emission configurations.

The EIR should therefore be revised and recirculated to do the following:

- *Fully evaluate mitigation measures for zero and near-zero emission technologies that are commercially available over the course of project development and by full build-out in 2030.*
- *Require all feasible mitigation measures and support the development, demonstration, and deployment of zero and near-zero emission technologies including requiring zero emission (such as battery electric or fuel cell electric) forklifts and battery electric and hybrid electric medium-duty trucks. These technologies are commercially available today. Additional advancements, especially for on-road trucks, are expected in the next three to five years; well before project build-out in 2030.*

Response 4:
The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it

is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. As CARB knows, planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As CARB knows, there are no commercially available zero-emission on-road heavy-duty trucks available (See RTC Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment."
>
> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize."
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve."

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B)because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC.

Similarly with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

Comment 5:
<u>Recirculation Is Required Due To Fundamental Inadequacies in the Project's Health Risk Assessment</u>. Several elements of the health risk assessment section of the FEIR are flawed and inadequate, and require revision and recirculation. As noted above, one of the circumstances triggering the need for EIR recirculation is the addition of information showing that the EIR was fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a).)

In this case, this recirculation "trigger" is present. The FEIR analysis has been revised since the draft EIR was released to include a new study regarding health impacts from diesel engines, specifically, the Advanced Collaborative Emissions Study (ACES). The FEIR repeatedly references that the ACES study concludes that the "application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." First, the use of only one study as the basis for this analysis is not sufficient for the purpose of providing a comprehensive analysis of health risk from project construction and operations. The ACES study is only one of many scientific studies related to health risk and emissions, and therefore, cannot serve as substantial evidence regarding the project impact to human health. In fact, there are many other studies that

conclude that diesel particulate matter (PM) is a health hazard. For example, the International Agency for Research on Cancer evaluated the scientific literature as a whole and concluded in 2012 that diesel PM is carcinogenic to humans (class 1). Second, and more importantly, the ACES study's methodology and findings render it inadequate for inclusion in an environmental document, and cannot serve as substantial evidence supporting a finding that the project will not result in significant cancer risk impacts.[4] *Therefore, use of and reference to the ACES study should be removed throughout the FEIR.*[5]

Further, the air quality and health risk methodology and models used in the FEIR should be fully explained to ensure the information is accessible and understandable to the public. Specifically, the final document should include the presentation of all cancer and non-cancer health risks at the receptor locations of interest for all emissions from construction and operations at the WLC. The methodology should include the use of all the current Office of Environmental Health Hazard Assessment (OEHHA) approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (February 2015).

Response 5:
The HEI is an independent non-profit research organization founded in 1980 to provide high-quality, impartial, and relevant science on the health effects of air pollution. Typically, HEI receives half of its core funds from the US Environmental Protection Agency and half from the worldwide motor vehicle industry. Other public and private organizations periodically support special projects or certain research programs. Organizations also participate as part of steering committees and peer reviewers including the California Air Resources Board and the Natural Resources Defense Council, among others.

It is important to note that the primary purpose of ACES, on which CARB was a member of the steering committee, was to evaluate the cancer risk from new technology diesel exhaust: "the first study to conduct a comprehensive evaluation of lifetime inhalation exposure to emissions from heavy-duty 2007-compliant engines" (HEI Statement p. 1).

While HEI ACES evaluated over 100 health endpoints, the FEIR only relied upon the report's conclusion in its discussion and analysis of cancer risk. The HEI ACES report was not relied upon in the FEIR's analysis of the chronic/acute hazard index or the mortality/morbidity analysis. In addition, CARB's comment requests that the approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments be used. A full assessment using those guidelines is provided in the FEIR. (FEIR Volume 3, Section 4.3.3.4) Based upon those guidelines, there would be no project-related cancer risk outside the project's boundaries. The FEIR concludes that based upon HEI ACES, that estimated risk is overestimated and that no cancer risk impact is expected from the WLC. The primary conclusion of the HEI ACES is "that NTDE would not cause an increase in tumor formation or substantial toxic health effects." (HEI ACES Report p.3).

---

[4] *An EIR's CEQA significance findings must be supported by substantial evidence. "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. (14 CCR § 15384(a).) Notably, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, does not constitute substantial evidence. (Id.) In this case, the ACES study should not be used for the purposes of a CEQA analysis, as the exposure levels used in the ACES study were based on diluted NO2 and not particulate matter and therefore actual exposure of particulate matter in this study is unknown. Additionally, during the lab exposure testing, two 2007 Detroit Diesel engines were used, one for a total of 10,090 hours and one for 4031 hours with oil changes at every 250 hours (250 hours = 5,000 miles). Therefore, the study results are based on the best-case scenario and did not account for potential real world wear and tear on diesel engines, poor maintenance, and failure rates of diesel particulate filters.*

[5] *For more information regarding diesel engine exhaust health impacts, please see http://oehha.ca.gov/public_info/DEEposter.html.*

Additionally, the study mentioned by CARB does not examine cancer health risk attributable to new technology diesel but have examined health effects from diesel trucks that emit between 10 to 100 times more emissions than the new technology that the project's mitigation will require. As ACES Phase 1 and 2 demonstrate, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's.

CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory

Comment 6:
Furthermore, we recommend the document include an evaluation of the potential health impacts at the major milestones identified for this project (e.g., beginning in 2015, 2022, and 2035) for each receptor of interest and appropriate exposure duration (i.e., resident would be 30 years). This analysis will allow the presentation of potential health impacts at key milestones and how the potential health risk estimates may change as the project is completed and the facility changes to full operation.

Response 6:
The OEHHA health risk assessment contained in the FEIR analyses the lifetime exposure as defined by OEHHA (30 years). (FEIR Volume 3, Section 4.3.3.4) Any period shorter than the lifetime exposure would show results less than those shown in the FEIR. While the OEHHA method overestimates the risk, based upon the conclusions of HEI ACES, it does show a worst case scenario with regard to duration. Further, as one moves into the future, the health impacts would be less than those described in the FEIR since emissions will be lower than in the early years of the project.

Comment 7:
Attainment of Federal Ambient Air Quality Standards. The FEIR determines that the proposed project would have significant long term air quality impacts. Specifically, the air quality analysis demonstrates that the project's operational nitrogen oxides (NOx) emissions far exceed the South Coast Air Quality Management District's significance threshold of 55 pounds per day. The projected rise in emissions of criteria pollutants may interfere with current strategy to bring the South Coast Air Basin into attainment with federal air quality standards. Given the level of impacts and the location in the South Coast Air Basin, the project needs to be revised to include substantial air quality mitigation by employing effective and feasible zero and near-zero emission technologies.

Response 7:
See Response to Comment 4. The FEIR has committed to require U.S. EPA 2010 compliant trucks well ahead of the State of California's requirements. There are no commercially available heavy-duty trucks and therefore such mitigation is infeasible. CARB's own planning efforts with regard to zero-emissions within the freight sector is incomplete. Additionally, without knowledge of who future users might be, it is not currently possible to specify what technology will meet their operational needs. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval.

Comment 8:

<u>Use of Future Baseline in the Health Risk and Air Quality Analysis.</u> Should the City re-circulate the EIR, ARB strongly recommends that the health risk and air quality analysis use both the existing conditions baseline (current conditions) and a future conditions baseline (full build out year, without the project.) This analysis will be useful to the public in understanding the full impacts of the project. Neighbors for Smart Rail v Exposition Metro Line Construction Authority (2013) 57 C4th 439 confirmed that the lead agency has discretion on how to best define a baseline under the circumstances of rapidly changing environmental conditions. In this situation, the project site is located in a federal nonattainment area and is adjacent to residences; given the timeframe for full build out, those conditions may be significantly different from current conditions.

Specifically, it is important to analyze whether anticipated regional air quality improvements in future years as the result of State, federal, and local air quality programs, may be reduced or negated as the result of this project. For those reasons, it is important to ensure that the public has a complete understanding of the environmental impacts of the WLC, as compared to both existing conditions and future conditions.

Response 8:
The FEIR contains an exhaustive analysis of the impacts of the proposed project and the cumulative analysis shows the project's impacts when combined with the impacts of reasonably foreseeable past, present, and future projects. (FEIR Volume 3, Section 4.3)

Comment 9:
<u>Charging Infrastructure to Support Zero and Near-Zero Emission Technology.</u> Should the City re-circulate the EIR, ARB recommends including mitigation measures that detail more robust plans for charging and fueling infrastructure, which will be necessary to support increased zero emission vehicles and equipment used on the project site. Mitigation measure 4.3.6.3C indicates that one alternative fueling station will be publicly available prior to the issuance of building permits for more than 25 million square feet. This mitigation measure should include a more comprehensive description of the fueling station, including how that fueling station will adequately meet the needs of the zero and near-zero emission equipment used on site.

Furthermore, mitigation measure 4.3.6.4A indicates two electric vehicle-charging stations for automobiles or light duty trucks shall be provided at each building. The project description does not include an estimation of how many buildings are expected to be developed on site. While the FEIR does provide an estimation of the number of daily trips by passenger vehicles and light duty trucks (54,714 and 2,385 daily trips, respectively), mitigation measure 4.3.6.4A and the associated analysis does not contain an estimation of how many of those trips will be made by electric vehicles and does not provide enough information to evaluate whether mitigation measure 4.3.6.4A satisfies potential charging demand. Given Governor's Executive Order B-16-2012 target of reaching 1.5 million zero emission vehicles on California roadways by 2025 and the Governor's goal of cutting petroleum use in half by 2030, mitigation measure 4.3.6.4A should be expanded to ensure that the charging infrastructure required on-site will meet the needs of the growing numbers of zero emission vehicles that will be accessing the project site.

Response 9:
The project does not make an estimate of the number of electric vehicles arriving at the project because such an estimate would be pure speculation. The State of California has had a zero emission vehicle (ZEV) requirement for decades with little success. That is beginning to change; however, the rate of penetration for ZEV is unknown. As a result, the project is using the highest planning standards in setting a minimum for electrical charging stations. Since this is a programmatic EIR and there will be subsequent environmental evaluation as the project is implemented, it is possible that the electric vehicle charging requirements will increase due to changing real-world circumstances, rather than hopeful speculation. Finally as noted, the project requires that construction and operation of an alternative fueling station to encourage the use of alternative heavy-duty technologies.

Comment 10:

Statewide Air Quality, Climate and Health Drivers to Reduce Emissions from Freight Hubs. To achieve California's air quality, climate and sustainability goals, and to reduce the health risk from diesel PM in communities located near freight hubs, the State, including public and private partners, must take effective action to transition to a zero and near-zero emission freight system. This effort is laid out in ARB's Sustainable Freight Pathways to Zero and Near-Zero Emissions Discussion Draft, which can be found at http://www.arb.ca.gov/gmp/sfti/Sustainable_Freight_Draft_4-3-2015.pdf.

Response 10:
As CARB notes in its comment, the Sustainable Freight Strategy is still draft and subject to change. In addition, the document acknowledges that much of the technology that CARB has recommended in its comment letter is still not commercially available.

Comment 11:
Given the scale of the project, the substantial increases in criteria pollutants and greenhouse gas emissions, as well as the potential impact to health risk, it is critical that the FEIR require the use of zero and near-zero emission technologies. Furthermore, the health risk analysis must be revised to ensure that the potential impacts are fully analyzed and disclosed. We would be pleased to provide assistance to help develop the analysis and mitigation measures to ensure that this state-of-the-art facility is able to serve the region's distribution needs, while protecting air quality and public health, as well as minimizing the project's contribution to greenhouse gas emissions. Please include ARB on any further notifications related to the WLC.

Response 11:
Please see previous Responses 1 through 10.

MEMORANDUM

DATE: June 8, 2015

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Email from Peg Culpepper dated June 8, 2015**

In an email dated June 8, 2015, Peg Culpepper submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
I AM OLD AND CANNOT BREATHE WELL WITH THE AIR QUALITY IN MORENO VALLEY RIGHT NOW, AND I KNOW I WILL HAVE GREATER BREATHING PROBLEMS IF MORE LARGE TRUCKS ARE ADDED AND ARE BELCHING MORE GASSES INTO THE AIR.

Response 1:
Despite this anecdotal evidence, air quality throughout Southern California has steadily improved over the past 60 years. The combination of tighter emission controls on stationary sources, like power plants, and the introduction of much cleaner cars and trucks have meant reduced air pollution for residents of Southern California and particularly the Inland Empire. The World Logistics Center project furthers those air quality goals by committing to trucks that are 90% cleaner than the average truck on the road today. By requiring only trucks that meet U.S. EPA 2010 emissions standards, the most stringent air quality standards ever issued for heavy-duty trucks, the WLC project will help accelerate the State's goal of requiring all trucks to meet the 2010 standard in order to improve air quality. In addition, the FEIR has extensively evaluated the air quality impacts and the related health impacts of the project. The analysis presents the total project-related emissions from multiple sources and evaluates the health-related impacts on the surrounding community. The analysis concludes that there are no air quality-related health impacts on the surrounding community. (FEIR Volume 3, Section 4.3 Air Quality).

Comment 2:
I HAVE WORKED FOR RIGHT OF WAY AT CAL TRANS AND KNOW HOW THESE LARGE TRUCKS ARE TEARING UP OUR STATE HIGHWAYS NOW. THE STATE OF CALIFORNIA DOESN'T HAVE THE FUNDS, MAN POWER AND TIME NEEDED TO KEEP OUR ROADS IN FAIR CONDITION AS IS, LET ALONE ADDING MORE OF A BURDEN FOR THE UPKEEP.

Response 2:
The federal and state highway systems were built for the primary purpose of serving commerce and accommodating commercial vehicles. All trucks in California pay registration fees and fuel taxes for the purpose of maintain California roads. The degree to which the State seeks other sources of revenue to maintain roads is beyond the issues considered by this Environmental Impact Report.

Comment 3:
THIS PLAN IS ECONOMIC SUICIDE FOR OUR HEALTH IN MORENO VALLEY AND FOR THE HIGHWAYS IN RIVERSIDE COUNTY AND THE STATE OF CALIFORNIA.

Response 3:
The most recent budget projections for the City of Moreno Valley foresee structural deficits growing over the next ten years. Without an increase in revenue-producing land uses, like the proposed World Logistics Center project, the City would have to seek other revenue sources to maintain even basic City services. The World Logistics Center project is estimated to ultimately produce $5.7 million annual surplus funding in excess of City costs to serve the development. Those funds can be used to fund needed public services elsewhere in the City. In addition, at build-out the project will raise nearly $2 million every year in surplus fire services taxes that can also be spent in other areas of the City to improve fire service. The project is expected to become the largest aggregate utility customer for Moreno Valley Utility, producing substantial revenue in excess of the costs to serve, a major benefit for the community. Finally, the project is estimated to generate 20,000 jobs and thousands of direct and indirect jobs that will have multiplier effects throughout the City supporting local businesses. (FEIR Volume 2, Appendix O, Fiscal and Economic Impact Study)

RESPONSE SUMMARY: The conclusions contained in the FEIR regarding air quality and health risks are based upon the latest scientific evidence. Even the traditional analyses show no significant health-related impacts outside the project boundaries. The proposed land uses will generate additional revenues to and employment within the City of Moreno Valley.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 10, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to RivCo TLMA Letter dated June 8, 2015**

In a letter dated June 8, 2015, Juan Perez with the Riverside County Transportation and Land Management Agency (TLMA) submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

COMMENTS

The County of Riverside Transportation and Land Management Agency (TLMA) appreciates the opportunity to submit our comments regarding the project and the Final Environmental Impact Report (FEIR).

Our concerns are primarily focused on the expected traffic impacts of the project, particularly impacts identified on Gilman Springs Road, which is under shared County-City jurisdiction from SR 60 to about a mile south of Alessandro Blvd. and then within County jurisdiction south easterly to Lambs Canyon (S.R. 79)/Sanderson Avenue. We are also concerned about the project's regional impacts on SR 60. The project traffic study estimates that it will generate 68,721 total vehicle trips of which 14,007 are a mix of trucks. When converting to Passenger Car Equivalents (PCE), as the EIR does in conformance with standard practice, this results in adding the equivalent of 89,975 surface street trips and 75,724 freeway trips. (EIR 4.15-47)

Gilman Springs Road in its current configuration is a two-lane rural road that extends from SR 60 to Lambs Canyon/Sanderson Avenue (and then further south to State Street). It provides the primary direct connection between the City of Moreno Valley, SR 60, and the San Jacinto Valley. It is a critical regional connector that, according to the EIR, carries approximately 14,400 vehicle trips per day at its peak location.

The County has made significant improvements to this roadway over the years to enhance operations and safety, such as curve realignments, a passing lane, repaving, enhanced pavement markings, and use of radar speed feedback signs. However, the road is operating at its practical capacity as a two-lane road, and adding significant traffic volumes to it as this project would do, without further significant improvements including road widening, would be highly detrimental to traffic safety and mobility. We are particularly concerned about the addition of a significant number of trucks anticipated with this project given its rural two-lane character, without further improvements being done in conjunction.

Our analysis of the EIR data indicates that the project will add an estimated 6,019 autos and 420 trucks daily to Gilman Springs Road. The EIR identifies that the project would have a significant cumulative impact on Gilman Springs Road from Alessandro Blvd. to Bridge St., and on Gilman Springs Road between SR 60 and Alessandro Blvd. These impacts occur under Phase 1 of the project based on existing conditions (EIR 4.15-103), at year 2022 (EIR 4.15-153), and at project build-out under cumulative 2035 conditions. We note that the EIR does not address the segment of Gilman Springs Road from Bridge Street south-easterly to Lambs Canyon/ Sanderson. Although some project traffic can be expected to use Bridge Street to access the Ramona Expressway as a direct connection, it is still expected that a significant amount would continue on to the San Jacinto Valley, and some even to the Pass area through Lambs Canyon to the north, by using Gilman Springs Road down to Lambs Canyon/Sanderson Avenue.

We appreciate that the EIR identifies that "Gilman Springs Road from Alessandro Blvd. to Bridge St. (S-16) is already deficient and needs to be widened to four lanes and will need to be widened to six lanes in the future. In accordance with General Plan Policy 5.5.7, the City will require the developer to widen Gilman Springs Road to provide three southbound lanes and one northbound lane along the frontage of the WLC project. The developer will receive a TUMF credit for the portion of the cost of this improvement that exceeds the project's fair share contribution." (EIR 4.15-194).

However, we are highly concerned by the statements that follow, which are also reflected in the mitigation measures: "However because Gilman Springs Road is partially a Riverside County facility and is thus partially outside the jurisdiction of the City of Moreno Valley the City cannot ensure that the identified improvements would be made outside of its jurisdiction. Moreover there are right-of-way constraints involving sensitive environmental areas that may limit widening to four lanes between Alessandro Blvd. and Bridge St., or even preclude any widening at all. The project's impacts in the Existing Plus Project scenario on Gilman Springs Road must therefore be considered significant and unavoidable. The City will work with Riverside County to find funding for improvements that would provide an acceptable LOS on this road to the extent feasible.

We also note that the EIR identifies that Gilman Springs Road will be widened from 2 to 6 lanes by 2022 south of Alessandro, within County jurisdiction (EIR Fig 4.15.5). We note that the County does not have any active projects on Gilman Springs Road to accomplish this as a feasible goal given the state of our regional and local funding programs. Moreover, since much of the land adjacent to Gilman Springs Road is identified to be set aside for open space, it is not feasible to anticipate that other future development projects would cause major widening improvements to be done within the foreseeable future.

Our position is that improving Gilman Springs Road to a minimum of 4 lanes from SR 60 to Lambs Canyon/Sanderson Avenue is critically important for safety and mobility, and to mitigate direct project impacts. Improvements will be needed at the Gilman Springs Road/SR 60 Interchange consistent with the road widening. Rather than 3 southbound lanes and 1northbound lane as stated in the EIR, the road needs to be widened to 4 lanes with 2 through lanes and adequate shoulders in each direction. This requirement needs to be tied to the issuance of building permits for the project to assure that project traffic does not degrade conditions on the road.

As the responsible agency for the segments of Gilman Springs Road not in City jurisdiction, County TLMA is willing to work with the applicant and the City of Moreno Valley to provide that the necessary improvements are constructed. This project is expected to generate a very substantial amount of Transportation Uniform Mitigation Fees (TUMF) given its vast size, and Gilman Springs Road is a TUMF eligible facility. It would be a benefit to all users of the road, including the project traffic, to directly construct improvements on Gilman Springs Road for which the project would receive appropriate TUMF fee credit, rather than merely the payment of TUMF fees as has been included in the mitigation measures.

The EIR identifies that, for truck traffic, 82% would be to/from the west via one or more freeways (EIR 4.15-49), which would primarily be SR 60, and that 44°/o of daily passenger autos would use SR 60. Applying these percentages to the overall trip generation, we estimate that the project would add the equivalent (PCE) of 41,302 passenger trips to SR 60 to the west, and 6,815 trips on SR 60 to the east. Although the traffic study states that, because of a counter peak hour traffic pattern (eastbound in the am and westbound in the pm) the project will be served by some of the underutilized peak hour capacity of SR 60, a more rigorous analysis would show that given the sheer volume of project traffic generation there would be project impacts on SR 60.

Unlike other freeways in Western Riverside County, mainline improvements to SR 60 between 1-215 and Gilman Springs Road are not, to our knowledge, included in the Measure "A" expenditure plan. Given the vast scale of this project, it is important that it serve as a catalyst for Caltrans, the Riverside County Transportation Commission (RCTC), affected Cities and the County to come together in a discussion of how to

address this need and jointly develop a plan. We do recognize that funding of freeway improvements needs to be to a great degree a Federal and State responsibility. However, as we have seen on other freeway projects, our regional and local agencies, under the leadership of RCTC, have had to play an active role through Measure A and other means to secure complimentary funding for freeway improvements.

Requested Conditions of Approval. We therefore urge the Planning Commission to incorporate the following measures as Conditions of Approval for the project:

1. Require that the phased issuance of project building permits be tied to the construction of improvements on Gilman Springs Road to 4-lanes, at a minimum, between SR 60 and Lambs Canyon/Sanderson Avenue, and of improvements to the SR 60/Gilman Springs Road interchange. This would be done in accordance with a phasing improvement plan jointly developed by the applicant, the City, and the County of Riverside.

2. Require that a regional improvement plan be prepared to address needed improvements to SR 60 between I-215 and Gilman Springs Road that is tied to Phase 2 of the project proceeding. This would allow some reasonable time for affected agencies to work together and develop an overall funding strategy. The improvement plan would include a mix of Federal, State, regional, and other potential funds, including an appropriate fair share of development contributions from projects in proximity to SR 60 that directly and significantly impact the segment between I-215 and Gilman Springs Road.

3. The County and Caltrans are working on the design of a traffic signal/roadway safety improvement project at the Gilman Springs/Lambs Canyon/Sanderson Avenue ramps. Require a fair-share contribution, via an agreement between the applicant, City, County, and Caltrans, towards construction of these facilities to mitigate project impacts.

4. Require a fair-share contribution, via an agreement between the applicant, City, and County, to mitigate project impacts at the intersection of San Timoteo Road/Live Oak Canyon (EIR 4.15-237).

5. Require a fair-share contribution, via an agreement between the applicant, City, and County to mitigate project impacts at the intersection of Bridge Street/Ramona Expressway (EIR 4.15-3). Although this intersection may potentially have a different configuration or be grade separated in the future as the EIR states, the project will create significant impacts that could be alleviated through an interim improvement project if it proceeds ahead of other future improvements.

We are available to meet with the applicant and City staff to discuss our comments, and to work towards the implementation of the improvements necessary to address project impacts and improve regional transportation safety and mobility.

RESPONSE

Since the City cannot guarantee that improvements outside of its jurisdiction will be made, it has no choice but to find impacts outside the City as significant and unavoidable under CEQA. As noted in the comment, the FEIR contains a series of mitigation measures to ensure that traffic impacts are addressed (Mitigation Measures 4.15.7.4A-4.15.7.4G). These measures require the improvement of right-of-way within the City's jurisdiction, the payment of fairshare costs to jurisdictions outside the City, payment of TUMF fees (estimated at $34.1 million in TUMF fees), and coordination with outside jurisdictions regarding constructing improvements outside the City's control. The City will work with TMLA, RCTC, and WRCOG to ensure that improvements of regional benefit are constructed.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 10, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from T. Paulek & S. Nash dated June 9, 2015**

In a letter dated June 9, 2015, Tom Paulek and Susan Nash submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The Attachments to our April 5, 2013 Draft EIR comment letter (FEIR letter G-89) were wrongly detached and excluded from the Final EIR. These attachments were obtained as a result of our citizen public Records Act request to the state Wildlife Conservation Board (WCB) and the western Riverside County Regional Conservation Authority (RCA) [Responsible for MSHCP Implementation].

Response 1:
The commenters are incorrect - the seven attachments to the April 5 comment letter were in fact included in the Final EIR on the flash drive that was distributed with all the EIR documents – it was in the Final EIR Volume 1 – Response to Comments – Comment Letter Appendices labeled Letter G-89. The City website and several flash drives were randomly checked and all contained all seven of the cited attachments.

Comment 2:
*The attachments are once again being submitted to project decision makers to disclose the fraudulent project description of the public lands of the San Jacinto Wildlife Area (SJWA) immediately south of the World Logistic Center Specific Plan as the **"CDFG Conservation Buffer Area"**. The attachments appended include:*

ATTACHMENT #1: *State Wildlife Conservation Board (WCB) minutes of May 18, 2001 Agenda Item 31 – San Jacinto Wildlife Area Expansions 15 through 19.*

ATTACHMENT #2: *Excerpts from text of Proposition 12 approved by voters in 2000 indicated the subject land was purchased by the public **"for the restoration or acquisition from a willing seller, of habitat for threatened or endangered species or for the purpose of promoting the recovery of those species."***

ATTACHMENT #3, 4, 5, and 6: *documents the SJWA public lands erroneously designed "CDFW Conservation Buffer Area" were included in the 2004 MSHCP Conservation Area and counted toward Additional Reserve lands by the Regional Conservation Authority (RCA) [see Attachment #6]*

ATTACHMENT #7: *The Department of Fish and Game **Management Authorization** (May 6, 1996) implementing the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP). Both the SKRHCP as well as the subsequent MSHCP issued under the Natural Community Conservation Planning Act (NCCP Act. The NCCP Act does not exempt a project in a natural community conservation planning area from the California Environmental Quality Act or alters or affects the applicability of CEQA (see Fish and Game Code: 2826).*

The City's change of the land use designation on the public lands of the San Jacinto Wildlife Area to "Open Space" does not obviate the need to analyze and mitigate the impacts of the World Logistics Center on these MSHCP designated wildlife conservation lands. In addition, we object to the fraudulent project description and

the improper use of a Program EIR for this Project. The City's consideration of this Project must be deferred pending public review of a legally adequate environmental document.

Response 2:
Draft EIR Section 4.4.1.10, *Wildlife in the SJWA and Mystic Lake* (DEIR pages 4.4-16 and 17) goes into detail on the classification of this open space land and cites the same material submitted by the commenters. In fact, Attachment #1 submitted by the commenters clearly states the following (regarding expansions 15 through 19*)…"The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as <u>they will serve as a buffer from development north of the WLA</u> and adds significant wildlife benefits to the WLA."* [emphasis added, citation from page 56 of Attachment 1]. Further, it should be noted the WLC EIR requires a 250-foot additional buffer with no development and an additional 150-foot buffer with no buildings both located along the southern boundary of the WLCSP adjacent to the San Jacinto Wildlife Area. The rest of the attachments submitted by the commenters appear to have been submitted to support the contention that the SJWA is an established conservation area, including the property designated in the WLC EIR as the CDFG Conservation Buffer Area. This term was meant to accurately characterize the approved and actual use of the site as an upland buffer between development to the north and the wetland resources of the SJWA to the south. The EIR clearly acknowledges this area is part of the SJWA, and provides an additional 400 feet of buffer area adjacent to the SJWA.

Regarding the use of a programmatic EIR, the Draft and Final EIR documents clearly explain why a programmatic document is appropriate for the WLCSP in that no specific buildings have been proposed at this time. Additional CEQA analysis and documentation will be done as specific development is proposed in the future. The City considers the EIR for the WLC project to be legally adequate and provides appropriate information for local decision-makers.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 10, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from RCTC dated June 9, 2015**

In a letter dated June 9, 2015, Anne Mayer with the Riverside County Transportation Commission (RCTC) submitted comments on the WLC Project FEIR.

Comment 1:
…After reviewing the Project's recently released Final Environmental lmpact Report (FEIR), the Commission is concerned the Project's significant traffic impacts have not been adequately addressed or mitigated…The FEIR demonstrates that the Project's traffic impact to State Route 60 will be significant. Here, the proposed fair share payment mitigation is not only inadequate to mitigate for the Project's interim traffic impacts that will occur until improvements are constructed but fair share payments are not even possible for improvements to SR-60. This is because a fair share program does not exist. The Commission believes it is insufficient for the FEIR to simply conclude "[i]f no fair share program exists or if the existing programs are not consistent with the requirements below, then no payment of fees shall be required." (FEIR at 4.15-235.) A more proactive approach is warranted and feasible under these circumstances so the Project's significant impacts do not go unmitigated.

Furthermore, although the FEIR does call for widening of Gilman Springs Road to up to six lanes, there do not appear to be any plans to make adequate improvements to SR-79, a four-lane road, to handle the influx of traffic that will enter SR-79 from Gilman Springs Road. In short, the approval of the proposed Project would result in far-reaching traffic impacts to surrounding local and regional transportation corridors. lt is for these reasons the Commission strongly urges the City to work with regional and state partners to develop an appropriate fair share program that would mitigate for the Project's proportional impacts to SR-60 and SR-79, as well as other nearby regional road networks that will be impacted by the Project.

The FEIR also makes clear the Project's traffic impacts to Gilman Springs Road would be significant. As you are aware, Gilman Springs Road is a narrow two-lane road, such that extensive improvements will be needed for it to adequately handle the truck traffic that is anticipated by the Project. To mitigate for the Project's impacts, the FEIR indicates the Project developer will be required to pay the Project's fair share for improvements to Gilman Springs Road. Unfortunately, a fair share payment does not ensure adequate mitigation of the Project's impacts because there is no assurance of when the necessary improvement will be built, if ever.

More specifically, the Commission is concerned about the interim traffic impacts that will occur until such time as the improvements required to adequately mitigate the Project's impacts are actually completed. Because the Project will cause a significant increase in traffic, and because there is no assurance the Project's traffic impacts will be adequately mitigated prior to Project construction, the Commission urges the City to restrict Project construction approvals until such time as the City and Project developer can demonstrate all traffic improvements necessary to fully mitigate the impacts related to any particular building's construction or occupancy are completed. Such assurance might be achieved through the imposition of a mitigation measure restricting the approval of any site-specific plans or the issuance of any construction permits until the physical improvements necessary to mitigate for the development's proportionate impacts are actually constructed. Although the Commission understands the construction of transportation improvements may need to occur on a

phased basis, the mere payment of the Project's fair share toward traffic improvements is meaningless mitigation if improvements are not built concurrently with the development that merits them.

Finally, the Commission has concerns regarding the FEIR's analysis of the Project's long-term traffic impacts. Although traffic impacts to SR-50 and Gilman Springs Road are considered significant and unavoidable, this conclusion is based solely on the City's lack of authority to implement improvements to these roadways. That is, the FEIR indicates all traffic impacts would be fully mitigated, but for this lack of authority.

The Commission greatly appreciates the City's thoughtful consideration of its comments and concerns, and we would be pleased to meet with you to further discuss our comments. We respectfully request:

- *The City require the development of a fair share contribution plan for SR-60, SR-79, and Gilman Springs Road, as a mitigation measure for any Project approval.*
- *The City impose a mitigation measure requiring the City and the applicant to work with the Commission, Caltrans, the county of Riverside, and other local and regional stakeholders to develop a regional transportation improvement plan for the area encompassing SR-50, SR-79, and Gilman Springs Road.*
- *The City add the Commission to the World Logistics Center, including City's notification list for all Brown any hearing notices and any Notice Act and CEQA notices related to of Determination.*

Response 1:
Since the City cannot guarantee that improvements outside of its jurisdiction will be made, it has no choice but to find impacts outside the City as significant and unavoidable under CEQA. The City has no ability to compel regional and State agencies to take the necessary actions required to improve regional infrastructure. What the City can do is ensure that developments within the City pay their fair share when such actions by regional and State agencies do occur. The FEIR contains a series of mitigation measures to ensure that traffic impacts are addressed (Mitigation Measures 4.15.7.4A-4.15.7.4G). These measures require the improvement of right-of-way within the City's jurisdiction, the payment of fair share costs to jurisdictions outside the City, payment of TUMF fees (estimated at $34.1 million in TUMF fees), and coordination with outside jurisdictions regarding constructing improvements outside the City's jurisdiction. The City will work with TMLA, RCTC, and WRCOG to ensure that improvements of regional benefit are constructed. However, it is unreasonable to restrict development until such time that regional agencies are prepared to construct necessary and needed regional infrastructure. Doing so would effectively give agencies outside the City a veto on any City development.

The FEIR identified impacts (increased delay) and mitigation (signalization) at the intersections of SR-79 and Gilman Springs Road (FEIR Volume 3, Section 4.15 & Appendix L – Traffic Impact Analysis). Since those intersections are outside the jurisdiction of the City, mitigation will be subject to requirements found in Mitigation Measures 4.15.7.4A-4.15.7.4G. The FEIR did not identify any impacts to road sections along SR-79 itself because the project did not generate 50 or more trips on any segment of SR-79 to warrant further review.
RCTC requests that the City require the development of a fair share contribution plan for SR-60, SR-79, and Gilman Springs Road as a mitigation measure for any Project approval. However, only those agencies responsible for the identified infrastructure can develop a fair share contribution plan. The FEIR requires the payment of fair share and identifies the formula for doing so. (Mitigation Measures 4.15.7.4D, E and F)

RCTC requests that the City require the applicant and City to work with regional and State agencies to develop a regional transportation improvement plan. Such a requirement is beyond the scope of any single project. The FEIR identifies all the transportation-related impacts that the project would generate, identifies the necessary mitigation, and requires the payment of fair share costs for such impacts. Those are the actions that are within the jurisdiction of the City. Regional and State agencies must be responsible for implementation of projects within their jurisdiction. RCTC requests that the City include the RCTC on all notices for the project. The City has done so.

MEMORANDUM

DATE: **Reissued August 5, 2015 (First issued July 13, 2015)**

TO: **Mark Gross, Moreno Valley Planning Department**

FROM: **Kent Norton, AICP, Associate, LSA Associates, Inc.**

SUBJECT: **Response to Letter from the American Lung Association dated June 10, 2015**

In a letter dated June 10 2015, Terry Roberts with the American Lung Association submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The American Lung Association in California is submitting this letter in response to the World Logistics Center (WLC) Final Environmental Impact Report (FEIR). We continue to have concerns about the significant air pollution-related health impacts of the proposed project and believe the FEIR fails to consider additional project alternatives that would mitigate those impacts and protect public health.

We remain concerned that the proposed project will generate significant health risks to the community, one that is already burdened by significant air pollution. After reviewing the FEIR, we believe the proposed mitigations and health risk assessment are inadequate. We support the recommendations made in the letter by the California Air Resources Board (CARB) to Mr. Mark Gross (June 8, 2015) to address those inadequacies.

The American Lung Association State of the Air report lists Riverside County as having a failing grade for both ozone and particle pollution, and among the worst air pollution in the nation. The WLC project will increase emissions both locally and regionally. In addition to cancer risk, emissions from the project will also impact sensitive receptors, including those living with chronic cardiovascular and respiratory illnesses, the elderly and our children. In Riverside County, more than 160,000 people suffer from asthma, including 41,000 children. An additional 66,000 have chronic bronchitis and 28,000 have emphysema, who suffer even further when breathing polluted air. The FEIR fails to include all feasible mitigation measures that would address these impacts.

Numerous recommendations were submitted by CARB and others as part of the Draft Environmental Impact Report (DEIR) to support the deployment of zero and near zero emission technology at the WLC to reduce localized health risk and regional emissions. The FEIR discussion (See responses to comment B-5-7 and B-5-8 and Master Response 3) regarding zero emission and hybrid electric trucks, vehicles, and equipment fails to adequately evaluate the current and near term feasibility of hybrid technologies, and other zero and near zero emission technologies both at the present date and by project build-out in 2030. There been huge advances in freight transport technologies that if required, would lessen the WLC's impacts on criteria air pollutants, greenhouse gas emissions, as well as air toxics and health risk. Based on the availability of these technologies today, mitigation measures restricting access to zero emission freight technologies should be fully analyzed and included in the FEIR to help mitigate and reduce the health risk from diesel PM in communities located near freight hubs and the region.

We also believe that mitigation measures (EV infrastructure) outlined in 4.3.6.4A should be significantly increased to recognize and meet the needs of the growing numbers of zero emission vehicles that will be accessing the project site. This will also help meet the Governor's Executive Order B-16-2012 target of 1.5 million zero emission vehicles on California roadways by 2025 and the goal of cutting petroleum use in half by 2030.

We support the recommendations of CARB to fully explain and ensure the information about air quality and health risk methodology is accessible and understandable by the public. The final document should include the presentation of all cancer and non-cancer health risks at the receptor locations of interest for all emissions from construction and operations at the WLC. The methodology should include the use of all the current Office of Environmental Health Hazard Assessment (OEHHA) approved risk assessment methodology guidelines. We also

support the inclusion of an evaluation of the potential health impacts at the major milestones identified for this project (e.g., beginning in 2015, 2022, and 2035) for each receptor of interest and appropriate exposure duration (i.e., resident would be 30 years). This analysis will allow the presentation of potential health impacts at key milestones and how the potential health risk estimates may change as the project is completed and the facility changes to full operation.

Finally, given the scale of the project, the significant increases in criteria pollutants and greenhouse gas emissions, as well as the potential impact to health risk, it is critical that the FEIR require the use of zero and near-zero emission technologies. Furthermore, the health risk analysis and potential impacts must be fully analyzed and disclosed, per above.

Response 1:
The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. DEIR Section 4.4 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. Planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As indicated in the response to the CARB letter, there are no commercially available zero-emission on-road heavy-duty trucks currently available (See also FEIR Volume 1 Response to Comments, Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015)[1] overview states that the zero and non-zero emission technologies are still at the demonstration phase:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment."
>
> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize."
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve."

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B)because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC.

[1] http://www.arb.ca.gov/lispub/rss/displaypost.php?pno=8389

Similarly with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

One of CARB's comments was that the approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments[2] should have been used. In fact, a full assessment using those guidelines was provided in the FEIR. (FEIR Volume 3, Section 4.3.3.4) Based upon those guidelines, there would be no project-related cancer risk outside the project's boundaries.

Additionally, the study mentioned by CARB does not examine cancer health risk attributable to new technology diesel but have examined health effects from diesel trucks that emit between 10 to 100 times more emissions than the new technology that the project's mitigation will require. As the HEI ACES Study mentioned in the FEIR demonstrates, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's.

CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory

The OEHHA health risk assessment contained in the FEIR analyses the lifetime exposure of individuals as defined by OEHHA (30 years). (FEIR Volume 3, Section 4.3.3.4) Any period shorter than the lifetime exposure would show results less than those shown in the FEIR. While the OEHHA method overestimates the risk, based upon the conclusions of HEI ACES, it does show a worst case scenario with regard to duration. Further, as one moves into the future, the health impacts would be less than those described in the FEIR since emissions will be lower than in the early years of the project.

The FEIR has committed the project to require U.S. EPA 2010 compliant trucks well ahead of the State of California's requirements. There are no commercially available zero or near zero emissions heavy-duty trucks and therefore such mitigation is infeasible. CARB's own planning efforts with regard to zero-emissions within the freight sector is incomplete. Additionally, without knowledge of who future users might be, it is not currently possible to specify what technology will meet their operational needs. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval.

The project does not make an estimate of the number of electric vehicles arriving at the project because such an estimate would be pure speculation. The State of California has had a zero emission vehicle (ZEV) requirement for decades with little success. That is beginning to change; however, the rate of penetration for ZEV is unknown. As a result, the project is using the highest planning standards in setting a minimum for electrical charging stations. Since this is a programmatic EIR and there will be subsequent environmental evaluation as the project is implemented, it is possible that the electric vehicle charging requirements will increase due to changing real-world circumstances, rather than hopeful speculation. Finally as noted, the project requires that construction and operation of an alternative fueling station to encourage the use of alternative heavy-duty technologies.

The project is being required to implement all feasible mitigation at this time, but it is possible that future development within the WLCSP would require more strict diesel emission mitigation if zero- or near-zero emission trucks become

[2] http://oehha.ca.gov/air/hot_spots/HRAguidefinal.html

feasible (i.e., commercially available) as future development occurs and subsequent CEQA evaluation is completed.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 29, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the Center for Biological Diversity and Audubon Society**

In a letter dated June 10, 2015, the Center for Biological Diversity and the Audubon Society submitted comments on the WLC Project FEIR. The specific comments are presented below followed by specific responses to each comment.

Comment 1:
These comments are submitted on behalf of the Center for Biological Diversity and San Bernardino Valley Audubon Society (collectively "Conservation Groups") on the World Logistics Center Project ("Project"), located south of Interstate 60 on the eastern edge of Moreno Valley. The Project would be the largest master-planned warehouse development in U.S. history, totaling approximately 40.6 million square feet on 2,610 acres. The Project would result in significant impacts to air quality contributing tons of criteria pollutants into an area currently designated as non-attainment under the Clean Air Act, poses a significant impact to climate change, and threatens the adjacent San Jacinto Wildlife Area.

The Final Environmental Impact Report ("EIR") fails to adequately describe the Project and the environmental setting, including the creation of a fictional "CDFW Conservation Buffer Area", which effectively removes over 1000 acres from the San Jacinto Wildlife Area ("SJWA") and core reserve lands under the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"). The FEIR also fails to analyze a range of environmental impacts, mitigation measures, and alternatives. At a minimum, the FEIR must be revised and recirculated to remedy these deficiencies. However, because of the permanent and irreconcilable conflicts with public health and environmental protection the Project should be denied.

Response 1:
See the following detailed responses.

Comment 2:
The Center for Biological Diversity ("the Center") is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center for Biological Diversity has over 900,000 members and e-activists throughout California and the western United States, including residents of western Riverside County. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire.

The San Bernardino Valley Audubon Society ("SBVAS") is a local chapter of the National Audubon Society, a 501(c)3 corporation. The SBVAS chapter area covers almost all of Riverside and San Bernardino Counties and includes the project area. It has about 2,000 members, about half of whom live in Riverside County. Part of our chapter's mission is to preserve habitat in our area, not just for birds, but for other wildlife, and to maintain the quality of life in the Inland Empire.

It is well established that the purpose of an EIR is to provide public agency decision-makers and members of the public with an informational document that explains potentially significant environmental impacts and feasible mitigation measures. (Cal. Pub. Res. Code §§ 21002.1, 21061; Guidelines §§ 15121, 15151; Vineyard

Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 426-27; Carmel Valley View, Ltd. v. Board of Supervisors (1976) 58 Cal.App.3d 817, 821-822.) An EIR must include the full range of potentially significant impacts, as well as reasonably prudent avoidance, minimization, and mitigation measures in the EIR to comply with CEQA's information disclosure requirements. (Pub. Res. Code § 21000 et seq.) CEQA requires the planning agency to "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); 15126.4.) Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. (Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41.) 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 (2000) 83 Cal.App.4th 1252, 1261 ((quoting Pub. Res. Code § 21081.6(b)).)

Response 2:
The comment describes CBD and SBVAS and notes the requirements of CEQA.

Comment 3:
I. THE FEIR MUST BE RECIRCULATED FOR PUBLIC REVIEW AND COMMENT

The FEIR must be recirculated since it is based on outdated or inapplicable studies and data, and significant new information substantially changes the FEIR's analyses of the Project's impacts, alternatives and required mitigation, as we explain below. (Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. (1993) 6 Cal.4th 1112, 1132 (Laurel Heights).)

Under CEQA, an EIR must be re-circulated for review and comment whenever significant new information becomes known to the lead agency and is added to the EIR, after public notice of the availability of the draft document has been made, and before the EIR is certified. (Pub. Res. Code § 21092.1.) Under such circumstances the lead agency is specifically required to re-notice the environmental review document to the public and all responsible agencies, and is required to obtain comments from the same, before certifying the document's impacts, its alternatives analyses, and any mitigation measures. (See id.; see also, Cal Pub. Res. Code § 21153.) A lead agency's decision not to recirculate an EIR must be supported by substantial evidence. (CEQA Guidelines § 15088.5(e).)

"Significant new information" includes any information regarding changes in the environmental setting of the project under review. (CEQA Guidelines § 15088.5(a).) It also includes information or data that has been added to the EIR and is considered "significant" because it deviates from that which was presented in the draft document, depriving the public from a meaningful opportunity to comment upon a significant environmental effect of the project, or a feasible way to mitigate or avoid such an effect at the time of circulation of the draft. (Id.) Some examples a lead agency must re-circulate an EIR for further public comment are:

> *(1) When the new information shows a new, substantial environmental impact resulting either from the project or from a mitigation measure;*
>
> *(2) When the new information shows a substantial increase in the severity of an environmental impact, except that recirculation would not be required if mitigation that reduces the impact to insignificance is adopted;*
>
> *(3) When the new information shows a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or*
>
> *(4) When the draft EIR was "so fundamentally and basically inadequate and conclusory in nature" that public comment on the draft EIR was essentially meaningless. (CEQA Guidelines §15088.5.)*

Recirculation is thus required when the addition of significant new information that substantially changes the FEIR's analyses of the Project's impacts, alternatives and required mitigation. (Laurel Heights, 6 Cal.4th at 1132.) Accordingly, "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199 (citation omitted).)

Based on the comments below and our previous comments to the draft EIR, it is clear that the FEIR must be re-drafted and re-circulated. Conditions (1) and (2) above will be met by meaningful and adequate discussion of the Project itself and the project's impact to the following: biological resources which were excluded from review, analysis of greenhouse gas emissions, water supply and availability, and water quality. Specifically, comments on the EIR provide new information about the following: the EIR's attempt to mask impacts to property owned by the California Department of Fish and Wildlife ("CDFW"), failure to disclose impacts to hydrological and riparian/riverine resources, failure to analyze the impacts of wastewater mitigation basins and special status species placed in a buffer zone adjacent to the San Jacinto Wildlife Area, failure to analyze the substantial increase in impacts to wildlife corridors, and the failure to properly analyze significant impacts disclosed in comments, new biological reports, including impacts to raptor habitat. The FEIR also fails to take into account all potential sources of greenhouse gas ("GHG") emissions from the Project and then ignores large emission sources when completing the FEIR's significance analysis. The FEIR improperly relies on AB 32's Cap and Trade Program to fully minimize and mitigate nearly 400,000 metric tons of CO2 emissions at full build out of the Project, despite readily available and feasible GHG emissions mitigation measures that would lower the Project's overall GHG emissions and contribution to climate change. Additionally, the FEIR fails to adequately account for the unreliability of water supply for this Project due to unprecedented drought and climate change conditions, and thus fails to disclose and analyze Project impacts on water supply in light of ongoing and worsening water scarcity. Condition (3) will be met because the EIR fails to incorporate feasible mitigation measures or alternatives that were provided by the public and responsible agencies after the circulation of the EIR such as realignment drainage 9 or adopting burrowing owl relocation programs. The combined effect of these omissions makes it clear that the fourth condition has also been met. Failure to address these impacts is inadequate and requires further analysis and recirculation.

Response 3:
CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory. None of the changes that Center for Biological Diversity (CBD) describes in its comment meet the standard requiring recirculation. Changes to the document and the inclusion of new information is not the standard for recirculation, in fact, it is the public process of CEQA.

Comment 4:
II. THE PROJECT IS IMPROPERLY ANALYZED UNDER A PROGRAMMATIC EIR

The applicant should have prepared a project EIR instead of the current programmatic EIR for this Project. A project EIR is appropriately prepared for a "construction-level project, and 'should focus primarily on the changes in the environment that would result from the development project [and] examine all phases of the project including planning, construction, and operation.'" (Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036, 1047 (quoting Guidelines § 15161) (Treasure Island); see also In re Bay-Delta etc. (2008) 43 Cal.4th 1143, 1169.) A programmatic EIR, on the other hand, "evaluates the broad policy direction of a planning document, such as a general plan, but does not examine the potential site-specific impacts of the many individual projects that may be proposed in the future consistent with the plan." (Treasure Island, 43 Cal.4th at 1047; see also Guidelines §15168.)

The "level of detail in an EIR is driven by the nature of the project, not the label attached." (Treasure Island, 43 Cal.4th at 1051.) "An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan . . . ." (CEQA Guidelines § 15146.) Since this Project proposes to develop a business park where specific information is known for each aspect of the Project, (FEIR at 1-6, 1-7), it necessarily requires the preparation of a project EIR to assess and mitigate the impacts consistent with the degree of specificity of the activities proposed. (Treasure Island, 43 Cal.App.4th at 1051-52.)

Response 4:
Due to the level of information currently available about the WLC project, a programmatic EIR is the most appropriate CEQA compliance document at this time. The EIR clearly states that more detailed CEQA analysis will be performed once more specific project-level data and plans are submitted to the City for review (future site plans, plot plans, etc.) consistent with the programmatic WLC Specific Plan (FEIR Section 3.7.2 – City of Moreno Valley – Future Approvals, p. 3-114). The Draft Environmental Impact Report (DEIR) provides mitigation at a programmatic level, but does rely on implementation at the project level once specific development plans are submitted. The DEIR mitigation measures contain sufficient performance standards so that mitigation of project impacts is not deferred but rather will be applied to future discretionary permit applications, including obtaining permits as appropriate (e.g., Streambed Alteration Agreements for onsite drainages), see MM 4.4.6.3C.

CBD's discussion of the difference between a programmatic document and project-level document perfectly describes the WLC Specific Plan Programmatic FEIR. The project under consideration is a specific plan that serves as planning document, no project-specific information is currently known. At this time, no plot plans are being considered, future tenants are not known, and building sizes for future tenants have not been established. In short, the necessary information for a project-level document will be known when the first plot plan is proposed. The size, number, and location of buildings are unknown at present.

Comment 5:
III. THE FEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS TO BIOLOGICAL RESOURCES

The FEIR fails in providing the level of analysis mandated by CEQA because it fails to address numerous aspects of how the Project will affect wildlife, as well as providing a thorough analysis of the Project's impacts to sensitive species and ecological communities. Moreover, the EIR fails to adhere to CEQA's substantive mandate to adopt mitigation measures and alternatives to reduce a project's significant impacts wherever feasible. The FEIR maintains several of the deficiencies outlined in comments on the Draft EIR by conservation groups, US Fish and Wildlife Service, California Department of Fish and Wildlife ("CDFW"), and the public.

A. Failure to Properly Disclose and Analyze Impacts to Biological Resources

The FEIR fails to adequately disclose and analyze the Project itself, adjacent areas of biological importance, and impacts to biological resources. Importantly the FEIR continues to rely upon land held by the California Department of Fish and Wildlife in the San Jacinto Wildlife Area as a buffer for the development, instead of relying upon the Project area itself to mitigate for its impacts to biological resources. By representing the area to the south of the Project that is owned for conservation by CDFW as a buffer for the development the EIR fails to properly disclose the existing environmental conditions in the vicinity of the Project and disclose how the Project will impact those lands already set aside for permanent conservation in contravention of CEQA. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, 27 Cal. App. 4th 713, 722.)

Response 5:
The term, "CDFW Conservation Buffer Area", is used in the EIR to distinguish the 910-acre area from the remainder of the SJWA and other lands owned by the CDFW in Section 3.4.1 of the DEIR. The "CDFW Conservation Buffer Area" is owned by the State and refers to the fact that the State purchased the property to

incorporate into the SJWA and buffer the SJWA from development to the north as: "The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as they will serve as a buffer from development north of the WLA and adds significant wildlife benefits to the WLA." [emphasis added, citation from Wildlife Conservation Board Meeting Meetings, May 18, 2001, page 56]. Section 3.4 of the FEIR analyzes the impacts of the proposed project within the project boundaries, including the CDFW Conservation Buffer Area, and the beyond the project boundaries.

Comment 6:
The FEIR also fails to adequately analyze, and disclose impacts of the wastewater detention basins placed into the 250 foot buffer zone adjacent to the San Jacinto Wildlife Area. These wastewater flood control basins are proposed as equivalent or superior to existing riparian resources under the DBESP. However, flood basins require maintenance such as mowing or dredging that could preclude replacement of the riparian values proposed in the DBESP. The basins may also inhibit sediment flow and de-water rare alkaline resources at the San Jacinto Wildlife Area.

Response 6:
As stated in Section 4.9.6.3, page 4.9-56 of the FEIR the project will comply with the Water Quality Management Plan for the Santa Ana Region of Riverside County (approved by the Santa Ana Regional Water Quality Control Board October 22, 2012), which requires the use of Low Impact Development (LID) Best Management Practices (BMPs) that maximize infiltration, harvest and use, evapotranspiration and/or bio-treatment. Flows from the project will be treated first by LID BMPs where the flow will be infiltrated, evapotranspired, or treated. As required by Mitigation Measure 4.9.6.1A, the treated flows will then be reduced to below or equal to pre-development conditions by routing the on-site storm water flows through a series of on-site detention and infiltration basins before flows are released off site. These basins will provide incidental infiltration and secondary treatment downstream of the LID BMPs. All runoff from the site will be treated by LID BMPs and then routed through the detention and infiltration basins before it leaves the project area and into Mystic Lake and the San Jacinto Wildlife Area. The project will comply with the Nutrient TMDL for Lake Elsinore and Canyon Lake by implementing LID-based BMPs.

Mitigation Measures 4.9.6.3A and 4.9.6.3B in the FEIR, treatment BMPs consisting of infiltration, bioretention and low impact development will be implemented. The Water Quality Management Plan complies with the NPDES and TMDL requirements and the project will direct runoff from impervious surfaces into bioretention facilities before the flow is routed to the infiltration/detention basins. The bioretention areas consist of landscaped areas that provide treatment and infiltration. Bioretention facilities will treat the runoff by infiltration, filtration through the soil media, and evapotranspiration. The detention/infiltration basins will provide additional treatment and infiltration after the flow is treated by the bioretention facilities. Note that the detention basins are not being designed as "detention basins with some infiltration capacity", but are being designed as infiltration basins and detention basins. As noted, the water will be treated by bioretention facilities first as the primary means of treatment, and that the infiltration basins provide an additional level of treatment beyond what is required by the NPDES permit.

Since this is a programmatic EIR, it will ultimately be up to the resource agencies to determine the actual habitat value of basins planned for actual future development. However, it is anticipated each basin will have a forebay that would be engineered and regularly maintained, plus a central area for detention and infiltration which would have a maintained low flow channel but otherwise it would be sized and designed to allow habitat as well as detention/infiltration which connects to an engineered and maintained outlet. Mitigation Measures 4.4.6.1A and B (buffer/basin design), 4.4.6.3A-C (permitting), 4.4.6.4F-K (basin management process) outline various basin design and management requirements for future development.

Comment 7:
The FEIR also fails to analyze the impacts of relocation of sensitive wildlife species into the 250 buffer zone that is also proposed for wastewater detention basins or analyze the potential conflicts that the multiple uses might pose. For example, transporting burrowing owls and the Los Angeles Pocket Mouse ("LAPM") to the same location that also includes wastewater management poses conflicts between the mitigation features, including inter-species conflicts because burrowing owls may prey on LAPM. Moreover, the 250 foot buffer does not provide a sufficient spatial area to accommodate all of these mitigation uses.

The FEIR fails to adequately analyze the impacts to sensitive species, such as the burrowing owl and LAPM. As noted in previous comments the EIR fails to adequately disclose and analyze impacts to burrowing owl. The FEIR also fails to adequately analyze impacts to LAPM because the biological surveys purport to capture similar species, such as long tailed pocket mice and desert pocket mice even though the range of those species does not include the project area. The FEIR must disclose the survey results for those species in order to determine whether the EIR provides the substantial evidence required to demonstrate that the species captured were not LAPM, which is a protected species under the MSHCP.

Response 7:
First, the two species already share habitat, and the habitat and potential impacts to both species are described in FEIR Volume 3, Revised Draft EIR, Section 4.4.6.4. More importantly, relocation efforts are not limited to the 250-foot buffer. As Mitigation Measure 4.4.6.4D states, "If suitable habitat is not present in Planning Area 30, owls may be relocated to the SJWA, the 250-foot buffer area or other suitable on-site or off-site areas." As stated in the mitigation measure, CDFW is required to approve all relocation plans and will be able to determine if any species conflict exists.

The FEIR contains a complete analysis of the LAPM. Multiple surveys were carried out as described at FEIR p. 4.4-93 and Appendix E. There is no basis for the contention that surveys misidentified the various mouse species. Likewise, the FEIR contains an analysis of the impacts on the burrowing owl (FEIR p. 4.4-94 and Appendix E). The comment does not identify any inadequacy in the surveys.

Comment 8:
The FEIR fails to disclose impacts to wildlife corridors or analyze conflicts between the MSHCP's requirements for wildlife corridors. The Project has the potential to impact wildlife movement between the San Timoteo Badlands, the San Jacinto Wildlife Area, Core H of the MSHCP, and Lake Perris. The Project, including building developments, road construction, and traffic, creates an obstruction to wildlife movement between these regionally important wildlife areas. The EIR also fails to adequately describe how the existing drainage 9 or mitigation to that drainage will impact potential wildlife movement. The EIR engages in a cursory dismissal of those impacts and fails to disclose the conflict with the MSHCP.

Response 8:
It should be noted that existing culverts beneath Gilman Springs Road on or near the WLC project site are often clogged with debris or sediment, which hinders their use for wildlife movement. Development of the WLC project, and eventual improvements to Gilman Springs Road, will improve drainage culverts along this portion of Gilman Springs Road and facilitate improved wildlife movement. FEIR Section 4.4.1.14.g identifies the reasons why the project will not have significant impacts on wildlife movement. Further analysis describing why the project area does not serve as a meaningful wildlife corridor is contained in the analysis found in FEIR Section 4.4.5.2. Existing site conditions, such as the presence of SR-60 to the north and the active agricultural uses of property limit the ability of wildlife to use the project area as a corridor.

The statement that wildlife movement in connection to drainage 9 is not adequately addressed is incorrect. The FEIR (p. 4.4-75) states, "In addition, although not required, Drainage 9 is being designed to allow for wildlife movement between the Badlands and the SJWA (e.g., relatively natural channel conditions with 50-foot setbacks on either side of the channel through the WLCSP property). These project design features will

maintain a wildlife travel path along Drainage 9. Therefore, impacts related to wildlife movement are less than significant, and no mitigation is needed."

Comment 9:
As summarized by the US Fish and Wildlife Service and CDFW, who are implementing agencies on the MSHCP, the FEIR fails to conform with the MSHCP:

We cannot concur with the conclusion in the DBESP until questions regarding site hydrology, assessment of riparian/riverine resources, the presence of Los Angeles pocket mouse and redirection of wildlife movement around the site are resolved and a strategy [that] is equivalent or superior to avoidance has been identified.

(FEIR App. E-16, Comment 12.) The deficiencies in the FEIR must be addressed before final consideration of the Project.

Response 9:
The commenter misrepresents the comment and does not show the original response. The agencies are discussing the DBESP process, which continue throughout the development. Below is the full comment and response:

> Comment 12
> We would also like to discuss the results of the Los Angeles Pocket mouse surveys, and as stated above, request copies of the latest survey reports. Prior to completion of the DBESP process, we request a hydrology report that addresses existing flows to the rare alkaline plant community on the SJWA and expected changes in those flows in the presence of the proposed basins at the southern edge of the project. We cannot concur with the conclusion in the DBESP until our questions regarding site hydrology, the assessment of riparian/ riverine resources, the presence of Los Angeles pocket mouse and redirection of wildlife movement around the site are resolved and a strategy the is equivalent or superior to avoidance has been identified.
>
> Response:
> The requested focused survey reports will be provided to the Agencies. In connection with project-specific applications, additional LAPM surveys will be prepared and processed.
> A program-level Hydrology Report (September 2014 CMH2Hill) was prepared as part of the Specific Plan. Wildlife Agencies will be provided a site-specific project Hydrology Report when site-specific projects are proposed. The project is required to maintain the same amount of flows off-site after construction that currently occur pre-construction. In addition, the accumulated run-off from the impermeable surface of the project site will provide more available moisture that will be contained within the detention basins, which will then percolate and contribute to the sub-surface flows.

Comment 10:
i. The FEIR fails to adequately analyze biological impacts on riparian/riverine features and jurisdictional waterways

The FEIR fails to properly analyze the impacts to biological resources by failing to properly disclose riparian/riverine and hydrological features. The failure to properly disclose the impacts to several hydrological features also prevents the FEIR from properly conforming to the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"), including the failure to perform an adequate Determination of Biologically Equivalent or Superior Preservation ("DBESP") as required by the MSHCP. Failure to properly disclose the riparian/riverine and hydrological features is a necessary predicate to determining avoidance and mitigation measures that are necessary through both the programmatic and project level DBESP analysis.

The failure of the EIR to properly disclose and analyze the impacts to riparian/riverine features prohibits the Project's compliance with the Western Riverside County MSHCP. The MSHCP requires a specific analysis for

riparian/riverine resources. (MSHCP Section 6.1.2). The MSHCP defines riparian/riverine areas as lands which contain habitat dominated by plants which occur close to or which depend upon soil moisture from a nearby fresh water source, or areas with fresh water flow during all or a portion of the year. (MSHCP Section 6.1.2.) The biological studies for the Project recognize that riparian/riverine features occur in drainage features 7, 8, 9, and 12, and 15. (FEIR at 1-37, 4.4-87). Because the Project will impact these resources a Determination of Biologically Equivalent or Superior Preservation ("DBESP") is required. (MSHCP Section 6.1.2). A DBESP analysis requires, at a minimum, a determination of whether avoidance is feasible, minimization measures for indirect impacts, mitigation that would fully offset any impacts, and a determination that mitigation proposed is biologically equivalent or superior. (MSHCP Section 6.1.2).

Response 10:
The FEIR contains a complete analysis of riparian/riverine features and necessary mitigation measures that can be found at FEIR Section 4.4.1.14.e, 4.4.3.5, and 4.4.6.3. The comment does not state how analysis failed to properly disclose impacts to riparian/riverine features. A programmatic DBESP has been prepared for the project (FEIR Appendix E-7) and Mitigation Measure 4.4.6.3B establishes the requirements for project-level DBESPs.

Comment 11:
However, the FEIR fails to conduct the analysis of riparian/riverine features and DBESP analysis required by the MSHCP. Instead, the EIR only conducts a programmatic DBESP and defers a full analysis of the Project's impacts on riparian/riverine features and a project-based DBESP analysis until the future. (FEIR at 4.4-87, 4.4-92.) As we stated previously, the applicant incorrectly conducted a programmatic EIR despite this proposed development clearly being one project. (See Section II above.) The programmatic DBESP analysis is also improper as it segments much of the Project's impacts into smaller phases that will improperly mask the cumulative impacts of the Project. It further defers much of the analysis and mitigation to a later phase in contravention of CEQA. For example, the FEIR states that "impacts will be mitigated through a combination of riparian habitat creation on-site, creation of riparian habitat off-site, and/or purchase of credits at an approved mitigation bank." Appendix E-7 DBESP Analysis at 27, 31, 40 ("Project-specific mitigation measures have not been created nor approved because a program level document cannot provide that level of specificity.") In order for a programmatic analysis to be functional it must provide enough information to demonstrate that the mitigation strategy is equivalent or superior to avoidance, but the vague and deferred nature of the DBESP precludes this information from being disclosed to the public or decisionmakers. A more defined DBESP is needed to conform to the MSHCP and CEQA's requirements for analysis and mitigation of impacts.

Response 11:
See response to Comment 4 above regarding the programmatic nature of the environmental review.

The FEIR conducts a cumulative analysis of the project impacts (FEIR Section 4.4.7), an analysis that will be updated with subsequent environmental review necessary for project-level approval. The mitigation measures identify clear performance measures necessary to mitigate impacts. At this time, the size, location, or number of buildings are unknown. Until project-level details are known, it is not possible to determine the specific mitigation method that will be used. The performance standards that are set forth in the FEIR ensure future mitigation, while considering a programmatic environmental review.

Comment 12:
The FEIR contradicts itself in discussions regarding whether riparian habitats exist in the Project area. In analyzing consistency with applicable local General Plan Policies the FEIR states "[t]here is no riparian habitat within the Specific Plan area." (FEIR Vol. 1 (Response to Comments) at 442.) However, the FEIR itself contradicts this statement in finding that five drainage features (Drainages 7, 8, 9, 12 and 15) were determined to be riparian/riverine under MSHCP guidelines and waters of the state subject to CDFW and RWQCB jurisdiction under Section 1600 of the Fish and Game Code and Porter Cologne Act. (FEIR at 4.4-59, 4.4-90; FEIR Vol. 1 (Response to Comments) at 438.)

Additionally, the FEIR claims that Drainage feature 14 contains "no native riparian habitat." (FEIR at 4.4-90.) However, this is contradicted by other portions of the FEIR and the biological surveys for the project from the DEIR, which indicated that the native habitat of "southern willow scrub" occupied 0.86 acres of drainage feature 14 and provides habitat for least Bell's vireo, and southwestern willow flycatcher. (FEIR at 4.4-14, 4.4-45; see also DEIR App. E at 54, 120; but see FEIR App. E at 67 (omitting size of southern willow scrub and dismissing habitat ability to support sensitive bird species without explaining discrepancy between this and previous study). Attempts to dismiss the riparian areas in the text of the FEIR by asserting that it does not provide suitable habitat for riparian/riverine planning species, when other portions of the FEIR and studies for the DEIR acknowledge that the area contains habitat that could be used by native wildlife runs contrary to CEQA.

The FEIR also attempts to dismiss the impacts to this riparian habitat by citing to a portion of the MSHCP, which purports to minimize the requirements to analyze impacts to riparian/riverine resources that are artificially created. (FEIR Vol. 1 (Response to Comments) at 442.) However, this does not minimize the requirement to disclose, analyze, and mitigate impacts to sensitive habitat and wildlife as required under CEQA. The FEIR goes further in masking the conflict with applicable plans by claiming that the riparian areas containing riverside sage scrub, southern willow scrub, and mule fat scrub are not natural drainage courses requiring preservation under mitigation under the Moreno Valley General Plan Policy 7.4.3. The EIR's failure to adequately disclose and analyze the Project's impacts to riparian features conflicts with and prevents a proper analysis of impacts and mitigation for the regional MSHCP and local plans.

Response 12:
The comment answers its own question be recognizing that there is a difference between riparian/riverine features and riparian/riverine habitat as defined in the MSHCP guidelines. Nonetheless, the FEIR is through in its discussion of both as discussed in RTC F-1-19 and F-1-20.

The FEIR does not dismiss the riparian/riverine areas and conducts a full analysis (FEIR, Section 4.4.6.3). It does distinguish between riparian/riverine features and habitat. The FEIR also identifies mitigation for any potential impacts, "Drainage Feature 7, 8, 9, 12, and 15 within the WLC project are considered riparian/riverine areas, as defined by MSHCP. If impacts to any of these areas cannot be avoided, a DBESP report and relevant mitigation will be required by the RCA. (FEIR p. 4.4-90)". Mitigation measures 4.4.6.3A, 4.4.6.3B, and 4.4.6.3C identify the necessary steps to reduce project impacts. Since the size, location, and number of buildings are not currently known, it is not possible to know to what degree these features can be avoided. To that end, the mitigation measure incorporate performance measures to ensure they are successful.

Additionally, the FEIR at p. 4.4-87 addresses the potential impact on least Bell's vireo and southwestern willow flycatcher, finding no impact: "The project area does not contain habitat suitable for covered riparian species, such as least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo."

Comment 13:
Finally, the FEIR fails to and must fully disclose and analyze the biological impacts to this jurisdictional waterway and discuss the potential alternatives and mitigation measures for this impact prior to project approval. Several drainage features, including drainage features 7, 8, 9, 12 and 15, are subject to the jurisdiction of the CDFW and Regional Water Quality Control Board ("RWQCB"), but site specific jurisdictional delineations, evaluations of impacts, and proposed mitigation measures are deferred. (FEIR at 4.4-90). Drainage features 12 and 15 are subject to the jurisdiction of the U.S. Army Corps of Engineers ("USACE"). (FEIR at 4.4-63.) Based on our previous comments to the DEIR, the FEIR now includes that a qualified biologist will prepare a jurisdictional delineation for any drainage channels affected by the project on and off-site. (FEIR at 4.4-91, 4.4-92.) The FEIR states that this JD will be submitted to USACE and CDFW for concurrence, and that consultation with RWQCB and CDFW may still need to be required for these permits. (Id.) This measure still fails to meet the CEQA requirement to analyze and mitigate impacts to jurisdictional waterways and associated biological and hydrological resources, especially given that it already acknowledges

that several drainages are under the jurisdiction of USACE, CDFW, and RWQCB. (FEIR at 4.4-90; CEQA Guidelines §§ 15126.2, 15126.4; Pub. Res. Code § 21081.6(b).)

Response 13:
Since the size, location, and number of buildings are not currently known, it is not possible to know to what degree these features can be avoided. To that end, the mitigation measure incorporate performance measures to ensure they are successful. Mitigation measures 4.4.6.3A, 4.4.6.3B, and 4.4.6.3C identify the necessary steps to reduce project impacts.

Comment 14:
B. Failure to Adopt Feasible Mitigation Measures and Deferral of Mitigation

The EIR's attempt to rely upon a programmatic analysis of the specific plan leads to an improperly vague deferral of mitigation measures. The FEIR states that "impacts will be mitigated through a combination of riparian habitat creation on-site, creation of riparian habitat off-site, and/or purchase of credits at an approved mitigation bank." (FEIR App. E-7 DBESP Analysis at 27, 31, 40 ("Project-specific mitigation measures have not been created nor approved because a program level document cannot provide that level of specificity.")) However, this fails to provide the level of detail required to determine whether the EIR will meet the standards for biologically or superior equivalence as required by the MSHCP and the EIR's commitment to those standards to mitigate impacts to biological resources.

Response 14:
The mitigation measures are not vague; the measures specifically outline what is required to mitigate project-level impacts. Any project-level mitigation will also be subject to subsequent environmental review. Ultimately, it will be the resource agencies that will determine if the project-level mitigation meets the standards established in the mitigation measure and any additional requirements that the resource agency has.

Comment 15:
The FEIR improperly rejects several specific mitigation measures proposed by the US Fish and Wildlife Service and CDFW. The FEIR fails to adopt feasible mitigation for the realignment of drainage 9 without any substantial evidence ("realignment of the entire drainage from Gilman Springs Road to the habitat associated with the SJWA is not feasible.") (FEIR App. E-16, Response to Comment 10.) The lead agency cannot simply dismiss CEQA's substantive mandate to mitigate impacts with conclusory statements. The EIR also rejects fencing along Gilman Springs Road in order to address the impacts from the Project on wildlife movement due to obstructions and increased traffic. (FEIR App. E-16, Response to Comment 4.) The FEIR asserts that it cannot coordinate with the County of Riverside on fencing the area northeast of Gilman Springs Road because the Project owner is not the owner of that property. However, there is no evidence that the project proponent or lead agency even approached the County about implementing such a mitigation measure. This mitigation measure would also be a proper subject for any annexation proceedings that are necessary for the Project.

Response 15:
The response to US Fish and Wildlife Service and CDFW does not simply dismiss suggested mitigation. Instead, it offers a clear explanation as to why it is unnecessary, "There is also a secondary crossing (4 foot x 4 foot) further to the south that also conveys flows to Drainage 9. These box culverts meet the minimum requirements to provide wildlife movement for the target species as discussed in the MSHCP (mountain lion). The box culverts feed directly into Drainage 9 and no realignment of the drainage is required. (FEIR App. E-16, Response to Comment 10)".

With regard to the fencing of the area northeast of Gilman Springs Road, mitigation measures that are outside the jurisdiction of the City of Moreno Valley are infeasible since the City has no ability to control the timing or manner of implementation or even if such mitigation measures would be implemented at all.

Comment 16:
The EIR also fails to adopt feasible mitigation measures to reduce the Project's impacts to special status species, such as the burrowing owl. The US Fish and Wildlife Service and CDFW requested that a relocation plan be developed for any burrowing owls that may be found on the project site because burrowing owls have been found on the project site in the past. (FEIR App. E-16, Comment 4.) However, the EIR takes the legally untenable position that the FEIR and specific plan are "not a vehicle to establish/enforce environmental mitigations nor does the City of Moreno Valley… place conditions on th[ese] documents." (FEIR App. E-16, Response to Comment 4.) This clearly misinterprets CEQA's requirements that mitigation measures be concrete and enforceable.

Response 16:
The comment misrepresents the response contained in FEIR Appendix E-16. The comment does not say the "FEIR and Specific Plan" as the Specific Plan is a planning document and not the vehicle for mitigation. The comment then goes on to say to discuss the requirements of the MSCHP Consistency Analysis and mitigation measures contained within the FEIR. The response concludes by stating that the mitigation CDFW is seeking (burrowing owl relocation plan) is already required by the MSCHP Consistency Analysis and is included as Mitigation Measure MM Bio-6g.

Comment 17:
IV. THE FEIR'S GREENHOUSE GAS EMISSIONS ANALYSIS IS INADEQUATE AND INCOMPLETE

The FEIR's analysis of the Project's greenhouse gas ("GHG") emissions is woefully inadequate and is misleading to the public and decisionmakers about the true scope of the Project's GHG emissions. (See FEIR Sec. 4.7.) The FEIR fails to take into account all potential sources of GHG emissions from the Project and then ignores large emission sources when completing the FEIR's significance analysis. Most troublingly, the FEIR refuses to take responsibility for and minimize a large portion of the Project's GHG emissions. (FEIR at 4.7-40-49.) This approach violates CEQA requirement that an EIR fully analyze and attempt to mitigate all significant direct and indirect impacts of a project. (CEQA Guidelines § 15126.2; Pub. Res. Code § 21002.) The FEIR, however, fails to adopt all feasible mitigation measures to address all of the Project's tremendous GHG emissions and instead addresses only a small fraction of the Project's overall GHG emissions with meager and insufficient mitigation measures. (Compare 19,237 metric tons ("mt") of CO2 with 490,010 mt of CO2; FEIR 4.7-40.) Therefore, the FEIR's significance analysis and mitigation measures for the Project's anticipated GHG emissions are inadequate under CEQA. The FEIR should be revised to comply with CEQA and recirculated to the public and decisionmakers.

Response 17:
The comment does not state what GHG emissions are being ignored. The FEIR addresses all sources of GHG emissions and adopts all necessary mitigation to reduce impacts to a less than significant level, see FEIR Section 4.7.

Comment 18:
Action to address climate change becomes ever more urgent with each passing day. The National Oceanic and Atmospheric Administration ("NOAA") and National Aeronautics and Space Administration ("NASA") confirmed that 2014 was the hottest year ever recorded. (NASA 2015.) In the National Climate Assessment released by the U.S. Global Change Research Program, experts make clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014.) Indeed, humanity is rapidly consuming the remaining "carbon budget" necessary to preserve a likely chance of holding the average global temperature increase to only 2°C above pre-industrial levels. According to the Intergovernmental Panel on Climate Change, when non-CO2 forcings are taken into account, total cumulative future anthropogenic emissions of CO2 must remain below about 1,000 gigatonnes (Gt) to achieve this goal.1 Some leading scientists—characterizing the effects of even a 2°C increase in average global temperature as "disastrous"—have prescribed a far more stringent carbon budget for coming decades. (Hansen 2013.) Climate change will affect California's climate,

resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability, as we detail below.

In order to help stabilize the climate and avoid catastrophic impacts to our environment, the California legislature and Governor Brown have taken important steps. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.2

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

- *Increase electricity derived from renewable sources to 50 percent;*
- *Reduce today's petroleum use in cars and trucks by 50 percent;*
- *Double the efficiency of existing buildings and make heating fuels cleaner.*

(Brown 2015 Address.) Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, CEQA requires that an EIR consider both direct and indirect impacts of a project and fully disclose those impacts to adequately inform the public and decisionmakers. (CEQA Guidelines, § 15064.) Here, the FEIR failed to meet this requirement.

Response 18:
The FEIR analyzed both direct and indirect sources of GHGs, see FEIR Volume 3 Section 4.7.

Comment 19:
A. The FEIR Significance Analysis of the Project's GHG Emissions Should Take into Account All GHG Emissions from the Project

At full build out the Project is anticipated to emit 415,991 mt of CO2 without mitigation measures. (FEIR Air Quality, Greenhouse Gas, and Health Risk Assessment Report: 294 [hereinafter "HRA Report"].) However, when analyzing the significance of the Project's GHG emissions and considering potential mitigation, the FEIR looked only at portion of these emissions. Specifically, the FEIR examines the significance and potential mitigation of only 19,237 mt of CO2. The FEIR justifies ignoring the remaining 396,754 mt of emissions by arguing these emissions are independently covered by AB 32's Cap and Trade Program. (FEIR HRA Report at 284-5.) Emissions disregarded by the FEIR are the vast majority of the emissions resulting from the Project, including mobile, electricity, construction fuel, yard trucks, electricity to convey water, generator, forklifts used on the site. (FEIR HRA Report at 294.) Instead, the FEIR focuses on so-called uncapped emissions which include waste, land use change, refrigerants that result in 19,237 mt of emissions. (FEIR, App, D at 284-5.) This approach allows the FEIR to focus only on approximately 21% of the Project's GHG emissions and conclude the Project with only a few mitigation measures will result in no significant impacts. This approach is flawed, misleading and violates CEQA.

The FEIR justifies its significance threshold and analysis by citing to San Joaquin Valley Air Pollution Control District's and South Coast Air Quality Management District's use of a similar approach when they were acting as lead agencies on other projects. (FEIR at 4.7-41.) However, while the significance threshold and analysis may have been based in part of existing thresholds, compliance with the law is not enough to make a finding of less than significant under CEQA. (See Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107.) Instead "the EIR's discussion of impacts must "provide[] sufficient information and analysis to allow the public to discern the basis for the agency's impact findings. Thus the EIR should set forth specific data, as needed to meaningfully assess whether the proposed activities would result in significant impacts." (Sierra Club v. Tahoe Reg'l Planning Agency (2013) 916 F. Supp. 2d 1098, 1146-1147 (Sierra Club).) The FEIR fails to meet this CEQA requirement and instead leaves the public and decisionmakers uncertain on the Project's true environmental impacts and avoid necessary steps to reduce those impacts.

The FEIR anticipates emissions for the Project as far as 2030 and at full build out of the Project beyond. However, AB 32 Cap and Trade program currently runs only until 2020. (See http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm.) Currently, there are no provisions for the Cap and Trade program to extend beyond 2020 and the scope of the program beyond 2020 is uncertain. Nonetheless, the FEIR relies on AB 32's Cap and Trade Program to fully minimize and mitigate nearly 400,000 mt of CO2 emissions at full build out of the Project. This reliance by the FEIR is without any evidentiary basis and should either be removed or substantially revised.

Response 19:
The FEIR appropriately relies on AB32 and the Cap and Trade program to address greenhouse gases. The commenter claims that there is no provision for AB32 to extend beyond 2020. This is incorrect. AB32 states the following at Section 38551: "(a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed. (b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020."

Through the Cap and Trade program, the State has created a pool of allowable carbon emissions from select emission source sectors (e.g., fuels and energy). The size of the pool of allowable carbon emissions (known as allowances) is set by the State and is independent of the need of any project. To the degree that user of carbon emissions reduces demand, other users of carbon emissions can use up the available capacity. Since price of the allowances is determined by demand, any reduction in demand will not mean fewer emissions (which set by the establishment of the available pool by the State), it will mean lower prices for the remaining users of carbon emissions. In this manner, users that can reduce their need for allowances at a lower cost than the market price for an allowance will do so, resulting in the reduction of carbon emissions to the level established by the State at the lowest possible cost. Other carbon users will then be able to purchase the remaining allowances due to reduced demand and price resulting in no change in carbon emissions. Only the State can adjust the cap and modify the State's long-term reduction goal.

Executive Order B-30-15 orders a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030. Senate Bill (SB) 32, now under consideration in the assembly, amends AB32 to achieve greater emission reductions and would require that GHG emissions in California be reduced 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

To reduce GHG emissions to those levels, a cap-and-trade program beyond 2020 would be necessary. Resolution 13-44 dated October 25, 2013 (Amendments to the California Cap-and-Trade regulation) states the following: "WHEREAS, the draft update to the AB 32 Scoping Plan recommends the development of post-2020 emissions reduction targets, and that sending a signal that Cap-and-Trade will continue beyond 2020 is critical to fully realizing the benefits of the program…BE IT FURTHER RESOLVED that pursuant to the draft update to the AB 32 Scoping Plan, the Board directs the Executive Officer to develop a plan for a post-2020

Cap-and-Trade Program, including cost containment, before the beginning of its third compliance period to provide market certainty and address a potential 2030 emissions target."
(www.arb.ca.gov/cc/capandtrade/resolution13-44.pdf)

The following excerpts are from the First Update to the Scoping Plan (California Air Resources Board, 2014, www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm).

> Together, LCFS [Low Carbon Fuel Standard] and Cap-and-Trade provide a structure to ensure that necessary emission reductions are achieved and provide an effective market signal to accelerate innovation and development of cleaner fuels. Continuing these policies beyond 2020 will ensure that fuel carbon intensity continues to decline and that low-carbon alternatives to petroleum are available in sufficient quantities in the long term.
>
> …The Cap-and-Trade Program is a vital component in achieving both California's near-and longterm GHG emissions targets. California's Cap-and-Trade Regulation is purposely designed to leverage the power of the market in pursuit of an environmental goal. It opens the door for major investment in emission-reducing technologies and sends a clear economic signal that these investments will be rewarded. The Cap-and-Trade Regulation establishes a hard and declining cap on approximately 85 percent of total statewide GHG emissions.
>
> …Sending the market a signal that the Cap-and-Trade Program will continue in the long-term is critical to fully realizing the benefits of the program. Continuing the program and establishing an emission cap beyond 2020 will also reduce the costs of the program as California industry and households make long-term capital and investment decisions.

Because of the policies put in place by the State of California, the FEIR appropriately takes responsibility for those emissions over which it has direct control (uncapped emissions not part of the State's Cap and Trade program), but not the emissions for which the State has already set an aggregate cap which WLC project has no ability to influence. These issues are fully described in the FEIR Volume 3, Revised Draft EIR, Section 4.7.

Comment 20:
The FEIR also fails to adequately explain how it categorizes certain categories as capped and others as uncapped. For example, the FEIR fails to take into account vehicles miles traveled into its GHG significance analysis or adoption of mitigation measures. (FEIR at 4.7-47-48.) The FEIR acknowledges that vehicles miles traveled is the Project's biggest contributor to GHG emissions but disregards it completely when discussing the significance of the Project's impacts. The FEIR justifies this determination by citing to SJVAPCD determination in an independent and unrelated context. The FEIR must include a clear description of the Project's impacts and provide a detailed explanation of its analysis of those impacts. (Sierra Club, supra, 916 F. Supp. 2d at 1146-47.) Simply citing to other regulatory approaches in the state is insufficient. The FEIR explanation of other "capped" sectors is similarly vague and inadequate. The FEIR should further explain its classification of "capped" and "uncapped" sectors and recirculate a revised GHG analysis.

Response 20:
Both the FEIR and Air Quality, Greenhouse Gas, and Health Risk Assessment Report, Appendix (Appendix D), both describe how the FEIR differentiates between capped and uncapped emissions. Section 3.4.3 of the Appendix D states the following:

> "In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. "Capped" strategies are subject to the proposed cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the cap-and trade program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. "Uncapped" strategies that will not be subject to the cap-

and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional greenhouse gas emission reductions."

Tables identifying the capped and uncapped emissions, consistent with the Cap and Trade program, are found through Section 4.7 of the FEIR and Appendix D.

The comment contends that the FEIR does not take into account vehicle miles traveled (VMT) into its GHG analysis. First, VMT does not generate GHGs, the combustion of fuel does. The FEIR estimates the GHGs produced from transportation fuels based upon VMT. So, in an indirect way the analysis does take into account VMT in its GHG analysis. Since the GHGs result from fuel combustion, that source of GHGs fall within the transportation fuel/mobile source category that is part of CARB's capped emissions under AB32. Mobile sources, with all other GHG sources, can be found in Table 4.7.J in FEIR Section 4.7.

Comment 21:
As noted above, the goal of AB 32 is to reduce California greenhouse gas emissions to 1990 levels by 2020. (Health & Saf. Code § 38550.) Recent science, however, indicates that far steeper reductions are necessary to avoid the most significant impacts of climate change. Even to stabilize atmospheric CO2 concentrations at 450 parts per million ("ppm") and limit global average temperature increases to 2°C—a level at which devastating effects may still occur—industrialized countries will have to reduce emissions by 25-40% below 1990 levels by 2020. Many scientists believe that avoiding the worst impacts of climate change will require reducing the concentration of CO2 in the atmosphere to 350 ppm or below, which will require even steeper and more rapid reductions. The FEIR must analyze the cumulative significance of the Project's emissions in light of reductions needed to avoid contributing to these physical impacts, not just measure them against the AB 32 Scoping Plan, regional significance thresholds and the state's renewable generation goals. This was further emphasized in the Scoping Plan itself which emphasized the steep reductions in GHG emissions that must occur after 2020 to stabilize the climate. (2008 Scoping Plan at 33; see also Climate Change Scoping Plan 2014 Update.) The FEIR cannot rely on AB 32 Cap and Trade Program to avoid its own obligation to fully analyze and mitigate all of the Project's GHG emissions.

B. The FEIR Fails to Consider Mitigation Measures and Alternative to Minimize All Sources of GHG Emissions from the Project

Mitigation of a project's environmental impacts is one of the "most important" functions of CEQA. (Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41.) 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.) Here however, the FEIR adopts only a few mitigation measures, all of which are inadequate to address the Project's massive GHG emissions. (FEIR at 4.7-48.)

Additionally, to comply with CEQA, mitigation measures must be "fully enforceable through permit conditions, agreements, or other legally-binding instruments." (CEQA Guidelines § 15126.4(a)(2).) The measures must be "incorporated into the project or required as a condition of project approval in such a way that [would] ensure their implementation." (Fed'n of Hillside and Canyon Assoc. v. City of Los Angeles, (2000) 83 Cal. App. 4th 1252, 1262 (Federation).) CEQA also requires the adoption of all feasible mitigation measures that would reduce the environmental impacts of a project. (Pub. Res. Code § 21002; CEQA Guidelines § 15126.4(c); City of Marina v. Bd. of Trs. of the Cal. State University (2006) 39 Cal.4th 341, 369-70.)

Although the Project includes a curtailed list of measures directed at reducing emissions and promoting sustainability, these strategies are severely limited and do not include many feasible mitigation measures. (FEIR at 4.7-47.) The meager steps incorporated into the Project includes no enforcement mechanisms and leaves many feasible mitigation measures out completely. (FEIR at 4.7-48.) The mitigation measures are often vague with no specific quantities or binding obligations. (Id.) The FEIR justifies this approach in part by stating that it must mitigate only uncapped emissions resulting from the Project. (FEIR at 4.7-47-49.) However, as

noted above, this approach is flawed and without evidentiary or legal support. The FEIR cannot simply ignore 80% of the Project's GHG emissions and their resulting environmental impacts when adopting mitigation measures. The FEIR subsequent conclusion that its limited mitigation measures will ensure the Project's GHG emissions will have significant impacts is misleading. The Project will in fact do nothing to mitigate 396,754 mt of CO2 emissions resulting from the Project.

Available and feasible mitigation measures during construction and operation of the Project would lower the Project's overall GHG emissions and contribution to climate change. California Air Pollution Control Officers Association ("CAPCOA") has identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2010.) The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CA AG 2010.) These resources provide a rich and varied array of mitigation measures that should be incorporated into the revised Project.

For example, as it stands now, rooftop solar power is the most energy efficient, least-environmentally damaging form of renewable energy available for the Project and is ideal for the Project's location. The Project's current on-site renewable energy goals are, however, too modest in scope with only 5.2% of electricity from the Project coming from solar at the end of build out. (FEIR at 4.7-50.) The conservation group urges firm requirements that onsite renewable energy be used to meet at a minimum 30% of the Project's energy use and each subsequent 5 year period include growing reliance on onsite renewable energy to meet its energy demands. These renewable energy use targets should be required mandates to ensure the necessary measures are incorporate into future design plans for the Project. New construction, like this Project, has a unique opportunity to full embrace and incorporate the use of renewable energy in its design, construction and operation. Mitigation measures to reduce vehicle miles traveled, energy use, waste, water consumption, greater use of solar power, hybrid vehicles, LEED certification and others could also all lower the Project's impact on climate change. (CAPCOA 2010; CA AG 2010.)

The FEIR acknowledges that the Project will result nearly 400,000 mt of CO2 emissions but does little to fully analyze, minimize or mitigate the environmental impacts resulting from the Project's GHG emissions. The FEIR's GHG significance analysis and determination on what mitigation measures are necessary was flawed and raises serious concerns about the Project and its impacts on the region as well as the state. The FEIR's determination that with mitigation, the Project will result in no significant GHG emissions is grossly misleading to the public and decisionmakers and violates CEQA. We urge that the FEIR be revised and recirculated to address these concerns and ensure that the Project's substantial GHG emissions are clearly disclosed, adequately analyzed and fully mitigated.

Response 21:
The commenter is incorrect, the EIR does contain a number of mitigation measures that will significantly reduce GHG emissions from the WLC project, both during construction and operation. Mitigation Measure 4.7.6.1A deals with solid waste reduction, but the measures shown in Table 4.7.I in the FEIR would also reduce GHG emissions. These are as follows: MM 4.3.6.2A (Tier 4 construction equipment), MM 4.3.6.4A (bike lanes, rideshare program, bicycle storage, changing rooms, lockers for employees, pedestrian connections, parking for fuel efficient vehicles), MM 4.16.4.6.1A and 4.16.4.6.1B (LEED certification and other energy efficiency), MM 4.16.4.6.1C (onsite solar panels), MM 4.16.1.6.1A (outdoor water usage reduction), and MM 4.16.1.6.1B (interior water usage reduction). It should be noted the Mitigation Monitoring and Reporting Program (FEIR Volume 1) outlines how these measures will be implemented by future development within the WLC project. During the response to comment process on the Draft EIR, the sources of potential mitigation measures as suggested by the commenter (the CAPCOA report and those prepared by the California Attorney General) were assessed for feasibility (see FEIR Volume 1, Response to Comments, Letter F-1, Responses F-1-42 to F-1-53 (FEIR pages 450-455).

However, the greatest reduction for potential future GHG emissions is from vehicular fuel emission reductions through the State's Cap and Trade program. See Response 19 to this letter above and Section 4.7 in the FEIR for information regarding the Cap and Trade program.

Finally, the FEIR concludes that the construction and operation of the WLC will not have a significant GHG impact (see FEIR Section 4.7.7, pages 4.7-59 and 4.7-60).

Comment 22:
V. THE FEIR FAILS TO ESTABLISH AN ADEQUATE AND ACCURATE ENVIRONMENTAL BASELINE REGARDING WATER SUPPLY

The FEIR presents an improper environmental baseline regarding the availability of water resources in the region, alluding to the unreliability of water supply as well as current and likely future water scarcity in California while still relying on unsubstantiated and outdated assumptions. (Guidelines § 15125 (EIR must include description of physical environmental conditions in the vicinity of the Project at the time of the notice of preparation is published or at the time when environmental analysis is commenced).) This failure violates the EIR's fundamental purpose to serve as an informational document to inform decision-makers and the public of any significant adverse effects on the physical environment. (Guidelines §§ 15121, 15125; Neighbors for Smart Rail v. Exposition Metro (2013) 57 Cal.4th 439, 447 (Neighbors).) The FEIR discusses existing water supply conditions based on the Project's Water Supply Assessment, which relies on the 2010 Urban Water Management Plan ("UWMP") provided by the Eastern Municipal Water District ("EMWD") that is responsible for supplying water for the Project. (FEIR at 3-45; FEIR, App. M (Water Supply Assessment) at 19, 22-23 (hereinafter "WSA").) In turn, the UWMP relies in large part on the Metropolitan Water District ("MWD")'s 2010 Regional Urban Water Management Plan ("RUWMP"), since EMWD imports at least 65% of its water from MWD. (WSA at 5, 21.)

Specifically, in establishing water supply estimates in the 2010 RUWMP MWD "assumed a new Delta conveyance [i.e. Bay Delta Conservation Plan, or Twin Tunnels project] is fully operational by 2022 that would return supply reliability similar to 2005 condition." (2010 RUWMP at 2-16.) The draft BDCP and associated EIR/Environmental Impact Statement ("DEIS") was not released until almost two years after the notice of preparation for this EIR. (2013 Public Review Draft BDCP.) The BDCP has still yet to be approved as of the writing of this comment letter, and will not deliver additional water supply even if it is approved in 2015 since the tunnels will take at least 11-12 years to construct. (BDCP 2013 at 6-3; BDCP 2015.) Based on the reliance on this false assumption the FEIR overestimates the actual availability of water resources in the area, thwarting agencies' and the public's ability to evaluate whether Project impacts on these resources are significant. (Guidelines §§ 15121, 15125; Neighbors, supra, 57 Cal.4th at 447.) The FEIR must be revised in order to provide an accurate description of actual instead of theoretical environmental conditions regarding water supply for the Project. Additionally, the environmental baseline must be revised to incorporate significant new information regarding the ongoing drought crisis and future water scarcity due to climate change, which we discuss in the following section.

VI. THE FEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE IMPACTS ON WATER SUPPLY

The FEIR conducts an inadequate analysis replete with inconsistencies and contracting conclusions regarding water supply impacts that will result from the Project. Furthermore, the FEIR provides contradicting statements regarding mitigation measures are required to address Project water supply impacts, proposes unenforceable mitigation measures, and defers formulation of mitigation measures.
A. Failure to Properly Disclose and Analyze Impacts on Water Supply

A firm water supply is required for a project to gain approval. (Govt. Code § 66473.7; Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 432 (EIR must demonstrate a reasonable likelihood that a water source the provider plans to use will be available at least in substantial part to supply project's needs) (Vineyard); Santa Clarita Org. for Planning v. County of Los Angeles (2003) 106

Cal.App.4th 715, 723-24 (EIR's water supply impacts analysis cannot rely upon demonstrably illusory supplies).)

The Project will use approximately 1991 acre-feet of potable water per year mainly for landscape irrigation purposes. (FEIR App. M (Water Supply Assessment) at 19; FEIR at 4.16-19.) The WSA does not provide the specific water sources for the Project except that groundwater will not be used. (WSA at 9.) This quantity of water has been determined by the Project WSA to be within the limits of projected demand accounted for in the 2010 EMWD UWMP. (WSA at 19, 22-23.)
Based on this WSA the FEIR concludes that there is adequate, reliable water supply for this Project for industrial uses, and no significant water supply impacts regarding industrial uses will result from this Project and no mitigation measures will be required. (FEIR at 4.16-14; 4.16-20.) However, the FEIR acknowledges that potable water supply is unreliable and MWD is "engaged in planning processes that will identify solutions" to meet Project demands, and that Project impacts on regional water supplies may be significant and mitigation measures are required. (Id.) Similarly, although the FEIR states that water supply impacts will be less than significant with mitigation based on the EMWD water supply assessment, it also provides that "the supply of water imported from the State is not currently guaranteed, so there may be significant impacts related to long-term water supply." (FEIR at 1-85, 4.16-21 (emphasize added).)

The acknowledgment of the FEIR that there is no guaranteed supply of imported water is significant and concerning since the WSA states that EMWD imports 65% of its water supply through the MWD and is expected to satisfy future demands from the Project. (WSA at 5, 21.) In reality, EMWD imports 68% of water from MWD. (EMWD 2015c at 5.) Additionally, water supplies from MWD are even less reliable than the FEIR and WSA allude to for the following reasons that the FEIR fails to but must address.

First, in April 2015 MWD reduced its water delivery by 15% in light of the current drought, which amounts to a 300,000 AF reduction in deliveries to member agencies. (MWD 2015; see also MWD Water Cuts LA Times 2015.) The Water Shortage Contingency Plan ("WSCP") and the MWD 2010 RUWMP that the WSA relies on to conclude that EMWD will be able to meet projected demands under "a repeat of historic drought scenarios," (WSA at 21,) is inadequate to address unprecedented current and future drought situations. (2010 RUWMP at A.4-50-51 (incorporating drought planning based on 1991 & 1992 drought conditions).) Furthermore, in light of the Governor's drought executive order, the State Water Resources Control Board (SWRCB) has mandated that EMWD reduce water use by 28%, which EMWD has begun to implement by requiring a 50% reduction in outdoor irrigation within the district. (EMWD 2015b; EMWD 2015c.)

Additionally, the FEIR also fails to take into account the current as well as likely worse and extended drought conditions in the context of climate change in order to accurately assess Project impacts on water supply. Numerous studies have shown that southwestern United States, which includes California, is very likely in or will very likely enter a megadrought over the length of 10 years due to climate change. (Ault 2014; see also Rice 2014.) Additionally, there is an 80% chance that the Southwest will experience an unprecedented megadrought that would last more than three decades, between 2050 and 2099. (Cook 2015.) In the mean time, this region will experience additional droughts leading up to the megadrought. (Cook 2015.) A recent study regarding droughts in California concluded that anthropogenic climate change has resulted in and will continue to result in the co-occurrence of warm and dry periods in California, which in turn will exacerbate water shortages, groundwater overdraft, and species extinction. (Diffenbaugh 2015.)

EMWD's plan to supplement existing supplies at the local level to reduce Project impacts on water supply via developing additional local water resources and efficiency measures are also based unsubstantiated promises. (FEIR at 4.16-14 & 4.16-17-18; WSA at 7 & 8.) The Project proposes to use recycled water to meet its non-potable water demands, but EMWD has limited capability to produce recycled water, and future expansions of recycling water in the district is only theoretical or in planning stages. (FEIR at 4.16-18 (majority of irrigated landscaped areas within the Project will be designed to use recycled water "to the greatest extent possible when it becomes available"); but see WSA at 13, 22 ("recycled water may be available for the project" in the future.)

Furthermore, the FEIR anticipates that imported water supplies could be reduced on the condition that MWD's ability to deliver water is reduced, (FEIR at 4.16-18), but fails to take into account the fact that this condition has occurred where MWD has reduced deliveries to its member agencies by 15% due to the drought, and that the BDCP will not provide additional water for the Project at build out even if it is approved in the near future. (MWD 2015; see Section V above.) For these reasons, the FEIR fails to address and must be recirculated to adequately analyze Project impacts on water supply in light of on-the-ground drought and climate change conditions that have resulted in significantly less water supply to EMWD and therefore Project impacts on water supply. (CEQA Guidelines §§ 15088.5, 15121, 15125; Neighbors, supra, 57 Cal.4th at 447Laurel Heights Improvement Assn. v. Regents of University of California (1989) 6 Cal.4th 1112, 1136.

Response 22:
The FEIR fully analyzes the project's water supply demand, the available sources of water, impacts to the water supply, and discusses the basis of EWMD WSA. These discussions can be found detailed in FEIR Section 4.16. In Section 4.16, the FEIR establishes how changing demand will allow EWMD to meet projected "demand through 2035 even under a repeat of a worst drought scenario" (p. 4.16-15), how EWMD determined future demand (p. 4.16-16 – 4.16-17), considered the impact of climate change and drought (p. 4.16-17 – 4.16-18), how EWMD water demand planning has been based upon the General Plan and the Moreno Highlands Specific Plan that would use five times as much water as the WLC Specific Plan (p. 4.16-19), and how the estimated project water demand is current worst case scenario that may overestimate water demand by four times (p. 4.16-19). For all of these reasons, the assessment of water supply and the conclusion of no significant impact contained in the FEIR are sound (p. 4.16-21).

Comment 23:
B. Failure to Adopt Feasible Mitigation Measures and Deferral of Mitigation

The FEIR provides contradicting statements regarding whether mitigation measures for water supply impacts are required in order to reduce impacts on water supply to a less than significant level. Mitigation measures include the use of drought tolerant landscaping, "dry" cleaning equipment, a recirculation system of any outdoor feature, and use of reclaimed water for irrigation "if it becomes available." (FEIR, at 1-20; see also 4.16-20 & 4.16-21.) Yet the FEIR also provides that no water supply mitigation measures are necessary because EMWD will supply sufficient water to meet existing and future potable water demands (but only once planned groundwater storage improvement are completed). (FEIR at 1-83.)

The FEIR also improperly defers formulation of mitigation measures, to a later time when the development of specific plots is considered. This deferral of developing feasible and enforceable mitigation measures for additional water supply impacts frustrates informed decision-making and violates CEQA. (CEQA Guidelines § 15126.4(a)(1), (2).) The EIR's admission that the Project would result in significant water supply impacts required the adoption of all "feasible alternatives or mitigation measures available which would substantially lessen" these impacts. (Pub. Res. Code § 21002; CEQA Guidelines § 15021(a); Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 360.) Mitigation measures must be feasible and enforceable. (CEQA Guidelines § 15126.4(a)(1), (2); CEQA § 21081 (mitigation measures must be fully enforceable).) Similarly, the EIR must contain performance criteria upon which mitigation measures will be based. (CEQA Guidelines § 15126.4(a)(1)(B) (formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the Project and which may be accomplished in more than one specified way.); City of Long Beach v. Los Angeles Unified Sch. Dist. (2009) 176 Cal.App.4th 889, 915 ("Impermissible deferral of mitigation measures occur when the EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR."); Preserve Wild Santee v. City of Santee (2012) 210 Cal.App.4th 260, 281 (a performance standards (in this case draft habitat conservation plan for managing a preserve) can be relied on if it contains specific details including assurance that standards will be satisfied at a particular time and manner).)

Instead, the FEIR instructs that the developer "shall submit landscape plans that demonstrate compliance with the World Logistics Center Specific Plan" and state laws only prior to the approval of each individual grading permit for each plot, without providing any criteria for which to evaluate how these plans would be required to reduce Project impacts to less than significant levels. (FEIR at 1-85, 4.16-20.) Similarly, the FEIR provides that the applicant will only need to implement water-efficiency designs for each building "to the satisfaction of the Land Development Division/Public Works," (Id. at 1-86, 4.16-21) and wash down and all irrigation systems will use recycled water "if it comes available." (Id. at 1-87, 4.16-21.) None of these mitigation measures satisfy CEQA requirements to establish feasible, measurable, and enforceable mitigation measures at the EIR level. (Guidelines § 15126.4(a)(1)(B).)

Importantly, the WSA states the developer is required to meet with EMWD staff to develop a plan of service, and that the service plan could reduce the amount of water available for the Project through on-site improvements. (WSA at 22; FEIR at 3-45, 4.16-18.) However, since this service plan has not been prepared to date, the FEIR has improperly deferred the first step to establishing feasible, enforceable mitigation measures. (FEIR at 4.16-18.) Even if additional water supplies materialize, Project water supply will still be inadequate since the WSA and FEIR explicitly state that EMWD depends on MWD to supply water for future development as well as additional water during dry years, as discussed earlier. (FEIR at 4.16-16 ("the EMWD depends on Metropolitan to supply additional water during dry years") & 4.16-18 ("the majority of water for future development would be supplied by imported water from Metropolitan".) Furthermore, the FEIR has failed to assess the impacts of developing additional local water resources and efficiency measures. (Napa Citizens for Honest Government v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 373 (in light of uncertainty of Project water supplies, the EIR must analyze and disclose the environmental consequences of tapping other resources).

The FEIR also does not incorporate the mitigation measure of requiring gray water systems as promised by the WSA. (CEQA § 15126.4.) Although the WSA states that the Project may be conditioned to construct separate potable and recycled water systems, and to construct off-site recycle water facilities, this recommendation is not incorporated in FEIR (WSA at 22; FEIR at 4.16-20 & 21.) Even if the Project applicant decides to build indoor gray water systems, EMWD does not have capacity to produce sufficient recycled water to satisfy Project water demands given that the use of recycling systems will occur only if recycled water becomes available as stated above. (Id.) Furthermore, even if it becomes feasible using recycled water for irrigation will not be implemented prior to the activities, violating the CEQA requirement that mitigation measures should be implemented by the start of the Project. (POET, LLC v. State Air Resources Bd. (2013) 218 Cal.App.4th 681, 740 (agency improperly delayed implementing mitigation measures while project went forward.); see FEIR at 1-87, 4.16-21.)

Finally, the WSA provides that it will be reviewed every three years until the Project begins construction to ensure that the information in the WSA are accurate and updated. (WSA at 22.) Since the WSA was finalized in March 2015, the FEIR must be revised to include an updated WSA based on this statement alone.

Response 23:
The FEIR does not have contradictory statements regarding water availability. The FEIR identifies a potentially significant impact regarding water availability (p. 4.16-15), presents an analysis of water availability including the WSA (FEIR Section 4.16.1.6.1), proposes mitigation to ensure that any potential impact is less than significant (FEIR p. 4.16-20 – 21), and concludes that impacts to water availability are less than significant (FEIR p. 4.16-21).

In their WSA, the EMWD has concluded that the agency has the ability to provide water to the project (FEIR, Appendix M-1).

The commenter is incorrect that use of recycled water systems is not incorporated into the FEIR. Mitigation Measure 4.16.1.6.1A clearly requires, "Use of reclaimed water for irrigation if it becomes available." Since the

FEIR concludes that with the identified mitigation measures there is no significant impact to water availability, no additional mitigation measures are necessary.

The City has requested the EMWD issue a three-year extension on their WSA issued March 2012. There is no indication at this time that their conclusion will changed.

Comment 24:
VII. THE FEIR FAILS TO ADEQUATELY ANALYZE AND MITIGATE PROJECT IMPACTS REGARDING HYDROLOGY, DRAINAGE, AND WATER QUALITY

The FEIR provides an inadequate impact analysis and defers or proposes unenforceable mitigation measures regarding Project impacts on hydrology, drainage, and water quality. The FEIR concludes that impacts to hydrology, drainage, and water quality will not be significant and do not require mitigation. (FEIR at 1-17.) Yet in the same paragraph and other portions it discusses mitigation measures for these impacts. (Id.; see, e.g., FEIR at 1-20 (concluding that potential impacts to storm water drainage requirements and adequate water supply will be mitigated to a less than significant level).)

The FEIR states that the Project will not require the construction of new storm water drainage facilities or expansion of existing storm water drainage facilities, (FEIR at 4.16-25,) yet provides that five new drainage systems will be constructed to accommodate additional runoff that will result from the Project. (FEIR at 4.16-24.)

Additionally, the FEIR acknowledges that the Project will be required to create a Storm Water Pollution Prevention Plan ("SWPPP"), a Water Quality Management Plan ("WQMP"), and a Water Quality Sampling Program ("WQSP") to protect the San Jacinto been developed except for a programmatic WQMP, constituting a deferral of feasible mitigation measures and depriving planning agencies' and the public their ability to adequately assess the water quality impacts of the Project. (CEQA Guidelines § 15126.4(a)(1)(B) & (a)(2).) The EIR's attempt to rely upon a programmatic WQMP leads to an improperly vague deferral of specific, enforceable mitigation measures to alleviate water quality impacts. (Federation, supra, 83 Cal. App. 4th at 1262.)

Moreover, the FEIR acknowledges that the Project will introduce a substantial amount of impervious surfaces on the site that could result in significant increases in off-site runoff. (FEIR at 1-87, 4.16-22.) Yet it merely defers any drainage-related mitigation measures to the individual plot planning, which makes it impossible to assess the impacts and cumulative impacts of these measures. (Id.; FEIR at 4.16-25.) Additionally, the FEIR only requires that the drainage plan for each plot design "existing sediment carrying capacity of the drainage courses existing the Project area is similar to the existing condition," and that the sheet flow after the implementation of the Project is "comparable" to current conditions to minimize erosion. (Id.) However, this mitigation measures fails to actually propose methods to reduce off-site runoff to a less than significant level, e.g. mandating that the average rate, peak flow, and total quantity of runoff after project implementation does not exceed current rates and quantities. Thus, the FEIR's conclusion that drainage impacts will be less than significant after mitigation is unsubstantiated.

Response 24:
The proposed detention basins will adequately control runoff. As stated in Section 4.9.6.1 on page 4.9-39, paragraph 2 of the FEIR, the detention basins are designed not only as detention basins but as combined infiltration and detention basins. The bottom two feet in depth of the basin is designed as an infiltration basin, i.e., the water will infiltrate in the ground because there is no outlet. Only when the water level rises above two feet will the water flow downstream. Table 4.9.J outlines the basin volumes for both detention and infiltration for each of the 11 basins.

As stated on page 4.9-47 of the FEIR the project's impacts will be mitigated with the implementation of infiltration basins and bioretention areas. The volume of runoff after the project is constructed will be less than the existing volume of runoff and the amount of infiltration will increase. A hydrologic analysis was performed

for the pre and post project conditions based on historical runoff (p. 4.9-39). The basins have been designed to ensure that the runoff matches the pre-project condition. The hydrologic analysis was based on conservative estimates of soil type and infiltration rates and will be updated with site specific information as each project is developed.

The amount of runoff that will flow to the San Jacinto Wildlife Area will mimic pre-project conditions as outlined in Mitigation Measures 4.9.6.1A and 4.9.6.1B.

Comment 25:
CONCLUSION

Thank you for your attention to these comments. We look forward to working with you to assure that the EIR conforms to the requirements of CEQA to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided. Should you have any questions feel free to contact Jonathan Evans at the contact information listed below.

The Center for Biological Diversity and San Bernardino Valley Audubon Society wish to be placed on the mailing list for all future notices regarding this project. Please mail all notices to CBD at the address listed (via email at jevans@biologicaldiversity.org); and San Bernardino Valley Audubon Society at drewf3@verizon.net and P. O. Box 10973, San Bernardino, California 92423-0973.

Response 25:
The City appreciates the comments made on the FEIR by the commenter and has provided responses to these comments. All materials provided will be made part of the public record. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Center for Biological Diversity dated June 24, 2015**

In a letter dated June 24, 2015, Center for Biological Diversity submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment. It should be noted that the comments in this letter are nearly identical to the comments in the CBD's letter on this project dated June 10, 2015. The differences in the comments are noted below along with the same response but expanded in some areas.

The two attachments to this memo, referenced in Response to Comment 4, are as follows:

- Attachment 1: California Air Resources Board. California's Cap-and-Trade Program: Fuel Facts.
- Attachment 2: California Air Resources Board. Information for Entities that Take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015.

Comment 1:
IV. THE FEIR'S GREENHOUSE GAS EMISSIONS ANALYSIS IS INADEQUATE AND INCOMPLETE

The FEIR's analysis of the Project's greenhouse gas ("GHG") emissions is woefully inadequate and is misleading to the public and decisionmakers about the true scope of the Project's GHG emissions. (See FEIR Sec. 4.7.) The FEIR fails to take into account all potential sources of GHG emissions from the Project and then ignores large emission sources when completing the FEIR's significance analysis. Most troublingly, the FEIR refuses to take responsibility for and minimize a large portion of the Project's GHG emissions. (FEIR at 4.7-40-49.) This approach violates CEQA requirement that an EIR fully analyze and attempt to mitigate all significant direct and indirect impacts of a project. (CEQA Guidelines § 15126.2; Pub. Res. Code § 21002.) The FEIR, however, fails to adopt all feasible mitigation measures to address all of the Project's tremendous GHG emissions and instead addresses only a small fraction of the Project's overall GHG emissions with meager and insufficient mitigation measures. (Compare 19,237 metric tons ("mt") of CO2 with 396, 754 mt of CO2; FEIR 4.7-54.) The FEIR claims that its mitigation measures resulting in a mere 30,392 reduction in GHG emissions or less than 8% of the total GHG emissions resulting from the Project justifies a finding of no significant impact. Therefore, the FEIR's significance analysis and mitigation measures for the Project's anticipated GHG emissions are inadequate under CEQA. The FEIR should be revised to comply with CEQA and recirculated to the public and decisionmakers.

Response 1:
This comment is identical to the text in the CBD letter dated June 10, 2015 (Comment 17), with the following exception:

- The emissions referenced above, 396,754 mt of CO2 was 490,010 in the prior CBD letter. The June 10th letter has the correct number (unmitigated emissions).

The comment does not state what GHG emissions are being ignored. The FEIR addresses all sources of GHG emissions and adopts all necessary mitigation to reduce impacts to a less than significant level, see FEIR Section 4.7.

Comment 2

Action to address climate change becomes ever more urgent with each passing day. The National Oceanic and Atmospheric Administration ("NOAA") and National Aeronautics and Space Administration ("NASA") confirmed that 2014 was the hottest year ever recorded. (NASA 2015.) In the National Climate Assessment released by the U.S. Global Change Research Program, experts make clear that "reduc[ing] the risks of some of the worst impacts of climate change" will require "aggressive and sustained greenhouse gas emission reductions" over the course of this century. (Melillo 2014.) Indeed, humanity is rapidly consuming the remaining "carbon budget" necessary to preserve a likely chance of holding the average global temperature increase to only 2°C above pre-industrial levels. According to the Intergovernmental Panel on Climate Change, when non-CO2 forcings are taken into account, total cumulative future anthropogenic emissions of CO2 must remain below about 1,000 gigatonnes (Gt) to achieve this goal. Some leading scientists—characterizing the effects of even a 2°C increase in average global temperature as "disastrous"—have prescribed a far more stringent carbon budget for coming decades. (Hansen 2013.) Climate change will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability, as we detail below.

In order to help stabilize the climate and avoid catastrophic impacts to our environment, the California legislature and Governor Brown have taken important steps. California has a mandate under AB 32 to reach 1990 levels of GHG emissions by the year 2020, equivalent to approximately a 15 percent reduction from a business-as-usual projection. (Health & Saf. Code § 38550.) Based on the warning of the Intergovernmental panel on Climate Change and leading climate scientists, Governor Brown issued an executive order in April 2015 requiring GHG emission reduction 40 percent below 1990 levels by 2030. (Executive Order B-30-15 (2015).) The Executive Order is line with a previous Executive Order mandating the state reduce emission levels to 80 percent below 1990 levels by 2050 in order to minimize significant climate change impacts. (Executive Order S-3-05 (2005).) In enacting SB 375, the state has also recognized the critical role that land use planning plays in achieving greenhouse gas emission reductions in California.

The state Legislature has found that failure to achieve greenhouse gas reduction would be "detrimental" to the state's economy. (Health & Saf. Code § 38501(b).) In his 2015 Inaugural Address, Governor Brown reiterated his commitment to reduce greenhouse gas emissions with three new goals for the next fifteen years:

• Increase electricity derived from renewable sources to 50 percent;

• Reduce today's petroleum use in cars and trucks by 50 percent;

• Double the efficiency of existing buildings and make heating fuels cleaner. (Brown 2015 Address.)

Most recently, Governor Brown issued Executive Order B-30-15 establishing that California must reduce GHG emissions 40 percent below 1990 levels by 2030 to combat global warming and avoid major climate disruptions. (Executive Order B-30-15 (April 29, 2015).) Studies suggest that an equity approach based on capabilities to mitigate climate change around the world would require reductions of 25-55% below 1990 levels by 2025 and 35-55% below 1990 levels by 2030 from developed nations such as the United States. (Climate Tracker Reports 2014.) Other equity approaches would require even deeper reductions. (Id.)

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin., (9th Cir. 2008) 538 F.3d 1172, 1217 ("the impact of greenhouse gas emissions on climate change is precisely the kind of

cumulative impacts analysis" that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, CEQA requires that an EIR consider both direct and indirect impacts of a project and fully disclose those impacts to adequately inform the public and decisionmakers. (CEQA Guidelines, § 15064.) Here, the FEIR failed to meet this requirement.

Response 2
This comment is identical to the text in the CBD letter dated June 10, 2015 (Comment 18), with the exception of the addition of the paragraph regarding Executive Order B-30-15. See Response 3 below for a response regarding Executive Order B-30-15.

The FEIR analyzed both direct and indirect sources of GHGs, see FEIR Volume 3 Section 4.7. AB 32 requires that the State reduce GHG emissions to 1990 levels by the year 2020. Through the requirements of AB 32, the State has enacted regulation its Cap-and-Trade Program to bring the State's cumulative GHG emissions down to 1990 levels. This requirement to maintain emissions at 1990 levels continues beyond 2020. In essence, AB 32 is the mechanism to bring the State's cumulative emissions to 1990 levels. As discussed in Table 4.7.M in the FEIR, the project is consistent with AB 32's Scoping Plan reduction measures. Therefore, the project is consistent with AB 32.

Comment 3
A. The FEIR Significance Analysis of the Project's GHG Emissions Should Take into Account All GHG Emissions from the Project

At full build out the Project is anticipated to emit 415,991 mt of CO2 without mitigation measures. (FEIR 4.7-54; see also FEIR Air Quality, Greenhouse Gas, and Health Risk Assessment Report: 294 [hereinafter "HRA Report"].) However, when analyzing the significance of the Project's GHG emissions and considering potential mitigation, the FEIR looked only at portion of these emissions. Specifically, the FEIR examines the significance and potential mitigation of only 19,237 mt of CO2. The FEIR justifies ignoring the remaining 396,754 mt of emissions by arguing these emissions are independently covered by AB 32's Cap and Trade Program. (FEIR HRA Report at 284-5.) Emissions disregarded by the FEIR are the vast majority of the emissions resulting from the Project, including mobile, electricity, construction fuel, yard trucks, electricity to convey water, generator, forklifts used on the site. (FEIR HRA Report at 294.) Instead, the FEIR focuses on so-called uncapped emissions which include waste, land use change, refrigerants that result in 19,237 mt of emissions. (FEIR HRA Report at 284-5.) This approach allows the FEIR to focus only on approximately 5% of the Project's GHG emissions. By taking just a few steps towards directly minimizing the Project's tremendous GHG emissions, the FEIR was able to conclude the Project with only a few mitigation measures will result in no significant impacts. This approach is flawed, misleading and violates CEQA.

The FEIR justifies its significance threshold and analysis by citing to San Joaquin Valley Air Pollution Control District's and South Coast Air Quality Management District's use of a similar approach when they were acting as lead agencies on other projects. (FEIR at 4.7-41.) However, while the significance threshold and analysis may have been based in part of existing thresholds, compliance with the law is not enough to make a finding of less than significant under CEQA. (See Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107.) Instead "the EIR's discussion of impacts must "provide[] sufficient information and analysis to allow the public to discern the basis for the agency's impact findings. Thus the EIR should set forth specific data, as needed to meaningfully assess whether the proposed activities would result in significant impacts." (Sierra Club v. Tahoe Reg'l Planning Agency (2013) 916 F. Supp. 2d 1098, 1146-1147 (Sierra Club).) The FEIR fails to meet this CEQA requirement and instead leaves the public and decisionmakers uncertain on the Project's true environmental impacts and avoid necessary steps to reduce those impacts.

The FEIR anticipates emissions for the Project as far as 2030 and at full build out of the Project beyond. However, AB 32 Cap and Trade program currently runs only until 2020.
(See http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm.)
Currently, there are no provisions for the Cap and Trade program to extend beyond 2020 and the scope of the program beyond 2020 is uncertain. Nonetheless, the FEIR relies on AB 32's Cap and Trade Program to fully minimize and mitigate nearly 400,000 mt of CO2 emissions at full build out of the Project. This reliance by the FEIR is without any evidentiary basis and should either be removed or substantially revised.

Response 3
This comment is identical to Comment 19 in the CBD's letter dated June 10, 2015, with the following exception:

- Comment: "This approach allows the FEIR to focus only on approximately 5% of the Project's GHG emissions." In the June 10th letter, the percentage was 21%. The correct number is in the revised letter, 5%.

As stated in Response 19 in the June 10th letter, the FEIR appropriately relies on AB32 and the Cap-and-Trade program to address greenhouse gases. The commenter claims that there is no provision for AB32 to extend beyond 2020. This is incorrect. AB32 states the following at Section 38551: "(a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed. (b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020."

Through the Cap-and-Trade program, the State has created a pool of allowable carbon emissions from select emission source sectors (e.g., fuels and energy). The size of the pool of allowable carbon emissions (known as allowances) is set by the State and is independent of the need of any project. To the degree that some users of carbon emissions reduces demand, other users of carbon emissions can use up the available capacity. Since price of the allowances is determined by demand, any reduction in demand will not mean fewer emissions (which set by the establishment of the available pool by the State), it will mean lower prices for the remaining users of carbon emissions. In this manner, users that can reduce their need for allowances at a lower cost than the market price for an allowance will do so, resulting in the reduction of carbon emissions to the level established by the State at the lowest possible cost. Other carbon users will then be able to purchase the remaining allowances due to reduced demand and price resulting in no change in carbon emissions. Only the State can adjust the cap and modify the State's long-term reduction goal.

Executive Order B-30-15 orders a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030, which is a greater reduction than the State is required to meet according to AB 32. Senate Bill (SB) 32, now under consideration in the Legislature,[1] amends AB32 to achieve greater emission reductions and would require that GHG emissions in California be reduced 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

To reduce GHG emissions to those new levels or even to maintain 1990 levels as currently required by the State, a cap-and-trade program beyond 2020 would be necessary. California Air Resource Board (CARB) Resolution 13-44 (Amendments to the California Cap-and-Trade regulation) states the following: "WHEREAS, the draft update to the AB 32 Scoping Plan recommends the development of post-2020 emissions reduction targets, and that sending a signal that Cap-and-Trade will continue beyond 2020 is critical to fully realizing the

[1] Senate Bill 32 passed in the Assembly Natural Resource Committee on July 14, 2015 and now goes to the Assembly Appropriations Committee. (Senator Fran Pavley, Sen. Pavley's Climate Pollution Bill Approved by Assembly Panel, http://sd27.senate.ca.gov/news/2015-07-14-sen-pavley-s-climate-pollution-bill-approved-assembly-panel).

benefits of the program…BE IT FURTHER RESOLVED that pursuant to the draft update to the AB 32 Scoping Plan, the Board directs the Executive Officer to develop a plan for a post-2020 Cap-and-Trade Program, including cost containment, before the beginning of its third compliance period to provide market certainty and address a potential 2030 emissions target."[2]

The following excerpts are from the CARB's First Update to the Scoping Plan:[3]

> Together, LCFS [Low Carbon Fuel Standard] and Cap-and-Trade provide a structure to ensure that necessary emission reductions are achieved and provide an effective market signal to accelerate innovation and development of cleaner fuels. Continuing these policies beyond 2020 will ensure that fuel carbon intensity continues to decline and that low-carbon alternatives to petroleum are available in sufficient quantities in the long term.
>
> …The Cap-and-Trade Program is a vital component in achieving both California's near-and long-term GHG emissions targets. California's Cap-and-Trade Regulation is purposely designed to leverage the power of the market in pursuit of an environmental goal. It opens the door for major investment in emission-reducing technologies and sends a clear economic signal that these investments will be rewarded. The Cap-and-Trade Regulation establishes a hard and declining cap on approximately 85 percent of total statewide GHG emissions.
>
> …Sending the market a signal that the Cap-and-Trade Program will continue in the long-term is critical to fully realizing the benefits of the program. Continuing the program and establishing an emission cap beyond 2020 will also reduce the costs of the program as California industry and households make long-term capital and investment decisions.

Because of the policies put in place by the State of California, the FEIR appropriately assigns responsibility for those emissions over which the WLC project has direct control (uncapped emissions not part of the State's Cap-and-Trade program), but not the emissions for which the State has already set an aggregate cap which WLC project has no ability to influence. These issues are fully described in the FEIR Volume 3, Revised Draft EIR, Section 4.7.

Comment 4

The FEIR also fails to adequately explain how it categorizes certain categories as capped and others as uncapped. For example, the FEIR fails to take into account vehicles miles traveled into its GHG significance analysis or adoption of mitigation measures. (FEIR at 4.7-47-48.) The FEIR acknowledges that vehicles miles traveled is the Project's biggest contributor to GHG emissions but disregards it completely when discussing the significance of the Project's impacts. The FEIR justifies this determination by citing to SJVAPCD determination in an independent and unrelated context. The FEIR must include a clear description of the Project's impacts and provide a detailed explanation of its analysis of those impacts. (Sierra Club, supra, 916 F. Supp. 2d at 1146-47.) Simply citing to other regulatory approaches in the state is insufficient. The FEIR explanation of other "capped" sectors is similarly vague and inadequate. The FEIR should further explain its classification of "capped" and "uncapped" sectors and recirculate a revised GHG analysis.

Response 4

This comment is identical to Comment 20 in the CBD's letter dated June 10, 2015. As stated in Response 20, both the FEIR and Air Quality, Greenhouse Gas, and Health Risk Assessment Report, Appendix (Appendix D),

---

[2] State of California Air Resources Board, Amendments to the California Cap-and-Trade Regulation, Resolution 13-44, October 25, 2013. www.arb.ca.gov/cc/capandtrade/resolution13-44.pdf

[3] California Air Resources Board, 2014, First Update to the Scoping Plan, www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm

both describe how the FEIR differentiates between capped and uncapped emissions. Section 3.4.3 of the Appendix D states the following:

> "In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. "Capped" strategies are subject to the proposed cap-and-trade program. The Scoping Plan states that the inclusion of these emissions within the cap-and trade program will help ensure that the year 2020 emission targets are met despite some degree of uncertainty in the emission reduction estimates for any individual measure. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. "Uncapped" strategies that will not be subject to the cap-and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional greenhouse gas emission reductions."

Tables identifying the capped and uncapped emissions, consistent with the Cap-and-Trade program, are found through Section 4.7 of the FEIR and Appendix D.

The comment contends that the FEIR does not take into account vehicle miles traveled (VMT) into its GHG analysis. First, VMT does not generate GHGs, the combustion of fuel does. The FEIR estimates the GHGs produced from transportation fuels based upon VMT. So, in an indirect way the analysis does take into account VMT in its GHG analysis. Since the GHGs result from fuel combustion, that source of GHGs fall within the transportation fuel/mobile source category that is part of CARB's capped emissions under AB32. Mobile sources, with all other GHG sources, can be found in Table 4.7.J in FEIR Section 4.7.

Fuel consumed as a result of the project and is covered under the Cap-and-Trade program. As stated in the **attached fact sheet,** "Fuel Facts," published by the CARB, "Starting on January 1, 2015, fuels, such as gasoline, diesel and natural gas, will be covered under the Cap-and-Trade Program. This will require fuel suppliers to reduce greenhouse gas emissions by supplying low carbon fuels or purchasing pollution permits, called 'allowances,' to cover the greenhouse gases produced when the conventional petroleum-based fuel they supply is burned."[4] The fact sheet also states that transportation constitutes almost 40 percent of all carbon pollution produced in California. Thus, to maintain the GHG emissions level required by AB 32 (or the greater reductions if they are required by SB 32), would require that the Cap-and-Trade program be extended.

The second **attached CARB fact sheet,** "Information for Entities…" explains how compliance costs may appear in fuel invoices.[5] Fuel suppliers will incur compliance costs, which will vary based on the type of fuel and the fuel supplier's cost of allowances. Fuel providers may incorporate costs of complying with the Program into the prices for the fuels they sell.

The GHG emissions from energy generation are also capped. Electricity generating facilities and electricity importers are covered entities (CCR Section 95811).[6] The CARB fact sheet states, "For two years, starting in 2013, the state's largest industrial emitters along with utilities and electricity generators and importers have been subject to the Cap-and-Trade Program. Requiring oil companies to be subject to the same requirements as all other major emitters of greenhouse gases ensures equity between sectors and reduces the cost of meeting California's climate and air quality goals."

---

[4] California Air Resources Board. California's Cap-and-Trade Program: Fuel Facts. http://www.arb.ca.gov/cc/capandtrade/guidance/facts_fuels_under_the_cap.pdf.

[5] California Air Resources Board. Information for Entities That Take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015. http://www.arb.ca.gov/cc/capandtrade/guidance/faq_fuel_purchasers.pdf

[6] Title 17 California Code of Regulations (CCR), Division 3, Chapter 1, Subchapter 10 Climate Change, Article 5 California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms to Allow for the Use of Compliance Instruments Issued by Linked Jurisdictions.

The Moreno Valley Utility (MVU) is a covered entity (is required to be part of the Cap-and-Trade program)[7] and has an annual allocation under the Cap-and-Trade Program.[8] MVU is an importer of electricity; all imported electricity emissions are covered under the Cap-and-Trade Program.[9] If MVU exceeds its allowances, it would need to purchase additional allowances or reduce its GHG emissions, such as by acquiring more solar in its portfolio.

Comment 5

As noted above, the goal of AB 32 is to reduce California greenhouse gas emissions to 1990 levels by 2020. (Health & Saf. Code § 38550.) Recent science, however, indicates that far steeper reductions are necessary to avoid the most significant impacts of climate change. Even to stabilize atmospheric CO2 concentrations at 450 parts per million ("ppm") and limit global average temperature increases to 2°C—a level at which devastating effects may still occur—industrialized countries will have to reduce emissions by 25-40% below 1990 levels by 2020. Many scientists believe that avoiding the worst impacts of climate change will require reducing the concentration of CO2 in the atmosphere to 350 ppm or below, which will require even steeper and more rapid reductions. The FEIR must analyze the cumulative significance of the Project's emissions in light of reductions needed to avoid contributing to these physical impacts, not just measure them against the AB 32 Scoping Plan, regional significance thresholds and the state's renewable generation goals. This was further emphasized in the Scoping Plan itself which emphasized the steep reductions in GHG emissions that must occur after 2020 to stabilize the climate. (2008 Scoping Plan at 33; see also Climate Change Scoping Plan 2014 Update.) The FEIR cannot rely on AB 32 Cap and Trade Program to avoid its own obligation to fully analyze and mitigate all of the Project's GHG emissions.

B. The FEIR Fails to Consider Mitigation Measures and Alternative to Minimize All Sources of GHG Emissions from the Project

Mitigation of a project's environmental impacts is one of the "most important" functions of CEQA. (Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41.) 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.) Here however, the FEIR adopts only a few mitigation measures, all of which are inadequate to address the Project's massive GHG emissions. (FEIR at 4.7-48.)

Additionally, to comply with CEQA, mitigation measures must be "fully enforceable through permit conditions, agreements, or other legally-binding instruments." (CEQA Guidelines § 15126.4(a)(2).) The measures must be "incorporated into the project or required as a condition of project approval in such a way that [would] ensure their implementation." (Fed'n of Hillside and Canyon Assoc. v. City of Los Angeles, (2000) 83 Cal. App. 4th 1252, 1262 (Federation).) CEQA also requires the adoption of all feasible mitigation measures that would reduce the environmental impacts of a project. (Pub. Res. Code § 21002; CEQA Guidelines § 15126.4(c); City of Marina v. Bd. of Trs. of the Cal. State University (2006) 39 Cal.4th 341, 369-70.)

---

[7] "Covered Entity" means an entity within California that has one or more of the processes or operations and has a compliance obligation as specified in the CCR; and that has emitted, produced, imported, manufactured, or delivered in 2009 or any subsequent year more than the applicable threshold level specified in section 95812(a) of the CCR.

[8] Annual Allocation to Electrical Distribution Utilities (EDU) under the Cap-and-Trade Regulation. February 5, 2015. http://www.arb.ca.gov/cc/capandtrade/allowanceallocation/edu-ng-allowancedistribution/electricity-allocation.pdf

[9] California Air Resources Board. Cap-and-Trade Regulation Instructional Guidance. 2012. Chapter 2: Is my Company Subject to the Cap-and-Trade Regulation? http://www.arb.ca.gov/cc/capandtrade/guidance/chapter2.pdf

Although the Project includes a curtailed list of measures directed at reducing emissions and promoting sustainability, these strategies are severely limited and do not include many feasible mitigation measures. (FEIR at 4.7-47.) The meager steps incorporated into the Project include no enforcement mechanisms and leaves many feasible mitigation measures out completely. (FEIR at 4.7-48.) The mitigation measures are often vague with no specific quantities or binding obligations. (Id.) The FEIR justifies this approach in part by stating that it must mitigate only uncapped emissions resulting from the Project. (FEIR at 4.7-47-49.) However, as noted above, this approach is flawed and without evidentiary or legal support. The FEIR cannot simply ignore 95% of the Project's GHG emissions and their resulting environmental impacts when adopting mitigation measures. (FEIR at 4.7-54.) The FEIR subsequent conclusion that its limited mitigation measures will ensure the Project's GHG emissions will have significant impacts is misleading. The Project will in fact do nothing to mitigate 379,824 mt of CO2 emissions resulting from the Project.

Available and feasible mitigation measures during construction and operation of the Project would lower the Project's overall GHG emissions and contribution to climate change. California Air Pollution Control Officers Association ("CAPCOA") has identified existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2010.) The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (CA AG 2010.) These resources provide a rich and varied array of mitigation measures that should be incorporated into the revised Project.

For example, as it stands now, rooftop solar power is the most energy efficient, least-environmentally damaging form of renewable energy available for the Project and is ideal for the Project's location. The Project's current on-site renewable energy goals are, however, too modest in scope with only 5.2% of electricity from the Project coming from solar at the end of build out. (FEIR at 4.7-50.) The conservation group urges firm requirements that onsite renewable energy be used to meet at a minimum 30% of the Project's energy use and each subsequent 5 year period include growing reliance on onsite renewable energy to meet its energy demands. These renewable energy use targets should be required mandates to ensure the necessary measures are incorporate into future design plans for the Project. New construction, like this Project, has a unique opportunity to full embrace and incorporate the use of renewable energy in its design, construction and operation. Mitigation measures to reduce vehicle miles traveled, energy use, waste, water consumption, greater use of solar power, hybrid vehicles, LEED certification and others could also lower the Project's impact on climate change. (CAPCOA 2010; CA AG 2010.)

The FEIR acknowledges that the Project will result over 380,000 mt of CO2 emissions but does little to fully analyze, minimize or mitigate the environmental impacts resulting from the Project's GHG emissions. The FEIR's GHG significance analysis and determination on what mitigation measures are necessary was flawed and raises serious concerns about the Project and its impacts on the region as well as the state. The FEIR's determination that with mitigation, the Project will result in no significant GHG emissions is grossly misleading to the public and decision-makers and violates CEQA. We urge that the FEIR be revised and recirculated to address these concerns and ensure that the Project's substantial GHG emissions are clearly disclosed, adequately analyzed and fully mitigated.

Response 5

This comment is nearly identical to Comment 21 in the CBD's letter dated June 10, 2015, with the following exceptions:

- Comment: "The FEIR cannot simply ignore 95% of the Project's GHG emissions and their resulting environmental impacts when adopting mitigation measures." The CBD's June 10 letter stated "80%." The revised letter has the correct number (for unmitigated emissions).

- Comment: "The Project will in fact do nothing to mitigate 379,824 mt of CO2 emissions resulting from the Project." The June 10 letter stated "396,754 mt of CO2." The revised letter contains the correct number.

- Comment: "The FEIR acknowledges that the Project will result over 380,000 mt of CO2 emissions…" The June 10 letter stated, "nearly 400,000 mt of CO2." The FEIR contains the precise number of 385,599 mt CO2e mitigated emissions, which includes uncapped emissions of 5,775 mt CO2e plus 379,824 mt CO2e (Table 4.7.J in FEIR).

The commenter is incorrect, the EIR does contain a number of mitigation measures that will reduce GHG emissions from the WLC project, both during construction and operation. Mitigation Measure 4.7.6.1A deals with solid waste reduction, but the measures shown in Table 4.7.I in the FEIR would also reduce GHG emissions. These are as follows: MM 4.3.6.2A (Tier 4 construction equipment), MM 4.3.6.4A (bike lanes, rideshare program, bicycle storage, changing rooms, lockers for employees, pedestrian connections, parking for fuel efficient vehicles), MM 4.16.4.6.1A and 4.16.4.6.1B (LEED certification and other energy efficiency), MM 4.16.4.6.1C (onsite solar panels), MM 4.16.1.6.1A (outdoor water usage reduction), and MM 4.16.1.6.1B (interior water usage reduction). It should be noted the Mitigation Monitoring and Reporting Program (FEIR Volume 1) outlines how these measures will be implemented by future development within the WLC project.

During the response to comment process on the Draft EIR, the sources of potential mitigation measures as suggested by the commenter (the CAPCOA report and those prepared by the California Attorney General) were assessed for feasibility (see FEIR Volume 1, Response to Comments, Letter F-1, Responses F-1-42 to F-1-53 (FEIR pages 450-455).

However, the greatest reduction for potential future GHG emissions is from vehicular fuel emission reductions through the State's Cap-and-Trade program. See the responses above and Section 4.7 in the FEIR for information regarding the Cap-and-Trade program.

The commenter is requesting that the project incorporate solar power to cover 30 percent of its electricity requirements. As each individual building is constructed, the project will install solar power to provide power for the office and shell of the building. However, the GHG analysis makes clear that additional mitigation is not required for the WLC project and the impact is less than significant.

Finally, the FEIR concludes that the construction and operation of the WLC project will not have a significant GHG impact (see FEIR Section 4.7.7, pages 4.7-59 and 4.7-60).

Comment 6:
Thank you for your attention to these supplemental comments addressing the Project's GHG emissions. We look forward to working with you to assure that the EIR conforms to the requirements of CEQA to assure that all significant impacts to the environment are fully analyzed, mitigated or avoided.

Response 6:
The FEIR meets the intent and legal requirements of CEQA, and the methodology for estimating GHG emissions and mitigation used in the FEIR is scientifically accurate and consistent with CEQA. Therefore, this information constitutes substantial evidence in relation to CEQA documentation.

2 Attachments Included

California's Cap-and-Trade Program: Fuel Facts

Attachment 1

Starting on January 1, 2015, fuels, such as gasoline, diesel and natural gas, will be covered under the Cap-and-Trade Program. This will require fuel suppliers to reduce greenhouse gas emissions by supplying low carbon fuels or purchasing pollution permits, called "allowances," to cover the greenhouse gases produced when the conventional petroleum-based fuel they supply is burned.

Why are fuels included in the Cap-and-Trade Program?

Fuels are the Largest Part of the Problem

Transportation constitutes almost 40 percent of all carbon pollution produced in California, by far the largest contributor to greenhouse gas emissions. Transportation fuels also produce 80 percent of smog-causing pollution and more than 95 percent of fine particle pollution from diesel engines. Reducing emissions from the transportation sector is critical to achieving the 2020 greenhouse gas reduction limit required by AB 32, as well as meeting ambient air quality standards and reducing localized health impacts.

Driving Innovation and Cleaner Fuels

Producing more clean fuels in California will create new jobs and contribute to an already robust clean technology economy. With more than 40,000 businesses and 430,000 workers, the advanced energy sector is a bigger employer in the state than each of the following industries: entertainment, mining and quarrying, semiconductor, and aerospace—and it is projected to grow 17 percent in the coming year.

Fairness and Equity

For two years, starting in 2013, the state's largest industrial emitters along with utilities and electricity generators and importers have been subject to the Cap-and-Trade Program. Requiring oil companies to be subject to the same requirements as all other major emitters of greenhouse gases ensures equity between sectors and reduces the cost of meeting California's climate and air quality goals.

Cap-and-Trade Proceeds: Investing in a Cleaner Future for California

Proceeds from the sales of permits under the Cap-and-Trade Program are invested in California, funding programs statewide that improve public health, quality of life and economic opportunity. For 2014-15, the Governor and the Legislature appropriated $832 million of these funds. Fully one-quarter—more than $200 million—must benefit the state's most disadvantaged and burdened communities. Excluding fuels from the program would significantly reduce the proceeds available for these communities.

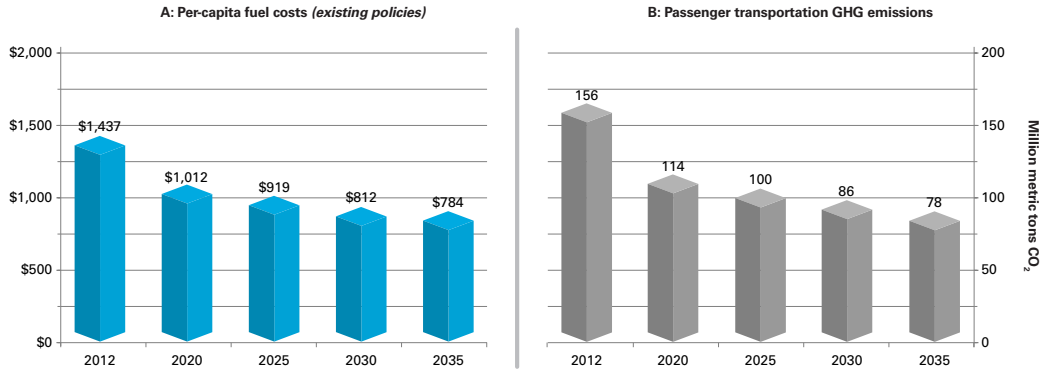
Strengthening the Economy through Fuel Diversity

Putting fuels into the Cap-and-Trade Program helps to provide California with a range of clean transportation options, reducing our dependence on oil and thus our exposure to volatile oil prices. The Department of Energy estimates that oil dependence imposes direct costs on the U.S. economy of about $300-500 billion each year, or about $33-55 billion in California. These costs result from uncompetitive market conditions and price spikes. The only long-term way to protect Californians from these impacts is to reduce our dependence on petroleum.

AB 32 Programs: Reducing Consumer Fuel Costs

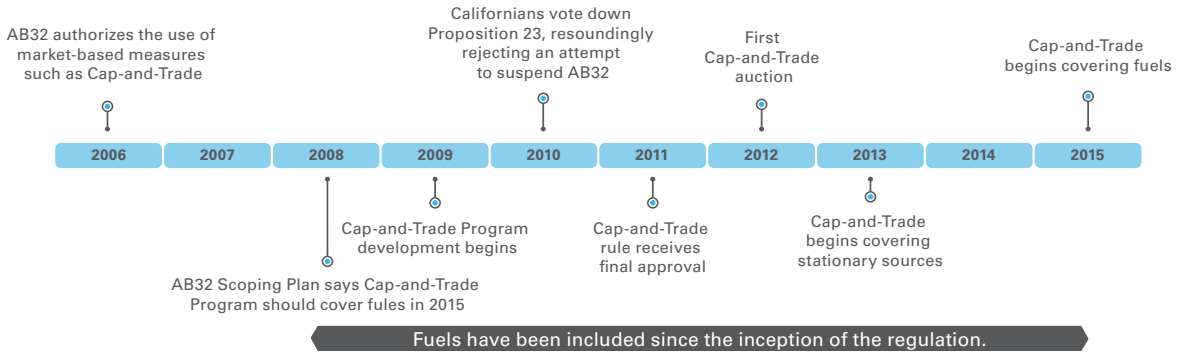
California's energy and environmental policies are helping clean the air and lower fuel costs by promoting more efficient and alternative fueled vehicles and reducing vehicle miles traveled through sustainable community development. As a result of these programs, including putting fuels under the cap, per-capita fuel costs will drop from the current level of $1,400 per year to $1,000 in 2020—with further reductions over the next decades.

(A) Per-capita Fuel Costs and (B) Passenger Transportation GHG Emissions in California as a Result of the Existing Suite of California Climate Policies



Cap-and-Trade Developed Openly and Publicly

The process to develop the Cap-and-Trade Program was transparent, systematic and inclusive. The rulemaking for Cap-and-Trade included dozens of public workshops, hundreds of meetings with stakeholders, extensive consultation with leading economic and regulatory design experts, coordination with other State agencies, briefings and discussions with members of the Legislature, and public board hearings. The oil industry participated from the beginning, including dozens of one-on-one meetings with individual companies and industry associations.



What is the Cap-and-Trade Program?

The Global Warming Solutions Act of 2006, also known as "AB 32," addresses climate change with a variety of programs, including cleaner cars, renewable energy, energy efficiency, and Cap-and-Trade. The Cap-and-Trade Program places an economy-wide "cap" on major sources of greenhouse gas emissions, such as refineries, power plants, industrial facilities and transportation fuels. Each year the cap is lowered by approximately 3 percent, ensuring that California is reducing greenhouse gases. Industries in this program must either reduce their greenhouse gas emissions or buy a limited quantity of pollution permits, also called "allowances." Allowances can be bought through quarterly auctions managed by the Air Resources Board. The proceeds from these auctions are reinvested in California for projects that further reduce greenhouse gas emissions. In these ways, the Cap-and-Trade Program creates incentives to reduce greenhouse gas emissions and move to cleaner forms of energy.

For More Information

This document provides information about coverage of transportation fuels such as gasoline and diesel fuel in California's Cap-and-Trade Program. For more information on the program see the Cap-and-Trade website: *www.arb.ca.gov/cc/capandtrade/capandtrade.htm*.

For more information on what departments are doing to implement programs funded by auction proceeds, please visit: *www.arb.ca.gov/cc/capandtrade/auctionproceeds/auctionproceeds.htm*.

FACTS ABOUT

Attachment 2

Information for Entities That Take Delivery of Fuel for Fuels Phased into the Cap-and-Trade Program Beginning on January 1, 2015

Starting on January 1, 2015, the carbon pollution (greenhouse gas emissions) from fuels, such as gasoline, diesel, propane, and natural gas, was covered under the Cap-and-Trade Program. Fuel suppliers are required to purchase pollution permits to cover the carbon pollution produced when the fuel they supply is burned.

This document summarizes how the California Cap-and-Trade Program covers carbon pollution from fuels as of January 1, 2015, and describes how compliance costs may appear in fuel invoices. This information is provided to help entities that take delivery of regulated fuels (such as fleet managers for local governments and businesses) understand changes to invoicing or billing that may be occurring due to compliance with this environmental program. The information contained in this fact sheet is current as of January 12, 2015.

Cap-and-Trade Program Overview

What is the Cap-and-Trade Program?
For more than a decade, California has been leading efforts to tackle climate change and reduce carbon pollution, including through programs such as cleaner cars, renewable energy, and energy efficiency. Following the passage of the Global Warming Solutions Act of 2006, also known as "AB 32," the California Air Resources Board (ARB or Board) adopted a variety of programs to reduce carbon pollution, including the Cap-and-Trade Program. The Cap-and-Trade Program places an economy-wide "cap" on major sources of greenhouse gas emissions, such as refineries, power plants, industrial facilities and transportation fuels. To achieve the state's 2020 greenhouse gas emissions target, the cap is lowered by approximately 3 percent each year, thereby reducing total allowable greenhouse gas emissions. The Cap-and-Trade Program, in concert with the other efforts under AB 32, is designed to achieve the maximum feasible and cost-effective reductions in California greenhouse gas emissions (i.e., carbon pollution), including reducing California's emissions to 1990 levels by the year 2020.

Fuel suppliers in this program must buy pollution permits, also called "allowances," to cover their remaining carbon pollution. The more fuel suppliers can reduce their carbon pollution, the fewer allowances they will need to purchase. Allowances can be bought through quarterly auctions managed by ARB or from other program participants who want to sell allowances they already hold. In these ways, the Cap-and-Trade Program creates incentives to invest in cleaner fuels and more efficient uses of energy. The proceeds from the auctions are subject to Legislative appropriation focused on investing in projects that reduce carbon pollution in California, including investments to benefit disadvantaged communities, recycling, and sustainable transit.

Which fuels are covered under the Cap-and-Trade Program?
The carbon pollution from gasoline, diesel fuel no. 1 and no. 2, liquefied petroleum gas, and natural gas are covered under the Cap-and-Trade Program beginning January 1, 2015.

www.arb.ca.gov PO Box 2815 Sacramento CA 95812 (916) 322-2037

Who is responsible for carbon pollution from fuels under the Cap-and-Trade Program?
"Fuel Suppliers" are responsible for the carbon pollution from fuels under the Cap-and-Trade Program. A fuel supplier, as defined in the Cap-and-Trade Regulation, is a supplier of petroleum products, a supplier of biomass-derived transportation fuels, a supplier of natural gas including operators of interstate and intrastate pipelines, a supplier of liquefied natural gas, or a supplier of liquefied petroleum gas. A fuel supplier must account for the carbon pollution under the Cap-and-Trade Program if they either hold an inventory position of fuel in the bulk transfer/terminal system, or import fuel into California outside the bulk transfer/terminal system.

Which fuel suppliers are subject to the Program?
The reporting threshold for fuels is different from the threshold for inclusion in the Cap-and-Trade Program. Fuel suppliers that deliver or import fuel in California with 10,000 metric tons or more of annual carbon dioxide equivalent (CO_2e) emissions have been required to report their emissions under California's Mandatory Reporting Regulation since 2012. The fuel suppliers that have reported to ARB the emissions from the fuel they have provided are included in the list of all reporting entities, which is available at: http://www.arb.ca.gov/cc/reporting/ghg-rep/reported-data/ghg-reports.htm. Additional information on reporting requirements for fuel suppliers is available at: http://www.arb.ca.gov/cc/reporting/ghg-rep/guidance/fuel-supplier.pdf.

The threshold for a fuel supplier to be covered by the Cap-and-Trade Program is annual emissions from the combustion of fuels equal to 25,000 metric tons or more of CO_2e for fuels delivered or imported into California. The fuel suppliers that have registered with ARB for the Cap-and-Trade Program are included in the list of all registered entities, which is available at: http://www.arb.ca.gov/cc/capandtrade/citss_registrants_123114.pdf.

Compliance Costs in Fuel Invoices

Fuel suppliers covered by the Cap-and-Trade Program may incorporate compliance costs into their invoices for the fuels they sell. This section provides information regarding these costs and how they may appear on invoices.

Does the Cap-and-Trade Program impose a tax on fuels?
The Cap-and-Trade Program is not a tax, nor is any tax being levied on fuels by ARB. Fuel suppliers will incur compliance costs, which will vary based on the type of fuel and the fuel supplier's cost of allowances. The flexible market-based Cap-and-Trade Program is designed to achieve the most cost-effective reductions in carbon pollution possible. Fuel providers may incorporate costs of complying with the Program into the prices for the fuels they sell.

What might I see in my invoice from a fuel supplier?
The Cap-and-Trade Regulation does not dictate whether or how to reflect any Program compliance costs on any invoices. If you purchase fuel subject to the Program, you may see a line item for a cost associated with Program compliance on your invoice. This line item is not a tax. Rather, it is an amount the fuel supplier has decided to include on its invoice to represent its compliance costs. The fuel supplier may alternatively choose to incorporate its compliance costs into the total fuel price on the invoice, without itemizing its compliance cost. If you have a contract with a fuel supplier, the manner in which such costs may appear on your invoice may be covered by the terms of your

contract. If you do not see an itemized cost on your invoice, you may wish to inquire with your fuel supplier regarding the Cap-and-Trade compliance cost they may be incorporating in your invoice.

I see a "Cap-and-Trade" charge on my invoice – How do I know if it is accurate?
The Cap-and-Trade Program does not impose a specific compliance cost. Each fuel supplier has flexibility to comply as cost-effectively as possible. Nevertheless, all fuel suppliers will be complying (at least in part) by acquiring allowances to cover the carbon pollution from the fuels they provide. Because fuels that seem similar may vary in their carbon content, it is not possible to estimate a single compliance cost per gallon. However, allowance prices may be useful for assessing the compliance costs that may appear on an invoice.

The prices for allowances purchased at ARB's quarterly auctions are shown in Summary Results Reports available at: http://www.arb.ca.gov/auction. Each auction includes allowances for the current calendar year and three years in the future to allow entities to purchase future year's allowances at current prices. In the four quarterly auctions in 2014, allowance prices ranged from $11.48 to $12.10 per metric ton of CO_2e for 2014 allowances and from $11.38 to $11.86 per metric ton for 2017 allowances. Contracts for allowances are also traded on the Intercontinental Exchange. In 2014, prices on the exchange were consistent with the auction prices. Recent contract prices can be downloaded from the exchange website.[1] Private brokers, news services, and fuel price information services also track and report on allowance prices.

Allowance prices can be expressed per gallon of fuel to help assess the compliance costs that may appear on fuel invoices.

Allowance Price Per Gallon = (Allowance Price Per Metric Ton of CO_2e) x (Metric Tons of CO_2e Emissions Per Gallon of Fuel)

The rate of greenhouse gas emissions per gallon of fuel depends on the fuel's composition.[2]

Gasoline: Most California gasoline is 90 percent CARBOB[3] and 10 percent ethanol. The emissions per gallon of CARBOB and ethanol are defined in California's Mandatory Reporting Regulation, and vary slightly depending on grade and summer/winter blend of the gasoline. Using the 90%/10% gasoline blend, the emissions rate is roughly 0.008 metric tons per gallon of gasoline. With this emissions rate, an allowance price can be expressed per gallon of gasoline using the formula above. Under the Cap-and-Trade Program, ethanol has an emissions rate of roughly 0.0002 metric tons per gallon.[4] Consequently, higher ethanol blends, for example those that can be used in flexible-fuel vehicles, have lower greenhouse gas emissions and reduce Cap-and-Trade compliance costs.

Diesel: The emissions rate from diesel fuel also varies depending on its composition, and is approximately 0.01 metric tons per gallon for petroleum diesel. Under the Cap-and-Trade Program,

[1] https://www.theice.com
[2] Emissions rates included below are calculated pursuant to the methods required by sections 95121 and 95122 of the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions, available here: http://www.arb.ca.gov/cc/reporting/ghg-rep/regulation/mrr-regulation.htm.
[3] CARBOB = California Reformulated Blendstock for Oxygenate Blending
[4] The CO_2 emissions from ethanol, biodiesel, and renewable diesel are exempt from a compliance obligation under the Cap-and-Trade Program. The compliance obligation for these fuels types is based on the methane (CH_4) and nitrous oxide (N_2O) emissions that result from burning the fuels.

biodiesel and renewable diesel each have an emissions rate that is 0.000008 metric tons per gallon.[4] Consequently, biodiesel or renewable diesel blends generally have lower greenhouse gas emissions and reduce Cap-and-Trade compliance costs.

Propane: Similarly, allowance prices can be used for assessing the compliance costs that may appear on an invoice provided by a propane supplier. The emissions rate is roughly 0.0058 metric tons per gallon of propane. Using the same formula as above, this emissions rate can be used to express the allowance price per gallon of propane.

Whom can I contact if I believe that the fuel supplier is charging me too much for complying with the Cap-and-Trade Program?

Please contact the Cap-and-Trade Hotline at 916-322-2037. ARB is working closely with the California Attorney General's Office to investigate claims of fuel price manipulation.

Where Can I Find Additional Information and Ask Questions?

Please contact the Cap-and-Trade Hotline with any questions at 916-322-2037. Additional information will also be made publically available on the Cap-and-Trade website at: http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 23, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the City of Riverside dated June 10, 2015**

In a letter dated June 10, 2015, the City of Riverside submitted comments on the WLC Project FEIR. The City numbered its specific comments using a combination of Roman and Arabic numerals, and the following responses are presented below using the same numbering system as the comment letter. For brevity, the long comments submitted by the City are not duplicated in this memo, but the actual comment letter is attached to the memo for reference.

Response I:
The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. None of the changes that Riverside describes in its comment meet the standard requiring recirculation. Changes to the document and the inclusion of new information is not the standard for recirculation, in fact, it is the public process of CEQA.

Response II (A.1):
This comment was fully addressed in response to the City of Riverside's comments on the Draft EIR (FEIR Volume 1, Response to Comment (RTC) E-2A-6). As stated in the FEIR:

> *The TIA used the Highway Capacity Manual (HCM) methodologies to analyze traffic delay at intersections. This standard methodology is mandated in the traffic impact analysis guidelines for both the City of Moreno Valley and the City of Riverside. The HCM describes LOS "F" as "Intersection oversaturated; arrival rates exceed intersection capacity so queues build up." The methodology does not actually predict delays higher than 50 seconds for unsignalized intersections and 80 seconds for signalized intersections; it simply states the delays would be beyond those thresholds because at that point other things would start to occur such as re-routing and trip suppression. So when the TIA states that delay is ">50 seconds" it is correctly following the HCM procedure as required by both the Cities of Moreno Valley and Riverside. While the computational software will produce a numerical estimate of delay beyond the 80 seconds limits, that number is sometimes meaningless, as the City's comment letter points out (page 6) for the single case where such an irrational number was inadvertently present in the report. However, in response to the comment the upper limit for reported delay for unsignalized intersections was revised from 50 seconds to 180 seconds.*

In summary, values greater 50 seconds for unsignalized intersections and 80 sections for signalized intersections are meaningless (per HCM methodologies, which the City of Riverside also uses). As a result, now showing those numbers does not constitute a more severe impact and that the computed, though meaningless results, were shown as a courtesy in response to the City of Riverside's comment. In addition, the developer is required to pay its fair share of the cost of improvements if a fair share program exists for intersections and segments outside of Moreno Valley (MM 4.15.7.4A, D, E, and F).

Response II (A.2):
The City of Riverside requests that an ADT analysis be conducted as part of the FEIR. This comment was also fully addressed in the response to comments on the DEIR (FEIR Volume 1, RTC E-2A-5):

> *It is the commenter's opinion that by analyzing the ambient peak hour rather than the peak hour for warehouses shown in DEIR Appendix L-1 TIA Figure 28 (now Figure 31in FEIR Volume 2 Appendix L-1) the TIA is understating the project's impacts. The commenter states off-peak or 24-hour analysis periods should have been used.*

It is correct that a large percentage of the project's traffic occurs during off-peak hours. This is a highly desirable feature for a major employer. However the purpose of the traffic analysis is to identify where plus-project traffic levels might necessitate roadway improvements by analyzing and mitigating impacts for the worst-case scenario. The worst-case scenario will occur either in the AM or PM ambient peak period, but not during off-peak hours. If sufficient capacity is provided for the worst-case traffic periods then the capacity will also be sufficient for all other off-peak hours. The TIA followed this established procedure in conformance with official guidance ranging from Transportation Research Board's (TRB) Highway Capacity Manual (Chapter 3) to the City of Riverside's own Traffic Impact Analysis Preparation Guide (pages 5, 12, 20). Because of the conservatively high trip-generation rate used in the WLC analysis, along with the fact that the peak of trip generation was assumed to occur simultaneous with the peak of background traffic, the assumptions in the WLC analysis are far more conservative (i.e. assumes worse case conditions) than the field data in the National Association of Industrial and Office Properties (NAIOP) survey suggests is likely to occur. As can be seen in Exhibit E-2A-1 from the TIA, copied below, the TIA assumed peak-hour trip-generation rates far higher than those found in the highest hours of the NAIOP study cited by the commenter.

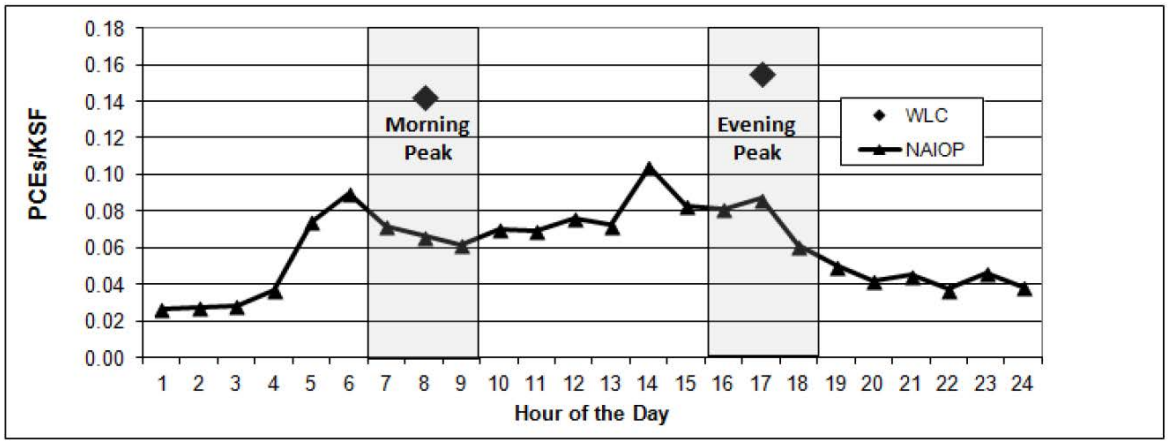


Exhibit E-2A-1: Time-of-Day Distribution, WLC Assumptions Compared to NAIOP

Besides roadway design, which was already addressed in the peak-hour analysis, the other purpose of the traffic forecasts was as an input into air quality analyses. The traffic data used for the air quality analysis covered both the peak periods and the full 24-hour period, as requested by the commenter.

In summary, an ADT analysis will not reveal any impacts beyond those presented in the peak hour analysis contained in the FEIR.

Response II.A.3:
As indicated in RTCs E-2A-4 and E-2A-8, Section 4.15 of the FEIR and Section 2.A of the TIA (Appendix L) provide detailed information on growth assumptions.

Response II.A.4:
As explained in RTC E-2A-9, RivTAM is an iterative model that assigns trips based on the shortest trip length time. As a result, diversion is directly accounted for within the model. However, the City of Riverside may be alluding to those values that are greater than 50 seconds for unsignalized intersections and 80 seconds for signalized intersections, which are meaningless. However, those out-of-range values occur before the application of mitigation, specific roadway improvements to reduce delay. Once mitigation is incorporated, there are no longer out-of-range numbers (those that exceed 50 or 80 seconds). As a result, the final results present delay that takes into account diversion.

The purpose of the figures mentioned in the comments is not to show link-specific detail but to give the reader a sense of the major routes that project traffic will be taking. Detailed link information is contained in Appendix L, where the TIA contains detailed tables and figures showing where project traffic occurs. The amount of traffic data contained in these tables and figures is large and cannot be boiled down to simple graphics, but are available for the reader to examine traffic impacts at a the link/intersection level.

Response II.B:
The FEIR provides a comparative analysis of the alternatives included in the FEIR based upon the difference in the trip generation of the alternatives. Since the uses described in the alternatives rely upon uses detailed in the WLC project or the MHSP, those documents serve as an adequate basis to make comparisons to the various alternatives. CEQA does not require the level of detailed analysis of alternatives as it does for the proposed project. As a result, the alternatives discussion provides the necessary information for an informed decision based upon comparative impacts.

Response II.C.1:
The appendix was properly identified. Appendix L-1 refers to the main body of TIA. Appendix L-2 and subsequent portions include the appendices of the TIA. Collectively, these appendices are referred to Appendix L. That aside, the Appendix clearly identifies the required mitigation, though confusion may have been caused by attempting to refer the commenter to comprehensive discussion on mitigation rather than narrowly identify select tables. The tables that identify specific infrastructure improvements begin with Table 74 and clearly identify which infrastructure improvements are feasible and which are not. Table 74 is copied below with the relevant text highlighted:

Table 74: Project Direct Impacts on Road Sections

Study Roadway	From	To	Jurisdiction	LOS Standard*	Existing LOS	Existing Plus Build-out LOS	Does the Project have a Significant Impact?	Mitigation Measures Required to Reduce Project Impacts to Less-Than-Significant	Is the Mitigation Feasible?	LOS After Feasible Mitigations are Implemented	Impact Significant After Feasible Mitigations are Implemented?	Is There an Existing Deficiency?	Developer Action Required
(A)			(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Road Section Impacts that can be Mitigated to a Less-Than-Significant Level													
S-22	Cactus Ave.	Redlands Blvd	Cactus Ave Extension	Moreno Valley	C	A	E	Yes	Widen to 4 lanes	Yes	A	No	No	Pay fair share (95.9%)
Road Section Impacts that are Considered Significant and Unavoidable (because they are not under the control of the City of Moreno Valley)													
S-16	Gilman Springs Rd	Alessandro Blvd (Street C)	Bridge Street	Riverside County	D	F	F	Yes	Widen to 4 lanes	Yes	C	No	Yes	Pay fair share (12.2%)
S-17	Gilman Springs Rd	SR-60	Alessandro Blvd (Street C)	Riverside County	D	E	F	Yes	Widen to 4 lanes	Yes	C	No	Yes	Pay fair share (17.8%)

* LOS Standard is "C" in residential areas and "D" for roads in employment-generating areas or near freeways.
Indicates LOS exceeds the target level

Section 11.G identifies the text of the mitigation measures carried forward to the FEIR incorporating the preceding tables. Traffic mitigation measures are also set in the FEIR Section 4.15.7.74 (p. 4.15-233 – 235) and in the Executive Summary, Table 1.B, pages 1-78 – 82.

Response II.C.2:
The City of Riverside's comments misrepresent what was stated in RTC E-2A-12. The response states (1) Riverside is incorrect in characterizing the project as a port-related project, (2) that the analysis performed is consistent with TUMF guidelines, and (3) these are the TUMF guidelines that Riverside agreed in order to provide regional mitigation. The FEIR does not claim that payment of TUMF reduces impacts into insignificance (Section 4.15.7.5, p. 4.15-237). The response does not indicate that the applicant not pay TUMF fees or that Riverside suggested such.

Response III.A:
The City of Riverside contends that its noise ordinance (RMC 7.25.010) applies to traffic-generated noise. However, the noise ordinance exclusively discusses permitted noise levels from applicable land use categories. The code identifies the following land use categories: residential, office/commercial, industrial, community support, public recreation facility, nonurban. None of these land use categories are roads or highways. As a result, Riverside's noise ordinance is not applicable to traffic-generated noise.

Response III.B:
The City of Riverside claims that their comment sleep disturbance was not fully addressed; that is not the case. All traffic noise will come from existing facilities with existing truck traffic that produce continuous noise. As a result, the use of a single-event metric like the FICAN curve is not relevant. As the commenter points out, "roadway noise would have a significant effects on sensitive receptors under the Community Noise Equivalent Level ("CNEL") metric." The City agrees, which is why all the noise analysis, including highway and road impacts, were conducted using the CNEL metric. All impacts are fully disclosed in the FEIR and, where feasible, mitigation is incorporated. With regard to construction impacts, the FEIR Volume 3, Section 4.12 contains mitigation requirements to reduce nighttime construction noise impacts to less than significant.

Response IV:
Like there is not a gas station at every place of work, it is unnecessary to have an alternative fueling station at every building at the WLC. A centralized alternative fueling station would be the most effective and efficient method of providing alternative fueling. In addition, it would be publically available providing alternative fuel options beyond the needs of the WLC. Implementation is not at the discretion of the developer, the FEIR requires that the fueling station be operational no later than the end of Phase 1, but may be operable sooner. As there are alternative fueling stations throughout the Inland Empire, the absence of such a station at the beginning of the project will not prevent alternative-fueled vehicles from calling at the WLC.

With regard to electrical charging stations, infrastructure described in is required to be approved as part of the plot plan. The mitigation requires a minimum of two operating charging stations to be constructed with the building. In addition to the two charging stations, infrastructure sufficient to support the installation of Level 2 charging stations in the future to meet possible future demand is required at the time of construction. As a result, it would be required to be constructed with the building (Mitigation Measure 4.3.6.4A(g)). As a result, there is no issue with the timing mechanism. For additional information, see FEIR, Volume 1, RTC C-3-7 and C-3-8.

Response V.A:
The issue of bird strikes is addressed in Response to Comment E-2A-20 in FEIR Volume 1, Response to Comments (page 291) as shown below:

> ***Response to Comment E-2A-20.*** *The potential for birds striking buildings is real and would result in an adverse, but less than significant impact with regard to common avian species. There are several project design features incorporated in the general concept of the WLCSP that will reduce the potential for bird strikes. Section 4.1.6.1 of the DEIR spells out building heights for the entire Specific Plan. The highest buildings would be no more than 80 feet tall, with "perimeter" buildings along the west north and south perimeters a maximum of 60 feet tall. These design features are specifically for aesthetic reasons, but also*

provide a gradual transition from open space areas and should allow for birds to acclimate to buildings both through the transition from shorter to taller buildings, but also through the gradual construction of facilities over a 15-year period.

Bird strikes associated with sensitive avian species, such as golden eagle and Cooper's hawk, may be a potentially significant impact that requires mitigation. Mitigation for impacts to sensitive avian species that potentially occur within the WLCSP is covered under the MSHCP. MMs 4.4.6.1A-B, 4.4.6.2A-B, 4.4.6.3A-C, and 4.4.6.4A-I will reduce the project related impacts to a level less than significant.

Response V.B:
The City of Riverside apparently reads "special status birds" to not be inclusive of birds protected under the Migratory Bird Treaty Act. In Section 4.4.1.11 of the FEIR, "special status species" are defined as "plant and animal species or subspecies for which there is concern for population sustainability or that are otherwise considered worthy of consideration for protection by the CDFW, USFWS, local agencies, or special interest groups, such as the California Native Plant Society (CNPS)." Birds protected under the Migratory Bird Treaty Act meet this definition. As a result, there is no basis for the City of Riverside's interpretation. As a result, there is no exclusion for any bird covered by the MBTA. In fact, MM 4.4.6.4B specifically requires that "If it is determined that project-related grading or construction will affect nesting migratory bird species, no grading or heavy equipment activity shall take place within the limits established in Mitigation Measure 4.4.6.4A until it has been determined by a qualified biologist that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. This measure shall be implemented to the satisfaction of the City Planning Division."

Response V.C:
As the FEIR states, there are no standards for assessing the air quality impacts on wildlife species and points to the air quality analysis conducted for humans (FEIR p. 4.4-84). Using the latest methods from OEHHA, there are no impacts that would extend into wildlife areas. That is before considering the fact that the air quality mitigation for the WLC project requires the use of diesel-powered vehicles which meet U.S. EPA 2010 standards which have been found not to cause cancer in a recent study conducted by the Health Effects Institute. Given the lack of a significant impact to humans, there is no basis to conclude there is a significant impact to wildlife.

Response V.D:
RTC E-2A-23 fully explains why boundaries for the biological assessment were selected. The MSCHP was used as the basis for the cumulative analysis since it is far larger than the project area covering all of western Riverside County. As the FEIR states in Section 4.4.1.12, "The MSHCP was conceived, developed, and is being implemented specifically to address the direct, indirect, <u>cumulative</u>, and growth-related effects on covered species resulting from build out of planned land use and infrastructure" (emphasis added). As a result, it serves the purpose of conducting a comprehensive cumulative analysis as determined by the resource agencies.

The City of Riverside claims that the FEIR does not provide evidentiary support that payment of MSCHP fees will serve as cumulative mitigation. This is not correct. Section 4.4.1.12 of the FEIR lays out in detail how the MSCHP was developed, its goals, and how it will be implemented. It is a comprehensive plan by local, state and federal agencies to address biological impacts. In addition, Section 4.4.7 of the FEIR discusses how application of the MSCHP and payment of fees addresses the cumulative impacts identified in the FEIR.

Response VI:
The FEIR concludes that the construction and operation of the WLC will not have a significant GHG impact, see FEIR Section 4.7.7, p. 4.7-59 – 60. As a result, no further mitigation is required.

Response VII:
The identification of the environmentally superior alternative does not take into account project objectives. The FEIR states in Section 6.5 that "Alternative 1 – Reduced Density —has been deemed to be environmentally

superior to the proposed project." After that determination was made, a comparison of the environmentally superior alternative to the other alternatives, in terms of satisfaction of project objectives is presented, Table 6.5, page 6-45.

**** In addition, the City of Riverside's letter contained comments by the traffic consulting firm of Linscott Law & Greenspan which are addressed in the following responses ****

Comment 1:
Response E-2B-1. The response to this comment is not correct. Our comment does not assert that all traffic generated by the World Logistics Center will pass through the City of Riverside, since 25,000 vehicles and 12,000 trucks, which is based on Table 24, Figure 25 and Figure 29 (January 2013 TIA) comprises only 52% of the 71,085 total vehicles and trucks generated by the Project. Furthermore, utilizing the revised trip generation provided in Table 25 and the general traffic distribution patterns provided in Figures 39 and 44 (i.e. autos and trucks), it was determined that approximately 24,000 auto trips per day (54,714 vehicles x 44% = approximately 24,000 vehicles) and 11,500 truck trips per day (14,007 trucks x 82% = approximately 11,500 trucks) would travel through the City of Riverside via the freeway and/or arterial network. As a result it continues to be imperative that the traffic impact analysis for the World Logistics Center adequately analyze and provide tangible mitigation measures that will provide corridor-wide benefits for both employees and trucks.

Response 1:
Regardless of how the original comment was construed, the City's Response to Comment E-2B-1 is still consistent with this updated comment. The comment states that traffic impacts need to be adequately analyzed and tangible mitigation be provided. The TIA and FEIR do this, as outlined in FEIR Section 4.15 and the TIA in FEIR Volume 2 Appendix L.

Comment 2:
Response to Comment E-2B-5. Comment not fully addressed. The TIA should be updated to clearly state which planned improvements are included in the analysis (i.e. intersection location, type of improvement, funding source and timing of improvement) and not direct the reader to SCAG's 2012 RTP for the list of improvements. The list of improvements could be added as an appendix to the TIA for easy reference.

Response 2:
As indicated in the original response to E-2B-2. the RTP is the basis for the improvements included in the analysis. That list is incorporated by reference, with a link provided in the original response identifying where the list can be found: http://rtpscs.scag.ca.gov/Documents/2012/famendment/2012A01RTP_ModelList.pdf

Comment 3:
Response to Comment E-2B-8. Comment not addressed. Although Figure 39 (Autos Distribution) and Figure 44 (Trucks Distribution) are provided in the revised Traffic Impact Analysis Report, more detailed distribution figures should be added to the report consistent with a typical TIA. These figures need to be provided so the project assignment to the key study intersections and/or freeway segments can be verified.

Response 3:
The commenter has not indicated what more detailed project trip distribution information is necessary to accurately estimate potential traffic impacts from the proposed WLC project. The TIA provides sufficient information and graphics to illustrate the trip distribution assumed for project traffic affecting roads and intersections away from the WLC site. Project impacts are determined by assessing the level of service when considering project trips *plus existing (or future) traffic.* It is these figures that are shown in the TIA (FEIR,

Appendix L) for every analyzed intersection. No additional information or graphics are needed to complete that assessment.

Comment 4:
Response to Comment E-2B-13. Comment not addressed. The traffic impact analysis does not include a daily roadway segment analysis, which is recommended for this project considering that the AM and PM peak hours only consist of 13.7% of the project's daily traffic generation forecast. Per the City of Riverside Public Works Department Traffic Impact Analysis Preparation Guide, dated December 2014 (Section 6.0- Study Area) and cited by the City in its response, a roadway link analysis shall be required for a TIA analyzing General Plan Amendments (GPA), Specific Plans (SP) or Specific Plan Amendments (SPA). Should the analysis reveal significant traffic impacts, appropriate mitigation measures should be identified, such as contributions to the City of Riverside's Traffic Signal Mitigation Fee program.

Response 4:
The commenter recommends that analyses of the off-peak and daily time periods be performed. The commenter also asserts, without any supporting evidence, that project traffic is likely to divert onto Martin Luther King Blvd. and Van Buren Blvd. and that these be included in the analysis for the daily period. A daily roadway segment analysis is not needed because a large percentage of the project's traffic occurs during off-peak hours. This is a highly desirable feature for a major employer. However the purpose of the traffic analysis is to identify where plus-project traffic levels might necessitate roadway improvements by analyzing and mitigating impacts for the worst-case scenario. The worst-case scenario will occur either in the AM or PM ambient peak period, but not during off-peak hours. If sufficient capacity is provided for the worst case traffic periods then the capacity will also be sufficient for all other off-peak hours. The TIA followed this established procedure in conformance with official guidance ranging from (TRB's) Highway Capacity Manual (Chapter 3) to the City of Riverside's own Traffic Impact Analysis Preparation Guide (pages 5, 12, 20). Because of the conservatively high trip-generation rate used in the WLC analysis, along with the fact that the peak of trip generation was assumed to occur simultaneous with the peak of background traffic, the assumptions in the WLC analysis are far more conservative (i.e. assume worse conditions) than the field data in the National Association of Industrial and Office Properties (NAIOP) survey suggests is likely to occur. As can be seen in Exhibit E-1B-1 from the TIA, copied below, the TIA assumed peak-hour trip-generation rates far higher than those found in the highest hours of the NAIOP study.

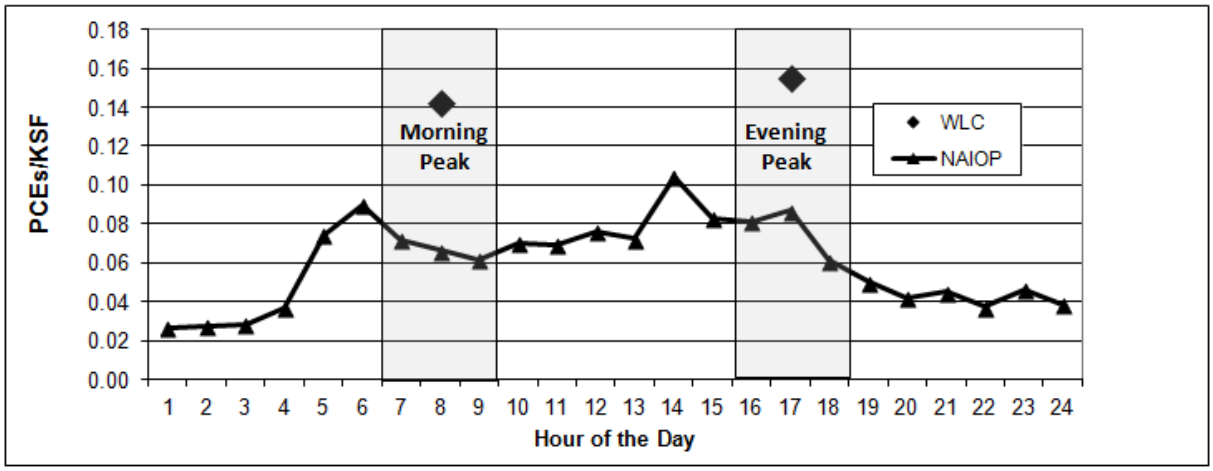


Exhibit E-2B-1: Time-of-Day Distribution, WLC Assumptions Compared to NAIOP

The impact of project traffic on Martin Luther King Blvd. were studied for the five intersections where the project was forecast to potentially add 50 or more peak-hour trips (Study Intersections 81 through 85). No

intersections were studied along Van Buren Blvd. because tests using RivTAM forecast project traffic to be less than the threshold for study.

Besides roadway design, which was already addressed in the peak-hour analysis, the other purpose of the traffic forecasts was as an input into air quality analyses. The traffic data used for the air quality analysis covered both the peak periods and the full 24-hour period, as requested by the commenter.

Comment 5:
Response to Comment E-2B-14. Comment not addressed. The response indicates that the threshold for analysis is 100 peak hour trips based on Caltrans guidelines. However, this is not the complete threshold utilized by Caltrans as stated in the current Caltrans Guide for the Preparation of Traffic Impact Studies (Chapter II, Section A - Trip Generation Thresholds). This section of the guidelines illustrates criterion when the analysis of a State highway facility is required. There are three categories of trip thresholds shown in the guidelines (i.e. generates over 100 peak hour trips, generates between 50 and 100 trips and generates between 1 and 49 peak hour trips). Therefore the number of project trips generated on the section of the 1-215 Freeway between the SR-60 Freeway and Perris Boulevard should be determined/shown in the TIA report and the appropriate analysis conducted based on Caltrans requirements, which at a minimum would include the existing LOS on this freeway mainline section. This further accentuates the need for a detailed trip distribution pattern, which would show the percentage of traffic on this section of the 1-215 Freeway.

Response 5:
First, the City's original response addresses this comment in part and is repeated below:

> As discussed in the TIA (Chapter 1, Section B), the City of Moreno Valley approved a minimum threshold of 100 peak-hour trips to be used to determine whether or not a freeway segment needs to be further analyzed. This threshold was based on Caltrans' guidelines. The City of Riverside itself uses thresholds like this in its traffic analyses (see City of Riverside, "Traffic Impact Analysis Preparation Guidelines", page 3).
>
> This portion of I-215 would attract few WLC trips because it is dominated by an alternate route that is 4.6 miles shorter (i.e. the travel distance from SR-60 at Perris Blvd to I-215 at Nuevo Rd is 14.6 miles using the SR-60/I-215 route but only 10.0 miles using Perris Blvd). That section was analyzed to determine if it met the threshold for further analysis. Tests using the RivTAM model showed that fewer than 100 project trips used this portion of I-215. It therefore did not meet the minimum threshold and therefore it was not included for further analysis. This logic is similar to that presumably used when the City of Riverside recently chose not to require that this same section of I-215 be analyzed in the traffic study for the Gless Ranch shopping center.

Comment E-2B-14 asked how many vehicle trips will use the I-215 in order to calculate the WLC's fair shore of the cost of improvements. The TIA also used the thresholds cited above by the commenter when conducting the mainline and weaving analyses for freeway traffic as well. The TIA used the appropriate methodologies to estimate fair share contributions to local as well as regional improvements, including freeways.

Comment 6:
Response to Comment E-2B-15. Comment not fully addressed. The revised TIA should show how many AM and PM peak hour project trips are expected to utilize Cajalco Road, so there is a method to validate that the proposed Project will not exceed the 50-trip threshold required for analysis.

Response 6:
This is not reasonable. One of the reasons to have a threshold for further analysis is that there are thousands of road segments throughout the Inland Empire where traffic would not meet the minimum threshold for further analysis. Presenting the results on all of them would be a meaningless exercise that does not result in describing actual transportation-related impacts.

Comment 7:
Response to Comment E-2B-16. It is reasonable and appropriate to expect that the Project buildout analysis (Year 2022) should include mitigation measures associated with the LOS analyses and identification of significant traffic impacts. While the 2035 analysis may include all reasonably foreseeable future projects, there is no way to understand which mitigation improvements should be installed with completion of the Project unless all mitigation measures identified in the 2035 analysis are expected to be completed by 2022. Furthermore, if there is a 2022 traffic impact, then the appropriate fair share value towards the mitigation measures should be based on the 2022 condition, not the 2035 condition and therefore identification of the specific mitigation measure in the Project buildout condition is imperative. Otherwise, the fair share contribution will be understated, since the 2035 fair share value is almost always less than the near-term fair share value.

Response 7:
Table 4.15.BA calls for the addition of one mixed flow lane for each segment of the SR-60 with the WLC required to pay the specified fair share. The situation described by the comment is addressed through the transportation mitigation measures. The mitigation measures require an updated transportation analysis with every plot plan. Any impacts must be mitigated as a condition of approval for future development. In addition, the mitigation measures require the payment of fair share contribution to impacts for mitigation outside the jurisdiction as they are identified outside the City. See MM 4.15.7.4A through 4.15.7.4G.

Comment 8:
Response to Comment E-2B-20. The response to this comment is not correct. Based on Table 24 and Figure 29 (January 2013 TIA) the project generates approximately 12,000 truck trips (not PCE trips) to the 1-215/SR-60 Freeway through the City of Riverside. Utilizing the revised trip generation provided in Table 25 and the general truck traffic distribution pattern provided in Figure 44, the project generates approximately 11,500 trucks (28,914 PCE trips) to the 1-215/SR-60 Freeway through the City of Riverside. As stated before, fundamentally, the addition of approximately 11,500 truck trips (28,914 PCE trips) per day to the 1-215/SR-60 Freeway through the City of Riverside necessitates the addition of a corridor wide lane improvement to mitigate the impact on auto traffic similar to the traffic conditions on the I-710 Freeway in South Los Angeles County.

Response 8:
The TIA has correctly analyzed the impact of project traffic on the freeway system, identified the necessary improvements, and recommended that the City work with Caltrans to implement the identified improvement measures, see FEIR, Section 4.15, Table 4.15.BA.

Comment 9:
Response to Comment E-2B-23. Comment not addressed. The City cites to the Caltrans Route Concept Report Study for the SR-60/I-215 Corridor, dated September 2012, in support of its assertion that currently recommended freeway improvements are sufficient and no additional study is warranted. However, unless the 2012 Caltrans Report included traffic associated with the World Logistics Center Project, the assertion that the recommended freeway improvements to SR-60 are sufficient and no additional study is warranted is false.

Response 9:
It is unclear as to what the commenter is trying to say. With regard to WLC traffic on the SR-60/I-215 Corridor, the FEIR fully analyzes the impacts and identifies the needed mitigation (FEIR Volume 2, Appendix L - TIA). With regard to the original comment about studying the addition of a “mixed-flow lane and/or special truck lane”, the Route Concept Report for the SR-60/I-215, September 2012, did exactly that. The feasibility of adding an additional lane is independent of any specific project’s trip generation.

3 Attachments Included

Attachment 1

PARSONS BRINCKERHOFF

Memorandum

World Logistics Center Specific Plan & EIR

TO: Daniel Kopulsky, Caltrans District 8

FROM: Don Hubbard, TE, AICP

DATE: September 4, 2012

SUBJECT: **Traffic Forecasting and LOS Methodology for the WLC**

Approved for Use for the World Logistics Center EIR

_____

Daniel Kopulsky
Chief, Local Development Review/Community Planning
Caltrans District 8

This memo describes the methodology used to forecast traffic for the World Logistics Center (WLC) traffic impact assessment. The memo begins with a brief description of the choice of forecasting models, followed by descriptions of the preparation of no-project versions of the model for the three study years, and the methodology used for a single with-project model run. It then describes the facilities to be studied, the methodology used to determine the level of service (LOS) for each type of facility, and the analysis periods.

Please signify your approval of this methodology using the signature block above and return a copy to us.

Choice of Traffic Models

The choice of which traffic model to use is a non-issue for most traffic impact analyses (TIAs). Typically the approving agency has a traffic model that has been prepared for analyses within their jurisdiction and the project-related traffic is small in relation to the total traffic in the jurisdiction. In the case of the City of Moreno Valley, the City prepared the Moreno Valley Traffic Model (MVTM) which was the mainstay of TIAs in the city for years. The MVTM would, however, not be a good fit for the WLC TIA for several reasons:

- Regional Conformity: It is the policy of agencies within the Southern California Association of Governments (SCAG) region to use traffic forecasting models that are consistent with each other. Having consistent models ensures that projects in different jurisdictions are analyzed using a common set of assumptions and allows reviewing agencies to concentrate their attention on the changes related to the project under discussion. The MVTM conformed to SCAG's old regional model but fell out of regional conformity when SCAG's new model came on line in 2008. The MVTM has not been updated in seven years and the City has no plans to update it[1].
- Geographic Scope: The logistics buildings of the WLC project will generate considerable long-distance truck traffic. In addition, the project will be a major employer providing jobs not only to Moreno Valley residents but to residents of other cities in Riverside County. It is therefore possible that the project's impact may extend beyond the limits of the City of Moreno Valley. Using the MVTM may not adequately consider the impacts on neighboring jurisdictions or on the state freeway system. A TIA that used the MVTM for a project of regional scope might be judged as insufficiently broad in scope.

There were three other models that were candidates for this TIA, namely the SCAG regional model, the Riverside County Traffic Analysis Model (RivTAM), and the Moreno Valley TransSims model. Of these, the

[1] The MVTM was originally validated to a 1997 base year

SCAG model was eliminated from consideration because it has no real advantages over the RivTAM model and lacks the latter model's detail in Riverside County (discussed further below). The TransSims model is an experimental application intended to test the software rather than intended for use in evaluating projects. It is even smaller in geographic scope than MVTM and lacks institutional support from other agencies.

The model with the strongest degree of institutional acceptance is RivTAM. There is a memorandum of understanding (MOU)[2] among the jurisdictions of Riverside County that encourages the use of the RivTAM model for future TIAs. RivTAM is a version of the SCAG TransCAD model with additional detail (TAZs and local roads) added within Riverside County. It was developed for TIAs in Riverside County as a replacement for several older models that covered different portions of the county. RivTAM has both the geographic scope to capture all likely impacts and the regional conformity needed for acceptance by other reviewing agencies. The MOU reads, in part,

> *"RIVTAM was designed to address most city and county level modeling needs in Riverside County. The model inputs and zone system were designed with sufficient detail to support most city/county planning applications. The modeling methodology can support evaluation of a range of highway, HOV, and transit scenarios. The Agencies encourage the use of RIVTAM by Cities, other governmental jurisdictions, and private entities for their own transportation planning purposes. Universal use of RIVTAM by the Agencies, Cities, other governmental jurisdictions, and private entities, and their consultants will ensure that planning decisions in Riverside County are made on accurate and consistent travel forecasts."*

Based on both the technical merits of RivTAM and its high degree of official acceptance by the agencies responsible for regional transportation planning the decision was made to use RivTAM for the WLC analysis.

Preparing the No-Project Versions of the Traffic Model

RivTAM has two model years, 2008[3] and 2035. For this TIA four study years were needed, namely baseline (2012), opening year for Phase 1 (2017), project completion (2022) and general plan build-out (2035). Our methodology for preparing these models is outlined in Exhibit 1. The steps in the methodology are:

1) The 2008 RivTAM model is the starting point for the existing and opening year models.
2) The known projects that occurred up until 2012 within the study area were added. This includes land use developments such as the new Skechers building, recently-completed road improvements, and policy changes affecting road usage such as Moreno Valley's action to shorten the section of Redlands Boulevard where truck traffic is allowed.
3) The TAZs in the project site were subdivided to allow for more detailed analysis.
4) The result was the baseline 2012 model with the WLC zone structure.
5) CEQA case law mandates that projects that are "known" be added to the assumed background traffic. This includes projects that are under construction, have been approved, or have been announced in a public forum. A list of such projects was prepared and those that are expected to be completed by 2017 were added to the 2017 model.
6) Road improvements that are funded and expected to be completed by 2017 were added to the 2012 road network file to create the 2017 road network file.
7) The 2017 land uses and 2017 road network file were used together in the 2017 model.

---

[2] *MOU for RivTAM Model Maintenance, Update, and Usage*. Not dated, but signed by various parties between June and September, 2010. The signatories were Riverside County Transportation Department, Riverside County Transportation Commission, Western Riverside Council of Governments, Coachella Valley Association of Governments, Southern California Association of Governments, and Caltrans.

[3] The socio-economic data was from 2007

8) The City's TIA guidelines[4] mandate that a growth rate of 2% per year be used for interim study years. This is in addition to the traffic generated by known projects. We complied with this mandate by running 2017 model and then the factoring the traffic volumes by 2% p.a. to generate the 2017 forecasts[5] used in the traffic analysis.

9) The factoring-up method used for the 2017 model was considered unsuitable for the 2022 model because factoring up makes no distinction between fast- and slow-growing areas which, over the course of ten years (2012 to 2022), might be significantly different.

   Instead, we interpolated between the land uses in the 2020 and 2035 scenarios of SCAG's Sustainable Communities Strategy (SCS). This approach captures the differences between fast- and slow-growing areas.

10) The development projects expected to be completed by 2022 were then added to the assumed land uses, as were funded road projects in the Federal Transportation Improvement Program that is the first 6-year portion of the Regional Transportation Program (RTP) adopted in April 2012.

11) The result was the 2022 model.

12) The starting point for the build-out model is the 2035 version of RivTAM. The land use files were replaced with those for the 2035 scenario of the recently-adopted Sustainable Community Strategy. Similarly, the network files were updated in the study area with the projects in the recently-adopted 2012 RTP.

13) Because the project includes a general plan amendment the analysis must include an analysis of general plan build-out conditions. For the TAZs representing Moreno Valley we therefore used the City's General Plan land uses and road network instead of the 2012 RTP/SCS except for at the project site, where the land uses assumed for the no-build scenario are the existing uses. The other difference from the general plan is that where there is a "known" project, its uses replaced the uses shown in the general plan.

14) The end result was the WLC version of the 2035 model.

Proposed Methodology for With-Project Model Runs

For various reasons which will be explained below RivTAM's forecasts require some post-processing before they can be used in a TIA. The methodology for doing this is outlined in Exhibit 2. The steps in the methodology were as follows:

1) The City's TIA guidelines mandate use of the trip generation rates from the latest edition of ITE's *Trip Generation*, which is the 9th edition, expected to be released in September 2012. WLC's predominant land use will be large high cube warehouses, so ITE category 152 (high-cube warehouse) was used[6]. Small amounts of category 150 (warehouse) and category 170 (utilities) were also used.

2) The WLC's proposed land uses for each TAZ were entered into a spreadsheet.

3) The ITE trip-gen rates and the land uses by TAZ were used to calculate the trips generated by each TAZ. The vehicles were split into vehicle classes and converted into passenger car equivalents (PCEs) using the rates mandated in the City's TIA guidelines[7]. Approximately 80,000 to 100,000 PCEs per day is expected to be generated by the site.

---

[4] *Traffic Impact Analysis Preparation Guide*, City of Moreno Valley, 2007

[5] There will be some overlap between the known developments and what is represented by the 2% ambient growth rate. This can be viewed as a deliberately conservative approach to forecasting future conditions.

[6] The trip generation rate for high-cube warehouses is higher in the 9th edition than in the 8th edition

[7] Vehicles were split into classed using the vehicle mix from the Fontana *Truck Trip Generation Study*. The mandated PCE factors come from the *San Bernardino County CMP, 2003 Update* Appendix C

4) Each TAZ was assigned an anticipated maximum logistic warehouse area[8]. In RivTAM commercial properties are measured in units of jobs rather than in floor space, so a conversion factor was used to convert building space into the expected number of jobs. For the logistics buildings a conversion factor of 2000 square feet of floor space per employee was used. This number comes from the San Bernardino Public Works Department for use in determining the traffic impacts of future development[9].

   For other developments in the City of Moreno Valley we converted future developments' acreage into square feet using the existing developmental densities in Moreno Valley and converted acres into square feet into employees using the conversion factors used in the city's General Plan[10]. For areas outside Moreno Valley we used the conversion factors used in Riverside County's General Plan.

5) RivTAM requires jobs to be classified for three model components using three different systems:

   a. In the main land use file jobs are divided into wage-level groups (low income, medium income, or high income). We classified WLC jobs as 50% medium income ($25,000 to $50,000 per year) and 50% high income based on information on wages in the logistics sector[11].

   b. In a different part of the main land use file jobs are divided into industrial groups (agriculture, manufacturing, etc.) following the North American Industry Classification System (NAICS). For the purposes of this file WLC's logistics jobs are best categorized as "transportation, warehousing, and utilities" employment.

   c. A different land use file is used to forecast truck movements. This file also divides jobs into industrial groups (agriculture, manufacturing, etc.) but the groups are somewhat different from those used in the main land use file. For the purposes of this file WLC's logistics jobs are best categorized as "transportation" employment.

6) The RivTAM's trip generation rates for medium-income transportation jobs do not quite match the ITE trip-gen rates. RivTAM does not offer the option to create a new land use classification with its own unique trip-gen rates, so the only option for correcting this problem is to factor the number of jobs in RivTAM up or down to match the traffic expected to be generated from the project being analyzed. The jobs in the TAZs representing WLC in RivTAM were factored to match the number of PCEs per day predicted using the ITE rates. This ensured that the overall traffic pattern in the output files will correctly take into account the full effect of project-related traffic.

7) The WLC project proposes a different internal road system than the one in the city's General Plan. The RivTAM network file was revised to reflect the project's proposed internal road network.

8) The RivTAM model was then run using the "select zone" function to distinguish traffic to and from the project from other traffic.

9) The key output from RivTAM is the trip distribution pattern for the six categories of vehicles in the model. However, although the distribution is correct, this output could not be used directly in traffic analyses. Several types of post-processing adjustments were required. These are described in the next steps.

10) In the trip distribution stage the RivTAM model assigns destinations to the many trucks trips originating from the WLC project. Since WLC will itself be a major attractor of truck trips, the model will inevitably assign some WLC truck trips to destination in other TAZs within the project area. Initial testing found the model was assigning 10%-20% of truck trips to origin-destination pairs

---

[8] The buildings actually constructed may be smaller than the amount entitled.

[9] See *County of San Bernardino Regional Transportation Development Mitigation Plan Report*, Table 7.3

[10] The City's general plan does not have logistics as a land use category, which is why a conversion factor from San Bernardino was used.

[11] See *Logistics and Distribution: An Answer to Regional Upward Social Mobility*, Dr. John Husing for SCAG, June 2004

entirely internal to the WLC site. This seems implausible given our expectations of likely tenants and if left uncorrected would result in an under-estimation of truck trips entering and leaving the WLC site. We therefore corrected for this by deleting internal trips from the origin-destination matrix and then factoring up the external trips so that the total number of trips to and from the project remained unchanged.

This correction assumes that no internalization of trips will occur. Since a small amount of internal traffic may in fact occur, the assumption that no trips are internal (i.e. all trips enter or leave the site) is conservative in the sense that it will tend to over-estimate rather than under-estimate the traffic impacts of the project on off-site streets.

11) RivTAM's job-based trip generation rates over-estimate traffic for some classes of WLC vehicles and under-estimate traffic for others when compared to the measured rates in Fontana *Truck Trip Generation Study*. The number of trips for each vehicle class were therefore factored up or down to correct for this. The factoring also converted the multi-hour peak period forecast into a single peak-hour forecast.

12) The results of the various post-processing steps described above are link volumes project trips for the morning and evening peak hours by vehicle class. The forecast volumes are consistent with the trip distribution by vehicle class predicted by RivTAM and consistent with the trip generation rates by vehicle class found in ITE and the Fontana *Truck Trip Generation Study*.

13) Peak-hour trips for non-project-related traffic required some factoring because RivTAM does not forecast traffic for peak hours but rather for peak periods; a 3-hour peak period in the morning and a 4-hour peak period in the evening. Non-project-related trips were converted into peak hour forecasts using conversion factors found in the *San Bernardino County CMP* Appendix H – Post Processed Traffic Volume Guidelines.

14) The project-related trips are then added to the non-project-related traffic to create the with-project traffic link-level volumes.

15) The forecast volumes from the 2012 model were then subtracted from the volumes in the future scenario to determine the growth in traffic volumes. This is in accordance with the difference method described in NCHRP Report 255[12]. The fact that the models are used only to forecast the growth in traffic, and not directly relied on for traffic volumes, mitigates the fact that the model might over- or underestimate existing volumes on some links.

16) The growth increment was then added to the measured existing volumes to arrive at the forecast peak-hour link volumes.

17) The link volumes were then converted into turning volumes so that intersection level of service (LOS) can be determined. The Furness Method[13] was used to determine the most likely distribution of volumes among the movements at each intersection. A spreadsheet was used to adjust the model's link volumes as described above and then convert them into approach and departure volumes in the format used by TurnsW32, the software used to implement the Furness Method.

The overall result was a set of link and turning movement forecasts that reflect future land use and network assumptions, the trip-generation characteristics of the type of buildings proposed for the WLC project, and taking into account existing turning patterns.

---

[12] See NCHRP Report 255 *Highway Traffic Data for Urbanized Area Project Planning and Design*, Transportation Research Board, 1982.

[13] The Furness Method, also known as the doubly-constrained growth factor model, is a process whereby the turning movements are factored iteratively to achieve a match with known approach and departure volumes. This widely-used technique is described in NCHRP Report 255.

Facilities to be Studied

Based on the City of Moreno Valley's *Traffic Impact Analysis Preparation Guide*, Caltrans' *Guide for the Preparation of Traffic Impact Studies*, and consultations with the staffs of both agencies, the facilities to be studied are:

- Intersections- All intersections of a collector or higher functional classification street with another collector or higher functional classification street at which the proposed project will add 50 or more peak hour trips.
- Roadway Segments- All roadway segments of collector or higher functional classification within the project site or adjacent to the proposed project site that are subject to the proposed General Plan Amendment.
- Freeway Segments- All freeway segments to which the proposed project adds 100 or more peak-hour trips.

LOS Methodologies

In accordance with the City of Moreno Valley's *Traffic Impact Analysis Preparation Guide* the following methodologies will be used to determine LOS:

- Roadway Segments - For facilities located within Moreno Valley the roadway segment analysis will be performed consistent with City of Moreno Valley *Traffic Impact Analysis Preparation Guide* using the daily capacity thresholds identified in the guide (see Exhibit 3).
- Signalized Intersections - the methodology described in the Highway Capacity Manual (HCM) 2010 Chapter 16. The computations were performed using Synchro with the settings as set in the Traffic Impact Analysis Preparation Guide.
- Unsignalized Intersections - the methodology described in the Highway Capacity Manual (HCM) 2010 Chapter 17. The computations were performed using Synchro with the settings as set in the Traffic Impact Analysis Preparation Guide.

Freeways are under the jurisdiction of Caltrans rather than the City of Moreno Valley and so the relevant guidance is Caltrans' *Guide for the Preparation of Traffic Impact Studies*. The Guide specifies that the most current edition of the Highway Capacity Manual (HCM) methodology be used to analyze traffic conditions for basic mainline segments and ramps. For our study Highway Capacity Software (HCS) version 6.3, the electronic version of the most current version of HCM 2010, was used for the HCM analysis. In consultation with District 8, merge/diverge segments and weaving segments were also analyzed using HCS. The analysis results are expressed in terms of density, which measures the number of passenger cars per lane per mile (pc/lane/mile) on freeway segment. The LOS for different densities depends on the type of facility (see Exhibit 4).

In accordance with the HCM methodology, freeway segments were categorized as follows:

- Weaving Segment – Any segment less than 2,500 feet in length where two streams of traffic traveling in the same direction cross without the aid of traffic control devices. Typically, weaving segment are formed when merge segments are closely followed by diverge segments. Any weaving segment longer than 2,500 feet is considered as a basic mainline segment.
- Ramp Merge/Diverge Segment - An influence area of 1,500 feet downstream of an on-ramp (merge) or upstream of an off ramp (diverge) including the acceleration or deceleration lane and adjacent freeway lanes. Merge/diverge analysis was performed for all locations where the ramp termini met the threshold for inclusion in the intersection analysis (50 additional peak-hour trips).
- Mainline Segment – Any segment between interchanges that is outside of the influence of a merging, diverging, or weaving maneuver, or where the segments are greater than 2,500 feet in length.

Analysis Periods and Traffic Counts

The analyses described above will be performed for the AM and PM peak-hour. Existing peak hour ramp volumes were taken from the peak hour turning movement counts of the corresponding ramp termini intersections in November 2011.

Existing mainline peak hour traffic data was collected from the Caltrans Freeway Performance Measurement System (PeMS) where available. Where PeMS data was not available the 2010 Caltrans Traffic Volume Report was used. However, as the volumes presented the report are daily volumes, conversion factors which were computed from adjacent segments using counts from PeMS were applied to estimate AM and PM peak hour volumes. To ensure that the analysis applies the most reasonable data that reflects existing traffic conditions, the existing peak hour mainline volumes were extracted from PeMS during the month of November 2011 (Tuesday-Thursday) which is consistent with the count period for intersection. In addition the volumes, the corresponding speeds and truck traffic percentages were also collected during the same period.

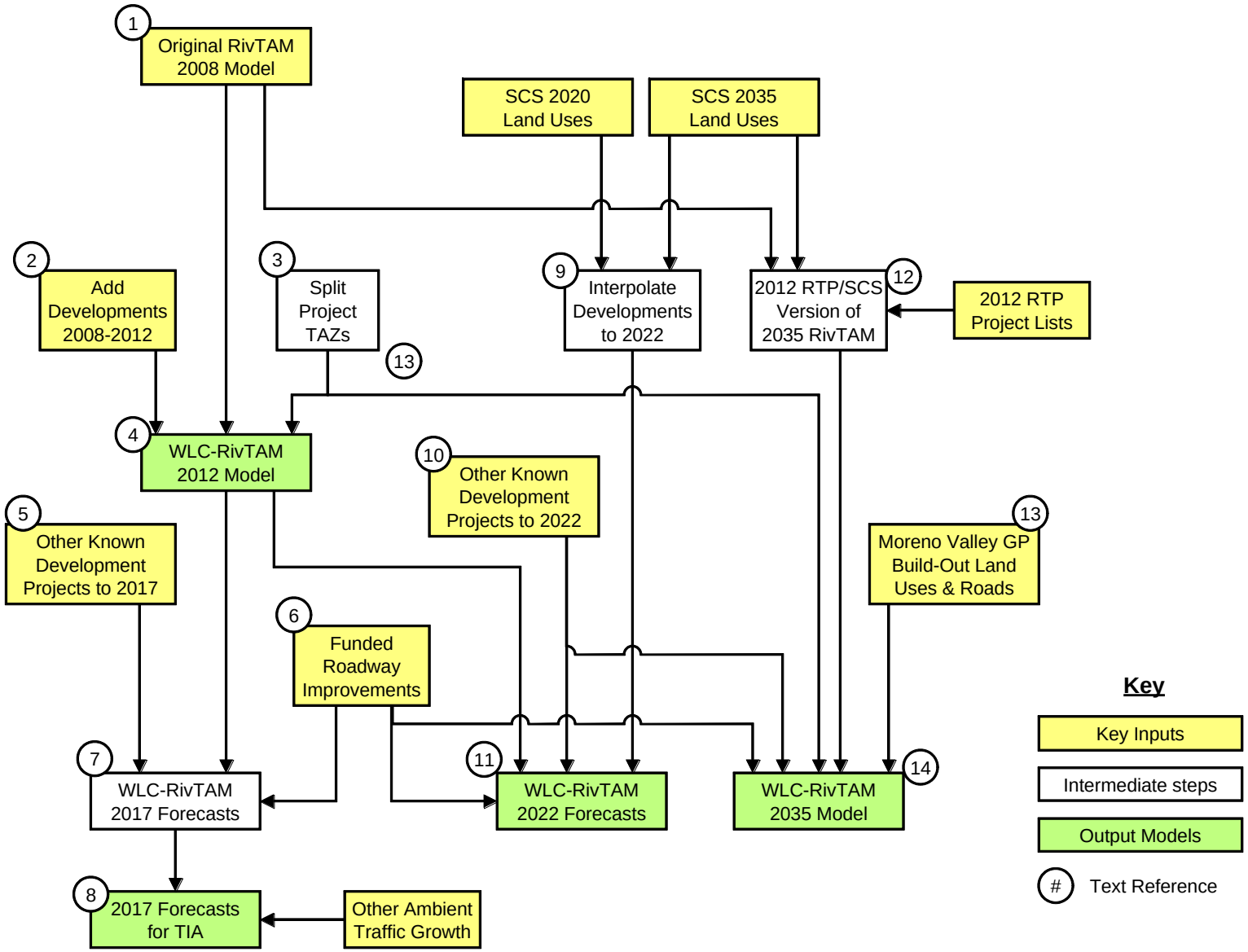


Exhibit 1: Preparation of No-Project Models

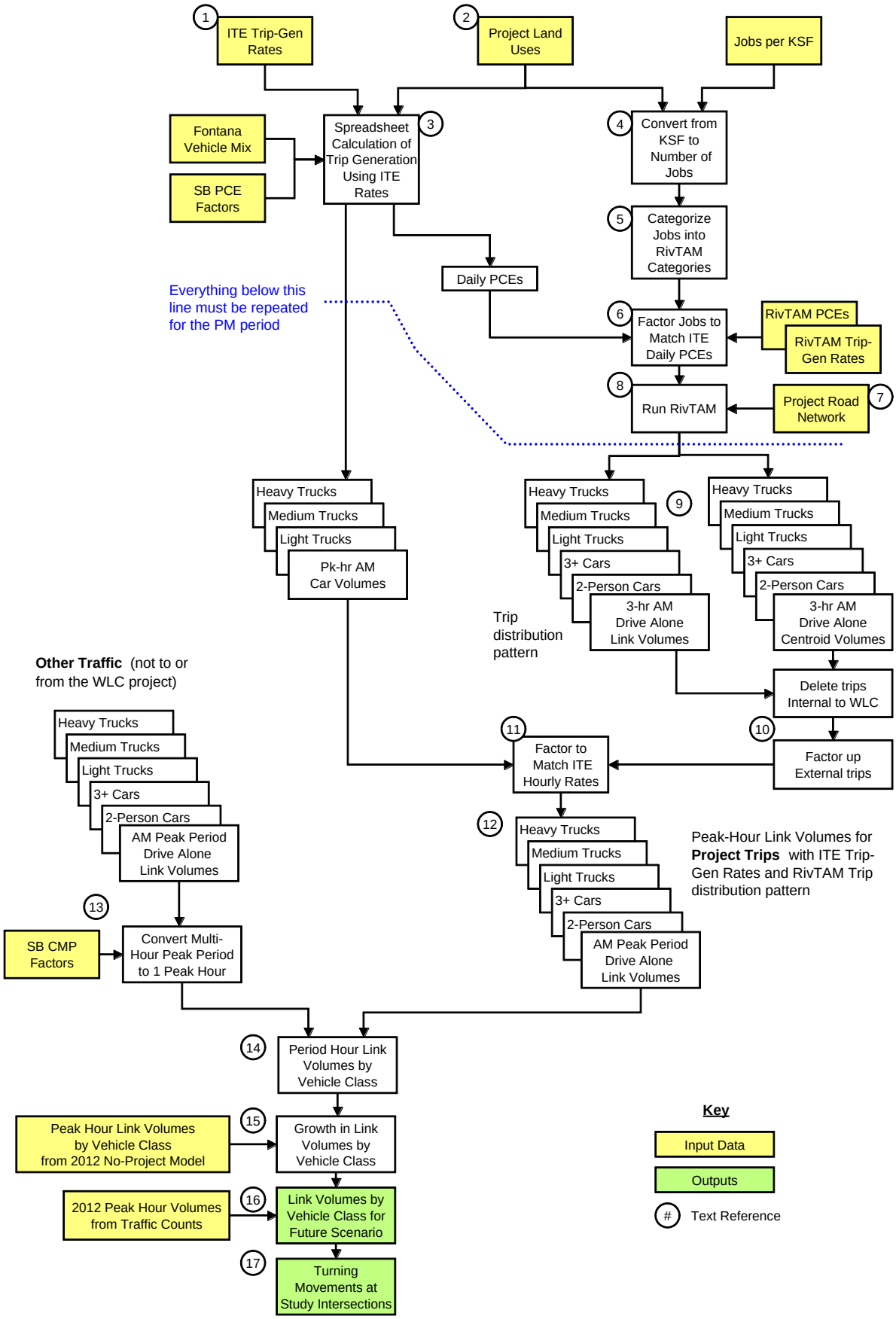


Exhibit 2: Methodology for Forecasting Project Traffic

Type of Roadway	Level of Service*				
	LOS A	LOS B	LOS C	LOS D	LOS E
6-Lane Divided Arterial	33,900	39,400	45,000	50,600	56,300
4-Lane Divided Arterial	22,500	26,300	30,000	33,800	37,500
4-Lane Undivided Arterial	15,000	17,500	20,000	22,500	25,000
2-Lane Industrial Collector	7,500	8,800	10,000	11,300	12,500
2-Lane Undivided Residential	N/A	N/A	N/A	N/A	2,000
* Maximum Average Daily Traffic (ADT)					
Source: City of Moreno Valley *Traffic Impact Analysis Preparation Guide*, 2007					
Note: These roadway capacities are "rule of thumb" estimates for planning purposes. The LOS "E" service volumes are estimated maximum daily capacity for respective classifications. Capacity is affected by such factors as intersections (spacing, configuration, and control features), degree of access control, roadway grades, design geometrics (horizontal and vertical alignment standards), sight distance, vehicle mix (truck and bus traffic), and pedestrian and bicycle traffic.					

Exhibit 3: Level of Service (LOS) Thresholds for Surface Streets in Moreno Valley

LOS	Basic Freeway Segment Density	Freeway Weaving Segment Density	Freeway Ramp Merge/Diverge Segment Density
A	0-11	≤ 10.0	≤ 10.0
B	11 – 18	> 10 and ≤ 20	> 10 and ≤ 20
C	18 – 26	> 20 and ≤ 28	> 20 and ≤ 28
D	26 – 35	> 28 and ≤ 35	> 28 and ≤ 35
E	35 – 45	>35	>35
F	>45	Exceeds Capacity	Exceeds Capacity
Source: HCM 2010 Exhibits 11-5, 12-10, and 13-12			

Exhibit 4: HCM LOS Criteria by Facility Type (pc/ln/mi)

Attachment 2

GUIDE FOR THE PREPARATION

OF

TRAFFIC IMPACT STUDIES

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

December 2002

PREFACE

The California Department of Transportation (Caltrans) has developed this "Guide for the Preparation of Traffic Impact Studies" in response to a survey of cities and counties in California. The purpose of that survey was to improve the Caltrans local development review process (also known as the Intergovernmental Review/California Environmental Quality Act or IGR/CEQA process). The survey indicated that approximately 30 percent of the respondents were not aware of what Caltrans required in a traffic impact study (TIS).

In the early 1990s, the Caltrans District 6 office located in Fresno identified a need to provide better quality and consistency in the analysis of traffic impacts generated by local development and land use change proposals that effect State highway facilities. At that time, District 6 brought together both public and private sector expertise to develop a traffic impact study guide. The District 6 guide has proven to be successful at promoting consistency and uniformity in the identification and analysis of traffic impacts generated by local development and land use changes.

The guide developed in Fresno was adapted for statewide use by a team of Headquarters and district staff. The guide will provide consistent guidance for Caltrans staff who review local development and land use change proposals as well as inform local agencies of the information needed for Caltrans to analyze the traffic impacts to State highway facilities. The guide will also benefit local agencies and the development community by providing more expeditious review of local development proposals.

Even though sound planning and engineering practices were used to adapt the Fresno TIS guide, it is anticipated that changes will occur over time as new technologies and more efficient practices become available. To facilitate these changes, Caltrans encourages all those who use this guide to contact their nearest district office (i.e., IGR/CEQA Coordinator) to coordinate any changes with the development team.

ACKNOWLEDGEMENTS

The District 6 traffic impact study guide provided the impetus and a starting point for developing the statewide guide. Special thanks is given to Marc Birnbaum for recognizing the need for a TIS guide and for his valued experience and vast knowledge of land use planning to significantly enhance the effort to adapt the District 6 guide for statewide use. Randy Treece from District 6 provided many hours of coordination, research and development of the original guide and should be commended for his diligent efforts. Sharri Bender Ehlert of District 6 provided much of the technical expertise in the adaptation of the District 6 guide and her efforts are greatly appreciated.

A special thanks is also given to all those Cities, Counties, Regional Agencies, Congestion Management Agencies, Consultants, and Caltrans Employees who reviewed the guide and provided input during the development of this Guide for the Preparation of Traffic Impact Studies.

TABLE OF CONTENTS

Contents		Page Number
PREFACE and ACKNOWLEDGEMENTS		ii
I.	INTRODUCTION	1
II.	WHEN A TRAFFIC IMPACT STUDY IS NEEDED	1
A.	Trip Generation Thresholds	2
B.	Exceptions	
C.	Updating An Existing Traffic Impact Study	2
III.	SCOPE OF TRAFFIC IMPACT STUDY	2
A.	Boundaries of the Traffic Impact Study	2
B.	Traffic Analysis Scenarios	2
IV.	TRAFFIC DATA	4
A.	Trip Generation	4
B.	Traffic Counts	4
C.	Peak Hours	4
D.	Travel Forecasting (Transportation Modeling)	5
V.	TRAFFIC IMPACT ANALYSIS METHODOLOGIES	5
A.	Freeway Sections	5
B.	Weaving Areas	5
C.	Ramps and Ramp Junctions	5
D.	Multi-lane Rural and Urban Highways	5
E.	Two-lane Highways	5
F.	Signalized Intersections	5
G.	Unsignalized Intersections	5
H.	Transit Capacity	5
I.	Pedestrians	5
J.	Bicycles	5
K.	Caltrans Criteria/Warrants	5
L.	Channelization	5
VI.	MITIGATION MEASURES	6

Appendix "A" Minimum Contents of Traffic Impact Study
Appendix "B" Methodology for Calculating Equitable Mitigation Measures
Appendix "C" Measures of Effectiveness by Facility Type

I. INTRODUCTION

Caltrans desires to provide a safe and efficient State transportation system for the citizens of California pursuant to various Sections of the California Streets and Highway Code. This is done in partnership with local and regional agencies through procedures established by the California Environmental Quality Act (CEQA) and other land use planning processes. The intent of this guide is to provide a starting point and a consistent basis in which Caltrans evaluates traffic impacts to State highway facilities. The applicability of this guide for local streets and roads (non-State highways) is at the discretion of the effected jurisdiction.

Caltrans reviews federal, State, and local agency development projects[1], and land use change proposals for their potential impact to State highway facilities. The primary objectives of this guide is to provide:

- guidance in determining if and when a traffic impact study (TIS) is needed,
- consistency and uniformity in the identification of traffic impacts generated by local land use proposals,
- consistency and equity in the identification of measures to mitigate the traffic impacts generated by land use proposals,
- lead agency[2] officials with the information necessary to make informed decisions regarding the existing and proposed transportation infrastructure (see Appendix A, Minimum Contents of a TIS)
- TIS requirements early in the planning phase of a project (i.e., initial study, notice of preparation, or earlier) to eliminate potential delays later,
- a quality TIS by agreeing to the assumptions, data requirements, study scenarios, and analysis methodologies prior to beginning the TIS, and
- early coordination during the planning phases of a project to reduce the time and cost of preparing a TIS.

II. WHEN A TRAFFIC IMPACT STUDY IS NEEDED

The level of service[3] (LOS) for operating State highway facilities is based upon measures of effectiveness (MOEs). These MOEs (see Appendix "C-2") describe the measures best suited for analyzing State highway facilities (i.e., freeway segments, signalized intersections, on- or off-ramps, etc.). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" (see Appendix "C-3") on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained.

---

[1] "Project" refers to activities directly undertaken by government, financed by government, or requiring a permit or other approval from government as defined in Section 21065 of the Public Resources Code and Section 15378 of the California Code of Regulations.

[2] "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Defined in Section 21165 of the Public Resources Code, the "California Environmental Quality Act, and Section 15367 of the California Code of Regulations.

[3] "Level of service" as defined in the latest edition of the Highway Capacity Manual, Transportation Research Board, National Research Council.

A. Trip Generation Thresholds

The following criterion is a starting point in determining when a TIS is needed. When a project:

1. Generates over 100 peak hour trips assigned to a State highway facility
2. Generates 50 to 100 peak hour trips assigned to a State highway facility – and, affected State highway facilities are experiencing noticeable delay; approaching unstable traffic flow conditions (LOS "C" or "D").
3. Generates 1 to 49 peak hour trips assigned to a State highway facility – the following are examples that may require a full TIS or some lesser analysis[4]:
    a. Affected State highway facilities experiencing significant delay; unstable or forced traffic flow conditions (LOS "E" or "F").
    b. The potential risk for a traffic incident is significantly increased (i.e., congestion related collisions, non-standard sight distance considerations, increase in traffic conflict points, etc.).
    c. Change in local circulation networks that impact a State highway facility (i.e., direct access to State highway facility, a non-standard highway geometric design, etc.).

Note: A traffic study may be as simple as providing a traffic count to as complex as a microscopic simulation. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic.

B. Exceptions

Exceptions require consultation between the lead agency, Caltrans, and those preparing the TIS. When a project's traffic impact to a State highway facility can clearly be anticipated without a study and all the parties involved (lead agency, developer, and the Caltrans district office) are able to negotiate appropriate mitigation, a TIS may not be necessary.

C. Updating An Existing Traffic Impact Study

A TIS requires updating when the amount or character of traffic is significantly different from an earlier study. Generally a TIS requires updating every two years. A TIS may require updating sooner in rapidly developing areas and not as often in slower developing areas. In these cases, consultation with Caltrans is strongly recommended.

III. SCOPE OF TRAFFIC IMPACT STUDY

Consultation between the lead agency, Caltrans, and those preparing the TIS is recommended before commencing work on the study to establish the appropriate scope. At a minimum, the TIS should include the following:

A. Boundaries of the Traffic Impact Study

All State highway facilities impacted in accordance with the criteria in Section II should be studied. Traffic impacts to local streets and roads can impact intersections with State highway facilities. In these cases, the TIS should include an analysis of adjacent local facilities, upstream and downstream, of the intersection (i.e., driveways, intersections, and interchanges) with the State highway.

[4] A "lesser analysis" may include obtaining traffic counts, preparing signal warrants, or a focused TIS, etc.

B. Traffic Analysis Scenarios

Caltrans is interested in the effects of general plan updates and amendments as well as the effects of specific project entitlements (i.e., site plans, conditional use permits, sub-divisions, rezoning, etc.) that have the potential to impact a State highway facility. The complexity or magnitude of the impacts of a project will normally dictate the scenarios necessary to analyze the project. Consultation between the lead agency, Caltrans, and those preparing the TIS is recommended to determine the appropriate scenarios for the analysis. The following scenarios should be addressed in the TIS when appropriate:

1. When only a general plan amendment or update is being sought, the following scenarios are required:
   a) Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected State highway facilities.
   b) Proposed Project Only with Select Zone[5] Analysis - Trip generation and assignment for build-out of general plan.
   c) General Plan Build-out Only - Trip assignment and peak hour LOS analysis. Include current land uses and other pending general plan amendments.
   d) General Plan Build-out Plus Proposed Project - Trip assignment and peak hour LOS analysis. Include proposed project and other pending general plan amendments.

2. When a general plan amendment is not proposed and a proposed project is seeking specific entitlements (i.e., site plans, conditional use permits, sub-division, rezoning, etc.), the following scenarios must be analyzed in the TIS:
   a) Existing Conditions - Current year traffic volumes and peak hour LOS analysis of effected State highway facilities.
   b) Proposed Project Only - Trip generation, distribution, and assignment in the year the project is anticipated to complete construction.
   c) Cumulative Conditions (Existing Conditions Plus Other Approved and Pending Projects Without Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
   d) Cumulative Conditions Plus Proposed Project (Existing Conditions Plus Other Approved and Pending Projects Plus Proposed Project) - Trip assignment and peak hour LOS analysis in the year the project is anticipated to complete construction.
   e) Cumulative Conditions Plus Proposed Phases (Interim Years) - Trip assignment and peak hour LOS analysis in the years the project phases are anticipated to complete construction.
3. In cases where the circulation element of the general plan is not consistent with the land use element or the general plan is outdated and not representative of current or future forecasted conditions, all scenarios from Sections III. B. 1. and 2. should be utilized with the exception of duplicating of item 2.a.

[5] "Select zone" analysis represents a project only traffic model run, where the project's trips are distributed and assigned along a loaded highway network. This procedure isolates the specific impact on the State highway network.

IV. TRAFFIC DATA

Prior to any fieldwork, consultation between the lead agency, Caltrans, and those preparing the TIS is recommended to reach consensus on the data and assumptions necessary for the study. The following elements are a starting point in that consideration.

A. Trip Generation

The latest edition of the Institute of Transportation Engineers' (ITE) TRIP GENERATION report should be used for trip generation forecasts. Local trip generation rates are also acceptable if appropriate validation is provided to support them.

1. Trip Generation Rates – When the land use has a limited number of studies to support the trip generation rates or when the Coefficient of Determination (R^2) is below 0.75, consultation between the lead agency, Caltrans and those preparing the TIS is recommended.
2. Pass-by Trips[6] – Pass-by trips are only considered for retail oriented development. Reductions greater than 15% requires consultation and acceptance by Caltrans. The justification for exceeding a 15% reduction should be discussed in the TIS.
3. Captured Trips[7] – Captured trip reductions greater than 5% requires consultation and acceptance by Caltrans. The justification for exceeding a 5% reduction should be discussed in the TIS.
4. Transportation Demand Management (TDM) – Consultation between the lead agency and Caltrans is essential before applying trip reduction for TDM strategies.

NOTE: Reasonable reductions to trip generation rates are considered when adjacent State highway volumes are sufficient (at least 5000 ADT) to support reductions for the land use.

B. Traffic Counts

Prior to field traffic counts, consultation between the lead agency, Caltrans and those preparing the TIS is recommended to determine the level of detail (e.g., location, signal timing, travel speeds, turning movements, etc.) required at each traffic count site. All State highway facilities within the boundaries of the TIS should be considered. Common rules for counting vehicular traffic include but are not limited to:

1. Vehicle counts should be conducted on Tuesdays, Wednesdays, or Thursdays during weeks not containing a holiday and conducted in favorable weather conditions.
2. Vehicle counts should be conducted during the appropriate peak hours (see peak hour discussion below).
3. Seasonal and weekend variations in traffic should also be considered where appropriate (i.e., recreational routes, tourist attractions, harvest season, etc.).

C. Peak Hours

To eliminate unnecessary analysis, consultation between the lead agency, Caltrans and those preparing the TIS is recommended during the early planning stages of a project. In general, the TIS should include a morning (a.m.) and an evening (p.m.) peak hour analyses. Other peak hours (e.g., 11:30 a.m. to 1:30 p.m., weekend, holidays, etc.) may also be required to determine the significance of the traffic impacts generated by a project.

[6] "Pass-by" trips are made as intermediate stops between an origin and a primary trip destination (i.e., home to work, home to shopping, etc.).
[7] "Captured Trips" are trips that do not enter or leave the driveways of a project's boundary within a mixed-use development.

D. Travel Forecasting (Transportation Modeling)

The local or regional traffic model should reflect the most current land use and planned improvements (i.e., where programming or funding is secured). When a general plan build-out model is not available, the closest forecast model year to build-out should be used. If a traffic model is not available, historical growth rates and current trends can be used to project future traffic volumes. The TIS should clearly describe any changes made in the model to accommodate the analysis of a proposed project.

V. TRAFFIC IMPACT ANALYSIS METHODOLOGIES

Typically, the traffic analysis methodologies for the facility types indicated below are used by Caltrans and will be accepted without prior consultation. When a State highway has saturated flows, the use of a micro-simulation model is encouraged for the analysis (please note however, the micro-simulation model must be calibrated and validated for reliable results). Other analysis methods may be accepted, however, consultation between the lead agency, Caltrans and those preparing the TIS is recommended to agree on the data necessary for the analysis.

A. Freeway Segments – Highway Capacity Manual (HCM)*, operational analysis
B. Weaving Areas – Caltrans Highway Design Manual (HDM)
C. Ramps and Ramp Junctions – HCM*, operational analysis or Caltrans HDM, Caltrans Ramp Metering Guidelines (most recent edition)
D. Multi-Lane Highways – HCM*, operational analysis
E. Two-lane Highways – HCM*, operational analysis
F. Signalized Intersections[8] – HCM*, Highway Capacity Software**, operational analysis, TRAFFIX™**, Synchro**, see footnote 8
G. Unsignalized Intersections – HCM*, operational analysis, Caltrans Traffic Manual for signal warrants if a signal is being considered
H. Transit – HCM*, operational analysis
I. Pedestrians – HCM*
J. Bicycles – HCM*
K. Caltrans Criteria/Warrants – Caltrans Traffic Manual (stop signs, traffic signals, freeway lighting, conventional highway lighting, school crossings)
L. Channelization – Caltrans guidelines for Reconstruction of Intersections, August 1985, Ichiro Fukutome

*The most current edition of the Highway Capacity Manual, Transportation Research Board, National Research Council, should be used.

****NOTE**: Caltrans does not officially advocate the use of any special software. However, consistency with the HCM is advocated in most but not all cases. The Caltrans local development review units utilize the software mentioned above. If different software or analytical techniques are used for the TIS then consultation between the lead agency, Caltrans and those preparing the TIS is recommended. Results that are significantly different than those produced with the analytical techniques above should be challenged.

[8] The procedures in the Highway Capacity Manual "do not explicitly address operations of closely spaced signalized intersections. Under such conditions, several unique characteristics must be considered, including spill-back potential from the downstream intersection to the upstream intersection, effects of downstream queues on upstream saturation flow rate, and unusual platoon dispersion or compression between intersections. An example of such closely spaced operations is signalized ramp terminals at urban interchanges. Queue interactions between closely spaced intersections may seriously distort the procedures in" the HCM.

VI. MITIGATION MEASURES

The TIS should provide the nexus [Nollan v. California Coastal Commission, 1987, 483 U.S. 825 (108 S.Ct. 314)] between a project and the traffic impacts to State highway facilities. The TIS should also establish the rough proportionality [Dolan v. City of Tigard, 1994, 512 U.S. 374 (114 S. Ct. 2309)] between the mitigation measures and the traffic impacts. One method for establishing the rough proportionality or a project proponent's equitable responsibility for a project's impacts is provided in Appendix "B." Consultation between the lead agency, Caltrans and those preparing the TIS is recommended to reach consensus on the mitigation measures and who will be responsible.

Mitigation measures must be included in the traffic impact analysis. This determines if a project's impacts can be eliminated or reduced to a level of insignificance. Eliminating or reducing impacts to a level of insignificance is the standard pursuant to CEQA and the National Environmental Policy Act (NEPA). The lead agency is responsible for administering the CEQA review process and has the principal authority for approving a local development proposal or land use change. Caltrans, as a responsible agency, is responsible for reviewing the TIS for errors and omissions that pertain to State highway facilities. However, the authority vested in the lead agency under CEQA does not take precedence over other authorities in law.

If the mitigation measures require work in the State highway right-of-way an encroachment permit from Caltrans will be required. This work will also be subject to Caltrans standards and specifications. Consultation between the lead agency, Caltrans and those preparing the TIS early in the planning process is strongly recommended to expedite the review of local development proposals and to reduce conflicts and misunderstandings in both the local agency CEQA review process as well as the Caltrans encroachment permit process.

APPENDIX “A”

MINIMUM CONTENTS

OF A

TRAFFIC IMPACT STUDY

MINIMUM CONTENTS OF TRAFFIC IMPACT STUDY REPORT

I. EXECUTIVE SUMMARY

II. TABLE OF CONTENTS

A. List of Figures (Maps)
B. List of Tables

III. INTRODUCTION

A. Description of the proposed project
B. Location of project
C. Site plan including all access to State highways (site plan, map)
D. Circulation network including all access to State highways (vicinity map)
E. Land use and zoning
F. Phasing plan including proposed dates of project (phase) completion
G. Project sponsor and contact person(s)
H. References to other traffic impact studies

IV. TRAFFIC ANALYSIS

A. Clearly stated assumptions
B. Existing and projected traffic volumes (including turning movements), facility geometry (including storage lengths), and traffic controls (including signal phasing and multi-signal progression where appropriate) (figure)
C. Project trip generation including references (table)
D. Project generated trip distribution and assignment (figure)
E. LOS and warrant analyses - existing conditions, cumulative conditions, and full build of general plan conditions with and without project

V. CONCLUSIONS AND RECOMMENDATIONS

A. LOS and appropriate MOE quantities of impacted facilities with and without mitigation measures
B. Mitigation phasing plan including dates of proposed mitigation measures
C. Define responsibilities for implementing mitigation measures
D. Cost estimates for mitigation measures and financing plan

VI. APPENDICES

A. Description of traffic data and how data was collected
B. Description of methodologies and assumptions used in analyses
C. Worksheets used in analyses (i.e., signal warrant, LOS, traffic count information, etc.)

APPENDIX “B”

METHODOLOGY FOR

CALCULATING EQUITABLE

MITIGATION MEASURES

METHOD FOR CALCULATING EQUITABLE MITIGATION MEASURES

The methodology below is neither intended as, nor does it establish, a legal standard for determining equitable responsibility and cost of a project's traffic impact, the intent is to provide:

1. A starting point for early discussions to address traffic mitigation equitably.
2. A means for calculating the equitable share for mitigating traffic impacts.
3. A means for establishing rough proportionality [Dolan v. City of Tigard, 1994, 512 U.S. 374 (114 S. Ct. 2309)].

The formulas should be used when:

- A project has impacts that do not immediately warrant mitigation, but their cumulative effects are significant and will require mitigating in the future.
- A project has an immediate impact and the lead agency has assumed responsibility for addressing operational improvements

NOTE: This formula is not intended for circumstances where a project proponent will be receiving a substantial benefit from the identified mitigation measures. In these cases, (e.g., mid-block access and signalization to a shopping center) the project should take full responsibility to toward providing the necessary infrastructure.

EQUITABLE SHARE RESPONSIBILITY: **Equation C-1**

NOTE: $T_E < T_B$, see explanation for T_B below.

$$P = \frac{T}{T_B - T_E}$$

Where:

P = The equitable share for the proposed project's traffic impact.

T = The vehicle trips generated by the project during the peak hour of adjacent State highway facility in vehicles per hour, vph.

T_B = The forecasted traffic volume on an impacted State highway facility at the time of general plan build-out (e.g., 20 year model or the furthest future model date feasible), vph.

T_E = The traffic volume existing on the impacted State highway facility plus other approved projects that will generate traffic that has yet to be constructed/opened, vph.

EQUITABLE COST: **Equation C-2**

$$C = P\ (C_T)$$

Where:

C = The equitable cost of traffic mitigation for the proposed project, ($). (Rounded to nearest one thousand dollars)

P = The equitable share for the project being considered.

C_T = The total cost estimate for improvements necessary to mitigate the forecasted traffic demand on the impacted State highway facility in question at general plan build-out, ($).

NOTES

1. Once the equitable share responsibility and equitable cost has been established on a per trip basis, these values can be utilized for all projects on that State highway facility until the forecasted general plan build-out model is revised.
2. Truck traffic should be converted to passenger car equivalents before utilizing these equations (see the Highway Capacity Manual for converting to passenger car equivalents).

3. If the per trip cost is not used for all subsequent projects, then the equation below will be necessary to determine the costs for individual project impact and will require some additional accounting.

Equation C-2.A

$$C = P\left(C_T - C_C\right)$$

Where:

C = Same as equation C-2.

P = Same as equation C-2.

C_T = Same as equation C-2.

C_C = The combined dollar contributions paid and committed prior to current project's contribution. This is necessary to provide the appropriate cost proportionality. Example: For the first project to impact the State highway facility in question since the total cost (C_T) estimate for improvements necessary to mitigate the forecasted traffic demand, C_C would be equal to zero. For the second project however, C would equal $P_2(C_T – C_1)$ and for the third project to come along C would equal $P_3[C_T – (C_1 + C_2)]$ and so on until build-out or the general plan build-out was recalculated.

APPENDIX “C”

MEASURES OF EFFECTIVENESS

BY

FACILITY TYPE

MEASURES OF EFFECTIVENESS BY FACILITY TYPE

TYPE OF FACILITY	MEASURE OF EFFECTIVENESS (MOE)
Basic Freeway Segments	Density (pc/mi/ln)
Ramps	Density (pc/mi/ln)
Ramp Terminals	Delay (sec/veh)
Multi-Lane Highways	Density (pc/mi/ln)
Two-Lane Highways	Percent-Time-Following Average Travel Speed (mi/hr)
Signalized Intersections	Control Delay per Vehicle (sec/veh)
Unsignalized Intersections	Average Control Delay per Vehicle (sec/veh)
Urban Streets	Average Travel Speed (mi/hr)

Measures of effectiveness for level of service definitions located in the most recent version of the Highway Capacity Manual, Transportation Research Board, National Research Council.

Transition between LOS "C" and LOS "D" Criteria

(Reference Highway Capacity Manual)

BASIC FREEWAY SEGMENTS @ 65 mi/hr

LOS	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	65.0	0.30	710
B	18	65.0	0.50	1170
C	26	64.6	0.71	1680
D	35	59.7	0.89	2090
E	45	52.2	1.00	2350

SIGNALIZED INTERSECTIONS and RAMP TERMINALS

LOS	Control Delay per Vehicle (sec/veh)
A	**≤ 10**
B	**> 10 - 20**
C	**> 20 - 35**
D	**> 35 - 55**
E	**> 55 - 80**
F	**> 80**

MULTI-LANE HIGHWAYS @ 55 mi/hr

LOS	Maximum Density (pc/mi/ln)	Minimum Speed (mph)	Maximum v/c	Maximum Service Flow Rate (pc/hr/ln)
A	11	55.0	0.29	600
B	18	55.0	0.47	990
C	26	54.9	0.68	1430
D	35	52.9	0.88	1850
E	41	51.2	1.00	2100

Dotted line represents the transition between LOS "C" and LOS "D"

TWO-LANE HIGHWAYS

LOS	Percent Time-Spent-Following	Average Travel Speed (mi/hr)
A	≤ 35	> 55
B	> 35 - 50	> 50 - 55
C	> 50 - 65	> 45 - 50
D	> 65 - 80	> 40 - 45
E	> 80	≤ 40

URBAN STREETS

Urban Street Class	I	II	III	IV
Range of FFS	55 to 45 mi/hr	45 to 35 mi/hr	35 to 30 mi/hr	35 to 25 mi/hr
Typical FFS	50 mi/hr	40 mi/hr	35 mi/hr	30 mi/hr
LOS	Average Travel Speed (mi/hr)			
A	> 42	> 35	> 30	> 25
B	> 34 - 42	> 28 - 35	> 24 - 30	> 19 - 25
C	> 27 - 34	> 22 - 28	> 18 - 24	> 13 - 19
D	> 21 - 27	> 17 - 22	> 14 - 18	> 9 - 13
E	> 16 - 21	> 13 - 17	> 10 - 14	> 7 - 9
F	≤ 16	≤ 13	≤ 10	≤ 7

Dotted line represents the transition between LOS "C" and LOS "D"

GRAY DAVIS
Governor

MARIA CONTRERAS-SWEET
Secretary
Business, Transportation and Housing Agency

JEFF MORALES
Director
California Department of Transportation

RANDELL H. IWASAKI
Deputy Director
Maintenance and Operations

BRIAN J. SMITH
Deputy Director
Planning and Modal Programs

JOHN A. (Jack) BODA
Chief
Division of Traffic Operations

JOAN SOLLENBERGER
Chief
Division of Transportation Planning

Additional copies of these guidelines can be copied from the internet at,
http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300

Attachment 3

Flex your power!
Be energy efficient!

RECEIVED
OCT 1 1 2012
CITY OF MORENO VALLEY
Planning Division

October 9, 2012

John Terrell
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92553

Mr. John Terrell;

During a meeting on July 31st we requested a memo from Parson Brinckerhoff that would outline traffic forecasting methodology for the World Logistic Center. On September 4th we received a Tech Memo on Traffic Forecasting Methodology and after further review it is determined that the outlined methodology used for the WLC is satisfactory; and therefore, we do not have any comments at this time.

In addition you requested information if there was a targeted LOS for SR-60 in Moreno Valley which is stated as LOS "D" and for other portions of SR-60 or SR-91. The LOS for the two segment areas in question is "D", however, please keep in mind that the LOS is a proposed target and is subject to change.

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

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/LD-IGR

cc: Don Hubbard

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Eastern Municipal Water District dated June 10, 2015**

In a letter dated June 10, 2015, the EMWD submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the Notice of Public Hearing for the above referenced project. EMWD offers the attached comments, which help provide consistency throughout the document, when discussing the proposed water and sewer facilities for this project.

In addition, EMWD takes this opportunity to point out the following:

1. To date, a final Master Plan Of Service (POS) has not been completed. The project proponent is required to obtain an approved Master POS of the entire project area, prior to commencing final design. Subsequent component projects will be required to obtain individual phase-related POS, based on the approved Master POS.

2. The subject project is an active project with EMWD's New Business Department, with a water and sewer service Work Order Numbers 15146 and 15147, and a Project Record Number WS2011-399.

Again, EMWD appreciates the opportunity to comment on this project. If you have questions concerning these comments, please feel free to contact me at (951) 928-3777, Ext. 4468, or the project lead engineer, Brian Raines at Ext. 4467.

Response 1:
There is no "final design" at this time as there are no specific building locations or sizes proposed. Highland Fairview will obtain a Master Plan of Service prior to commencing final design.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Joseph Fass dated June 10, 2015**

In a letter dated June 10, 2015, Joseph Fass submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment. Exhibits 1 and 2 referenced in comment 5 are found in the actual comment letter attached to this memo for reference.

Comment 1:

I am a frequent user of Northern San Jacinto Valley as well as a fractional owner of property adjacent to the San Jacinto Wildlife Area. The property I own has been meticulously developed for seasonal wetlands. It is used year round for bird and mammal habitat and for migratory waterfowl hunting during the seasons dictated by State and Federal agencies charged with protecting such species of waterfowl.

The Northern San Jacinto Valley is a historical part of the Pacific Flyway whose importance was first documented in the journals of Juan Bautista de Anza, an early Spanish explorer headed two expeditions on what would eventually become the overland route to upper or "Alta" California. In the book Anza And The Northwest Frontier of New Spain by J.N. Bowman and Robert F. Heizer, Carl Schaefer Dentzel, the former Director of the Southwest Museum writes: "Anza was a trail blazer, a history maker, a symbol of great human accomplishment and service to the peoples of Mexico and the United States. He was both a visionary and a doer- and though he and his colleagues may never in their wildest dreams have foreseen the results of their efforts, history has proven they did their work wisely and well."

There are only 23 National Trails in the United States. Each of the Trails was created by Public Law because of their significance to the country's history or because of the natural beauty they capture or the recreational opportunities. Similar to the Lewis and Clark Trail, the Anza Trail is recognized because of its historical significance.

In both expeditions, what is now Mystic Lake is mentioned prominently in the diaries of Anza and Father Pedro Font, a missionary accompanying Anza in the second expedition (1775-1776). On his first expedition to the area on March 19, 1774 a description of Anza's diary entry from the Webroots Library U.S. History states:

"That night it rained and snowed, and it was not until the next afternoon that the expedition started, taking its way over the divide between Vandeveter flat and Hemet valley, an elevation of four thousand nine hundred and eighty-jive feet, and camped at a beautiful lake in Hemet Valley which Anza named Laguna del Principle. In crossing the divide he says he found a fair vein of silver ore. The next three days he traveled down the Hemet valley, the San Jacinto River, camping on March 19 on the boarder of a large and beautiful lake, covered with white geese, which he named Laguna de San Antonio de Bucarelli. This was San Jacinto Lake (Later renamed Mystic Lake). He is enthusiastic in his description of the beautiful river, the trees, and the flowers. The river he named San Jose, and the San Jacinto Valley he called La Valle Ameno de San Jose (The pleasant valley of San Jose). Into this pleasant valley comes the north fork of the San Jacinto River, a bounding, precipitous stream of such crystalline beauty that they named the gorge down which it runs La Canada del Paraiso-the Vale of Paradise."

In a historical chronicle of the first expedition, his camp labeled number 58 was located generally north of the Ramona Expressway near Davis Road. The lake Anza named Laguna se San Antonio de Bucarelli is adjacent to the 4,850-acre San Jacinto Wildlife Area featuring restored wetlands and wildlife habitat. Anza described the lake, the outlet area of the San Jacinto River, as "several leagues in circumference and as full of white geese as water."

While the City of Moreno Valley contemplates paving over a historically significant portion of the Juan Bautista de Anza National Trail Corridor with warehouses, I think the process of identifying the resulting loss of historical wildlife habitat

and California history has fallen short in the EIR process. I believe the EIR falls short in addressing important issues involving habitat-sensitive site design and development practices to minimize the impact of development on wildlife.

Of particular concern in reading the EIR is that there is little or no material regard, concern or mitigation by the developer(s) of the proposed World Logistics Center along the borders and adjacent lands of the San Jacinto Wildlife Area and the greater Northern San Jacinto Valley. This a massive project proposal that will place a shadow of development in the very backyard of an extremely protected, sensitive area of Riverside County that has been set aside as a mitigation for the California Water Projects. It is therefore ironic we find ourselves asking the City of Moreno Valley to consider protecting what was already intended by the State of California to be protected.

One can only look at the light pollution and footprint of the one million square foot Sketchers warehouse on Theodore Road from a duck blind in the early morning darkness to understand what forty more such buildings will bring to the sensitive wildlife areas. We need to protect this area at all costs. We must address the environmental issues in relation to the loss of wildlife habitat. This is too important an area to pollute with buildings that will subtract from the senior rights of the wildlife that have inhabited this area for millennia. It is in this spirit, I offer some counter ideas on assessing development taken directly from the New Hampshire Department of Environmental Services.

I am an accountant by trade rather than a biologist, so rather than trying to become a biologist, I offer the narrative from two very important Environmental Fact Sheets published by the New Hampshire Department of Environmental Services. The Fact Sheets are attached as Exhibits 1 & 2. While the fact sheets are specific to New Hampshire, the environmental movement knows no boundaries and sound science is applicable in California or any other City, County, State, Territory, or Country for that matter, as we are learning from the global warming issues. It is the fragmentation process of looking only as far as our city boundaries and coffers that result in dire mistakes being made that have consequences that reach from Canada to Mexico on the Pacific Flyway.

The following are important direct excerpts from these referenced publications. Where possible and applicable, I substituted California agencies for the New Hampshire public agencies referenced in the document.

"Habitat-Sensitive Site Design and Development Practices toMinimize the Impact of Development on Wildlife

The rapid increase in human population and rate of development in New Hampshire is placing significant stress on our native wildlife populations. Land that was once habitat for wildlife species is being converted into residential and commercial subdivisions, roads, and other uses. The development of land and related activities impact both the quantity and quality of wildlife habitat. This fact sheet provides an overview of those impacts and offers some strategies for developers and towns to reduce the impact of development on native wildlife. This fact sheet is part of a two-part series; a second fact sheet focuses on actions a local municipality should pursue to better conserve wildlife habitat.

How Development Impacts Wildlife Habitat Loss

The loss of habitat through the conversion of land from its natural state to a developed landscape represents the single greatest impact of increased human activity on native wildlife. All animal species require certain habitat features to survive. Development typically eliminates or significantly changes many important habitat features found in a natural area, thus reducing or eliminating the habitat value of that area. For example, a diverse wildlife population depends upon the natural diversity of native plants found in most undeveloped areas. Development often changes the vegetative community, making it more difficult for many native species to survive. Those species able to survive in urban settings may thrive, but the rest are forced to find new territory or perish.

Habitat Fragmentation

Habitat fragmentation is a less obvious consequence of development, reducing both the quantity and quality of habitat. Fragmentation is a process whereby large tracts of the natura/landscape are gradually developed and subdivided until only patches of original habitat remain. The patches are often too small and too far apart to support the basic survival and reproductive needs of many wildlife species during various stages of their life- cycle or in different times of the year. When a species' habitat is separated by distances that make movement from one patch to another impossible, the impacts on the genetic health of the population are significant and reduce a species ability to reproduce and withstand stress. In addition, smaller habitat patches and the wildlife that depend on them are more vulnerable to the catastrophic effects of natural disturbances such as fire and ice storms. Fragmentation also results in higher populations of generalist predators, resulting in increased predation on those species that attempt to use the remaining habitat blocks.

Changing Landscape

The impact of human activity on wildlife extends beyond the actual area of development. When evaluating the impact of human activity on wildlife, we should consider a "disturbance zone"- the entire area where habitat value has been meaningfully reduced. The encroachment of human activity into a natural area creates more "edge effects." Edge effects are changes in environmental conditions and animal behavior and well-being that result from being in close proximity to the border between habitat areas. Unlike natural borders, human disturbances often create "harder" edges with greater detrimental impacts on wildlife. Even seemingly small manmade disturbances, such as power line easements, can have major consequences for wildlife. In addition, the encroachment of human activity reduces the amount of interior habitat area relative to edge or border area. While borders between two different habitats are often an essential part of the ecology of an area, when habitat becomes so small that it is all edge and no interior, it loses its ability to support those species that require an isolated interior for some portion of their life, e.g. some nesting birds. Landscape disturbance caused by development can also serve to introduce invasive species into natural habitats, further degrading the quality of remaining habitat areas.

The lmpact of Roads

Roads may be the "single most destructive element of the habitat fragmentation process." They can:

- *Disrupt or prevent passage across the disturbed area.*
- *Provide an entrance for exotic species or predators.*
- *Increase mortality.*
- *Increase unnatural disturbances from sources such as pollution and fire.*

Source: Noss, 1993, Schonewa/d-Cox and Buechner 1990 and Bennett 1991, as cited in Duerksen, et a/.

Changing Aquatic Habitat

Development a/so affects the quality and quantity of aquatic habitat. The more hard surface present after development, the Jess rainwater infiltrates the soil. Rainwater instead runs off the land at an increased volume and rate. This reduces the recharge of groundwater and increases flooding, streambed erosion, and sedimentation. Runoff from developed areas a/so is often warmer and polluted with pathogens (e.g. bacteria and viruses), household chemicals, metals, fertilizers, pesticides, oil, and grease. As vegetative buffers along water bodies are lost, sunlight can further warm water beyond a threshold at which native species can survive and reproduce. The structural habitat of aquatic systems a/so can be significantly degraded by modifications associated with roads and development. The quality and flow of rivers, streams and wetlands can be reduced by inadequate or inappropriately designed culverts, creation of new dams, and channel straightening or modification.

Daily Human Activity

Human activity introduces changes to the surrounding environment that can negatively impact natural habitat. Changes in lighting in an area, for example, can significantly affect some species' behavioral and biological rhythms, which are guided by natural cycles of light and dark. Nocturnal species, particularly birds, can become disoriented by night-time lighting. Domestic pets, particularly cats, may prey excessively on wildlife, such as ground- nesting birds. The availability of household trash can alter the composition of wildlife communities by providing food for animal populations that thrive on trash (such as rats, raccoons, and skunks) to the detriment of those that do not, e.g. small mammals and song birds. Human recreational activity in an area may directly impact wildlife and reduce the quality of the habitat provided. Human activities can disturb sensitive habitats, like wetlands, and disturb or "flush" wildlife. Flushing wildlife raises an animals' stress level and increases energy consumption. If repeated frequently, such disturbance can impact reproduction and survivorship.

Habitat-Sensitive Site Design and Development Practices

This section offers developers and towns a few basic site design and development practices to minimize the impact of development on habitat and reduce the impact of human activity on wildlife.

Practice #1 Applicants should review the habitat conservation goals cited in local and regional plans and manuals on habitat identification and protection.

A development plan should reflect the town's and/or region's habitat conservation objectives. Local master plans, habitat conservation plans, local open space plans, regional land trust or conservation organization's plans, and natural resource inventories can provide baseline information on local and regional goals for habitat conservation and help identify important habitat features that should be conserved. The California Department of Wildlife can provide more specific information on what natural features to look for and conserve.

Consideration of local and regional habitat objectives in preparing a development proposal helps to establish a positive

working relationship with the community, protects natural features that make the land attractive, and supports timely project review and approval.

Practice #2 Apply principles of conservation design to minimize impacts and preserve natural undeveloped lands.

Practice #3 Preserve large and contiguous blocks of natural, undisturbed vegetation, looking for opportunities to connect to undeveloped lands on adjacent parcels.

Leaving only small isolated patches of undeveloped land greatly reduces the habitat value of that land for wildlife. Development should be designed so that remaining open space is located adjacent to other open space, thereby creating large contiguous tracts of habitat. The larger the tract, the more likely it is to sustain large, healthy, and diverse populations of wildlife. Municipalities and developers should explore mechanisms, such as density averaging or density transfer, to allow the transfer of development from areas of high habitat value to other areas that are better suited for development.

Practice #4 Conserve rare and outstanding landscape elements, such as unique features or habitats, by directing development to other areas.

Habitats that are unusual state-wide or in a particular geographic region are often vital to rare wildlife species. Salt marshes, riparian areas, vernal pools, enriched forests, and large wetland complexes deserve particular attention. Uplands adjacent to these areas are a/so important because several habitat types are often necessary for meeting the needs of wildlife species during different seasons and life-cycle stages. Development should be guided away from lands featuring intact diverse habitat types and toward more homogenous areas of lesser habitat value. Communities should consider obtaining conservation easements on areas of high habitat value to conserve this valuable natural resource.

Practice #5 Identify and conserve wildlife corridors through the property to facilitate wildlife movement across developed areas.

Undeveloped corridors of land that connect habitat areas should be preserved wherever possible. Carefully designed strips of protected land can allow for wildlife movement between larger habitat areas, helping to preserve the habitat value of adjacent lands. To be effective, corridors must be designed with actual wildlife movements in mind, be of sufficient width to provide adequate cover, and remain in a natural, vegetated state. Often wildlife corridors will align with wetlands and ridges. A site-specific wildlife assessment can be prepared to identify appropriate corridors through a property.

Examples of Important Habitat

Habitat of Rare Wildlife Species *- Lands inhabited by species listed as endangered , threatened, or of special concern should be considered a priority for conservation.*

Unfragmented Lands *- Large tracts of contiguous open space that feature a mix of habitat types are more valuable to wildlife than small, fragmented patches.*

Riparian Areas & Shorelines *- The interaction of land and water fosters biodiversity and is invaluable for many reptiles, amphibians, and migratory birds.*

Priority Wetlands *- Swamps, marshes, tidal flats, wet meadows, and bogs.*

Agricultural and Other Open Land *- Some species are dependent on open fields, an increasingly rare habitat type.*

Other Unique or Critical Habitats *- Habitat types that are rare state-wide or to a particular geographic region are vital for maintaining regional biodiversity.*

Connecting Lands *- Areas with very-low development density between large unfragmented lands that provide wildlife with habitat, food, and cover, as well as corridors for movement.*

Practice #6 Maintain significant buffers of undeveloped land between important habitat areas and developed areas.

Pedestrian and vehicular activity affects wildlife even if it occurs at a great distance. Buffers of undeveloped land between important habitat areas and developed areas can reduce the negative impacts of human activity on wildlife. Two guidance documents, "Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities" and "Buffer Zones and Beyond: Wildlife Use of Wetland Buffer Zones and their Protection under the Massachusetts Wetland Protection Act, "provide information on appropriate buffers for wildlife.

Practice #7 Maintain or replace natural features and functions within developed areas.

Measures should be taken to mitigate negative impacts to wildlife habitat that occur during and after construction:

• Capture and infiltrate rainwater on-site to maintain the natural water cycle.

Techniques for managing stormwater on-site, such as rain gardens on individual Jots, are often less expensive than conventional stormwater treatment and retention systems. See www.lowimpactdevelopment.org for more information on this topic.

• Maintain the structure and function of aquatic systems. For example, culverts should have sufficiently large openings to maintain natural water flow, have natural stream bottoms, and be sized for bank-full stream width (i.e., the width of the stream during the 1 year flow event) to reduce potential future erosion near culvert openings. To ensure that fish can access the upper reaches of their habitat, culverts should have

a trough or narrow channel in the bottom running the full length of the culvert to maintain sufficient water depth during low flow periods to support fish passage.

• Use native vegetation for landscaping. Using native vegetation supports wildlife needs for food and cover, avoids introducing invasive species that can threaten natural ecosystems, and minimizes watering needs.

• Minimize clearing, grading, and compaction of soil.

• De-compact remaining open soil after construction is complete and replace an adequate amount of top soil to facilitate faster regrowth of vegetation and better absorption of rainwater. This has benefits for both terrestrial and aquatic habitats.

Actions for Local Municipalities

This section offers some basic actions to pursue to reduce the impact of development and human activity on native wildlife.

Specifically state habitat conservation goals in your master plan, open space plan, and/or habitat conservation plan. *Development proposals and regulatory changes are more likely to be consistent with a community's habitat conservation goals if those goals and objectives are clearly stated in a town's master plan. If a separate open space plan or habitat conservation plan is prepared, it should be adopted as an official part of the master plan. Including habitat conservation goals and objectives (or other plans focusing on habitat conservation) as part of the local master plan provides the basis for local/and use regulations and changes in local zoning to support habitat conservation.*

Prepare a natural resources inventory (NRI) to identify habitat areas that merit conservation. *Awareness of a town's natural resources is vital to informed decision-making about habitat conservation. A basic natural resources inventory is the first step. This should include a base map, land cover map, wetlands composite map, aerial photographs, tax map, topographic map, and wildlife information (see NRI Guidebook by UNH Cooperative Extension). Priority areas for habitat conservation can be easily identified by overlaying these maps and noting the co-occurrence of natural resource features important for wildlife. Also, the California Department of Wildlife has prepared habitat assessment maps for the entire state in support of California's Comprehensive Wildlife Conservation Plan, which was submitted in 2005 and approved in 2007.*

Map the town "green infrastructure" and plan for conservation as well as development within a community. *Natural resource features that are vital to human and wildlife well-being are a community's "green infrastructure." Consideration of these landscape features in open space and habitat conservation plans is essential to comprehensive natural resource planning. Comprehensive planning considers both conservation and development. It is vital to achieving a balance between economics and environmental health, between private property rights and community goals. Green Infrastructure is an interconnected network of protected land and water that supports native species, maintains natural ecological processes, sustains the quality of air and water resources, and contributes to the health and quality of life for all communities and people. A basic natural resources inventory (NRI) will help identify green infrastructure as the first step in planning for its conservation. Once specific areas are identified, their locations and an explanation of their importance should be clearly stated in community plans. With appropriate regulatory mechanisms, communities can plan for open space in the same way they plan for transportation networks and other types of development. For more information on Green Infrastructure see also www.greeninfrastructure.net.*

Revise local zoning and development ordinances to reflect habitat conservation goals cited in local and regional plans. *Developers and communities can work together to reduce the impact on habitat. New lots often have greater value if the natural amenities that make the land attractive in the first place are preserved. A community that provides opportunities for innovative approaches will generally attract a higher quality development. Subdivision and site plan regulations should include incentives to promote the conservation of habitat, open space, and natural resources. A community also can plan for*

areas where higher density development is more appropriate to balance reductions in development in areas of greater habitat value. Municipalities can strengthen requirements in their local zoning and ordinances:

- *Require site-specific natural resource inventories and/or wildlife assessments.*
- *Require pre-proposal meetings with the planning board where the focus is on understanding the natural resource features of the site and providing input on the potential development plan.*
- *Require that development proposals demonstrate how they will conserve important habitat features.*
- *Require conservation-design subdivisions as the preferred format for new residential subdivisions.*

Ensure that your community has an adequate management plan in place. *Appropriate management of habitat areas can ensure that conservation goals are met and maintained over the long-term. Basic strategies for maintaining the quality of protected habitat include enforcement of use restrictions and regular monitoring of habitat quality.*

Examples of Regulatory Options

- *Overlay zone for wetlands and streams. Overlay zones establish requirements beyond standard zoning regulations for specified areas.*
- *Require conservation/open space subdivision design in areas designated by the town as important for habitat conservation.*
- *Develop a habitat conservation checklist for application review. A checklist may increase adherence by applicants and planning boards to habitat-related objectives and design criteria.*
- *Transfer of development rights (TORs) programs redirect development from areas that are a priority for conservation to areas identified by the community as appropriate for growth.*
- *Encourage maximum setbacks/buffers in projects with important interior wildlife habitat areas. A buffer is a naturally vegetated area adjacent to a habitat area. A setback is a minimum distance between development and an important landscape feature.*
- *Maintain an additional unfragmented vegetated buffer along roadsides where streams and wetlands cross roads (300 ft. total minimum).*

Raise funds to purchase development rights to permanently conserve important habitat areas. *Towns have many options for raising funds for land conservation. These include, but are not limited to:*

- *Authorization of bonds for purchasing land.*
- *Allocation of the land use change tax to a town conservation fund.*
- *Private land trusts may provide money for the purchase of conservation lands, as do certain government grant and loan programs.*

Control invasive and exotic species. To maintain healthy populations of native flora and fauna, invasive and exotic species must be controlled. lnvasives are non-native species that proliferate rapidly and often have no local natural predators. This allows them to out- compete native species, often without filling the natives' vital roles in ecosystems".

Response 1:
First, regarding the historical significance of the De Anza trail. As outlined in Section 4.5, of the Draft EIR, the De Anza National Historic Trail traverses the WLC site and much of the southwestern United States. In some places there are commemorative trails or markers but in most there are not. The established recreational trail of the Juan Bautista de Anza National Historic Trail in Moreno Valley is not located within the project site (see Exhibits F-11-2A and F-11-2B) and the trail is not identified on the City of Moreno Valley Master Plan of Trails (see FEIR Volume 1 Exhibit F-11-3). However, the WLC project will provide an east-west trail connection between Cactus Avenue and the SJWA that would provide a better approximation of the De Anza Trail than currently exists. In addition, Mitigation Measure 4.5.6.2B requires the developer to install an onsite trail maker for the De Anza Trail.

The additional habitat conservation materials provided by the commenter are from New Hampshire and, despite the commenter's position that these materials directly apply to California, such a direct comparison is not always accurate or appropriate. For example, the wetland and riparian resources, both flora and fauna, are very different in California compared to New Hampshire. Much of this is due to the climate in California and the local weather in the project area, all of which has been severely affected by recent drought conditions. The SJWA adjacent to the WLC project is actually upland buffer

habitat and is currently used for dry farming – it does not contain wetland resources and only has minimal surface water features, most of the area runoff being conveyed toward Mystic Lake to the south via sheet flow rather than in established natural drainages. The New Hampshire area has much greater amounts of annual rainfall and also snow, which creates a completely different biological conditions, requirements, and constraints compared to Southern California.

DEIR Section 4.4, *Biological Resources*, went into great detail about the existing resources of the adjacent wildlife areas (i.e., south and east of the project site) and determined that potential impacts would be less than significant based on the project design and implementation of the proposed 17 mitigation measures (FEIR Volume 1, Mitigation Monitoring Program), many of which addressed impacts to wildlife. The project would establish a 400-foot setback for warehouse buildings from the south property line (i.e., San Jacinto Wildlife Area boundary). The issue of building and development setbacks was evaluated in the DEIR [Section 4.4.1.18(a), page 4.4-48].

In addition, many of the comments on the Draft EIR were regarding biological resources and were addressed in detail in the Final EIR Volume 1, Response to Comments (see particularly comments by the California Department of Fish and Wildlife (Letter B-3) and by a number of conservation organizations (Section F Letters). The information provided in the Draft and Final EIR documents, and supporting materials, provide the City Council with sufficient objective information upon which to make an informed decision.

While much of this comment does not contain any actual comments on the WLC EIR (other than the commenter's opinion that they do apply), however, the City Council will consider this comment prior to making a decision on the WLC project.

Comment 2:
Closing
Given the scale of the project, the substantial direct impact on the environment of the Northern San Jacinto Valley and the San Jacinto Wildlife Area, it is critical for an EIR to develop a plan that includes addressing Habitat Loss, Habitat Fragmentation, Changing Landscape, the Impact of Roads, Changing Aquatic Habitat, and Human & Vehicle Activity. Furthermore, if development is warranted under these caveats, habitat-sensitive site design and development practices and goals need to be established so development can be considered with a wider goal of conservation of species and habitat benefiting from such development. Otherwise, the degradation of the Wildlife Area will be a legacy the public will suffer long after the tax dollars are earned and spent by the City of Moreno Valley.

Response 2:
The WLCSP is a large development projects and will affect the Northern San Jacinto Valley in a number of ways, as outlined in the FEIR Volumes 1 and 2. The issues identified by the commenter were addressed in Section 4.4 of the Draft EIR, and in the Final EIR Volume 1, Response to Comments particularly by comments by the California Department of Fish and Wildlife (Letter B-3) and by a number of conservation organizations (Section F Letters). The City Council will consider this comment prior to making a decision on the WLC project.

Comment 3:
[Although the commenter did not mention it, a report was attached to the letter regarding worker salaries for warehouse employees in the Inland Empire]

Response 3:
Dr. Husing, a well-respected economist and expert on the economy of the Inland Empire, provided information to the City regarding fiscal and economic benefits of warehousing in the City, and this information was provided in the DEIR. The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Joseph Fass dated June 11, 2015**

In a letter dated June 11, 2015, Joseph Fass submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The FPEIR Volume 3 is over 1,300 pages in length. However, early in the document, in Section 1.2.2 City of Moreno Valley, the creators of the document paint a dismal picture depicting a city behind other cities in development. "....a large number of Moreno Valley residents commute great distances to jobs outside the City, with average daily commutes of 76 minutes. Long commutes result in more time in traffic, more time breathing polluted air, more stress, less time at home, and less time with families." The section further describes a city that "Does not have a sufficient tax base to fully fund its operations and provide the levels of service expected by its citizens".

The FPEIR states per capita income in Moreno Valley is nearly 40 percent below the State of California average. While this makes Moreno Valley seem poor, what is not stated are the following facts: The average per capita income in 2007 for California was $41,571, while in San Bernardino County it was $21,608 and $24,885 in Riverside County. Median household income for these areas was $59,928 (California), $55,995 (San Bernardino), and $57,736 (Riverside). As a result of the current economic recession, total personal income in the Inland Empire is expected to decrease by -3% in 2009, while per capita income declines by -4.3% to $27,270. Moreno Valley has not distinguished itself as poor in relation to the other Inland Empire (IE) Counties, and therefore the trick of statistics paints a bleaker picture than reality. In fact, since the IE is the home to many warehouses, one might ask if that in itself contributes to the lower per capita comparisons to Statewide averages. Is it possible additional low-pay warehouse work will continue to keep cities in the IE depressed in comparison to the State as a whole?

Other facts on Moreno Valley described in the FPEIR that ae apparently driving the fulfillment center/WLC desires are that 20 percent of the population is living below the poverty level, a higher than expected dropout rate for the high schools and other similar economic comparative indicators. The FPEIR presented no evidence that building 40 million square feet of warehouse space can even start to cure such economic indicators.

According to the website http://-vvww.city-data.com/poverty/poverty-Moreno-Vallev Califomia.html, Moreno Valley does not have a disproportionate share of residents living below the poverty level. In fact as a whole the city is equal to the California average. The actual high school drop put rates in Moreno Valley are comparable to Riverside County as a whole and only slightly higher than California. http://vvww.pe.com/articles/school-668137-students graduation.html http://www.kesq.com/Riverside-County-Has-More-High-School-Dropouts/487640.

Finally, to cap off the need for fulfillment centers, Section 1.2.2 states "According to the Inland Empire Economic Partnership January 2014 Quarterly Economic Report, Logistics has been the fastest growing sector in the Inland Empire's economic base. The logistics industry offers an opportunity for upward mobility for

workers providing access to skill/adders leading to the middle class and the number one contributor to job growth and upward mobility in the Inland Empire Region".

However, an interesting counter point of facts and statistics is offered in the Study published September 2013 by the USC Program for Environmental & Regional Equity called ***Warehouse Work Path to the Middle Class or Road to Economic Insecurity by Juan D. De Lara, Ph.D.*** *attached as Exhibit* ***1.*** *In this study, the author determined that the average blue collar warehouse worker earned $22,000 per year and the average non Blue Collar job earned $35,000 per year. Furthermore, in the section titled* ***"Temps: The Invisible Warehouse Workforce",*** *the Author states: "Once we have established that blue-collar warehouse workers earn far less that the much touted $45,000 logistics wage, we must turn our attention to another group of workers that are normally excluded from economic data and policy discussions about the logistics industry. Temp workers are a key component of the just-in-time distribution system that enabled retailers like Walmart to expand their corporate empires by reducing inventory and increasing speed to market". The study estimates that approximately 15 to 30 percent of temporary workers are employed in local warehouses making $10,067 compared to direct-hire warehouse workers hired at $22,000.*

In conclusion, the study points out, "To put it simply, not enough of the global logistics economy trickles-down to meet the needs of local families. This is especially true when we account for the region's growing ranks of blue collar workers."

Through all of this, the City may still argue that 20,000 workers will increase the local economics of the city, regardless of the wages produced. However, if the tax base does not improve beyond the increased cost of providing city services to these low paid workers, the City of Moreno Valley has only exacerbated its financial condition rather than improved upon it.

To the extent the reasons to contemplate a World Logistics Center may be based on incorrect data or shifting economics, it might benefit the City decision makers to reconsider the entire project by updating its economic models, leaving out the socio-economic conditions that will remain static if not continue to be exacerbated by the contemplated project. It is disconcerting that without even debating the full1,300 pages of the FPEIR I find the premise for the entire project to be suspect in terms of a true benefit to the City, notwithstanding the admitted increased blight, traffic, pollution, important habitat disruption and low wages. Further, I find it ironic that it is important to build this project because of the residents average commute time and breathing of pollution but the pollution from 14,000 diesel trucks daily is not of similar consequence to the residents of Moreno Valley and the greater IE as a result of this project.

It is also reasonable to point out the potential for workers living outside Moreno Valley making long commutes for low wages resulting in more time in traffic, more time breathing polluted air, more stress, less time at home and less time with families. Similar to pollution issues and danger to habitat in eh Northern San Jacinto Valley, the impact of a massive project such as this cannot be controlled within the borders of Moreno Valley. As such, the benefits to the city and residents of Riverside and San Bernardino County need to be assessed in relation to reasonable expectations that appropriate due diligence has been performed.

The series of refutable statements as to why such a project may be important to Moreno Valley (elaborated in Sections 1.2.2) suggests further study and updated information would be warranted.

Response 1:
The socioeconomic data provided in the FEIR and its supporting technical studies (see FEIR Volume 2, Revised Draft EIR, Appendix O) is considered to be substantial evidence and was prepared by experts in the field and familiar with such conditions in Moreno Valley and Southern California. Note that Walmart warehousing figures may not accurately represent the range of potential clients within the WLC project as they have their own truck fleet and maintain so many more retail outlets throughout Southern California compared to most other retailers in the area. The commenter should also realize that regional data may change somewhat year to

year, and the technical studies evaluate socioeconomic conditions based on the best data available at the time the study is prepared. The fiscal analysis of the WLC project indicates it will provide substantially more revenues compared to municipal costs as it develops compared to residential uses which typically generate more costs relative to revenues (i.e., property taxes, fees, subventions, etc.).

FEIR Volume 3, Revised Draft EIR, Section 4.13.1 and 4.13.4 explain the City's current employment and jobs/housing conditions, while Section 4.13.5.1 explains how the proposed WLC project would substantially improve the City's jobs/housing ratio as new warehousing uses are built and occupied. The FEIR for the WLC project is based on reliable accurate information obtained from accepted government sources, and the technical study evaluating fiscal and employment characteristics of the WLC project used that data and standard methodologies to prepare that study. The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Lillian Tomich dated June 10, 2015 (received)**

In a letter received by the City on June 10, 2015, Lillian Tomich with Conway and Tomich submitted comments on the WLC FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
(1) We have concerns relating to the utilities for the WLC. It appears that some of the various utility lines (i.e. gas, sewer, water> telephone, electric, etc.) may not go all the way to Gilman Springs Road. We would like the City of Moreno Valley to require the WLC project to have all the utility easements and permanent access to such easements that are necessary for us to extend all the utilities to our property. These easements can be along the roads and/or through open space as long as such easements are located in such an area that they are economically feasible to use for our property as well as other adjacent properties.

Response 1:
This is not a CEQA comment. The project being considered by the City of Moreno Valley is a General Plan and Zoning-level application. Precise routing of roads, utilities, easements etc. are not established at this level of review. Once the General Plan and Zoning entitlements are approved, project engineering and design can commence and the City and utility agencies will review and approve project details such as road alignments, utility routing, sizing and location, etc. The commenter's interest in securing easement rights are appropriately directed to the utility providers.

The comment will be provided to the City Council for its consideration as part of the project review process.

Comment 2:
(2) We are concerned that the Project utility lines (i.e. gas, sewer, water, telephone, electric, etc.) may not have enough excess capacity to support additional development. We would like to request that the City of Moreno Valley make sure that each of the utility lines have enough additional excess capacity to handle additional development on our property and adjacent properties.

Response 2:
See response 1 above.

Comment 3:
(3) We are also concerned about the drainage control for the Project. It appears that there may be one or more drainage basins actually located on or near our property. We want to make sure that our property is not responsible for the drainage control burden for the WLC project area and that no restrictions are placed on the development of our property as a result of the WLC project.

Response 3:
This is not a CEQA comment. The property referenced in this letter is located upstream of the World Logistics Center property and, therefore, is not affected by the manner in which drainage is managed within the WLC project area. The drainage from the commenter's property currently passes under Gilman Springs Road in a

series of culverts. Historically, these culverts have been clogged by upstream debris that restricts their capacity and causes runoff to overtop Gilman Springs Road. The WLC EIR discusses a potential remedy to these conditions, a series of debris basins that could be located on the east side of Gilman Springs Road. It is these conceptual debris basins that the commenter is referencing. However, the precise location of basins is not established at this level of review. Once the General Plan and Zoning entitlements are approved, project engineering and design can commence and the City and County can review and approve project details such as basin sizing and location, etc.

The City of Moreno Valley and/or the County of Riverside will determine what drainage improvements (if any) are constructed in this area, most likely in connection with future improvements to Gilman Springs Road. The key point is that these conceptual basins are located upstream of the WLC property and are not part of the WLC concept drainage plans. The EIR contains a thorough evaluation of hydrology in Section 4.9 which is supplemented by the *Draft Drainage Report for World Logistics Center Specific Plan and Environmental Impact Report* by CH2M HILL, dated September 2014. This report can be found in Appendix J-1 of the EIR.

Comment 4:
(4) I also have some concern about what happens to our access. We want to make sure the City of Moreno Valley does not limit or restrict our access to Springs Road.

Response 4:
This is not a CEQA comment. The World Logistics Center project will have no impact whatsoever on the commenter's access rights to Gilman Springs Road. The commenter's property is located in unincorporated Riverside County and therefore the City of Moreno Valley does not have jurisdiction regarding the commenter's access rights.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 23, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Lozeau Drury (LIUNA Union) dated June 10, 2015**

In a letter dated June 10, 2015, Richard Drury with the law firm of Lozeau Drury representing the LIUNA union submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
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 Final Environmental Impact Report ("DEIR") prepared for the World Logistics Center Project, State Clearinghouse No. 2012021045 ("Project"). We have submitted detailed comments on the Draft EIR for the Project, which comments are incorporated herein by reference in their entirety.

We have reviewed the DEIR with the assistance of:

1. *Traffic Engineer Tom Brohard, P.E.*
2. *Hydrogeologist, Matthew Hagemann, C.Hg., MS.*
3. *Biologist, Dr. Shawn Smallwood, Ph.D.*
4. *Agricultural Consultant, Gregory A. House.*

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 FEIR is woefully inadequate and that a new supplemental EIR is required to be prepared and recirculated for public comment. Commenters urge the City to revise the EIR to adequately describe, analyze, and mitigate the Project and its impacts. The revised EIR should be recirculated to allow public review and comment.

Response 1:
Responses have been prepared for the comments contained in this letter and attachments. They show that recirculation is not required.

Comment 2:
I. PROJECT DESCRIPTION
The Project site encompasses 3,918 acres of land located in Rancho Belago, the eastern portion of the City of Moreno Valley, and is situated directly south of State Route 60 (SR-60) with the Badlands area to the east and northeast, the Mount Russell Range to the southwest, and Mystic Lake and the San Jacinto wildlife Area to the southeast. (DEIR, p. 3-19.)

The Specific Plan being evaluated in this EIR covers 2,610 acres and proposes a maximum of 40.4 million square feet of "high-cube logistics" warehouse distribution uses classified as "Logistics Development" (LD) and 200,000 square feet (approximately 0.5%) of warehousing-related uses classified as "Light Logistics" (LL).

The lands within the WLC Specific Plan that are designated LL are existing rural lots, some containing residential uses, that will become "legal, non-conforming uses" once the WLC Specific Plan is approved. In addition, the LD designation includes land for two special use areas; a fire station and a "logistics support" facility for vehicle fueling and sale of convenience goods (3,000 square feet is assumed for planning purposes for the "logistics support"). (FEIR, p. 3-19).

The Project site primarily consists of active farmland. (DEIR, pp.3-1, 3-2.) Approximately 3,389 acres, or 89 percent of the 3,814-acre project area, are designated as Farmland of Local Importance and approximately 25 acres are designated as Unique Farmland. (DEIR, p. 4.2-7.) The site is also scattered with seven residences. (DEIR, p. 3-2.)

Response 2:
The project area has been revised in response to comment to remove 100 acres, resulting in 3,818 acres, including 104 acres in off-site improvements, as described at FEIR, 3-1.

Comment 3:
Standing. Hundreds of 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. 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.

Response 3:
It is not up to the CEQA document or local process to determine or rule on standing, that determination is for a judge to make as part of the CEQA litigation process. Potential impacts that the commenter refers to as possibly affecting LIUNA members could also affect the public and thus have already been addressed in the EIR.

Comment 4:
Legal Standards – FEIR. The lead agency must evaluate comments on the draft EIR and prepare written responses in the final EIR. (PRC §21091(d)) The FEIR must include a "detailed" written response to all "significant environmental issues" raised by commenters. As the court stated in City of Long Beach v. LA USD (2009) 176 Cal.App.4th 889, 904:

The requirement of a detailed written response to comments helps to ensure that the lead agency will fully consider the environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and that public participation in the environmental review process is meaningful.

The FEIR's responses to comments must be detailed and must provide a reasoned, good faith analysis. (14 CCR §15088(c)). Failure to provide a substantive response to comments renders the EIR legally inadequate. (Rural Land Owners Assoc. v. City Council (1983) 143 Cal.App.3d 1013, 1020). The responses to comments on a draft EIR must state reasons for rejecting suggested mitigation measures and comments on significant environmental issues. "Conclusory statements unsupported by factual information" are not an adequate response. (14 CCR §15088(b, c); Cleary v. County of Stanislaus (1981) 118 Cal.App.3rd 348). The need for substantive, detailed response is particularly appropriate when comments have been raised by experts or other agencies. (Berkeley Keep Jets v. Bd. of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1367; People v. Kern (1976) 72 Cal.app.3d 761). A reasoned analysis of the issue and references to supporting evidence are required for substantive comments raised. (Calif. Oak Found. v. Santa Clarita (2005) 133 Cal.App.4th 1219).

The FEIR abjectly fails to meet these legal standards, as it is riddled with conclusory statements lacking any factual support or analysis.

Response 4:
The comment above describes requirements of CEQA in regard to response to comments and recirculation. The FEIR for the WLC project meets the requirements of CEQA in regard to response to comments. The FEIR provides detailed responses to all comments received (see FEIR Volume 1). The FEIR is neither inadequate nor conclusory.

Comment 5:
Legal Standards – 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. CEQA 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. CEQA 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. CEQA 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.) 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. (CEQA Guidelines, § 15088.5(a).)*

The FEIR 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.

Response 5:
CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory.

Comments 6:
THE FINAL EIR FAILS ADEQUATELY TO DISCLOSE AND MITIGATE SIGNIFICANT PROJECT IMPACTS. A. THE PROJECT WILL HAVE MASSIVE TRAFFIC IMPACTS THAT HAVE NOT BEEN ADEQUATELY MITIGATED. Traffic Engineer Tom Brohard, PE, has submitted comments concluding that the Project will have massive and significant traffic impacts that have not been adequately mitigated. A new EIR is required to analyze these impacts and propose all feasible mitigation measures. (Brohard Comments, Exhibit A). The Project will generate 69,542 daily trips, with 4590 trips in the AM peak hour and 5010 trips in the PM peak

hour. This will double the existing AM and PM peak hour traffic on SR60, creating 60 direct traffic impacts and 205 cumulative traffic impacts. (Brohard Comment, p.1-2). Nevertheless, the FEIR fails to include adequate or enforceable traffic mitigation measures and fails to disclose several direct traffic impacts. Traffic Engineer Brohard identifies 18 direct traffic impacts of the Project that are not identified in the EIR or its traffic study. Direct traffic impacts are when the Project alone causes an intersection or road segment to fall below the acceptable Level of Service (LOS). Mr. Brohard identified 18 direct traffic impacts that are either ignored entirely or identified improperly as cumulative impacts. This is a significant omission since a Project must fully mitigate all of its direct traffic impacts, while it need only contribute a "fair share" to mitigate cumulative impacts. Thus, by failing to identify these impacts properly, the EIR fails to ensure adequate mitigation.

Mr. Brohard identified the following direct traffic impacts that are not identified in the EIR:

1. *Eastbound SR-60 from Euclid to Grove. Degrades from LOS D to LOS E in AM peak hour;*
2. *Eastbound SR-91 from Central to 14th St. Degrades from LOS D to LOS E in AM Peak hour;*
3. *Cactus Ave from Redlands Blvd. to Cactus Ave Extension – Degrades from LOS A to LOS E;*
4. *Gilman Springs Rd/Bridge Street – Degrades from LOS C to LOS D in PM Peak hour;*
5. *San Timoteo Canyon Rd./Alessandro Rd. – Degrades from LOS C to LOS F in PM peak hour.*
6. *Eastbound SR-60 from Euclid to Grove – Degrades from LOS D to LOS E in AM peak hour;*
7. *Eastbound SR-60 from Central to Fair Isle Drive/Box Springs Rd. – Degrades from LOS D to LOS E.*
8. *Gilman Springs Rd/Bridge St. – Degrades from LOS C to LOS D;*
9. *Eastbound SR-60 from Pigeon Pass Rd/Fredrick St. to Heacock St. – Degrades from LOS D to LOS E in AM peak hour;*
10. *Eastbound SR-60 from Heacock to Perris Blvd. – Degrades from LOS C to LOS E in AM peak hour.*
11. *SR-60 Eastbound on-ramp from Cetnral Ave. – Degrades from LOS D to LOS F.*
12. *Gilman Springs Rd. from Alesandro to Bridge St. – Degrades from LOS D to LOS F.*
13. *Lasselle St/Cactus Ave – Degrades from LOS C to LOS D in PM peak hour.*
14. *Central Ave/Chicago Ave – Degrades from LOS D to LOS E in AM peak hour.*
15. *Westbound SR-60 from Reservoir St. to Ramona Ave. – Degrades from LOS D to LOS E.*
16. *Westbound SR-60 from Redlands Blvd. to Theodore St. – Degrades from LOS D to LOS E in PM peak hour.*
17. *Eastbound SR-60 from Main St. to SR-91 – Degrades from LOS D to LOS E.*
18. *SR-60 Eastbound on-ramp from Thedore St. – Degrades to LOS F in PM peak hour.*

Response 6:
Caltrans TIA guidelines (attached, see page 2) are vague both on the topic of when a facility needs to be studied and also what exactly constitutes a study. This sometimes results in comments on EIRs that adding even one trip to a freeway automatically triggers a full-blown traffic analysis. Clearly that is not the case as any number of traffic studies have been approved and upheld in court that did not do detailed analysis of every freeway near the project site. It should also be noted that Caltrans' guidelines are in the process of being revised in part to help eliminate this type of problem with traffic studies.

The existing guidelines make it clear that engineering judgment is to be exercised in determining how a TIA is to proceed. The section opens with the sentence, "*The following criterion is **a starting point** in determining when a TIS is needed*" and closes with, "*The appropriate level of study **is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic***" (emphasis added). So the assertion that there is a hard-and-fast rule on this is incorrect. The system is set up to enable Caltrans, as responsible for the state highway system, to work with the lead agency to determine the appropriate scope of study depending on the technical aspects of each individual project. In the case of the WLC project, this was accomplished in a series of meetings, emails, and telephone conversions culminating in a technical memorandum (attached) in which the traffic consultant described in detail how the forecasting would be done and how the traffic volumes would be analyzed and in the subsequent Caltrans letter (attached) concurring with the proposed methodology.

Please note that the approved methodology clearly states (see "Facilities to be Studied" on page 6) that the freeway analysis will be done on segments to which 100 or more peak-hour trips are added.

The comment states that, "*Therefore the number of project trips generated on the section of the 1-215 Freeway between the SR-60 Freeway and Perris Boulevard should be determined/shown in the TIA report and the appropriate analysis conducted* ***based on Caltrans requirements*** ..." (emphasis added) which is what was done in this case. The remainder of the commenter's sentence, "… *which at a minimum would include the existing LOS on this freeway mainline section*" is incorrect. Caltrans has determined its requirements and this was not included in them.

It should also be noted that the City of Riverside's TIA guidelines require roadway segment analysis for General Plan Amendments (GPA), Specific Plans (SP) or Specific Plan Amendments (SPA) ***in the City of Riverside***. This fulfills a specific requirement in the California Government Code Section 65302(b)(1) that a City's General Plan include, "*A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan*." The TIA requirement is merely intended to ensure that when City of Riverside GPAs, SPs, or SPAs are processed someone checks to make sure that the City of Riverside circulation element is concurrently updated so that the different elements of the General Plan remain correlated. This was not intended to be and is not a general requirement that GPAs, SPs, and SPAs taking place in other jurisdictions in southern California trigger the need to analyze City of Riverside roadway segments.

Comment 7:
Since the FEIR fails to disclose the impacts above to be direct impacts of the Project, it does not adequately mitigate the impacts. Instead, the EIR relies on "fair share" contributions to unspecified mitigation programs that may or may not ever be implemented. This approach is legally inadequate since the EIR must require a Project to fully mitigate all of its direct impacts. A new EIR is required to disclose all of the above as direct impacts, and to propose that the Project fund and implement fully all feasible mitigation measures to reduce those impacts.

Response 7:
The comment is incorrect. Whether direct or cumulative, all transportation-related impacts are identified in FEIR Section 4.15 and the TIA. The mitigation measures require an updated transportation analysis with every plot plan. Any impacts must be mitigated as a condition of approval. For any impacts within the jurisdiction of the City, the mitigation must be implemented. Since impacts outside the City are outside the City's ability to control implementation, the FEIR concludes that the impacts remain significant and unavoidable. Nonetheless, the mitigation measures require the payment of fair share contribution to impacts for mitigation outside the jurisdiction as they are identified outside the City. See MM 4.15.7.4A through 4.15.7.4G. So, regardless of the type or location of impacts, the mitigation measures ensure that are impacts all fully addressed.

Comment 8:
The EIR improperly relies on deferred mitigation measures. Mitigation Measure 4.15.7.4G states, "City shall work directly with Western Riverside Council of Governments to request that Transportation Uniform Mitigation Fee funding priorities be shifted to align with the needs of the City, including improvements identified in the World Logistics Center Specific Plan traffic impact analysis. Toward this end, City shall meet regularly with Western Riverside Council of Governments." This is plainly deferred mitigation that will be developed (or not) after Project approval. CEQA prohibits such deferred mitigation since there is no way to determine if the mitigation will be adequate, or if it will ever be implemented at all.

Response 8:
The mitigation measure identified in the comment does not impact any of the findings of the TIA or FEIR Section 4.15. This mitigation measure only places upon the City the requirement to coordinate with the agency

that will oversee regional mitigation funding in the City. Since ultimate actions are outside the City's control, any improvements that WRCOG would be responsible remain significant and unavoidable. Where mitigation is within the City's control, mitigation must be implemented as condition of subsequent project approval as described in MM 4.15.7.4A.

Comment 9:
Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project. The formulation of mitigation measures generally cannot be deferred until after certification of the EIR and approval of a project. Guidelines, section 15126.4(a)(1)(B) states: "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." (Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 92.) The Findings and EIR are replete with such deferred mitigation. A supplemental EIR is required to clearly define mitigation measures in a manner that can be analyzed and reviewed by the public and governmental decision makers.

Response 9:
All of the FEIR's mitigation measures are based on defined performance measures that outline what impacts are to be addressed and how the mitigation measure will be implemented. The Transportation mitigation measures are an example of the detailed measures contained in the FEIR that establish a defined process, based upon the analysis contained in this programmatic FEIR and supplemented with subsequent environmental review when specific projects are brought forward under the WLC Specific Plan.

Comment 10:
The EIR also improperly relies on fee-based mitigation without defining mitigation measures or ensuring that specific adequate measures will ever be implemented. CEQA prohibits this approach. Mitigation fees are not adequate mitigation unless the lead agency can show that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. (Napa Citizens for Honest Gov. v. Bd. Of Supervisors (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); Anderson First Coal. v. City of Anderson (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented).

Response 10:
All the mitigation fees identified in the FEIR are for programs that have established records in mitigating impacts. Examples of such mitigation fees are TUMF for transportation-related impacts and the MSHCP mitigation fee for wildlife mitigation. The commenter does not identify which mitigation fees in the FEIR fail to fund a specific mitigation plan. The FEIR recognizes that fees paid for the improvements outside of the City's control may not result in the construction of the improvements. It therefore concludes that impacts to improvements outside of the City's control are significant and unavoidable (FEIR Volume 3, Revised Draft EIR, Table 4.15.BB).

Comment 11:
<u>THE PROJECT WILL HAVE SIGNIFICANT AIR QUALITY IMPACTS THAT HAVE NOT BEEN DISCLOSED IN THE FEIR AND HAVE NOT BEEN ADEQUATELY MITIGATED.</u> The Final EIR is so patently deficient in the area of air quality, that the California Air Resources Board (CARB) has taken the highly unusual step of filing a formal comment letter criticizing the FEIR and requesting preparation of a supplemental EIR to remedy the obvious defects. (See CARB Comment letter dated June 8, 2015 (Exhibit. B). CARB points out that the FEIR dismisses health impacts of diesel particulate matter (DPM) based on a single recent study, the Advanced

Collaborative Emissions Study (ACES). The FEIR repeatedly references that the ACES study concludes that the "application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." CARB states:

"First, the use of only one study as the basis for this analysis is not sufficient for the purpose of providing a comprehensive analysis of health risk from project construction and operations. The ACES study is only one of many scientific studies related to health risk and emissions, and therefore, cannot serve as substantial evidence regarding the project impact to human health. In fact, there are many other studies that conclude that diesel particulate matter (PM) is a health hazard. For example, the International Agency for Research on Cancer evaluated the scientific literature as a whole and concluded in 2012 that diesel PM is carcinogenic to humans (class 1). Second, and more importantly, the ACES study's methodology and findings render it inadequate for inclusion in an environmental document, and cannot serve as substantial evidence supporting a finding that the project will not result in significant cancer risk impacts. Therefore, use of and reference to the ACES study should be removed throughout the FEIR."

CARB points out the DPM is listed as a known human carcinogen by the California Office of Environmental Health Hazard Assessment (OEHHA). The EIR cannot simply ignore the legal conclusions of CARB and OEHHA, the California agencies with regulatory authority over the issue of airborne carcinogens. Yet the Final EIR does exactly this, based on a single study conducted on rats.

Response 11:
See response to CARB comment letter.

Comment 12:
Matthew Hagemann, C.Hg., and environmental scientist Jessie Jaeger of the consulting firm SWAPE point out this same defect. (SWAPE Comment Letter p.2 (Exhibit C)). Mr. Hagemann concludes that using standard California risk assessment methodology, the Project will have significant cancer impacts from DPM on nearby residences above the SCAQMD CEQA significance thresholds. Mr. Hagemann calculated cancer risk of 15.7 per million, well above the 10 per million CEQA significance threshold set by SCAQMD. SCAQMD requires the use of the CARB risk assessment methodologies, not the ACES study.

When a regulatory agency with appropriate jurisdiction (such as CARB) has adopted a CEQA significance threshold and methodology for calculating an impact, the lead agency must apply that duly adopted methodology. Comtys. for a Better Env't v. So. Coast Air Quality Mgmt. Dist. (2010) 48 Cal.4th 310, 327 (impact is significant because it exceeds "established significance threshold for NOx … constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact"); Lotus v. Dep't of Transportation (2014) 223 Cal. App. 4th 645, 652; Endangered Habitats League, Inc. v. County of Orange (2005) 131 Cal.App.4th 777, 783-4). The EIR essentially ignores CARB's and OEHHA's official findings that DPM is a known human carcinogen, relying on the recent ACES report conducted on a small number of rats.

This ignores decades of scientific research finding that DPM is a potent human carcinogen, and ignores all relevant regulatory agencies. Since the ACES study conflicts with duly adopted CEQA thresholds, it is entitled to no deference and does not constitute substantial evidence. "A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs. (2001) 91 Cal. App. 4th 1344, 1355). CEQA does not allow such an approach. A supplemental EIR is required to properly calculate and disclose this impact under California law, using duly adopted California health risk assessment methodology – not the unapproved ACES study. Once disclosed, the EIR must propose all feasible mitigation measures. Mr. Hagemann points out that feasible mitigation should include installation of Minimum Efficiency Reporting Value (MERV) filters rated at 13 or above at all residential units where incremental cancer risks exceed one in one hundred thousand (FEIR Volume I, p. 665-666).

Response 12:
See response to CARB comment letter. In addition, it should be noted that FEIR contains a complete analysis of the project's impacts using the methodology requested by the commenter (FEIR Volume 3, Section 4.3.6.5, Impacts to Sensitive Receptors). As the commenter notes, there are no impacts outside the project boundaries and only three homes within the project boundaries have impacts that would exceed the significance threshold. However, as discussed in the FEIR Section 4.3 and in response to the CARB comment letter, none of the studies upon which the OEHHA methodology is based have evaluated the health impacts of new technology diesel engines such as those required by this project. The HEI ACES is the first study to do so. Based on the conclusions of that study, as described in FEIR Section 4.3.6.5, a less than significant impact for increased cancer risk would be expected to those homes within the project boundaries.

As a final note, while the FEIR concluded that a less than significant impact for increased cancer risk would occur, as part of the development agreement between the developer and the City, the developer is required to outfit all seven homes identified as exceeding the OEHHA-based risk calculation with MERV-13 air filters.

Comment 13:
CARB concludes that feasible mitigation should include a requirement of zero emission and near-zero-emission vehicles at the Project where feasible. (CARB Comment Letter, p. 4). Since the FEIR dismissed this impact using spurious, unapproved calculation methods, the FEIR also failed to require implementation of these and all other feasible mitigation measures.

Response 13:
See response to CARB comment letter.

Comment 14:
<u>THE PROJECT WILL HAVE SIGNIFICANT BIOLOGICAL IMPACTS THAT HAVE NOT BEEN ADEQUATELY DISCLOSED OR MITIGATED.</u> Dr. Shawn Smallwood points out that the Project will have numerous biological impacts on special status species in the area that have not been disclosed or mitigated in the Final EIR. (Smallwood Comment Ltr. (Exhibit D)). Dr. Smallwood concludes that the Project will have significant impacts on burrowing owls, and that the surveys done for the Project were conducted using an improper, unscientific and biased method that would fail to identify burrowing owls on site. For example, the burrowing owl survey performed for the FEIR states, "Burrowing owls are crepuscular owls, being most active during the early morning or evening hours." Dr. Smallwood points out, "In fact, burrowing owls are most active at night. Burrowing owl surveys should be performed on the project site by professionals with more experience with burrowing owls, and the surveys should follow the guidelines of CBOC 2013 and CDFG (2012)." The EIR consultant, FirstCarbon, appears to be wholly unqualified to conduct burrowing owl surveys since they are unfamiliar even with the times that burrowing owls are active. This study is therefore entitled to no deference since it is unscientific. "A 'clearly inadequate or unsupported study is entitled to no judicial deference.'" (Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs. (2001) 91 Cal. App. 4th 1344, 1355, quoting, Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3d 376, 391 409, fn. 12 (1988)).

Response 14:
Burrowing owl surveys were conducted in 2005, 2006, 2010, 2012 and 2013 on various portions of the project site. Surveys were conducted under the MSHCP protocol. Burrowing owls were observed in the 2005 and 2013 surveys. Due to the observations over time in various portions of the site, Mitigation Measure 4.4.6 4D, which requires the preparation of a 30-day pre-construction survey shall be conducted prior to any grading activities, has been incorporated into the MMRP. The FCS Biologist who conducted the most recent surveys has over twenty years of technical experience conducting surveys in Southern California including the Inland Empire.

All of the surveys for plant or animal species on the project site were conducted according to established protocols issued by resource agencies and conducted by qualified and experienced biologists. As described in FEIR Appendix E-5, Section 2.2.1, protocol surveys of burrowing owls involve inspecting rodent burrows, which are used as dens by burrowing owls. Their presence is inferred from markers that the owls leave behind. It would be of little use to inspect the dens at night, when the owls are active and, therefore, not unlikely to be in their dens and the limited visibility would obscure other indications of their presence.

Comment 15:
Dr. Smallwood also concludes that the Project will have significant impacts on wildlife movement, contrary to the EIR. Dr. Smallwood states: According to the FEIR (1-38), the project will not restrict the movement of wildlife between the Badlands and the SWAN and Mystic Lake areas. This conclusion was incorrect. Constructing several thousands of acres of warehouses and trucking infrastructure between the Badlands and Mount Russell will most definitely restrict wildlife movement across the valley (Figure 1). Animal species that have for thousands of years been capable of crossing the valley between the Badlands and Mount Russell will no longer be able to do so. The Mount Russell range will be isolated from the Badlands for the first time, and so the project's impacts will fragment habitat in the region.

Response 15:
The project area is located within the Reche Canyon/Badlands Area Plan of the MSHCP and falls within both the Badlands North Area Plan Subunit and the SJWA/Mystic Lake Area Plan Subunit. The open agricultural fields that occupy much of the project area are not designated as corridors or linkages in the MSHCP. Existing linkages are located east of Gilman Springs Road and south of the project site in vicinity of Mystic Lake.

FEIR Section 4.4.1.14.g identifies the reasons why there will not be a significant impact on wildlife movement. Further analysis describing why the project area does not serve as a meaningful wildlife corridor is contained in the analysis found in FEIR Section 4.4.5.2. Existing site conditions, such as the presence of SR-60 to the north and the active agricultural uses of property limit the ability of wildlife to use the project area as a corridor. Dr. Smallwood contends that removal of a potential path constitutes a significant restriction on wildlife movement. This is incorrect. The analysis relies on identified corridors in the MSHCP that wildlife uses and analyzes examines how the project area is used as a wildlife corridor. It is this basis that the FEIR relies upon to draw its conclusions.

Comment 16:
(letter contained Figure 1)*. Likely movement trajectories of wildlife across the project area (red boundary), including avian flights along the valley (blue arrows) and avian and terrestrial wildlife movements between the Badlands and Mount Russell and Lake Perris (yellow arrows). Dr. Smallwood concludes that the Project will have significant cumulative impacts on habitat loss when considered together with large industrial scale solar photovoltaic and wind projects being constructed in the area. The FEIR fails to consider these cumulative impacts.*

Dr. Smallwood concludes that as a mitigation measure, the EIR should require all 2000 acres of rooftops on the Project be covered with solar panels. While the EIR currently requires solar panels sufficient to offset energy use by the office space in the Project itself, this leaves much of the rooftop area open for further solar development. Covering all 2000 acres of rooftops with solar panels would generate 282 megawatts of electricity. (Smallwood Comment, p. 8). This would offset the need to construct additional solar panels on habitat in the area. It would also help to offset air quality impacts from DPM and nitrogen oxides (NOx) discussed by CARB and SWAPE.

Response 16:
The comment concludes that the EIR should require all 2,000 acres of rooftops be covered with solar panels. As previously discussed, the cumulative impacts of the project are less than significant. More importantly, the

project itself will not have a significant impact to wildlife or habitat. Since there are no significant impacts to biological resources, there is no need to require solar power to the entire project site.

The cumulative impacts of the project are less than significant for a number of factors. Most importantly, the project itself will not have a significant impact wildlife or habitat. Since the project area covers regularly disked farmland that reduces its habitat quality, the effects of the project are limited. The project is also not expected to impact the habitat in surrounding areas. Finally, the projects that Dr. Smallwood identified as contributing to cumulative impacts are so far removed, not even occurring within Riverside County – with most near the Mexican border, that the less than significant effect of the project will not cumulatively contribute to significant wildlife or habitat impacts. As a result, there is no need to increase the amount of solar power already incorporated into the project to reduce impacts. In addition, there is no evidence that incorporating such solar into the project would reduce demand for other solar projects in Imperial County cited by the commenter.

Comment 17:
*<u>THE PROJECT WILL HAVE SIGNIFICANT AGRICULTURAL IMPACTS THAT ARE NEITHER DISCLOSED NOR MITIGATED IN THE EIR</u>**.** The Project would result in the conversion to non-agricultural use of 2,201 acres of land designated as Farmland of Local Significance within the Specific Plan area, as well as 25 acres of Unique Farmland. The FEIR and findings conclude that the conversion of the 2201 acres of Farmland of Local Significance is a less than significant impact, and proposes to mitigate only the loss of 25 acres of Unique Farmland. (Proposed Findings, p. 73). Agricultural consultant Gregory House concludes that the Project will have significant agricultural impacts, contrary to the conclusion of the FEIR. (House Comment letter, Exhibit E). The FEIR concludes that the Land Evaluation and Site Assessment Score (LESA) is 60.4. This indicates a significant impact to agriculture. However, the Parsons-Brinckerhoff study concludes that since the Site Assessment portion of the cumulative score is less than 20 – 19.5 – the Project does not have a significant impacts on agriculture.*

Mr. House calculates that the Site Assessment score was improperly calculated. In particular, the Parsons-Brinkerhoff study concluded that citrus farming is no longer economically viable on the site because the price of water would allegedly be greater than the value of the citrus produced. However, Mr. House notes that recycled water is available in sufficient quantities from the Eastern Municipal Water District (EMWD). Mr. House notes that contrary to the conclusion of the EIR, this water is adequate for citrus irrigation. Mr. House also calculates that the recycled water could be used in sufficient quantities to irrigate mandarins and lemons and that those citrus crops could be produced at a significant profit of about $2400 to $4000 per acre. (House Comment Letter, p.3).

Taking these facts into consideration, the Site Assessment portion of the LESA score increases to between 20.1 to 22 – above the 20 threshold. This means that the Project has a significant impact on agricultural resources that must be disclosed in the EIR. The EIR is deficient for failing to disclose this impact. This also means that the EIR must propose all feasible mitigation measures to reduce the impact to agriculture. Typical mitigation would be a requirement to create agricultural offsets at, at least, a 1:1 ratio for the entire 2200 acres of lost agricultural land – not just 25 acres. Mira Mar Mobile Community v. City of Oceanside (4th Dist. 2004) 119 Cal. App. 4th 477.

Response 17:
The assessment by Mr. House fails to acknowledge several factors related to the significance conclusion for agricultural resources. First, the conclusions of the LESA model are based upon multiple factors, not just water availability. Second, the most important factor contributing to a significant impact on agricultural resources is the type and amount of underlying soils. Finally, the original DEIR did conclude potential impacts were significant but a large contributor to that was the inclusion of the CDFG Conservation Buffer Area (currently used for dry farming) in the area calculation for the WLC project site. As stated in the Parsons Brinckerhoff report, "Based on Table 3, it was determined that irrigated production is feasible during non-drought years, but there would be physical and economic restrictions to agricultural production and unavailable during drought

years (MBA 2008)." (FEIR, Appendix C-2, p. A-3). This led to the selection of Option 11 from Table 3 and, ultimately, to the conclusion that the LESA score results in a less than significant impact.

It should be noted that a comment on the Draft EIR pointed out the fact that the CDFG property was not under the Specific Plan and so should not be included in the calculation of impacts for onsite loss of agriculture (i.e. on the WLC Specific Plan property). When the CDFG property was removed from the calculation, potential impacts from loss of agriculture were no longer significant. This conclusion was supported by the various reports in the agricultural appendices to the DEIR (FEIR Volume 2 Appendix C).

Finally, reclaimed wastewater is not currently available to the project site, but Mitigation Measures 4.16.1.6.1A and 4.16.1.6.1B require future development to consider use of reclaimed water for landscape irrigation if it is economically available in the future (FEIR Volume 3, pages 4.16-20 and -21). Even if reclaimed water becomes available from a logistical or economic perspective, the regional water quality control board may not allow either local groundwater or reclaimed water to be used to irrigate crops in this area due to historical concerns about high levels of nitrates and total dissolved salts.

Comment 18:
<u>THE EIR FAILS TO ANAYZE URBAN DECAY IMPACTS.</u> The Final EIR contains a two-sentence "section" on urban decay. (FEIR p. 5-7). While this section references another section of the FEIR, 4.13, that section contains no substantive analysis of urban decay at all. A supplemental EIR is required to analyze the urban decay impacts of the Project and to propose feasible mitigation measures.

Placing 40 million square feet of warehouse space in the city, together with massive amounts of traffic snarling, diesel engine exhaust above cancer thresholds, nitrogen oxide pollution, and other impacts may surely cause urban decay. The EIR fails to analyze this impact entirely – other than a two-sentence statement. It is well established that an EIR must analyze urban decay impacts of a Project. Yet, the DEIR and FEIR are virtually silent on the potentially significant impacts related to urban decay or blight. The approval and construction of the Project clearly could result in significant impacts regarding the creation of urban decay or deterioration in the area. Yet, this impact is not addressed in the EIR. Consideration of this topic in environmental documents prepared under CEQA has increased over the recent years in direct response to the California Appeals Court Decision (December 2004) in Bakersfield Citizens for Local Control v. City of Bakersfield. In that decision, the Court determined that CEQA Guidelines Section 15054 requires such research and analysis, "when the economic or social effects of a project cause physical change, this change is regarded as a significant effect in the same manner as any other physical change resulting from the project." In addition, in the Anderson First Coalition v. City of Anderson (June 2005), the Court found that social or economic changes that may have a physical impact should be considered in an EIR. While such EIR analyses are most often associated with big box or retail complexes that have the potential to result in urban decay by redirecting sales from existing businesses, urban decay impacts can also occur as a result of uses that present a nuisance thereby impacting other land uses in an area or as a result of uses that result in an area no longer being viable for existing or planned land uses as may well be the case here.

In Bakersfield Citizens for Local Control v. City of Bakersfield (2004) (124 Cal.App.4th 1184) (Bakersfield Citizens), the court expressly held that an EIR must analyze a project's potential to cause urban decay if there is substantial evidence showing that the project may lead to such impacts. The court pointed out that CEQA requires the project proponent to discuss the project's economic and social impacts where "[a]n EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic and social changes." (CEQA Guidelines §§ 15131(a) and 15064(f).) Bakersfield Citizens concerned a proposal to construct two WalMart Stores within 3 miles of each other. Evidence was submitted that the stores could cause urban decay by forcing local downtown stores to close. The court held that this impact must be analyzed in the EIR. Most of the cases cited by the Bakersfield Citizens court concerned other retail developments with alleged urban decay impacts. (See, Citizens Assoc. for Sensible Dev. of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151,

170 171 (shopping mall threatens downtown businesses and urban decay); Citizens for Quality Growth v. City of Mt. Shasta (1988) 198 Cal.App.3d 433, 445-446 (shopping mall may cause "business closures" in downtown area); Friends of Davis v. City of Davis (2000) 83 Cal.App.4th 1004, 1019 (insufficient evidence that Borders bookstore may threaten local bookstores); see also, Anderson First Coalition v. City of Anderson (2005) 30 Cal.Rptr.3d 738 (shopping center); American Canyon Community United for Responsible Growth v. City of American Canyon (2006) 145 Cal.App.4th 1062, 1074 (urban decay impacts of supercenter must be analyzed); Gilroy Citizens for Responsible Planning v. City of Gilroy (2006) 140 Cal.App.4th 911, 920 (EIR adequately analyzed urban decay impacts of supercenter).)

The Bakersfield Citizens court also cited an industrial and a prison project that were alleged to have blighting impacts. The court noted that in Christward Ministry v. Superior Court (1986) (184 Cal. App. 3d 180, 197) (Christward Ministry) an agency was required to analyze in the EIR the potential that odors, noise, and traffic from a garbage dump could adversely impact a nearby religious retreat center. The Bakersfield Citizens court noted that this was a type of "urban blight" impact. The court also noted that in City of Pasadena v. State of California (1993) (14 Cal.App.4th 810) (City of Pasadena) the "blighting" impact of a parole office on a nearby residential neighborhood was recognized (however the court held that insufficient evidence had been presented to establish that the parole office may have an urban blight impact.

The proposed World Logistics Project may have a blighting impact on the City of Moreno Valley and the surrounding area, much like the blighting impact of the waste dump discussed in Christward Ministry, supra, or the parole office discussed in City of Pasadena, supra. The proposed Project will have a blight and a cumulative blight impact together with other sources of toxic pollution in the area by generating toxic emissions, noise, truck traffic, and other impacts. These impacts depress property values, drive people and businesses away, and create a downward spiral of urban blight. A UCLA study published in the American Journal of Public Health (March 1991) found that communities living downwind of sources of air pollution suffer significantly reduced lung function. Psychological studies show that poor air quality and unpredictable industrial noise events adversely affect psychological well-being, concentration levels, and workplace performance. (S. Klitzman and J. Stellman, "The Impact of the Physical Environment on the Psychological Well-Being of Office Workers," 29(6) Soc. Sci. Med. 733-742 (1989).)

These documented impacts, and other impacts identified in the EIR and the comments on the EIR, constitute substantial evidence that the Project may have adverse urban decay impacts on the area that must be analyzed in a supplemental DEIR. The EIR is deficient for ignoring such impacts entirely.

Response 18:
No urban decay impacts will result from the project. The requirements of the WLC Specific Plan will ensure that the project is adequately screened from the community and requires the incorporation of a high-level of architectural design standards that will set the project apart from other such projects. The projects listed in the comment, like a garbage dump and prison, are completely unlike the proposed project that no parallels can be drawn. The Fiscal Study identifies the enormous benefits that will accrue to the City and community as a result of the project.

Comment 19:
Findings must be made for each identified significant impact, and must be supported by substantial evidence in the record. (Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212, 1222 1224.) Findings must present some explanation to supply the logical step between the ultimate finding and the facts in the record. (Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515.) When alternatives or mitigation measures are rejected as infeasible, the findings must reveal the agency's reasons for reaching that conclusion. Conclusory statements are inadequate. (Village Laguna of Laguna Beach, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1034-1035.) Finally, detailed findings force decision makers to draw legally relevant sub-conclusions which support their ultimate decisions. In so doing, the agency minimizes the likelihood that it will randomly leap from evidence to conclusions. (Sacramento Old City Assn. v.

City Council of Sacramento (1991) 229 Cal.App.3d 1011,1034.) CEQA requires that for each significant impact, the agency must make findings that: (1) through changes it avoided or substantially lessened the project's impacts; (2) or, such changes were the responsibility of another agency; (3) or, specific economic, legal, social, technological or other considerations made mitigation infeasible. (CEQA Guidelines, § 15091.)

As discussed above, the EIR failed to disclose numerous significant impacts on traffic, biology, air pollution, urban decay, agriculture and others. Since significant impacts have not been disclosed, the City cannot find that all impacts have been mitigated or avoided if feasible, and cannot issue a statement of overriding considerations. Also, the EIR fails to impose many feasible mitigation measures that have been proposed by experts and even regulatory agencies such as the CARB. Having failed to impose all feasible mitigation measures, the City cannot make the findings required by CEQA.

Across the board, the City's findings contain only ultimate decisions absent proper factual and/or legal sub-conclusions connecting them to the final decision. The City did not make findings to support its decision to approve the Project despite its significant, unmitigated impacts; its unsupported statement of overriding considerations, its failure to mitigate traffic and air quality impacts; and its failure to disclose impacts to agriculture and urban decay.

In Preservation Action Council, Petitioners requested that Respondent City of San Jose reject a proposal by Lowe's Inc. to build a 162,000 square-foot garden center because there was a feasible, reduced-sized alternative that would preserve an historic building. (Id. at 906-7.) Petitioners had submitted comments showing the feasibility of a two-story Lowe's which would avoid tearing down the historic structure. (Ibid.) The City of San Jose rejected the two-story option, based on Lowe's claim that a reduced-sized alternative would be economically infeasible. (Id. at 907.) But the Court rejected the City's finding on this issue as unsupported: "The FEIR provides no independent facts or analysis to support that claim. While it was not necessary for the evidentiary basis for this claim to be contained in the FEIR itself, it was necessary for such a basis to exist in the administrative record." (Id. at 917.) The Court found that neither the final EIR or the administrative record contained the meaningful detail or independent analysis necessary to validate Lowe's' claim that the reduced-size alternative was infeasible, nor did the City Council make a specific finding on the claim that the reduced-size store would be much less profitable. (Id. at 917-18.)

Here the City made the same mistake. As discussed by CARB, the EIR fails to impose feasible mitigation of zero-emission or near-zero-emission trucks. As discussed by Mr. Hagemann, the EIR fails to impose the feasible mitigation of air filtration devices to reduce airborne cancer risks. As discussed by Dr. Smallwood, the EIR fails to impose the feasible mitigation of 1:1 of requiring solar panels on the entire roof area.

As discussed by Mr. House, the EIR fails to impose the feasible mitigation measure of 1-to-1 offsets for agricultural land. These and many other feasible mitigation measures are not implemented, and the findings provide no substantial evidence to support a finding of infeasibility. A supplemental EIR is required to analyze these and all other feasible mitigation measures to reduce Project impacts.

Response 19:
Each of the items listed above is addressed in previous comment responses.

There are no commercially available zero-emission on-road heavy-duty trucks available (See RTC Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase. The document can be found at the following web address: (http://www.arb.ca.gov/db/search/google_result.htm?q=Heavy+Duty+technology+and+feuls+assessment&which=arb_google&cx=006180681887686055858%3Abew1c4wl8hc&srch_words=&cof=FORID%3A11).

The FEIR concluded that a less than significant impact for increased cancer risk would occur (FEIR Volume 3, Section 4.3.6.5, Impacts to Sensitive Receptors). However, the development agreement between the developer and the City requires the developer to outfit the three homes identified as exceeding the OEHHA-based risk calculation with MERV-13 air filters.

There is no evidence that incorporating such solar into the project would reduce demand for other solar projects in Imperial County city by Dr. Smallwood.

The impact to agricultural land is less than significant as discussed in the previous response. As a result, no mitigation is necessary.

Comment 20:
For the foregoing reasons, LIUNA Local Union No. 1 184 and its members living in the City of Moreno Valley and the surrounding areas, 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.

Response 20:
The City appreciates the comments made on the FEIR by the commenter and has provided responses to these comments. All materials provided will be made part of the public record. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (Updated July 9, 2015 and First Issued on June 25, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to HAGEMANN Attachment in Letter from Lozeau Drury (LIUNA Union)**

In a letter dated June 10, 2015, Richard Drury with the law firm of Lozeau Drury representing the LIUNA union submitted comments on the WLC Project FEIR. A separate attachment was provided with comments on agricultural resources prepared by Matthew Hagemann, a hydrogeologist. The specific comments by Mr. Hageman are presented below, followed by responses to each comment.

Comment 1:
We have reviewed the May 2015 the World Logistics Center Project ("Project") Final Environmental Impact Report (FEIR), which includes responses to comments ("Responses") we made in an April 13, 2013 letter on the 2013 Draft Environmental Impact Report (DEIR).

We have found significant shortcomings in the Responses to the issues identified in the Air Quality analysis. We maintain that the health risks posed to nearby sensitive receptors from the Project's diesel particulate matter (DPM) emissions are significant. As a result, the FEIR should include the additional mitigation measures identified in the comments to the DEIR to further reduce these health risks. The FEIR should be revised to address our comments and then recirculated to allow for review of the adequacy of the responses and of mitigation that is necessary.

Response 1:
The FEIR does not meet any of the criteria for recirculation: (1) there are no new or more severe environmental impacts, (2) there are no feasible project alternatives that would lessen the environmental impacts and all feasible mitigation has been adopted, and (3) it is neither inadequate nor conclusory.

Comment 2:
Unsubstantiated Determination of Health Risk Impacts as Less-Than-Significant
In the comments to the DEIR, we suggested mitigation measures to reduce the cumulative impacts of the Project's diesel particulate matter (DPM) emissions. Specifically, we suggested the installation of Minimum Efficiency Reporting Value (MERV) filters rated at 13 or above at all residential units where incremental cancer risks exceed one in one hundred thousand (FEIR Volume I, p. 665-666). This measure was not incorporated for the following two reasons, according to the Responses: (1) no residences outside the project boundaries would have a cancer risk over the 10 in a million threshold; and (2) the latest research demonstrates that the new technology diesel exhaust does not contribute to cancer (FEIR Volume I, p. 237).
We have two issues with this statement: (1) The cancer risk threshold of 10 in a million is exceeded by residences within the Project boundaries (FEIR Volume I, p. 237; and (2) cited research in the Responses that purportedly demonstrates the non-carcinogenic effects of new technology diesel exhaust (NTDE) has yet be approved by any regulatory agencies and is not consistent with the conclusions made by OEHHA; therefore, this report alone should not be used as a way exclude the significance of the cancer risks posed to the residences located within the Project boundaries.

Response 2:
The commenter contends that significant risk remains for residences within the project boundaries. The FEIR presents the results of the cancer risk assessment based on the latest OEHHA guidelines (FEIR Section 4.3.6.5), which shows no significant risk outside the project boundaries but that three homes would experience a potentially significant risk inside the project boundaries. As explained in the FEIR (p. 4.3-15), the OEHHA guidance used to conduct that analysis relies upon research studying the cancer impacts of traditional diesel engines (pre-2007 model year diesel engines). OEHHA guidelines have not examined the cancer risk associated with new technology diesel engines (model year 2007 and newer diesel engines). The HEI ACES is the first comprehensive study to examine the lifetime cancer risk from new technology diesel engines. As ACES Phase 1 and 2 demonstrate, new technology diesel exhaust is substantially different from traditional diesel exhaust which drives the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's and earlier. CEQA does not require that agencies "approve" new research for it to be considered in an environmental review. In addition, from our assessment the HEI ACES was conducted with expert oversight. ACES has been guided by an ACES Steering Committee consisting of representatives of HEI and the Coordinating Research Council (CRC: a nonprofit organization that directs engineering and environmental studies on the interaction between automotive or other mobility equipment and petroleum products), along with the U.S. Department of Energy, U.S. EPA, engine manufacturers, the petroleum industry, CARB, emission control manufacturers, the National Resources Defense Council, and others. The Health Effects Institute (HEI), funded in part by USEPA, was selected to oversee Phase 3 of ACES. The HEI ACES is a high-quality, life-time exposure study of diesel exhaust that deserves consideration. For that reason, the FEIR considers the study's conclusion that "in contrast to previous health studies of TDE [traditional diesel exhaust], the ACES study found that lifetime exposure did not induce tumors or pre-cancerous changes in the lung and did not increase tumors related to NTDE [new technology diesel exhaust] in any other tissue (HEI ACES, p. 1)" and together with substantial mitigation (e.g., MM 4.3.6.2A and 4.3.6.3B) incorporated the FEIR concludes that the project does not significantly increase cancer risk. Notwithstanding this conclusion, the City and the developer have established provisions above and beyond mitigation measures in the proposed Development Agreement for Air Filtration Systems meeting MERV-13 standards be provided in the existing homes within the Specific Plan Area.

Comment 3:
The FEIR's "Air Quality, Greenhouse Gas, and Health Risk Assessment Report" (Air Quality Report) discusses the methods used to conduct the updated health risk assessment, and evaluates the significance of the results of this analysis. Table 70, in this report, summarizes the estimated cancer risks based on the "current OEHHA guidance" with mitigation (see excerpt below) (p.272).

Receptor Location	Incremental Project Cancer Risk (risk per million)			SCAQMD Cancer Risk Significance Threshold (risk/million)	Exceeds Threshold?
	Construction	Operation	Total [1]		
Maximum risk anywhere in the modeling domain[2]	11.4	5.6	17.0	10	Yes
Existing residences within the project boundaries:					
13100 Theodore St	11.2	4.5	15.7	10	Yes
13200 Theodore St	11.1	4.5	15.6	10	Yes
13241 Theodore St	11.4	5.6	17.0	10	Yes
30220 Dracaea Ave	5.0	3.6	8.6	10	No
30240 Dracaea Ave	5.0	3.6	8.6	10	No
29080 Dracaea Ave	3.0	1.5	4.5	10	No
29140 Dracaea Ave	4.8	1.7	6.5	10	No
Maximum risk at any existing residential area outside of the project boundaries[3]	2.7	1.6	4.3	10	No
Maximum risk at any undeveloped residentially zoned property outside of the project boundaries[4]	2.1	1.9	4.0	10	No

The cancer risks to three existing residences within the project boundaries exceed the 10 in one million threshold. As a result, the Project's cancer-related impacts should be deemed as significant and all feasible mitigation measures should be implemented to reduce these risks to less-than-significant levels. The FEIR acknowledges that "there is still a significant impact after mitigation at three existing sensitive/residential receptors located within the project boundary," but ultimately concludes that the Project's cancer-related impact are less than significant (Air Quality Report, p. 270).

Response 3:
As the commenter notes, there are no impacts outside the project boundaries and only three homes within the project boundaries have impacts that would exceed the significance threshold. However, as discussed in the FEIR Section 4.3 and in response to the CARB comment letter, none of the studies upon which the OEHHA methodology is based have evaluated the health impacts of new technology diesel engines such as those required by this project. The HEI ACES is the first study to do so. Based on the conclusions of that study, as described in FEIR Section 4.3.6.5, a less than significant impact for increased cancer risk would be expected to those homes within the project boundaries. As a result, no further mitigation is required related to reducing cancer risk.

Comment 4:
The FEIR attempts to justify this conclusion by referring to the Advanced Collaborative Emissions Study (ACES): Lifetime Cancer and Non-Cancer Assessment in Rats Exposed to New Technology Diesel Exhaust, conducted by the Health Effects Institute (HEI), which states that new technology diesel exhaust does not contribute to cancer. The FEIR states that "the cancer risk quantification using the current OEHHA guidance is provided for informational purposes only. It is to document the cancer-related impacts of the project given the assumption that new technology diesel exhaust causes cancer, which is contrary to the results in the HEI study (Air Quality Report, p. 270)." This conclusion, however, contradicts what is recommended by the California Office of Environmental Health Hazard Assessment (OEHHA) with regard to the cancer risk from new technology diesel exhaust (NTDE) compared to the cancer risk from traditional technology diesel exhaust (TDE).

OEHHA conducted a "Risk Assessment Evaluation of New Technology Diesel Engine Exhaust Composition," and came to an entirely different conclusion. OEHHA acknowledged that in diesel engine manufacturers have developed NTDE, which produce substantially lower exhaust levels of diesel exhaust particulates (DEP) and air toxics compared to older engines. However, "experimental data from several NTE engine emissions studies indicate that the reductions of some air toxics such as polycyclic aromatic hydrocarbons, benzene and 1,3-butadiene in NTE exhaust (often 80 – 90%) are not as great as the corresponding reductions in DEP (often 95 – 99%)." The resulting air toxics/DEP ratios for NTE exhaust may be greater than or equal to similar ratios found in exhaust from older diesel engines. An analysis of data from one published review indicated that the average 3-ring PAH, 1,3-butadiene and benzene/DEP ratios increased in NTE exhaust compared to older DEE by 2-, 10- and 4-fold, respectively.

These data suggest that while the absolute amount of DEP (and thus estimated cancer risk) and air toxics is much reduced in NTE exhaust, the exhaust composition has not necessarily become less hazardous. Thus, the available data do not indicate that NTE exhaust should be considered to be fundamentally different in kind compared to older DEE for risk assessment purposes, and suggests that the TAC cancer unit risk value for DEP be used.

OEHHA maintains that NTDE has the same carcinogenic effects as TDE, and should be treated as such when conducting a health risk assessment. Furthermore, neither the United States Environmental Protection Agency (USEPA) nor the California Air Resources Board (CARB) has accepted the conclusions made within HEI's report, nor have they adjusted their stance on the cancer risk associated with NTDE. Until an authoritative body adopts and integrates HEI's findings into applicable regulations, HEI's report should not be used as a way to deem the cancer risks from this Project as insignificant. Furthermore all feasible mitigation measures,

as suggested in our comments (to include use of Minimum Efficiency Reporting Value (MERV) filters), should be implemented in order to reduce the cancer risk to these onsite residences to less-than-significant levels.

Response 4:
As ACES Phase 1 and 2 demonstrate, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. While the HEI ACES study was not designed to examine the per unit mass toxicity of diesel exhaust, it was designed to evaluate the impact of lifetime exposure of diesel exhaust on tumor formation. The study's conclusion is straightforward:

"Lifetime inhalation exposure of rats exposed to one of three levels of NTDE from a 2007-compliant engine, for 16 hours per day, 5 days a week, with use of a strenuous operating cycle that more accurately reflected the real-world operation of a modern engine than cycles used in previous studies, did not induce tumors or pre-cancerous changes in the lung and did not increase tumors that were considered to be related to NTDE in any other tissue. A few mild changes were seen in the lungs, consistent with long-term exposure to NO2, a major component of NTDE, which is being further substantially reduced in 2010-compliant engines" (HEI ACES, p. 1).

As a final note, while the FEIR concluded that a less than significant impact for increased cancer risk would occur, as part of the development agreement between the developer and the City, the developer is required to outfit all seven homes identified as exceeding the OEHHA-based risk calculation with MERV-13 air filters.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 29, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to SMALLWOOD Attachment in Letter from Lozeau Drury (LIUNA Union)**

In a letter dated June 10, 2015, Richard Drury with the law firm of Lozeau Drury representing the LIUNA union submitted comments on the WLC Project FEIR. A separate attachment was provided with comments on agricultural resources prepared by Shawn Smallwood, Ph.D., a biologist. The specific comments by Mr. Hageman are presented below, followed by responses to each comment.

Comment 1:
Under CEQA, "[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." The public needs information that is thorough, relevant, unbiased, and honest; the public needs full disclosure of the environmental setting and possible cumulative impacts. Documents presenting information from a biased perspective will tend to include omissions, logical fallacies, internal contradictions, and unfounded responses to substantial issues. Therefore, my assessment of the EIR and also considers omissions and bias, which bear on the sufficiency of the EIR.

I found many examples of bias in favor of the project. For example, according to FirstCarbon Solutions and Michael Brandman Associates (2013:15), "*Upon further inspection of the berm and burrow locations, no signs of active* [burrowing owl] *nesting or nestlings was observed, indicating that the pair is not currently nesting within the survey area*." Later, FirstCarbon Solutions and Michael Brandman Associates (2014a:50), wrote of this pair, "*Evidence of burrowing owl predation was observed during the surveys. It is assumed that a juvenile burrowing owl was predated after fledging from the nest."* The report of the burrowing owl survey claimed that the pair was not nesting, but later it turned out that they had nested. Inconsistencies like this raise doubts about the trustworthiness of the reporting throughout the FEIR.

Response 1:
The project site is within the MSHCP burrowing owl survey area. Habitat assessments for burrowing owl were conducted on various portions of the project site in 2005, 2006, 2010, 2012, and 2013. The results are as follows:

2005: Survey identified a single breeding pair observed within Drainage 4.
2006, 2010, and 2012: Did not determine the presence of any burrowing owl.
2013: Survey identified a burrowing owl.

Although there is a discrepancy in the FEIR regarding the results of the 2013 survey, Section 4.4.3.6, Burrowing Owl, states that since burrowing owls have been observed at other times in the past, and is assumed to be present due to the presence of suitable habitat and the fact they can occupy fallow agricultural fields, the MSHCP requires the pre-construction surveys be completed in areas of suitable habitat.

Thus, since burrowing owls have been observed over time on the project site, Mitigation Measure 4.4.6.4D, which requires the 30 day pre-construction survey be completed prior to any grading activity, has been

incorporated as a condition of project approval, as reflected on page 22 in the Mitigation Monitoring and Reporting Program (MMRP).

Comment 2:

Exemplifying a biased perspective, the FEIR (1-38) reported the existing agricultural lands are of low value to the 17 special-status species that occur in the area. This conclusion might be correct for some of these species, but not for all. Swainson's hawk persists in California largely due to agriculture and the prey that agricultural practices provide through irrigation, mowing, and harvest (Smallwood 2005). Burrowing owls also thrive along the margins of cultivated fields. The largest, densest population of burrowing owls in California occurs within a valley dominated by intensive agriculture (DeSante et al. 2007).

According to the FEIR (4.4-42), "*There is little to no nesting habitat within the WLCSP for Swainson's hawk and marginally quality foraging habitat. This species is known to occur with the adjacent SJWA and has a low potential to occur within the WLCSP project site*." However, nesting habitat is not the only habitat that matters to the significance of the project's impacts on a species listed as Threatened by California. The loss of several thousand acres of foraging habitat would be significant. Swainson's hawks are opportunists, flying high over the terrain while searching for disturbances that flush out prey items, such as mowing or flood irrigation of alfalfa hay, burning of rice stubble, and disking (Bechard 1982, Estep 1989, 2008; Babcock 1995, Smallwood 1995, Smallwood and Geng 1993a,b). What is important is that sufficient patches of foraging habitat are available to Swainson's hawks that are nesting on nearby properties, as the farther the hawks must travel from the nests to forage, the more likely the nest will be permanently abandoned (England et al. 1995). Swainson's hawks attempting to remain on their old nesting territories in the face of foraging habitat loss will run the increased risk of brood reduction through starvation or fracticide directed against the youngest nestling (Bechard 1983), or nest abandonment, which can leave eggs unhatched or nestlings to starvation or predation (CDFG Staff Report of 1994).

Response 2:

Swainson's hawk and burrowing owl are noted in the comments of the FEIR as occurring on irrigated crop lands that are actively irrigated, mowed, and harvested. This agricultural process provides high quality habitat for these species and causes prey items to be easily found, we do not disagree with this statement. However, the Highland Fairview property is dry-land farmed with winter and spring wheat crops. The powdery soils and lack of irrigation do not provide suitable habitat for a large prey base. This is not the type of habitat that attracts swainson's hawk and only a single pair of burrowing owl has ever been observed in any one year. Over-wintering swainson's hawks have been recorded at the San Jacinto Wildlife Area (SJWA), but only as a stopping point on their migration route and only because of the available waterbody. So the reasons that the author gives that would make this a high quality habitat, are not present and have not been for several decades, hence the low quality foraging habitat. The habitat described for providing sensitive species high quality foraging habitat, does not occur within the project site.

In addition to the WLC property, the adjacent Badlands also contains foraging habitat. At present, wildlife movement between the Badlands and the SJWA within the WLCSP is restricted by State Route 60 and Gilman Springs Road. Existing culverts under Gilman Springs road are currently unusable due to sediment blockage. In addition, the actively disked agricultural fields within the WLCSP site limit the amount of vegetative refugia (i.e., refuge) often required for smaller animals to travel back and forth between the Badlands and the SJWA (i.e., small animals that can serve as prey for raptors). Based on current conditions, development of the project site will not likely adversely affect wildlife movement, and could in fact actually improve overall foraging opportunities by allowing more wildlife movement between the WLC property and the Badlands. As a project design feature, the project will maintain Drainage 9 as a natural occurring drainage, augmented with some minor erosion control features, to maintain a wildlife travel path within the eastern portion of the WLCSP. Under the proposed Specific Plan, existing Alessandro Boulevard will be reconstructed and the existing culvert drainage facility will be replaced with a bridge structure, which will allow wildlife species to travel from Gilman Springs Road to the SJWA without having to cross a paved road. The existing marginal riparian habitat within Drainage 9 will be enhanced following the installation of the erosion control devices, which will reduce

erosion and downstream sediment deposition as well as provide opportunities to create additional riparian habitat.

As described in the DEIR on page 4.4-17. the MSHCP Conservation Area is made up of existing and proposed "Core" areas, or large assemblages of public land that contain important habitat and listed or sensitive species populations. The core areas are connected by a series of "linkages" or "corridors" identified across public and private lands to allow wildlife movement and genetic connectivity and diversity among the core areas. The MSHCP identifies conservation areas through a series of "criteria cells" within which certain biological resources (i.e., vegetation and/or physical features) should be preserved over the long term. The WLCSP is not located within any areas designated as an existing or proposed linkage or corridor.

As stated in the Draft Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013) (hereafter MSHCP Consistency Analysis), in Section 2.2.5, wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Corridors effectively act as links between different populations of a species. The WLCSP was assessed to determine if a wildlife movement corridor occurs on or within any portion of the WLCSP. Due to the location of the WLCSP, there is a potential to impede daily activity of local wildlife species that travel to and from the adjacent badlands south toward Mystic Lake. This is more appropriately referred to as a travel path and not a wildlife movement corridor. The travel path associated with the WLCSP is small in comparison to the large badlands area that continues south along the east side of the WLCSP and connects to the SJWA.

Potential project design features include a crossing of Drainage 9, reconstruction of the existing Alessandro Road, under crossings at Gilman Springs Road, and re-contouring of the upland swale portion of Drainage 9 to allow for easier access into Drainage 9 to allow it to remain as a natural travel path and may be enhanced to promote erosion control, water quality enhancements, travel usage by local wildlife species, to reduce impacts to wildlife movement corridors to less than significant. Details of Drainage 9 improvements and the surrounding area will be developed as specific projects are designed, developed, and approved. In addition, MSHCP fees will be used to purchase off-site conservation lands that could be used for conservation of large established or proposed wildlife movement corridors as described in the MSHCP.

Comment 3:
The FEIR's Figure 4.4.5 depicting burrowing owl habitat quality was ill-based and misleading. The FEIR failed to define "habitat quality," which in the field of wildlife biology would be quantified by the species' response to the environment in terms of productivity, survivorship and other metrics. Here, there was nothing measured about local burrowing owls that would expressed habitat quality. The map of habitat quality appears to have been derived by an undisclosed method that has no basis in science.

The FEIR characterized the burrowing owl surveys as "protocol" surveys, but they were not. Effort levels varied from year to year, but none of the years achieved the standards recommended by professionals. For example, the 2007 surveys were performed over 4 consecutive days rather than spread over the breeding season with an interval of at least two weeks (Table 1). Nesting is usually completed by late June, so surveys were performed too late in 2006, 2010, 2012, and 2013. By the time these surveys had been initiated, nesting pairs might have already produced chicks and the chicks fledged. The surveys in 2005 and 2007 began early enough to detect most nesting owls, but these were inconsistent with the temporal separation of surveys that was recommended by CBOC (1992) and CDFG (2012). Furthermore, the survey effort was too cursory, involving 57 seconds per acre in 2005, 2 minutes and 40 seconds per acre in 2007, 1 minute and 28 seconds per acre in 2010, and 15 seconds per acre in 2013. Whereas the 2007 and 2010 surveys exceeded 1 minute per acre of survey effort, which was still exceedingly cursory, the areas surveyed were very small (Figure 1). The years that burrowing owls were detected were in 2005 and 2013 when survey areas were much larger proportions of the project area. Passing these surveys off as protocol surveys was misleading and gave a false impression of the value of the project site to burrowing owls.

Response 3:
In response to the above comment an updated (Western Riverside County) Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (FCS-MBA 2013 - FEIR Volume 2, Appendix E-1), was prepared including an updated 2013 burrowing owl survey (FEIR Volume 2, Appendix E-5). The previous burrowing owls surveys (2005, 2007, 2010, and 2012), were included in the DEIR as additional information to provide background information regarding burrowing owl. The 2013 burrowing owl protocol survey followed the approved protocol established by the MSHCP and began with a complete survey of the entire WLCSP area, including off-site improvement areas. All surveys were conducted on foot and no portion of the WLCSP was surveyed by vehicle. All potential burrow sites were identified and mapped and included in the FEIR. All suitable habitat areas, which included these burrow locations, were surveyed on four separate occasions, approximately one week apart during the appropriate time of year.

In addition, the 2010 burrowing owl surveys started with a burrow survey in areas that were previously determined to have suitable burrows. The entire 4,321-acres, which include the WLCSP, California Department of Fish and Wildlife (CDFW) Conservation Buffer Area, and additional off-site areas, were not completely surveyed on foot. The areas that were surveyed were relatively undisturbed areas that contained appropriate burrows. These survey areas are linear in shape and surveys consisted of walking up one side of the suitable habitat and down the other. While surveying for burrowing owls, one of the biologists was also surveying and making notations regarding sensitive plants. It is not unreasonable that both burrowing owl and sensitive plant surveys were conducted at the same time. Both types of surveys contain search patterns that occur along the ground. Surveys for burrowing owl and sensitive plants were both conducted in areas that were not actively disked as part of the on-going agricultural activities.

The 2010 surveys were not conducted based on the MSHCP requirements, but were limited to areas that were previously determined to be suitable habitat based on the 2005 and 2007 surveys. The burrowing owl observed in 2012 within the temporary detention basin located south of the Skechers facility was determined to be an isolated individual, most likely a male looking for a breeding territory. This was an incidental observation and was not observed during a burrowing owl survey. The detention basin was revisited during the burrowing owl surveys and the owl was no longer using the detention basin. This individual was not observed breeding within the detention facility and appeared to have left the area at the time of the focused burrowing owl surveys that began in June 2012.

During the 2013 protocol survey, all portions of the WLCSP and off-site facility areas were surveyed. A team of six biologists covered the entire WLCSP in 3 days as part of the initial burrow survey. All areas containing suitable habitat and suitable burrows were surveyed on four separate occasions at least a week apart. The 2013 protocol survey met the MSHCP requirements (MSHCP Appendix E) and was sufficient for documenting the presence, abundance, and distribution of burrowing owls within the project site.

Comment 4:
The number of burrowing owl pairs occurring on the project site matters because three or more pairs would trigger the requirement for onsite conservation under the MSHCP. However, not only were the burrowing owl surveys too cursory for estimating burrowing owl numbers across the site, but the survey objective was to determine presence/absence. The surveys were not intended for enumerating burrowing owl pairs, and should not have been characterized as protocol surveys. Furthermore, the 2013 survey included the strange restriction of recording only those burrowing owl observations that were made within 2 hours after sunrise. I don't know the origin of this restriction, but it has no basis in science or in common practice when it comes to burrowing owl surveys. How many burrowing owls were seen but omitted as a result of this restriction?
This strange survey restriction might be explained by the lack of experience of those performing the surveys. According to FirstCarbon Solutions and Michael Brandman Associates (2013:7), "*Burrowing owls are crepuscular owls, being most active during the early morning or evening hours*." In fact, burrowing owls are most active at night. Burrowing owl surveys should be performed on the project site by professionals with

more experience with burrowing owls, and the surveys should follow the guidelines of CBOC 2013 and CDFG (2012).

***Table 1**. Burrowing owl survey efforts, according to Michael Brandman Associates (2005, 2008, 2010), FirstCarbon Solutions and Michael Brandman Associates (2013), and FirstCarbon Solutions and Michael Brandman Associates (2014). Note that dates did not always match between the documents cited, and no reports were available for surveys in 2006, one of the surveys in 2007.*

Year	Hours	Acres surveyed	Detected	Survey dates	Property
2005	28	1778	Yes	May 10, 20, 23; Aug 29	Bel Lago
2006	??	??	??	Aug 16, 17, 19, 22	Bel Lago South
2006				Aug 15, 16, 22, 23	398-acre Anderson Property
2007	11.83	264.7	No	May 1, 2, 3, 4	Highland Fairview Corporate Park
2007	??	??	??	May-July	Highland Fairview
2010	7	285	No	June 9 through 24; area 1 surveyed over first 3 days and area 2 over last 3 days	Highland Specific Plan
2012	??	??	Incidental	June 28. July 5, 6, 9	WLCSP
2013	14.58	3436	Yes	June 13, 20, 21, 25, July 3, 9	WLCSP

Response 4:
The commenter is incorrect, the burrowing owl surveys were conducted consistent CDFG's 2012 Protocol recommendations. Specifically, CDFG 2012 Protocol recommends conducting surveys during the day but also states, *However, surveys between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight provide the highest detection probabilities.*" (Appendix D, Breeding and Non-Breeding Season Surveys and Reports, Staff Report on Burrowing Owl Investigations, 28 (March 7, 2012), found at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=78863

Comment 5:
The Los Angeles pocket mouse surveys were also inadequate for determining absence, as the FEIR did. The trapping efforts for Los Angeles pocket mouse amounted to placing 1 trap for every 36 acres of the project area, and only over 1.3% of a year. Erring on the side of caution is the standard of risk assessment when addressing rare biological resources in the face of high uncertainty (National Research Council 1986, Shrader-Frechette and McCoy 1992, O'Brien 2000). An absence determination was unwarranted. More trapping should have been performed, or alternatively the species should have been assumed to be present and impacts mitigated accordingly.

Response 5:

Protocol surveys were conducted within all suitable habitat areas within the WLCSP, including off-site improvement areas during the 2013 survey season. Protocol surveys were also conducted in 2010 and 2012 and can be found at: www.dfg.ca.gov/wildlife/nongame/publications/mammal_ssc.html
Suitable habitat areas were refined based on previous surveys and known suitable habitat for this species. No LAPM were observed during any of the surveys. Based on Resource Conservation Authority (RCA) data, no recorded occurrences of LAPM occur within the vicinity of the WLCSP. This species is considered absent from the WLCSP (see RCA information at: www.wrc-rca.org/AnnualReport_2005/RCA_2005_AR_TR_Monitor

The only location onsite that has any potential for habitat that could support small mammals similar to LAPM is Drainage 9 in the eastern portion of the site. Seven (7) Northwestern San Diego pocket mouse were captured during the 2010 surveys and seventeen Northwestern San Diego Pocket mouse were captured in 2013. Development of selected portions of the WLCSP will have an adverse effect on Northwestern San Diego pocket mouse. The only place within the WLCSP that contains suitable habitat and is considered occupied for Northwestern San Diego pocket mouse is within Drainage 9 south of Alessandro Boulevard and north of the existing gas pipeline. Northwestern San Diego pocket mouse is a covered species under the MSHCP, therefore mitigation for adverse effects on Northwestern San Diego pocket mouse will be satisfied by payment of the MSHCP fee. It should also be noted that Drainage 9 will remain as an open drainage feature with several erosion control modifications, such as drop structures or other similar device, and will be regraded along the northern portion of the drainage to provide a more gradual transition at the Alessandro Boulevard crossing. Also see Response to Comment No. 4, above. It is possible that habitat onsite that benefits the Northwestern San Diego pocket mouse has at least some potential to assist LAPM if it can eventually re-establish itself in this area.

Comment 6:
The FEIR made no mention of the project impacts on migratory birds. Most migratory species must make stops to rest during migration. Where these birds stop is referred to as "stop-over habitat." As stop-over habitat is converted to anthropogenic uses, migratory birds face higher energy costs trying to find alternative stop-over habitat or they might not even be able to complete their migrations. The FEIR should be revised to address this impact.

Response 6:
The area of the WLC Specific Plan has already been converted to anthropogenic uses. The site is actively dry-farmed and regularly disked. There is no evidence that the WLC Specific Plan area is used as "stop-over habitat".

Comment 7:
In FirstCarbon Solutions and Michael Brandman Associates (2014a), the entire paragraph on wildlife movement corridors was incorrect. Definitions were incorrect for habitat fragmentation, corridors, and metapopulation (see Smallwood 2015). The second paragraph on corridors was more accurate, but the rest of the discussion on wildlife movement was inaccurate and misleading. According to FirstCarbon Solutions and Michael Brandman Associates (2014a:76), "*Because of the location of WLCSP there is a potential to impede daily activity of local wildlife species traveling from the adjacent Badlands south toward Mystic Lake within Drainage 9. This is more appropriately referred to as a travel path and not a wildlife movement corridor*." The FEIR's focus on wildlife movement corridors was misleading as a CEQA standard because CEQA's standard is whether a project will interfere with wildlife movement in the region; corridors are not required for an impact to be significant. The loss of capacity of wildlife to be able to rely on "trails" will be just as devastating as any loss of corridors.

According to the FEIR (1-38), the project will not restrict the movement of wildlife between the Badlands and the SWAN and Mystic Lake areas. This conclusion was incorrect. Constructing several thousands of acres of warehouses and trucking infrastructure between the Badlands and Mount Russell will most definitely restrict wildlife movement across the valley (Figure 1). Animal species that have for thousands of years been capable

of crossing the valley between the Badlands and Mount Russell will no longer be able to do so. The Mount Russell range will be isolated from the Badlands for the first time, and so the project's impacts will fragment habitat in the region.

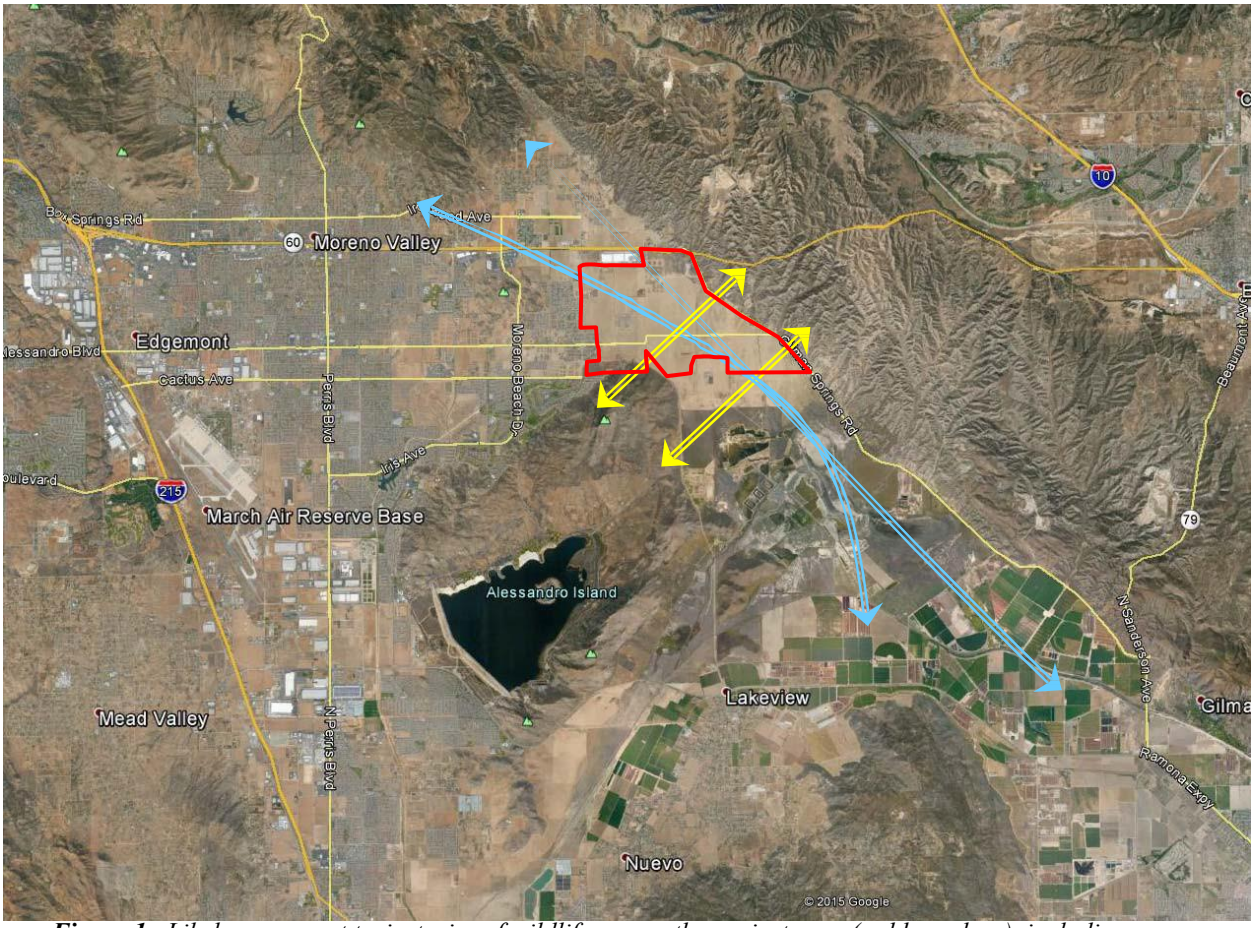


***Figure 1**. Likely movement trajectories of wildlife across the project area (red boundary), including avian flights along the valley (blue arrows) and avian and terrestrial wildlife movements between the Badlands and Mount Russell and Lake Perris (yellow arrows).*

Response 7:
FEIR Section 4.4.1.14.g identifies the reasons why there will not be a significant impact on wildlife movement. Further analysis describing why the project area does not serve as a meaningful wildlife corridor is contained in the analysis found in FEIR Section 4.4.5.2. Existing site conditions, such as the presence of SR-60 to the north and the active agricultural uses of property limit the ability of wildlife to use the project area as a corridor. The comment contends that removal of a potential path constitutes a significant restriction on wildlife movement. This is incorrect. The analysis relies on identified corridors in the MSHCP that wildlife uses and analyzes how the project area is used as a wildlife corridor. It is this basis that the FEIR relies upon to draw its conclusions, not the comment's unsubstantiated claims. The reader should also refer to information in Response 2 above regarding raptor foraging habitat in the eastern portion of the WLC site and the Badlands which could also support small mammal movement between these two areas.

Comment 8:
According to the FEIR (1-47), no significant cumulative impacts will occur to biological resources following implementation of the proposed mitigation measures and payment of fees into the habitat conservation plans (HCPs). This conclusion was way off base. Constructing several thousand acres of warehouses for a trucking operation is going to add to the biological impacts of ongoing and likely future projects in the area, above and beyond the mitigation that will be implemented in the form of fees paid to HCPs. It is doubtful that the HCPs receiving the mitigation fees anticipated the drought that California is facing, nor did they anticipate the proliferation of renewable energy development.

Response 8:
The cumulative impacts of the project are less than significant for a number of factors. Most importantly, the project itself will not have a significant impact wildlife or habitat. Since the project area covers regularly disked farmland that reduces its habitat quality, the effects of the project are limited. The project is also not expected to impact the habitat in surrounding areas. Future development will pay the MHSCP impact fee in effect at the time new development is proposed to help mitigate potential impacts to covered species.

Comment 9:
Cumulative impacts analysis was based on City of Moreno Valley's growth projections, so impacts of the WLCSP were compared to those of this projected growth in the absence of the WLCSP. However, the City of Moreno Valley's growth projections could be wrong. It is difficult to imagine the city growing in the face of a diminishing freshwater supply. It is fine to speculate in an EIR, but speculation should lean toward erring on the side of caution rather than on the side of desired outcomes, consistent with the precautionary principle in risk assessment (O'Brien 2000). The FEIR (pages 2-24 and 2-25) claims that speculating on cumulative impacts must rely on current growth projections in available planning documents, but doing so would be inconsistent with the intent of CEQA. A CEQA analysis need not be constrained to local or regional growth projections; it can and should rely on a range of possible growth futures. California has been experiencing a serious drought, and so one should not expect that the local or regional growth projections remain trustworthy.

Response 9:
The comment is incorrect regarding the comparison of cumulative conditions. Per the requirements of CEQA, the cumulative impact is evaluated against existing conditions. However, cumulative impacts are derived from the combination of the impacts of the project plus reasonably foreseeable past, present and future projects. In this manner, the estimate will not underestimate cumulative impacts. If, as the comment contends, growth is less than expected in the future then cumulative impacts will be less than estimated in the FEIR.

Comment 10:
In fact, the drought has changed the circumstances around the project's likely impacts on special- status species, whether these impacts will be direct, indirect or cumulative. The circumstances have probably changed the most around cumulative impacts. For example, I have been monitoring the burrowing owl population in the Altamont Pass Wind Resource Area for five years, and this year the breeding population has declined to 19% of the breeding population I measured in 2011. The burrowing owls in Yolo County dropped to 25% of the number of breeding pairs counted in Yolo County in 2007. These population declines were likely experienced throughout California, yet the FEIR assesses project impacts as if these impacts of the drought have not been occurring.

Response 10:
As noted earlier in the comments, burrowing owl surveys have been occurring in the project area since 2005, similar to the commenter's own burrowing owl surveys. To the degree that the drought is impacting breeding pairs, it would be captured in the multiple surveys. Further, Mitigation Measure 4.4.6.4D addresses impacts to burrowing owl and provides the protection the commenter suggests.

Comment 11:
The circumstances around cumulative impacts have also changed for other species, if one cares to look. Chicks were produced in only 2 of 54 golden eagle nests in California's Diablo Range last year, and this year appears to be headed toward the same outcome. Just last week one of our telemetered golden eagles turned up emaciated and dead. Last year my colleague collected a white-tailed kite and delivered it to a rehabilitation facility where it was treated for dehydration and malnourishment. Of the hundreds of euthanized birds I received from rehabilitation centers for use in my carcass persistence trials in the Altamont Pass Wind Resource Area, almost all were emaciated. Most of these bird carcasses, as well as most of the bat carcasses I routinely place for persistence trials, have remained in place over the last year because the avian and mammalian scavenger communities have largely died off.

As part of my research, I have also used a thermal camera to survey for wildlife at night in many survey plots. I have documented substantial declines in activity levels of owls and mammalian carnivores. The numbers of American badgers have plummeted, and so have bobcats, coyotes, foxes, and striped skunks. As part of another of my research efforts, I have been counting ground squirrels on many sampling plots across the Altamont Pass Wind Resource Area.

Ground squirrels, which are prey species of golden eagle and other large raptors, have declined in numbers by 90% to 95%. The circumstances around biological resources have changed due to the ongoing, serious drought. These changes need to be addressed in a revised EIR.

Response 11:
The commenter refers to impacts unrelated to the WLC project and which have occurred and will occur with or without the project. Based on the RCA data and onsite field surveys, the following raptor species were recorded to occur within the SJWA: Bald Eagle, Golden Eagle, Burrowing Owl, Cooper's Hawk, Ferruginous Hawk, Merlin, Northern Harrier, Peregrine Falcon, Prairie Falcon, Turkey Vulture, and White-tailed Kite. Suitable nesting and foraging habitat for all of these species is known to occur within the SJWA. However, suitable foraging and nesting habitat does not occur within the WLCSP for many of these species such as bald eagle, Cooper's hawk, peregrine falcon, and prairie falcon. For the majority of these species, raptor use of the WLCSP is limited to migratory paths that lead to or away from the SJWA. Removal of extensive agricultural areas will not affect migratory patterns to and from the SJWA. Raptor species observed within the WLCSP include northern harrier, turkey vulture, white-tailed kite, red-shouldered hawk, and red-tailed hawk, all of which are known to forage in open disturbed habitats, similar to the disked agricultural fields in the WLCSP. Due to the relatively close proximity of the SJWA, which contains moderate to high quality raptor foraging habitat, there is a potential for the loss of low-quality foraging habitat for California fully protected species such as golden eagle and white-tailed kite. Any impact to California fully protected species is considered a potentially significant impact requires mitigation. These species are considered covered under the MSHCP and payment of the MSHCP Development Fee may be used to purchase off-site habitat within core conservation areas that will provide long-term conservation of moderate to high quality foraging habitat. This will reduce project-related impacts to a less than significant level (see Mitigation Measure 4.4.6.4A through 4E but especially 4C which specifically names the golden eagle and white-tailed kite through payment of the MSHCP fee).

Comment 12:
Another changed circumstance is the Desert Renewable Energy and Conservation Plan (DRECP), which was recently circulated to address the ongoing proliferation of industrial wind and solar development in the desert regions of California.

The FEIR failed to address the cumulative impacts of renewable energy development in the region resulting from the DRECP. Based on the average nesting density in the DRECP area, the planned loss of 123,000 acres (49,777 ha, or 497.8 km^2) of burrowing owl habitat would likely result in the destruction of 4,216 pairs of burrowing owls (Table 2). ***This number of pairs would mean that the DRECP would take more than half of***

California's remaining burrow owls. The loss of burrowing owls on the WLCSP site would therefore be cumulatively considerable.

Table 2. *Nesting densities of burrowing owls at proposed project sites within the DRECP.*

Source	Site	Ha	Pairs	Nest density, pairs/km^2
Cornett 2012	Imperial Valley Solar Company 2	64	4	6.25
Ecology and Environment 2012	Hudson Ranch Power II Geothermal Project	99	13	13.13
Ecology and Environment 2012	McDonald Road portion of Hudson Ranch	78	13	16.67
HDR 2011	Mt. Signal	1,711	72	4.21
BLM 2012	Ocotillo Sol	46	5	8.58
Imperial County 2012	Solar Gen II	813	56	5.61
Heritage Environmental Consultants, LLC. 2012	Campo Verde	1,338	65	4.86
Average				8.47

Project Impacts Will Be Cumulative To Those Of Planned Wind Turbine Impacts

Again, the WLCSP impacts need to be considered in the context of cumulative impacts that will be caused by renewable energy development. The recently circulated DRECP includes thousands of acres of wind energy development. Wind turbines cause collision bird and bat collision fatalities, which can be estimated for use in cumulative impacts analysis. Basing fatality rate projections on national averages (Smallwood 2013), bat fatalities per megawatt (MW)/year would be predicted at 17.2 (90% CI = 7.45 – 26.95). These rates applied to 3,070
MW in the preferred alternative of the DRECP would translate to 52,804 bats per year (90% CI = 22,871 - 82,736). Basing fatality rate projections on national averages (Smallwood 2013), bird fatalities per MW/year would be predicted at 11.1 (90% CI = 9.05 – 13.15). These rates applied to 3,070 MW in the preferred alternative of the DRECP would translate to 34,077 birds per year (90% CI = 27,774 – 40,397). The FEIR prepared for the WLCSP did not consider these impacts.

Project Impacts Will Be Cumulative To Those Caused By Fatalities At Solar Thermal Projects

The recently circulated DRECP also included projections for the development of solar thermal projects in the region. The fatality rates caused by solar thermal can be estimated for use in cumulative impacts analysis. If

the fatality rates already experienced at existing or decommissioned solar thermal projects were extended to all of the planned 12,036 MW of solar capacity, then the DRECP could result in the deaths of 887,187 avian fatalities per year (19,902 fatalities at Ivanpah ÷ 270 MW and multiplied by 12,036 MW of solar planned in the DRECP), not counting the range of possibilities between this number and a 90% upper bound of an estimated confidence range (not done yet). Hummingbirds alone would amount to 70,896 fatalities per year at the solar thermal planned in the preferred alternative, and to 337,543 fatalities per year should all solar consist of solar thermal. In either event, the impact of this toll on flowering plants would be potentially devastating, and should be considered in the WLCSP FEIR.

Response 12:
The cumulative impacts of the project are less than significant for a number of factors. Most importantly, the project itself will not have a significant impact on wildlife or habitat. Since the project area covers regularly disked farmland that reduces its habitat quality, the effects of the project are limited. The project is also not expected to impact the habitat in surrounding areas. Finally, the projects the comment identifies as contributing to cumulative impacts are so far removed, not even occurring within Riverside County – with most near the Mexican border - that the less than significant effect of the project will not cumulatively contribute to significant wildlife or habitat impacts. Additional information regarding cumulative biological impacts on habitat are described in Response 11 above.

Comment 13:
A revised EIR should be prepared to compare the impacts of project alternatives, including an alternative that includes a much larger commitment of solar photovoltaic panels atop all warehouses and asphalt surfaces. According to the Specific Plan (page 12-2), "*All logistics buildings within the LD and LL categories shall provide rooftop solar energy systems sized to offset the power demands of office space contained in the building*." By adding solar power to the project so that surplus energy is transmitted to the grid, an equivalent capacity of renewable energy development could be avoided in wildlife habitat, thereby offsetting the impacts that would be caused by covering desert soils with PV. Assuming 2,000 acres (8.09 km^2) of the project's rooftop and blacktop could be fitted with PV panels, 282 MW of emission-free renewable energy could be generated from the WLC, and this 282 MW could be traded for what would have destroyed desert habitat. In fact, this amount of saved habitat would on average conserve 68 pairs of burrowing owls in the regions of California where the DRECP has targeted the development of PV (8.47 pairs/km^2 × 8.09 km^2). Not adding such an alternative would qualify as a frivolous waste of biological resources and renewable energy resource.

Response 13:
There is no assertion that the range of alternatives is inadequate. CEQA does not require alternatives to a component of a project [*California Native Plant Society v. City of Santa Cruz, 11 Cal. App. 4th 957,933 (2009)*]. Since there is no project-specific or cumulative impact from the project, there is no need to increase the amount of solar power already incorporated into the project to reduce impacts. In addition, there is no evidence that incorporating such solar into the project would reduce demand for other renewable energy projects in Imperial County (where the examples provided earlier occur) or elsewhere.

Comment 14:
The FEIR (2-20) promises that a Mitigation Monitoring and Reporting Program (MMRP) will be prepared, but it provided no timeline for its preparation. In effect, the FEIR deferred the formulation of the MMRP to an unspecified, later date, thereby preventing the public from commenting on it. The FEIR need not include all the details of the MMRP, but its framework should be described, at minimum.

Response 14:
The comment is incorrect. The MMRP is contained in Section 3 of Volume 1 of the FEIR.

Comment 15:

The FEIR (4.4-100) claimed that burrowing owls were not detected within the project's area of disturbance. The proposed mitigation measure is to construct berms around the planned detention basins anticipated to provide sufficient foraging habitat for one pair of owls. However, the mitigation made no mention of needing ground squirrel burrows along with the berm. Without squirrel burrows, burrowing owls would be unable to nest in the berm. Also, one pair of owls will not persist. Nesting burrowing owls require other nesting pairs nesting nearby, typically numbering at least 10 to 12 pairs. Burrowing owls require other burrowing owls as well as ground squirrels to help call alarms to incoming predators.

Response 15:
Mitigation Measure 4.4.6.4D specifically calls for the use of artificial burrows within the buffer if necessary to ensure that any relocation plan is successful. Within the project area, there has only been one pair of burrowing owls spotted. In addition, the southern 250 feet of the WLC Specific Area will not contain any building development and entire SJWA lies to the south providing ample area for burrowing owls.

MEMORANDUM

DATE: First issued August 4, 2015

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to HOUSE Attachment in Letter from Lozeau Drury (LIUNA Union)**

In a letter dated June 10, 2015, Richard Drury with the law firm of Lozeau Drury representing the LIUNA union submitted comments on the WLC Project FEIR. A separate attachment was provided with comments on agricultural resources prepared by Gregory House, an agricultural consultant. The specific comments by Mr. House are presented below, followed by responses to each comment.

Comment 1:
I write this memorandum in response to your request for comments on the World Logistics Center FEIR, especially its handling of the agricultural resources of the Project site.

I have examined the FEIR, especially Appendix C concerning the agricultural analyses. I also reviewed the Response to Comments Vol 1. concerning agricultural issues raised.

In my examination I paid particular attention to the most recent (September 2014) Agricultural Resources Assessment by Parsons-Brinckerhoff, which evaluates the agricultural resources of the Project based on the California Land Evaluation and Site Assessment Model (LESA) designed by the California Department of Conservation.

Parsons-Brinckerhoff's assessment resulted in a LESA score of 60.4, which the report states, in accordance with the LESA Guidelines, would have been a significant impact except that the Site Assessment portion of the cumulative score is less than 20 (by Parsons-Brinckerhoff's measure it is 19.5).

The Site Assessment's contribution to the LESA total score is 50%, consisting of four factors, Project Size, Water Resource Availability, Surrounding Agricultural Lands, and Protected Resource Lands.

In the Water Resource Availability sub-portion of the Site Assessment, Parsons-Brinckerhoff has arrived at a final sub-score or contributory value of 4.5, based on its analysis of the water resource. In so doing, Parsons-Brinckerhoff has assumed that recycled water from Eastern Municipal Water District (EMWD) is available for the Project but rejects its use on the Project site for agricultural purposes (see page 6 of the Parsons-Brinckerhoff study) because 1) the cost of the recycled water, which Parsons-Binckerhoff estimates at well over $100 per acre• foot, could exceed expected revenues from irrigated crops, and 2) there are strict regulations regarding the use of recycled water to food crops which might limit its use on the Project site.

Neither of these assertions are well supported, nor do they hold up when examined carefully.

The current cost of the EMWD recycled water is $97 per acre-foot in the summer time, according to Parsons-Brinckerhoff's report, page 6. On page 8, Parsons-Brinckerhoff estimates the cost to service the

Project site with recycled water at "well over $100 per acre-foot." For purposes of analysis I will assume a $199 per acre-foot cost for the recycled water, double the current rate..

The Parsons-Brinckerhoff reports notes (pages 5-6) that irrigated citrus crops were once the most abundant and important crop in the area in which the Project lies, but that production gradually moved to Central California.

The University of California Cooperative Extension has recently published cost various studies of various crops produced in California including three citrus crops: oranges, lemons, and mandarins. The following table is derived from these studies:

- *2015 Sample Costs to Establish an Orchard and Produce Lemons, San Joaquin Valley South, Low Volume Irrigation*
- *2015 Sample Costs to Establish an Orange Orchard and Produce Oranges, Navels and Valencias, San Joaquin Valley South, Low Volume Irrigation*
- *2011 Sample Costs to Establish a Citrus Orchard and Produce Mandarins, Tango, San Joaquin Valley South, Low Volume Irrigation*

The table lists the total irrigation water applied per year, the price of the water per acre-foot, the total cost of the water, the total gross revenue of the crop, total costs to produce, and net profit, all per acre.

University Study Costs and Returns for Citrus Crops:

Crop	*Water Applied in acre-feet per year*	*Water Price per acre-foot*	*Total Water Cost per year*	*Total Crop Revenue per Year*	*Total Crop Costs per Year*	*Net Profit per Acre per Year*
Lemons	*2.75*	*$114*	*$314*	*$13,905*	*$11,190*	*$2,715*
Mandarins	*2.5*	*$129*	*$323*	*$18,913*	*$14,613*	*$4,300*
Oranges	*2.5*	*$114*	*$285*	*$6,600*	*$8,525*	*<$1,925>*

This table, based on information provided by the University of California Cooperative Extension, demonstrates that there are currently profitable citrus crops grown in the southern San Joaquin Valley, namely lemons and mandarins. The loss noted for oranges reflects changing consumer preferences and consequent lower prices received. Obviously, potential citrus growers in Moreno Valley would be well advised to plant mandarins or lemons as opposed to oranges at the present time.

Parsons-Brinckerhoff has noted that citrus orchards are an appropriate crop for the Moreno Valley. It also notes on page 6 that area crops typically use 3 acre-feet per year for irrigation purposes. Using this water usage figure which is 10% to 20% higher than that estimated in the University studies, and calculating the price at $199 per acre-foot for EMWD recycled water, which is double the current rate, both lemons and mandarins would be profitable crops on the Project site. Applying these higher water usage and cost figures, the total annual water cost rises to $597 per acre for lemons and mandarins, resulting in an increase per acre growing cost for lemons of $283, and $274 for mandarins over the University studies' water costs.

For lemons and mandarins the net profit based on these University studies is tabulated below as $2,432 per acre for lemons and $4,026 per acre for mandarins.

Net Profit Potential on Lemons and Mandarins in Moreno Valley:

Crop	*Net profit-San Joaquin Valley, per acre*	*Less increased cost of water per acre in Moreno Valley*	*Net Profit-Moreno Valley per acre*
Lemons	*$2,715*	*$283*	*$2,432*
Mandarins	*$4,300*	*$274*	*$4,026*

Even at double the current $97/acre-foot cot of EMWD recycled water, lemons and mandarins are profitable at levels well above the $0-500 per acre profit margins discussed by Parsons• Brinckerhoff on page 6 of its assessment report.

Regarding the propriety of using these University cost studies of southern San Joaquin Valley production costs to compare to those in Moreno Valley, although the costs may be expected to vary somewhat, there is no major cost item other than water which would conflict with a direct comparison of the two areas except land prices. Land prices, when based on urban development speculation rather than agricultural potential, have typically eliminated agricultural land uses over time throughout California. It is developments projects such as the instant case presents, however, that cause these land speculations, and the argument thus becomes circular.

Response 1:
The analysis presented above is fundamentally flawed by not taking into account land value. The project area is not located in a remote rural area, but in the second largest city in Riverside County, part of the Inland Empire with a population of approximately 4 million. Land value is an important reason why farming is not economically viable in Moreno Valley and to dismiss it is render the analysis above meaningless. Looking at land values at regional value, (http://www.nass.usda.gov/Statistics_by_State/California/Publications/Other_Files/201209lndvlscshrnts.pdf)it is clear that farm land in Southern California is substantially more expensive than in the San Joaquin Valley. More importantly, looking through a regional lens will mask the higher land values that are demanded in an urban environment like Moreno Valley.

Also, the House memo assumes a water cost of $199 per acre foot. Cushman Wakefield (see attached memo) reviewed this assumption of water costs and found that it applies solely to existing users. New users will incur significant costs compared to existing users, if water delivery is feasible at all. The cost also assumes normal irrigation practices; however, according to the EMWD these costs would be based on a water allocation and timing allocation where irrigation is dictated to a 24/7 schedule of a certain timeframe. Those who would use irrigation on an as needed basis would pay higher rate of $296.56 per acre-foot. This is the current rate and it is subject to change every year. The rate moves to $326.22 on October 1, 2015.

Conversations with the Recycled Water Coordinator at Eastern Municipal Water District (EMWD) indicated that the closest recycled water pipeline to the subject is located at the northeast corner of Cactus Avenue and Lasselle Street, which is approximately 4 miles, straight-line to the project boundary. The infrastructure needed to deliver recycled water to the subject would be very costly and according to the EMWD, would be the financial responsibility of the property owner and not the EMWD. The effective cost for receiving recycled water will be significantly greater than the $199 or $296.56 per acre foot water charge as infrastructure costs would need to be included. As such, the costs used in the analysis appear to be significantly understated.

Comment 2:

I have also examined the total amount of water that the putative lemons or mandarins would use on the Project site, and whether EMWD has enough recycled water now or in the future to provide it. EMWD's web site states that typical daily flows for its recycled water are 11.6 million gallons per day (mgd), its capacity is 16 mgd, and in ultimate expansion its flow of recycled water will extend to 41 mgd (from http://www.emwd.org/home/showdocument? id=1423). Note that of the 11.6 mgd, 0.4 mgd are sold to the City of Perris, leaving 11.2 mgd for Moreno Valley.

If the entire approximately 2,157 acres of class 2 soils on the Project site (see Parsons and Brinckerhoff, page 9 and also Table 2, page 11) were to be irrigated for lemons or mandarins and use 3 acre-feet per year of water, these crops would require a total of 2,108.6 million gallons, which applied regularly over a nine-month period from March through November (270 days), would calculate to 7.8 mgd. The full calculation is as follows:

3 acre-feet water per year times 2,157 acres= 6,471 acre feet total per year.

6,471 acre-feet times 325,851 gallons per acre-foot= 2,108,581,821 gallons total per year.

2,108,581,821 divided by 1,000,000 gallons= 2,108.6 million gallons

2,108.6 million gallons divided by 270 days= 7.8 mgd.

Parsons-Brinckerhoff's report notes on page 7 that 35% of EMWD water supply is from recycling, and that 9% of the total water delivered is used for landscaping; from this I calculate that, assuming it only uses recycled water, at present landscaping uses approximately 2.9 mgd of recycled EMWD water. Current agriculture apparently uses 2%, thus another approximately 0.7 mgd is already accounted for. Subtracting these usages and the 0.4 mgd sold to Perris from the total capacity of 16 mgd, this leaves 12.0 mgd for other uses, which are limited to non•human consumption.

Thus EMWD appears to have capacity to deliver the 7.8 mgd water to the Project site needed to permit citrus growing on the 2,157 acres of class 2 soils.

Another issue raised by Parsons-Brinckerhoff is whether recycled water can be legally used on crops, in this case, citrus crops, for food safety reasons. The California Department of Water Resources (DWR) says it is. In a table entitled Suitable Uses of Recycled Water (see copy, attached), DWR lists "orchards w/ no contact with edible portion and real water" as an allowed use for tertiary and secondary recycled water. Current irrigation techniques as described in the University cost studies cited above use micro-sprinklers, a kind of drip irrigation technology which apply irrigation water low to the ground, not sprinkled up onto the tree foliage nor close to the fruit producing areas of the citrus trees

Based on this analysis of water cost, usage and availability, I have re-calculated Parsons• Brinckerhoff's final LESA score for the Project site, using the same method described in the LESA Guidelines.

Instead of finding, as Parsons-Brinckerhoff does, that the Water Resource Availability score should be based on option 11 in the Guidelines, Table 3, which answers yes to the three questions of 1) Is irrigated production feasible? 2) Is there a physical restriction to the water? and 3) Is there an economic restriction to the water?, this new information I have presented indicates that option 8, which answers yes to 1) but no to 2) and 3) is applicable to the Project site. Even if the recycled water supply is not at present fully available due to pipeline considerations (as noted by Parsons-Brinckerhoff on page 9), at very least, option 10 is certainly applicable, which answers yes to 1), yes to 2), and no to 3), that is, that irrigated production is feasible, and that irrigation water to the Project site is physically restricted, but not economically restricted.

In the Parsons-Brinckerhoff assessment, a change from option 11 to option 10 for the 2,157 acres of class 2 soils on the Project site (this class 2 soil is suitable for citrus plantings), raises the weighted average for the Water Resource Availability score from 4.5 to 5.1, and thus raises the subtotal of the Site Assessment (SA) portion of the overall LESA score from 19.5 to 20.1, which is above the threshold of 20 first noted above. This in turn,

kicks the entire score up to 61.0 with 20.1 for the SA portion. The Project has now entered the category Considered Significant.

If, on the other hand the Water Resource Availability for the 2,157 acres is rated as option 8, then the Water Resource Availability score calculates to 7.0, which increases the final LESA score to 71.9 with a SA sub- score of 22.0, again placing the Project in the category Considered Significant for agricultural impact.

Because the Project has a Considered Significant effect on the agricultural resource, the Project should be required to mitigate for the entire loss of 2,610 acres of agricultural land.

Response 2:
The House memo assumes year-round availability of recycled water for agricultural users. According to the Recycled Water Coordinator at EMMD, agricultural users typically sign a 3-year contract for service that allows irrigation in the winter months only in order to determine a normal allocation for the property. After this 3-year term the EMWD assigns an allocation and the user is able to irrigate year round. This means that any new user would have to farm some kind of winter crop for 3 years prior to planting citrus and establish an allocation that matches the needs of citrus. The feasibility for winter crop production has not been presented nor is it deemed generally feasible given the history of the area.

The analysis assumes irrigation methods provided by the UC Davis Cost Studies, in which irrigation is applied from March to October then slowing down as the plants are ready to harvest. Since recycled water for agricultural uses can only be applied in the winter for the first three years, the trees could not be established.

The House memo assumes an available supply of recycled water for the project area using information from the EMWD's website. The available supply of recycled water is questionable. Based on conversations with the Recycled Water Coordinator at EMWD and the Recycled Water Program Analyst, the current supply of recycled water is sold out every year. Currently, there are 15 agricultural users on the waiting list for recycled water.

According to the EMWD, there is more demand than supply for recycled water in both non-drought and drought years representing a significant economic restriction. As such, there is no current availability of recycled water.

The House memo assumes irrigation of 3 acre-feet per acre per year of recycled water. According to the EMWD, there is not enough supply to provide the project area with 3 acre-feet per acre per year.
Therefore, it is not feasible to grow citrus or virtually any other crops without an adequate volume of water. According to the Recycled Water Project analyst, the EMWD board would not approve the project area to received recycled water due to supply constraints.

The House memo also assumes that water is supplied to the plantings using micro-sprinklers referring to them as a form of drip irrigation; however, this irrigation method is sprinkler technology. There is always the possibility that low-lying tree fruit could come in contact with recycled water from micro-sprinklers. This is an issue as the California Department of Water Resources prohibits recycled water contact with edible portions of the crop.

The House memo concludes that the Water Resource Availability score should be raised from an Option 11 to an Option 10 for the project area's class 2 soils. Option 10 represents that irrigated production is feasible in non-drought years with physical restrictions and no economic restriction and irrigated production is infeasible in drought years. In fact, irrigated production has not been shown to be feasible with the House memo due to the severe limitations in recycled water supply. The project area is physically restricted by not having the infrastructure for recycled water delivery. There is also an economic restriction based on the supply and demand of the recycled water from EMWD. As such, the project area would not qualify for Option 10.

Giving the project area an Option 10 in the Water Resource Availability score is unsupported. Regardless, any score below Option 10 (i.e. Options 11 through 14) results in a total SA score that would be below the significance threshold of 20 points.

Comment 3:
In answer to a question that may arise, if citrus growing is profitable then why aren't there citrus farmers in Moreno Valley now? The answer appears one of historical accident: this recycled water was not available earlier; farmers gave up and left earlier when land prices began their speculative rise. Below are two tables which illustrate the changes to the Parsons-Brinckerhoff LESA assessment.

Calculation of Water Resource Availability sub-score based on option 10 from Table 3, LESA Guidelines:

Acres	***Portion***	***Water Source***	***Proportion of Project Area***	***Water Availability Score***	***Weighted Average Score***
2,157 to be irrigated	*Class 2 soils*	*EMWD recycled*	*.83*	*35*	*29.1*
519 dry farmed	*All other land*	*none*	*.17*	*30*	*5.1*
Water factor					*34.2*

Final LESA Score based on above.

Factor Name	***Factor Rating***	***Factor Weighting***	***Weighted Factor Rating***
Land Capability Classification	*83.89*	*.25*	*21.0*
Storie Index Rating	*79.49*	*.25*	*19.9*
Subtotal LE portion			*40.9*
Project Size	*100*	*.15*	*15*
Water Resource Availability	*34.2*	*.15*	*5.1*
Surrounding Agricultural Lands	*0*	*.15*	*0*
Protected Resource Lands	*0*	*.05*	*0*
Subtotal SA Portion			*20.1*
Grand Total			*61.0*

Response 3:
The more reasonable response to why citrus is not grown in Moreno Valley is that, as indicated earlier and supported by the Parsons Brinckerhoff report (FEIR Appendix C-2), farming is not economically viable, in part due to expensive land values. Coupled with the lack of a reliable and affordable water supply for agricultural purposes, the project's impact to agricultural land is less than significant.

1 Attachment Included

Attachment 1

CUSHMAN & WAKEFIELD®
4747 EXECUTIVE DRIVE, 9TH FLOOR
SAN DIEGO,CA 92121

July 9, 2015

Pursuant to your request, we are providing some additional insight and responses to the House memo that was dated June 9, 2015 that addressed the Parsons-Brinkerhoff report originally dated May 2012 with a revised report dated September 2014.

Paragraph 3 of Page 2 in the House memo discusses the subject water costs as presented in the Parsons-Brinkerhoff report.

- The House memo assumes a water cost of $199 per acre foot. This assumption of water costs applies solely to existing users. New users will incur significant costs compared to existing users, if water delivery is feasible at all.
- This cost assumes normal irrigation practices; however, according to the EMWD these costs would be based on a water allocation and timing allocation where irrigation is dictated to a 24/7 schedule of a certain timeframe. Those who would use irrigation on an as needed basis would pay higher rate of $296.56 per acre-foot. This is the current rate and it is subject to change every year. The rate moves to $326.22 on October 1, 2015.
- Conversations with the Recycled Water Coordinator at Eastern Municipal Water District (EMWD) indicated that the closest recycled water pipeline to the subject is located at the northeast corner of Cactus Avenue and Lasselle Street, which is approximately 4 miles, straight-line to the project boundary. The infrastructure needed to deliver recycled water to the subject would be very costly and according to the EMWD, would be the financial responsibility of the property owner and <u>not</u> the EMWD.
- The effective cost for receiving recycled water will be significantly greater than the $199 or $296.56 per acre foot water charge as infrastructure costs would need to be included. As such, the costs used in the analysis appear to be significantly understated.

The remainder of Pages 2 and 3 show feasibility analysis assuming new plantings of citrus using recycled water.

- The House memo assumes year-round availability of recycled water for agricultural users. According to the Recycled Water Coordinator, agricultural users typically sign a 3-year contract for service that allows irrigation in the *<u>winter months only</u>* in order to determine a normal allocation for the property. After this 3-year term the EMWD assigns an allocation and the user is able to irrigate year round. This means that any new user would have to farm some kind of winter crop for 3 years prior to planting citrus and establish an allocation that matches the needs of citrus. The feasibility for winter crop production has not been presented nor is it deemed generally feasible given the history of the area.
- The analysis assumes irrigation methods provided by the UC Davis Cost Studies, in which irrigation is applied from March to October then slowing down as the plants are ready to harvest. Since recycled water for agricultural uses can only be applied in the winter for the first three years, the trees could not be established.

The last Paragraph of Page 3 discusses land prices.

- The House memo assumes that land prices are different in the San Joaquin Valley compared to Moreno Valley. It assumes that land prices based on urban development speculation rather than agricultural potential eliminate the feasibility of agricultural land uses.

- In fact, the project area is located in the second largest city in Riverside County and not a thriving agricultural community with appropriate infrastructure and business support like the San Joaquin Valley. Due to water availability and costs as well as agribusiness infrastructure most agricultural activities are not financially feasible.
- Water is also a major concern in Moreno Valley, which imports the majority of its water (75%). The underground water in the area is of typically poor quality. The only remaining citrus growers in the area utilize ground water for irrigation because municipal water is too costly and recycled water is restricted. These groves are in an area with much better groundwater quality.

Page 4 in the House memo discusses recycled water supply.

- The House memo assumes an available supply of recycled water for the project area using information from the EMWD's website. The available supply of recycled water is questionable. Based on conversations with the Recycled Water Coordinator and the Recycled Water Program Analyst, the current supply of recycled water is sold out every year. Currently, there are 15 agricultural users on the waiting list for recycled water.
- According to the EMWD, there is more demand than supply for recycled water in both non-drought and drought years representing a significant economic restriction. As such, there is no current availability of recycled water.
- The House memo assumes irrigation of 3 acre-feet per acre per year of recycled water. According to the EMWD, there is not enough supply to provide the project area with 3 acre-feet per acre per year. Therefore, it is not feasible to grow citrus or virtually any other crops without an adequate volume of water. According to the Recycled Water Project analyst, the EMWD board would not approve the project area to received recycled water due to supply constraints.

The last Paragraph on Page 4 in the House memo discusses recycled water on citrus crops.

- The House memo assumes that water is supplied to the plantings using micro-sprinklers referring to them as a form of drip irrigation; however, this irrigation method is sprinkler technology. There is always the possibility that low-lying tree fruit could come in contact with recycled water from micro-sprinklers. This is an issue as the California Department of Water Resources prohibits recycled water contact with edible portions of the crop.

Page 5 in the House memo discusses a change to the Parsons-Brinkerhoff Site Assessment (SA) score.

- The House memo concludes that the Water Resource Availability score should be raised from an Option 11 to an Option 10 for the project area's class 2 soils. Option 10 represents that irrigated production is feasible in non-drought years with physical restrictions and no economic restriction and irrigated production is infeasible in drought years.
- In fact, irrigated production has not been shown to be feasible with the House memo due to the severe limitations in recycled water supply.
- The project area is physically restricted by not having the infrastructure for recycled water delivery. There is also an economic restriction based on the supply and demand of the recycled water from EMWD. As such, the project area would not qualify for Option 10.
- Giving the project area an Option 10 in the Water Resource Availability score is unsupported. Regardless, any score below Option 10 (i.e. Options 11 through 14) results in a total SA score that would be below the significance threshold of 20 points.

Respectfully submitted,

CUSHMAN & WAKEFIELD WESTERN, INC.

D. Matt Marschall, MAI, ARA, FRICS
Executive Managing Director

Mark T. Miller
Associate Director

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to BROHARD Attachment to Letter from Lozeau Drury (LIUNA Union)**

In a letter dated June 10, 2015, Richard Drury with the law firm of Lozeau Drury representing the LIUNA union submitted comments on the WLC Project FEIR. A separate attachment was provided with comments on traffic prepared by Tom Brohard, PE, in an attached memo dated May 29, 2015. The specific comments by Mr. Brohard are presented below, followed by responses to each comment.

Comment 1:

Continuing Traffic and Circulation Issues

According to the FEiR, the WLC Project Specific Plan proposes a maximum of 40.4 million square feet of "high-cube logistics" warehouse distribution uses classified as "Logistics Development" (LD) and 200,000 square feet (approximately 0.5%) of warehousing-related uses classified as "Light Logistics" (LL). The overall project has been reduced by about 1,000,000 square feet from the DEIR. Page 4.15-46 of the FEIR forecasts that the WLC Project will generate 69,542 daily trips with 4,590 trips in the AM peak hour and 5,010 trips in the PM peak hour. These added traffic volumes that will be generated by the WLC Project are extremely high. To put these volumes in perspective, these additional trips are the same as the existing daily and peak hour traffic volumes on SR-60

at Moreno Beach Drive. It is no wonder that the WLC Project will create 60 direct traffic impacts and will contribute to 205 cumulative traffic impacts throughout Southern California.

The mitigation measures that have been proposed do not properly or fully address the resulting significant traffic impacts that the Proposed Project will create. Direct project traffic impacts on freeways, roadways, and intersections continue to be confused with cumulative project traffic impacts, leading to defective mitigation measures. Funding is not shown to be available to construct mitigation measures in a timely manner as the significant traffic impacts occur. The following traffic and circulation issues were identified during my review of the documents associated with May 2015 World Logistics Center FEIR, beginning with those issues I found most significantly concerning:

1) Comments F-9B-2, F-9B-18. F-9B-19, and F-9B-20 - Direct and Cumulative Traffic Impacts - "Direct Project traffic impacts are repeatedly confused with cumulative Project traffic impacts..."

In response, Page 841 of the FEIR states "The commenter confusions [sic] direct and indirect impacts."

In rebuttal to this response, my Comment F-9B-18 agreed with and directly quoted Page 4.15-85 of the Draft EIR as follows:

Direct Traffic Impacts - "A significant project-specific impact would occur if the project would cause a decrease from satisfactory LOS (based on local agency adopted standards) to an unsatisfactory LOS on a study area intersection, roadway segment, freeway mainline lane, freeway weaving segment or freeway ramp."

Cumulative Traffic Impacts - "A significant cumulative traffic impact would occur if the project contributes toward those facilities operating at unsatisfactory LOS in the pre-project condition."

Comment F-9B-20 cited 52 instances where the Draft EIR and the TIA Report incorrectly identified many cumulative traffic impacts when they were actually direct traffic impacts from the definitions above. Further, other direct impacts were not disclosed even though these direct impacts were clearly shown in the various tables when the LOS degraded from an acceptable to an unacceptable level with the addition of only Project traffic.

Over the four analysis scenarios, the TIA identifies 42 direct project traffic impacts and a total of 205 cumulative impacts. As indicated below, there are 18 additional direct project traffic impacts beyond those identified in the TIA where WLC

traffic causes an intersection or segment to fall below the acceptable LOS. In each of the various sections in the different scenarios, the text in the TIA conflicts with the entries in the tables throughout the discussion of traffic impacts. Instead, these locations which experience direct impacts are either incorrectly shown as cumulative impacts or they are omitted altogether from the listings.

In response to Comment F-9B-20, the FEIR made some minor corrections to the listing of impacts under various scenarios. In the TIA listings, the locations that fail to meet the thresholds of significance both without and with project traffic added should be more clearly and simply identified as "Cumulative Impacts". Similarly, those locations that meet the thresholds of significance without project traffic added but then degrade below the standard with project traffic added should be more clearly and simply identified as "Direct Impacts."

The following impacts are incorrectly identified as cumulative impacts or omitted from the disclosure of "direct" impacts as the addition of Project traffic directly causes a decrease from satisfactory LOS to an unsatisfactory LOS:

Existing plus Phase 1 Conditions - Freeway Segments

Eastbound SR-60 from Euclid Avenue to Grove Avenue - Degrades from LOS D (density of 34.7) to LOS E (density of 36.7) in AM peak hour with Project traffic added (shown on Page 135 in Table 30 as direct impact but omitted from list of directly impacted freeway segments on Page 134 of the September 2014 TIA).

Response 1:
Global Response - the various segments and intersection cited by the commenter were each dealt with in the context of determining whether there was significant impact and not whether the impact was direct or cumulative. TIA pages 134, 172 and 178 (significant because there will be deficiencies), 171, 216 and 240 and 291(significant because a threshold will be exceeded), 243, 253, 319 and 331 (significant because there will be an impact worse than the target LOS). See also pages 145 and 289 (segments will exceed the target LOS).

The list on Page 134 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, “Mitigation Measures”, and this location was identified as direct project impact in Table 76 page 352.

Comment 2:
Eastbound SR-91 from Central Avenue to 14th Street - Degrades from LOS D (density of 34.8) to LOS E (density of 35.6) in AM peak hour with Project traffic added (shown on Page 136 in Table 30 as direct impact but omitted from list of directly impacted freeway segments on Page 134 of the September 2014 TIA).

Response 2:
The list on Page 134 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, “Mitigation Measures”, and this location was identified as direct project impact in Table 76, Page 352.

Comment 3:
Existing plus Build-Out Conditions - Road Segments
Cactus Avenue from Redlands Boulevard to Cactus Avenue Extension -Degrades from LOS A to LOS E with Project traffic added (shown on Page 146 in Table 36 as direct impact but not identified as a directly impacted road segment on Page 145 of the September 2014 TIA).

Response 3:
The list on Page 145 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, “Mitigation Measures”, and this location was identified as direct project impact in Table 74, Page 342.

Comment 4:
Existing plus Build-Out Conditions - Intersections
Gilman Springs Road/Bridge Street - Degrades from LOS C (delay of 20.8) to LOS D (delay of 25.1) in PM peak hour with Project traffic added (shown on Page 169 in Table 37 as direct impact but omitted from list of directly impacted intersections on Page 171 of the September 2014 TIA).

Response 4:
The list on Page 171 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 75, Page 345.

Comment 5:
San Timoteo Canyon Road/Alessandro Road - Degrades from LOS C (delay of 23.9) to LOS F (delay of 98.1) in PM peak hour with Project traffic added (shown on Page 169 in Table 37 as direct impact but omitted from list of directly impacted intersections on Page 171 of the September 2014 TIA).

Response 5:
The list on Page 171 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 75, Page 345. .

Comment 6:
Existing plus Build-Out Conditions - Freeway Segments
Eastbound SR-60 from Euclid Avenue to Grove Avenue - Degrades from LOS D (density of 34.7) to LOS E (density of 38.4) in AM peak hour with Project traffic added (shown on Page 173 in Table 39 as direct impact but omitted from list of directly impacted freeway segments on Page 172 of the September 2014 TIA).

Response 6:
This location was mentioned earlier in this same comment. The list on Page 172 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 76, Page 352.

Comment 7:
Existing plus Build-Out Conditions - Freeway Weaving LOS
Eastbound SR-60 from Central Avenue to Fair Isle Drive/Box Springs Road - Degrades from LOS D (density of 32.4) to LOS E (density of 35.0) in PM peak hour with Project traffic added (shown on Page 179 in Table 41 as direct impact but omitted from list of directly impacted freeway weaving LOS on Page 179 of the September 2014 TIA).

Response 7:
The list on Page 179 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is described in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 76, Page 352.

Comment 8:
2022 plus Phase 1 Conditions - Intersections
Gilman Springs Road/Bridge Street - Degrades from LOS C (delay of 22.3) to LOS D (delay of 25.4) in AM peak hour with Project traffic added (shown on Page 236 in Table 51 as direct impact but omitted from list of directly impacted intersections on Page 240 of the September 2014 TIA).

Response 8:
This location was mentioned earlier in this same comment. The list on Page 240 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 75, Page 345

Comment 9:
2022 plus Phase 1 Conditions - Freeway Segments
Eastbound SR-60 from Pigeon Pass Road/Frederick Street to Heacock Street - Degrades from LOS D (density of 29.2) to LOS E (density of 37.2) in AM peak hour with Project traffic added (shown on Page 245 in Table 53 as direct impact but omitted from list of directly impacted freeway segments on Page 244 of the September 2014 TIA).

Response 9:
The list on Page 244 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 76, Page 352.

Comment 10:
Eastbound SR-60 from Heacock Street to Perris Boulevard - Degrades from LOS C (density of 25.0) to LOS E (density of 35.0) in AM peak hour with Project traffic added (shown on Page 245 in Table 53 as direct impact but omitted from list of directly impacted freeway segments on Page 244 of the September 2014 TIA).

Response 10:
The list on Page 244 was created with the intention to show project impact locations, not types of impact. This location was identified a cumulative impact based on 2035 Plus Build-Out Conditions (Table 79, Page 370).

Comment 11:
2022 plus Phase 1 Conditions - Freeway Ramp LOS
SR-60 Eastbound On-Ramp from Central Avenue - Degrades from LOS D (density of 28.8) to LOS F (density of 31.9) in AM peak hour with Project traffic added (shown on Page 253 in Table 57 as direct impact but omitted from list of directly impacted freeway ramp LOS on Page 253 of the September 2014 TIA).

Response 11:
The list on Page 244 was created with the intention to show project impact locations, not types of impact. The determination of types of project impact is in chapter 11, "Mitigation Measures", and this location was identified as direct project impact in Table 76, Page 352.

Comment 12:
2035 plus Build-Out Conditions - Road Segments
Gilman Springs Road from Alessandro Boulevard to Bridge Street -Degrades from LOS D to LOS F with Project traffic added (shown on Page 290 in Table 64 as direct impact but not identified as a directly impacted road segment on Page 289 of the September 2014 TIA).

Response 12:
The list on Page 289 was created with the intention to show project impact locations, not types of impact. However, all project impacts occurred in 2035 plus Build-Out Conditions were identified as cumulative impacts based on the methodology described in chapter 11, "Mitigation Measures".

Comment 13:
2035 plus Build-Out Conditions - Intersections
Lasselle Street/Cactus Avenue - Degrades from LOS C (delay of 34.8) to LOS D (delay of 38.2) in PM peak hour with Project traffic added (shown on Page 314 in Table 65 as direct impact but omitted from list of directly impacted intersections on Page 292 of the September 2014 TIA).

Response 13:
The list on Page 291 was created with the intention to show project impact locations, not types of impact. This location was already identified as direct project impact in Table 75, Page 345.

Comment 14:
Central Avenue/Chicago Avenue - Degrades from LOS D (delay of 46.8) to LOS E (delay of 60.7) in AM peak hour with Project traffic added (shown on Page 311 in Table 65 as direct impact but omitted from list of directly impacted intersections on Page 291 of the September 2014 TIA).

Response 14:
The list on Page 292 was created with the intention to show project impact locations, not types of impact. However, all project impacts occurred in 2035 plus Build-Out Conditions were identified as cumulative impacts based on the methodology described in chapter 11, "Mitigation Measures".

Comment 15:
2035 plus Build-Out Conditions - Freeway Segments

Westbound SR-60 from Reservoir Street to Ramona Avenue - Degrades from LOS D (density of 34.6) to LOS E (density of 35.8) in PM peak hour with Project traffic added (shown on Page 324 in Table 67 as direct impact but omitted from list of directly impacted freeway segments on Page 321 of the September 2014 TIA).

Response 15:
The list on Page 320 was created with the intention to show project impact locations, not types of impact. However, all project impacts occurred in 2035 plus Build-Out Conditions were identified as cumulative impacts based on the methodology described in chapter 11, "Mitigation Measures".

Comment 16:
Westbound SR-60 from Redlands Boulevard to Theodore Street -Degrades from LOS D (density of 29.7) to LOS E (density of 35.0) in PM peak hour with Project traffic added (shown on Page 324 in Table 67 as direct impact but omitted from list of directly impacted freeway segments on Page 321 of the September 2014 TIA).

Response 16:
The list on Page 320 was created with the intention to show project impact locations, not types of impact. However, all project impacts occurred in 2035 plus Build-Out Conditions were identified as cumulative impacts based on the methodology described in chapter 11, "Mitigation Measures".

Comment 17:
2035 plus Build-Out Conditions - Freeway Weaving LOS
Eastbound SR-60 from Main Street to SR-91 - Degrades from LOS D (density of 34.1) to LOS E (density of 35.8) in AM peak hour with Project traffic added (shown on Page 329 in Table 69 as direct impact but omitted from list of directly impacted freeway weaving LOS on Page 327 of the September 2014 TIA).

Response 17:
The list on Page 328 was created with the intention to show project impact locations, not types of impact. However, all project impacts occurred in 2035 plus Build-Out Conditions were identified as cumulative impacts based on the methodology described in chapter 11, "Mitigation Measures".

Comment 18:
2035 plus Build-Out Conditions - Freeway Ramp LOS
SR-60 Eastbound On-Ramp from Theodore Street - Degrades to LOS F (density of 43.6) in PM peak hour when constructed with Project traffic added (shown on Page 333 in Table 71 as direct impact but omitted from list of directly impacted freeway ramp LOS on Page 331 of the September 2014 TIA).

Response 18:
This direct on-ramp doesn't exist in the 2035 No Project and will be built in plus project scenario as part of the project improvements. It should also be noted that the mitigations that are required and the conclusions reached, most notably those regarding facilities that are not under the City's jurisdiction, would not change in any way as a result of the labeling issue raised in this comment.

Comment 19:
2) Comments F-9B-22 and F-9B-39 - Mitigation of Traffic Impacts - "The Project must be required to fully mitigate its direct impacts created when the LOS falls from a satisfactory level to an unsatisfactory level when project traffic is added." The FEIR did not provide a response to Comment F-9B-22. For Comment F-9B-39, Page 852 of the FEIR states "The FEIR and TIA have been clarified to state that fair share payments for direct project impacts will be made in addition to TUMF and DIF payments."

In rebuttal to this response, the FEIR and the TIA continue to misinterpret how mitigation measures are financed. Payment of TUMF, DIF, and other development fees are always required to be made. Those fees are typically used by agencies to address cumulative traffic impacts as well as to address minor increases in traffic across the area. As indicated at the beginning of this letter, adding 69,542 daily trips including with 4,590 trips in the AM peak hour and 5,010 trips in the PM peak hour (equal to daily and peak hour volumes that travel on SR-60 at Moreno Beach Drive) are significant. Direct impacts created by traffic from a particular project are the full and total responsibility of the project to address and to mitigate. As stated previously, the Project must be required to:

Provide all costs associated with mitigation of each of the 60 direct project traffic impacts (42 identified in the TIA and 18 identified in the listing above) when the LOS falls from a satisfactory level to an unsatisfactory level when project traffic is added.

Participate in and provide a fair-share of the funding for implementation of each of the mitigation measures to address each of the 205 cumulative impacts identified in the FEIR. TUMF and DIF fees can be used for this purpose as long as the projects in the fee programs match up with the improvements that are shown in the fee programs.

Page 341 of the TIA states: "The direct impacts of the WLC Project were determined by comparing the LOS of study facilities from Existing to Existing plus Build-out conditions." The determination of direct traffic impacts and mitigation measures based solely on the comparison of "Existing" to "Existing plus Build-out Conditions" is woefully incomplete. The TIA identified direct traffic impacts at different times including 5 direct traffic impacts under "Existing plus Phase 1 Project" conditions, 9 direct traffic impacts under "Existing plus Build-out Conditions", 13 direct traffic impacts under "2022 plus Phase 1 Conditions", and 15 direct traffic impacts under "2035 plus Build-out Conditions." There is no reason to evaluate these four scenarios and then to conclude that the direct traffic impacts occur only under "Existing plus Build-out Conditions". As shown in the TIA, additional direct project traffic impacts occur in 2022 and in 2035. However, the TIA incorrectly omits requirements that WLC must implement mitigation measures to address these direct project traffic impacts.

CEQA also requires that the implementation of mitigation measures be timely. The TIA has identified direct project traffic impacts as well as mitigation in 2022 and in 2035 but it has failed to require implementation of mitigation measures as they are needed in a timely manner in the future.

Response 19:
The comment combines several issues: (1) • Direct versus Indirect Impacts: The issue of which impacts are direct and which are indirect was covered in our response to the Comment 1; and (2) Financial Responsibility: The crux of the remainder of the comment seems to be financial responsibility, "This is a significant omission since a Project must fully mitigate all of its direct impacts, while it need only contribute a "fair share" to mitigate cumulative impacts".

Under state law, the cost of mitigating existing deficiencies cannot be imposed on new development (see CGC Section 66001.(g)). So the commenter's assertion that a project must take full financial responsibility for mitigating all direct impacts is not necessarily correct. Specifically, in cases where the project adds traffic to a facility that is already operating below the target LOS then that would be considered a direct impact, but the project's financial responsibility would, by state law, be limited to their fair share of the problem. The project would not be responsible for the portion attributable to existing excess traffic.

Under Mitigation Measure 4.15.7.4A and Section 3.4.8 of the Development Agreement, the developer is required to mitigate all direct impacts within the City at its own expense before it can get a certificate of occupancy for a building.

This distinction is important because the commenter cites numerous cases where the Project would cause an impact in the AM peak hour but without mentioning the fact there is an existing deficiency in the PM peak hour at the site.[1] The existing deficiency already triggered the need for roadway improvements that future development is only partially responsible for. These improvements would, as a by-product, provide sufficient capacity in the AM peak hour to eliminate the potential deficiency during that hour. The TIA was therefore correct in saying that the Project was only responsible for making a fair-share contribution towards these improvements, while the portion attributable to the existing deficiency must be funded from other sources.

Impacts in More Than One Scenario: The TIA analyzed numerous scenarios including partial and complete build-out of the WLC superimposed on a backdrop of traffic conditions in several study years. The commenter states that, "There is no reason to evaluate these four scenarios and then to conclude that the direct impacts occur only under the "Existing plus Build-Out Conditions."

The TIA reaches no such conclusion. The Existing Plus Build-Out scenario was used as an analytical tool to identify places where the addition of WLC traffic to existing traffic would cause the LOS to exceed General Plan targets. That does not

[1] See, for example, his comments on Eastbound SR-60 from Euclid Avenue to Grove Avenue, Eastbound SR-60 from Pigeon Pass Road/Frederick Street to Heacock Street, the Gilman Springs Road/Bridge Street intersection, etc.

mean that the Project would not have impacts under other scenarios, as the TIA makes abundantly clear in other chapters (see, for example, Tables 64, 66, 68, 70, 72, etc.)

Comment 20:
3) Comments F-9B-2, F-9B-39. and F-9B-40 - Funding of Mitigation Measures -"Funding is not shown to be available to construct mitigation measures in a timely manner as the significant Project traffic impacts occur." In response, Page 841 of the FEIR states "Funding for the identified improvements is expected to come from a variety of sources including Development Impact Fee (DIF), DIF-like fee programs in other jurisdictions, the Transportation Uniform Mitigation Fee (TUMF) Program, State and Federal sources, fair-share contributions from the WLC for improvements in the City, and fair-share contributions from the WLC for improvements outside the City under programs to be established."

In rebuttal to the response, this generalized statement provides no specifics regarding the implementation schedule or the cost of any of the improvements that are required as mitigation measures. The TIA does not provide any information whatsoever that indicates that any of the improvements are now included or are planned to be included in any fee program. The TIA indicates that other programs may be established with neighboring jurisdictions but there are no specific details about any of these potential programs. The response concludes that "The City does not have direct control over the expenditure of TUMF funds but has pledged to work with WRCOG to shift funding priorities to align with the improvements in the TIA." The response has not addressed our prior concerns and certainly does not provide any assurance or substantial evidence that the implementation of mitigation will be timely as required by CEQA.

Response 20:
Timing of Mitigation Measures: Mitigation Measure 4.15.7.4A and Section 3.4.8 of the Development Agreement require the Applicant to prepare a traffic analysis and to construct any improvements within the City shown by the analysis to be necessary prior to issuing a Certificate of Occupancy for any WLC building.

All that the City can do, and all that CEQA requires it to do, for mitigations that are outside of its control is to cooperate with other agencies to establish mechanisms for addressing impacts that extend across jurisdictional boundaries. See also Mitigation Measures 4.15.7.4E and F. This is recognized in the findings and require adoption of a statement of overriding considerations.

Comment 21:
4) Comment F-9B-16 and 17 - Truck Percentages Are Too Low - "Both Appendix S and Appendix T to the TIA Report clearly demonstrate that the 2003 Fontana Study should not be used to forecast truck trip generation for the World Logistics Center Project. By doing this, the Draft EIR and TIA Report have significantly underestimated the number of truck trips that the World Logistics Center will generate." In response, Page 846 of the FEIR states "The commenter's suggests the truck percentages from the NAIOP study should be used would be appropriate if the overall trip generation rate from the NAIOP study was also used. Instead, the commenter suggests cherry-picking where the high truck percentage from one source (NAIOP) is selected and then combined with the high overall trip generation rate selected from a different source Institute of Transportation Engineers (ITE) to produce a very high estimate of project truck traffic."

In rebuttal to this response, my prior comments indicated the 2003 Fontana Study was outdated and that more current data should have been used. The City's recently compiled data from 2013 represents the most current local data but it has not been used by the revised Traffic Study.

Columns labeled "All City Survey Sites" and in "City Sites > 1 MSF" in new Figure 4.15.8 on Page 4.15-49 of the FEIR contains errors and misleads the reader. From the City's September 27, 2013 "Vehicle Mix Assumption for High-Cube Warehouse" Memorandum which summarized vehicle mixes at six sites in the City ranging from 400,000 to 1,800,000 square feet, the following average mix of vehicles was found: Passenger cars: 76.6%, 2-axle trucks: 3.1%; 3-axle trucks: 2.7%; 4+-axle trucks: 17.6%. The graph for the "All City Survey Sites" shows passenger vehicles at about 82% and all trucks at about 18% which does not match the City's recent findings.

While I did not suggest cherry-picking the data from different sources, the "City Sites > 1 MSF" column in the Figure 4.15.8 graph does exactly that by only summarizing sites with more than 1,000,000 square feet. To show the data for just those large facilities is inappropriate as warehouse sizes will not be limited to more than 1,000,000 square feet in the WLC Project.

Finally, there has been no consideration at all by the FEIR of published SCAQMD data which indicates that cold storage warehouses generate significantly higher truck trip percentages than those that do not include cold storage. As long as cold

storage facilities are potentially allowed in the WLC Project, then a composite trip rate as recommended by SCAQMD must be used for the traffic and air quality analyses of the WLC Project.

Response 21:
As was stated in the TIA, the City's trip generation study was performed well after the WLC DEIR had been sent out for public review and so could not have been the basis of the DEIR. Moreover, the City's survey confirmed the reasonableness of the vehicle mix percentage used in the study (see Figure 8 in the TIA).

The vehicle mix percentages cited by the commenter was a mathematical average of the percentages found at the six sites. In other words it was not weighted by the size of the facility, which is the procedure used to compute trip generation rates in, for example, ITE's Trip Generation Manual. When properly weighted for size the results are as shown in the TIA.

Study after study have found that on a per-square-foot of floor space basis the trip generation rate for very large high-cube warehouses is lower than that for small high-cube warehouses. The fact that the City's own survey confirms this finding is pertinent information for the public and for policy makers reviewing a project that will consist primarily of very large high-cube warehouses. Note also that that was not the only information provided; the adjacent column in the same graphs showed the results for all City survey sites (FEIR Volume 4, Original DEIR Appendices L-21 and L-22, NAIOP 2011 Study).

There is a provision in the FEIR that refrigerated warehouse space is prohibited unless further studies are done:

"4.3.6.3E Refrigerated warehouse space is prohibited unless it can be demonstrated that the environmental impacts resulting from the inclusion of refrigerated space and its associated facilities, including, but not limited to, refrigeration units in vehicles serving the logistics warehouse, do not exceed any environmental impact for the entire World Logistics Center identified in the program Environmental Impact Report. Such environmental analysis shall be provided with any warehouse plot plan proposing refrigerated space. Any such proposal shall include electrical hookups at dock doors to provide power for vehicles equipped with Transportation Refrigeration Units (TRUs)."

Comment 22:
Comments F-9B-6 and F-9A-9 - Traffic Count Seasonal Variations - "No adjustments were made to remove potentially significant seasonal traffic volume fluctuations among the months of February, March, October, November, and December when the counts were taken." In response, Page 813 of the FEIR compares directional seasonal volumes on SR-60 at the Day Street Interchange, the Heacock Interchange, and the Perris Interchange, concluding that the monthly variations are inconsistent and show no trends.

In rebuttal to this response, the three interchanges chosen by the FEIR for comparison are on SR-60 between 5 and 8 miles to the west of the WLC site. There are 9 interchanges on SR-60 in the City of Moreno Valley and several will serve the site directly. Why were those three interchanges so far away from WLC chosen for comparison? Why are the traffic volumes shown in Table F-9A. A 25 percent less than those counts published by Caltrans in 2011 Traffic Volumes on the California State Highway System (see enclosure)? A more complete analysis of the traffic count data adjacent to the WLC site must be conducted before jumping to the unsupported conclusion that there are no significant seasonal traffic volume variations that require adjustments.

Response 22:
These interchanges were selected because they were the closest interchanges to the Project site on SR-60 for which PeMS count data was available for 2011. The volumes shown in the table may differ from that shown in source cited by the commenter because different Performance Measurement System (PeMS)[2] detectors may have been used in the two tables. For example, PeMS detectors within an interchange would typically show less traffic than detectors between interchanges. This makes no difference, however, because what is being analyzed is month-to-month variation in traffic volume at each site, not the variations in traffic between sites.

Comment 23:
6) Comments F-9B-35 - Monitoring of TDM Plans - "To achieve and maintain employee trip reduction goals, individual TDM plans for employers in the World Logistics Center must be developed and then monitored on a regular basis. Further, these plans must also contain penalties for non-compliance." In response, Pages 849 and 850 do not provide a direct response to this comment.

[2] http://data.ca.gov/tag/traffic/

The FEIR must contain provisions for the preparation and monitoring of TDM plans as an enforceable condition of approval for each project in the World Logistics Center.

Response 23:
The following response can also be found in the World Logistics Center Final EIR Volume 1, response to comment F-9B-35. The commenter contends that the project does not evaluate or propose all feasible Transportation Demand Management (TDM) measures that would address project impacts. However, the proposed project includes a number of mitigation measures to reduce project-related traffic impacts, including nearly all those recommended by the commenter. A requirement already included is MM 4.3.6.4A which mandates that tenants participate in Riverside County's rideshare program, which has an established program to distribute information and coordinate carpooling and public transportation. Consistent with those goals, all tenants will also need to comply with the requirements of SCAQMD Rule 2202, which accomplishes the same goals as requested by the commenter. All of the methods identified above are means to comply with SCAQMD Rule 2202.

As to the question of penalties, SCAQMD has the authority to enforce Rule 2202, which implements TDM requirements, and impose penalties.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Aja Smith dated June 11, 2015**

In a letter dated June 11, 2015, Mr. Aja Smith submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
I hope that all of you take in consideration all the concerns that this project will entail and look at the pros and cons. I have several concerns regarding The World Logistics Center (WLC) and I hope that everyone that is making this decision takes this in consideration. This is a short time to decide on a project this size that will change not only the cities landscape, but the Inland Empires. A project this size needs to have full review from all industry experts (pros and cons) and also community forums to educate the citizens in Moreno Valley and sister cities. This is not a small parcel change of 10-20 acres; this is over 2,000 acres in a zone change.

The Development Agreement for the WLC is too vague (it's a blank check from the city). This agreement presents itself as if it will be honored and the citizens of Moreno Valley will get so many bells and whistles. Here is some history, two months after the city of Moreno Valley entered into the development agreement of Highland Fairview Corporate Park, Highland Fairview was already seeking to change the agreement. It clearly states in the WLC agreement that Highland Fairview can change this agreement at anytime as well. The last development agreement that the city and Highland Fairview entered into ten years ago for the specific plan known as Aquabella. In that development agreement Highland Fairview promised the world with tons of infrastructure improvements designed and built at 100% their cost. In the end, it was the city taxpayers who have paid for 100% of all infrastructure improvements associated with that development agreement, with Highland Fairview paying not one single dime towards anything. Then Highland Fairview decided to have a Medical Corridor, right after the March JPA announced March Life Care. Still today, the Aquabella/Medical Corridor is vacant, with infrastructure that the citizens of Moreno Valley had to pay for. The World Logistics Center (WLC) agreement needs to have further review and it needs to be changed. This agreement needs to be explained in more detail, and the false promises need to come out. We have already had at least two agreements with Highland Fairview, and nothing has come in to benefit the citizens of Moreno Valley. When will we learn as a city entering in development agreements with Highland Fairview, we as tax payers have had to pay cost? When will we learn that when Highland Fairview promotes projects, it does not fulfill them, or if it does (such as Sketchers) the end result is false promises?

• Section H p. 681 states: The City has previously adopted the Economic Development Action Plan ("EDAP"). The WLCSP responds to a portion of the EDAP. The eastern portion of Moreno Valley is deficient in the infrastructure necessary to support and implement the City's EDAP. To allow for the development of the World Logistics Center and the WLCSP, HF is willing to provide and assist the City in the development of infrastructure in support of the City's economic plan which may be in excess of HF's fair share and therefore may provide broader benefits. The City and HF desire to ensure that all beneficiaries of the Infrastructure Improvements will pay their fair share per the Municipal Code.

o Question is: What is considered "fair share"? This needs to be defined and also stated how much from the city, and how much from Highland Fairview.

Response 1:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The terms of the Development Agreement (DA) will have to be agreed to by both parties (i.e., the City and Highland Fairview) prior to final approval of the DA, including definitions of all terms. For example, the term fair share is well defined in terms of project impacts; "fair share" means that a project which causes X% of a given impact is responsible for the payment of X% of the cost of mitigating that impact. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

The other comments (concern Highland Fairview's track record with respect to other projects) do not raise any CEQA issues. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 2:
• Section 3.4 p. 685 States: Assignment Rights. From time to time HF may sell or otherwise transfer title to buildings or property in the WLC.

o Question: If we enter this agreement with Highland Fairview, and we will be providing "our fair share" in infrastructure as the developer has a track record of modifying agreements, what is the guarantee that this project would be built?

Response 2:
The other comments (concern Highland Fairview's track record with respect to other projects) do not raise any CEQA issues.

Comment 3:
• Section 3.5 p 687 States: Unless earlier terminated as provided in this Agreement, this Agreement shall continue in full force and effect until the earlier of (i) the date of completion of the last portion of the Development, or (ii) the date that is fifteen (15) years from and after the Effective Date of this Agreement unless Certificates of Occupancy have been granted by the City for buildings on the Subject Property consistent with the Development Plan for not less than twelve million(12,000,000) square feet (gross floor area as defined by Moreno Valley Municipal Code 9.15.030) in which event the Term shall be extended for an additional ten (10) years, subject to extension pursuant to Section 11.9 below (the "Term"). Alternatively, if HF is, for any reason, Unable to obtain Certificates of Occupancy for not less than eight (8) million square feet, and up to twelve million (12,000,000) square feet within the original fifteen (15) year Term, it shall be entitled to have this Agreement extended for an additional ten (10) years, subject to extension pursuant to Section 11.9 below, upon the payment to the City of one million dollars ($1,000,000) prior to the expiration of the original fifteen (15) year term.

o Questions: It clearly states that Highland Fairview can extend this project for up to 15 years. It also clearly states in section 3.4 p 685 that Highland Fairview can sell the property at any given time. If this is the case, then why are we as a city allowing for a zone change? Is it because the owner can sell it for a higher value if it is changed to logistics with city paid infrastructure?

Response 5:
Future developers within the WLCSP may purchase or lease their properties, and all development (and developers) within the WLCSP would be subject to the requirements of the Development Agreement as they relate to parameters of development. The Development Agreement is intended to have both responsibilities and benefits for both parties (i.e., Highland Fairview and the City). The City Council will weigh the various impacts

and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 6:
• Section 4.4 p 689 States: HF represents that it intends to commence and complete the physical improvements specified in the Development Plan for the Project. HF cannot specify the specific timing of development. HF will use its best efforts to commence construction at the earliest possible date consistent with market conditions. Because the California Supreme Court held in Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 455, that the failure of the parties therein to provide for the timing of development resulted in a latter adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' intent to cure that deficiency by expressly acknowledging and providing that HF shall have the right to develop the Subject Property at its own timing. In addition, to the extent HF decides to proceed with the Development of the Subject Property, City shall cooperate with HF with respect to the improvement of the Development of the Subject Property. If HF determines, in its sole and absolute discretion, to develop portions or phases of the Project, the City shall allow the phasing of public improvements unless the City determines that generally that additional or complete public improvements be made. The public improvements to be provided would be only those needed to serve the portion or phase being developed consistent with the environmental analysis which shall demonstrate to the City that the public improvements to be provided would be only those needed to serve the portion or phase being developed.

o Question and issue: "HF cannot specify the specific timing of development". According to HF, the industry is now or never. HF will use its best efforts to commence construction at the earliest possible date consistent with market conditions." What are the market conditions? Or is it when we as a city will be taking funds from other projects just as we did with Aquabella?

Response 6:
California and the country are coming out of the worst recession conditions since the Great Depression. While warehousing and particularly logistics is very strong right now, the developer must be able to accommodate changes in market conditions to develop the WLC property as effectively and efficiently as possible to manage infrastructure costs. The agreement would not benefit either party if the City could arbitrarily tell the developer to develop X amount or percent of property within a given time if market conditions and the City's development review process would not allow the development of the specified amount of development in the specified time. Rather, it is most equitable and efficient to tie future infrastructure and benefit payments to a threshold amount of development as it occurs. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 7:
• Section 4.6 P 69 States: Changes and Amendments. The Parties acknowledge that although Development of the Project may require Subsequent Development Approvals, such Development shall be in compliance with this Agreement including the Development Plan. The above notwithstanding, HF may determine that changes are appropriate and desirable in the existing Project Approvals or Development Plan. In the event HF finds that such a change is appropriate or desirable, HF may apply in writing for an amendment to the existing Project Approvals or the Development Plan to effectuate such change. The City shall review and process any request for an amendment in the same manner that it would review and process a similar request for an amendment from any other owner of commercial or industrial land in similar circumstances. Any amendment to the Project Approvals or the Development Plan, when granted, shall be deemed to be part of the Existing Regulations from the date of the grant. Such amendments shall not be unreasonably withheld.

o Issue: As stated in the beginning of this letter, Highland Fairview already has a track record of this with Highland Fairview Corporate Park and Aquabella (Medical Corridor as well). How many times will we as city pay and adhere to projects that never happen? How much more money, presentations, promises etc.. Do we as citizens have comply with the developers needs and wants?

Response 7:
Any changes to the Development Agreement must be acceptable to both the City and Highland Fairview. The other comments (concern Highland Fairview's track record with respect to other projects) does not raise any CEQA issues. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 8:
• Section 4.9 p 692 States: Provision of a "turnkey" Fire Station. HF shall, at its own cost, provide a fully constructed, fully equipped fire station and fire station site, including fire trucks, as specified by the City's Fire Chief.

o Issue: We all know this is not going to happen.

Response 8:
This comment expresses the commenter's opinion and does not raise any CEQA issues. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 9:
• Section 4.10 States p 692: City's Provision of Public Infrastructure and Services. Except as otherwise prescribed in this Agreement and/or as required of the development through existing or future mitigation measures, development standards, and conditions of approval, the City shall provide the public infrastructure and services which are not HF's responsibility as determined by the City with timing at the sole and absolute discretion of the City.

o Issues: My favorite part! Per the Press Enterprise and even stated by former Mayor Mr. Tom Owings, the city will be paying over 100 million dollars. Still today, this amount has not been retracted by the city, yes by Highland Fairview, but not by the city. Until the city retracts the story from the press, this is going to cause our city to be in shambles. It will be the same practice (worse) when we took the library fund and reduced the police department to pay for the Aquabella infrastructure with the promise of the Medical Corridor.

Response 9:
Pursuant to Mitigation Measure 4.15.7.4A and Development Agreement Sections 4.8 4.9, the developer and not the city will pay for infrastructure required to support the project. Taxpayer dollars are not at risk. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 10:
• Section 4.11 and 4.12 p 692 states: Local Hiring Program and Education/ Innovation/ Training /Library Funding.

o Issues: The local Hire Program was introduced in 2009(2008) by Mr. Daryl Terrell. This program was never taken in consideration until Mayor Pro Tem Dr. Gutierrez took credit for it. Now all of a sudden it's in the development agreement. This is odd, first Highland Fairview has been promoting jobs for the community, and as we learned from Sketchers, they transferred employee's from Ontario(and laid off many) and this warehouse provided one job from someone who was already employed but decided to move to Moreno Valley.

o The promise of educational, training, library funding from Highland Fairview then needs to be done before hand, as it states in the agreement that it will be contributing pretty much when they fell like it.

 As a note, keep in mind that in this development agreement, Highland Fairview determines when they will build and has the obligation to sell the property at any given time.

Response 10:
The comment misstates the timing of payments called for in Section 4.12 of the Development Agreement. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 11:
• Section 4.14 p 693 states: Air Filtration Systems for Three Properties at Theodore Street and Dracaea Avenue. Should the property owner at these locations desire to install an air filtration system on their homes, HF agrees to fund the installation of air filtration systems meeting ASHRSE Standard 52.2 MERV-13 standards in the existing houses at the locations listed below, not to exceed $25,000 per property.

o Question: If this project per Highland Fairview is supposed to be state of the art with trucks that have zero emission, why are they offering an air filtration system to the local home owners?

Response 11:
It is true the project will require very clean Tier 4 diesel engines for construction and operation equipment. However, the air quality analysis in the EIR does not conclude there are zero emissions from trucks that would utilize the WLC project. Rather, the updated air quality study in the Final EIR (FEIR Volume 2 Appendix D) indicates there will be no significant offsite cancer risks. Since the circulation of the DEIR, new data has become available regarding air quality impacts. This information includes the new, significantly lower diesel truck emission rates published by CARB, new assessment methodology published by OEHHA, and a new study, funded by CARB and EPA, and on the health impacts of diesel emissions (HEI study). In evaluating cancer risk, under the updated OEHHA methodology (30-year exposure, age sensitivity factors, higher breathing rate), after mitigation there would be no residences outside the project boundaries that would have a cancer risk over the 10 in a million threshold. There would be three residences within the project boundaries where the risk exceeded 10 in one million. Under current SCAQMD methodology (70-year exposure, no age sensitivity factors), cancer risk at receptors inside and outside the project would be less than the significance threshold.

There are no impacts outside the project boundaries and only three homes within the project boundaries have impacts that would exceed the significance threshold. However, as discussed in the FEIR Section 4.3 and in response to the CARB comment letter, none of the studies upon which the OEHHA methodology is based have evaluated the health impacts of new technology diesel engines such as those required by this project. The HEI ACES is the first study to do so. Based on the conclusions of that study, as described in FEIR Section 4.3.6.5, a less than significant impact for increased cancer risk would be expected to those homes within the project boundaries.

As a final note, while the FEIR concluded that a less than significant impact for increased cancer risk would occur, as part of the development agreement between the developer and the City, the developer is required to outfit all seven homes identified as exceeding the OEHHA-based risk calculation with MERV-13 air filters.

Comment 12:
Conclusion. I do have an issue from the outcome of placing this project on the ballot. Anytime someone says "it's too complicated for the voters" it's an indication that there's something that is not entirely ethical, moral about some aspect of this project. If this project was that complicated then the city failed the citizens, by not giving people full access to all the information, set up community forums (pros and cons) from each side of the industry (experts). If the city thought this process out correctly, we would have started this conversation at least a year ago with all available resources for review.

So we should just trust you and basically accept whatever happens, whether it's good for the people or not. If this has anything to do with the Trans Pacific Partnership - with all its secrecy, and the disregard for the workers, the environment, lack of regulations, corporate decisions for their profits, over and beyond what the rights and needs of the people, then the people should know about all the details before it happens, in all fairness. This is alarming and raises red flags.

Empty promises is all it is. We need to seriously reconsider a different employment strategy in this bedroom community. Warehouses do create jobs but is that what is happening, I think not. First the developers tore down the racetrack for a mall before there was community to support it. Riverside got the revenue by building on the boarder all its stores that are used by Moreno Valley residents. Too bad the State prison that was earmarked for Perris was voted down in the 80's and it went to San Diego. Could you imagine the jobs that would have created and the equity for the Inland Empire all around?

Communities around us "get it" so why can't Moreno Valley get it? We need to make the developer stick to the General Plan, develop or even finish either Aquabella and or the Medical corridor before we start changing the whole cities dynamics. If we continue to bounce all over town to please one company, the city has failed its citizens. Take a look at some of our sister city's such as Rancho Cucamonga. They did not have to change the General Plan, they stayed with it and developed the other areas of the city and provided diverse job opportunities. Yes Moreno Valley needs to move on! We need to make every developer accountable to provide other advantages/careers/diversity in this city. As of right now, jobs are available, and Amazon proved it in the Press. The lack of jobs is not the issue; it's the lack of integrity, business creativity, transparency, and trust. Make the developer finish his empty promises and not change the general plan for this project, if Highland Fairview wants this project, then they will have to pay full cost and the agreement needs to be changed to state this. If not, the general plan needs to stay as is and we need to move on and find better developers who want to see our city grow and prosper.

I will be writing more about this issue to everyone. But here is some reading that maybe would shine some light on other issues with this.

http://articles.latimes.com/2011/sep/09/local/la-me-pollution-suit-20110909
http://www.ejnet.org/ej/
http://www.usccr.gov/pubs/envjust/ch2.htm
http://www.mindthesciencegap.org/2012/01/16/silent-discrimination-issues-of-environmental-justice/
http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2705126/
http://dornsife.usc.edu/assets/sites/242/docs/WarehouseWorkerPay_web.pdf
http://www.sbsun.com/business/20130927/usc-report-questions-logistics-industry-wages-in-the-inland-empire
http://cssd.ucr.edu/Seminars/PDFs/De%20Lara.pdf
http://www.huffingtonpost.com/2011/12/20/new-blue-collar-temp-warehouses_n_1158490.html
http://www.ase.tufts.edu/gdae/education_materials/modules/Environmental_Justice.pdf
http://www.cornell-landproject.org/download/landgrab2012papers/macinnes.pdf

Response 12:
These comments express the commenter's opinions and do not raise any CEQA issues.

MEMORANDUM

DATE: First Issued August 5, 2015

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from California Department of Fish and Game dated June 11, 2015**

In a letter dated June 11 2015, the California Department of Fish and Wildlife submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

COMMENT 1:
Buffer and Setback Areas
Throughout the environmental document, the approximate 910 acres of State owned land adjacent to the southern boundary of the project area is referred to as the "CDFW Conservation Buffer Area." Previously, the DEIR stated that "the CDFW Conservation Buffer Area was originally purchased by the State to provide a buffer between SJWA/Mystic Lake and future development within the Moreno Highlands Specific Plan." The Department's April 8, 2013 DEIR comment letter, clarified that the lands that comprise the "CDFW Conservation Buffer Area" include agricultural properties that were purchased by the Department from individual land owners through grants attained under the Safe Neighborhood Parks, Clean Water, Air & Coastal Protection Bond Act (Prop 12). The lands were purchased by the Department and incorporated into the SJWA to expand the existing wildlife area, provide upland refuge for Stephens' kangaroo rat during flooding events at Mystic Lake, and to contribute toward the preservation of a wildlife corridor between the SJWA and the San Timoteo Badlands (Badlands). The intent of the Department's DEIR letter was to make it clear that the additional lands are not a buffer area; rather they are an important part of the Wildlife Area.

The FEIR has been updated to state that the "land was purchased by the State...as additional upland habitat for the SJWA," it unfortunately still characterizes the function of this purchase as "to act as a buffer between sensitive biological resources of the SJWA and the future urban development under the Moreno Heights Specific Plan," this is not an accurate portrayal of the intent of the purchase or function of the property. The FEIR identifies the 910 acres of the Wildlife Area, plus a minimally proposed setback of 250 feet to "buffer" the impacts of the project, and to provide mitigation for the loss of avian foraging habitat.

The Department agrees that these lands should be rezoned/designated as Open Space (as stated in the FEIR); however, the lands cannot be used to offset impacts associated with development of the Project, contribute to a setback/buffer from the Project, or to mitigate/minimize impacts resulting from the Project.

RESPONSE 1:
The commenter has re-stated a similar comment made in connection with the CDFW review of the Draft EIR on this topic. The response to that comment remains appropriate. That response (Response to Comment B-3-40) is repeated here in its entirety:

"Response to Comment B-3-40. The Department stated that the 910 acres of State-owned land adjacent to the southern boundary of the project area may not be used to offset impacts associated with the development of the project. The DEIR did not propose to use the CDFW Conservation Buffer Area along the southern boundary of the WLCSP to offset impacts of project development, nor was the area proposed to meet or offset any open space requirements of the WLC project. However, the commenter is incorrect regarding the original purpose of

the CDFW land, as outlined in Section 4.4.1.10 in the DEIR. The CDFW Conservation Buffer Area is defined in the DEIR on page 3-19 as follows:

'*CDFW Conservation Buffer Area: This term refers to a 910-acre parcel owned by the State of California as part of the San Jacinto Wildlife Area (SJWA). This land is within the City of Moreno Valley and is included in the approved Moreno Highlands Specific Plan. That plan designates this property for a broad mix of urban uses including suburban residential, schools, parks, and roads. This land was purchased by the State in 1991 to act as a buffer between the sensitive biological resources of the SJWA and the future urban development under the Moreno Highlands Specific Plan. This land has been actively farmed for many decades and most of it remains in active production. The southwestern portion contains areas of non-native grasslands, although aerial photographs show that this area has been intermittently tilled over the last 80 years. This property is included in the General Plan Amendment and the Zone Change to replace the current urban land uses that are permitted and replace them with Open Space and Public Facility designations. This property is not within the proposed World Logistics Center Specific Plan.'*

That land was clearly purchased to act as a buffer between the SJWA and future development to the north, in fact land within the Moreno Highlands Specific Plan was specifically purchased for that purpose. The WLCSP would not interfere with the CDFW land continuing to provide upland refuge for SKR during flooding events at Mystic Lake, or assist in wildlife movement between Mystic Lake and the Badlands. In fact, Drainage 9 within the WLCSP is being planned to allow for wildlife movement as the WLC project is developed."

Further, the following quote from the minutes of the Wildlife Conservation Board's May 18, 2001 meeting (at which the Board approved the State's acquisition of the subject property) makes clear that the property will function as a buffer to future development of the adjacent property to the north. The minutes state, "The acquisition of the subject properties are important to the wildlife area as *they will serve as a buffer from development north of the WLA* and add significant benefits to the WLA [emphasis added]."[1]

COMMENT 2:
Mitigation Measure 4.4.6.1A provides for a 250-foot setback from the southerly property line. As this area includes maintained, engineered facilities required by the development, it cannot be considered as a setback or buffer from development and it certainly cannot be considered to provide mitigation to compensate for the loss of raptor foraging habitat, as proposed in Mitigation Measure 4.4.6.4C. Because this area will include maintained, engineered facilities, and other related uses necessary to the project, the area should be considered a component of the development.

RESPONSE 2:
Contrary to the statement by the commenter, the 250-foot setback from the southerly property line is, in fact, both a "setback" and a "buffer from development." The WLC Specific Plan prohibits truck courts, loading/parking areas, etc. within 250 feet of the southerly boundary. Buildings along that edge are required to be set back an additional 150 feet. The WLCSP Section 2.53 states that this setback area may contain other improvements such as drainage basins, access roads, landscaping, property maintenance facilities, etc. (See Mitigation Measure 4.4.6 1A). The presence of these improvements in this area does not make this area any less of a "setback" or a "buffer from development." As suggested by the commenter, this area has always been considered a component of the development. It will be will be owned and maintained by individual property owners or by the Property Owners Association and will be subject to all of the applicable design and operational restrictions contained in the Specific Plan and applicable Mitigation Measures from the EIR.

COMMENT 3:
Mitigation Measure 4.4.6.1A also states that logistics buildings may be located within 400 feet of the southerly property line. Given that the SJWA is an active hunting area the Department queries how the City can propose

[1] Wildlife Conservation Board minutes from May 18, 2001

or allow for development within 450 feet of the property boundary line, without constraining the public's use of the SJWA. Note that Fish and Game Code Section 3004 prohibits the discharging of firearms within 150 yards (450 feet) of any building without express permission of the owner. As written Mitigation Measure 4.4.6.1A creates restraints on hunting with the Wildlife Area, and therefore the FEIR is deficient in its analysis of impacts on public access and recreational pursuits within the SJWA.

RESPONSE 3:
The entirety of the State-owned land south of the project site is referred to as the SJWA. The land purchased out of the Moreno Highlands Specific Plan is referred to as the CDFW Conservation Buffer Area which is leased out and controlled by another party. Agricultural fields including dry land farming dominate the subject area. Since this area is actively farmed, wildlife would occur further south in the SJWA. Thus, there would be no impact of buildings being located within 400 feet of the property line.

COMMENT 4:
As previously stated (in the Department's April 8, 2013 comment letter), the Department recommends that the project provide a minimum 250-meter (825 feet) natural/undeveloped buffer within its own development footprint. The 250- meter setback/buffer area should not contain any manufactured structures, such as detention and water quality basins, walls and fences, or irrigated landscaping. The Department recommends that the City condition Mitigation Measures 4.4.6.1A, 4.4.6.1B, 4.4.6.4C, and 4.4.6.4H to require a minimum 250-meter natural/undeveloped buffer setback within the project's own development footprint from the SJWA. A minimum 250-meter natural/undeveloped buffer setback will provide for a sufficient distance between hunting activities on the SJWA and will also more appropriately buffer environmental impacts associated with proposed landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses. Given the size of the project development footprint, a minimum 250-meter natural/undeveloped buffer will also provide for more appropriate compensatory mitigation for the loss of raptor foraging habitat and will afford greater opportunity for wildlife movement between the SJWA and the Badlands.

RESPONSE 4:
As stated in the comment, the points raised here were included in the Department's April 8, 2013 comment letter on the Draft EIR. Full responses to those comments are included in the Final EIR. The Department's comment letter is identified as "Letter B-3" and the response thereto is found in "Responses to Letter B-3" located on pages 132-165 of Volume 1 Responses to Comments.

COMMENT 5:
Loss of Avian Foraging Habitat
The Department continues to disagree with the City's conclusion that avian foraging habitat currently available on the project site is "marginal," based on documented use of adjacent lands and the project site itself by a multitude of avian species, including but not limited to Bald Eagle, Golden Eagle, Loggerhead Shrike, California Horned Lark, White-tailed Kite, Ferruginous Hawk, Merlin, Prairie Falcon, Peregrine Falcon, Barn Owl, Short-eared Owl, Red-shouldered Hawk, Red-tailed Hawk, American Kestrel, and Burrowing Owl. Based on the diversity of species found utilizing the Project area (recorded from biological surveys conducted by the Biological Monitoring program of the Western Riverside County Multiple Species Habitat Conservation Plan [MSHCP], and observations by SJWA land management staff), it is the opinion of the Department that the foraging habitat currently available on the Project site is superior to "marginal."

As noted above, the Department has previously requested and is still available to consult with City staff and the project applicant to adequately identify, characterize and disclose project impacts, and more fully inform the impact analysis and assist in developing adequate avoidance, minimization, and mitigation measures.

RESPONSE 5:
The CDFW earlier expressed its opinion that the DEIR has underestimated the relative level of impacts associated with the development of the project. Based on the revised MSHCP Consistency Analysis (FCS-MBA 2013-FEIR Volume 2 Appendix E-1), impacts to raptor foraging habitat were considered potentially significant. Mitigation is provided by the payment of the MSHCP mitigation fee (see Mitigation Measure 4.4.6.4C). These fees are designed to be used to purchase off-site lands that will provide suitable foraging habitat for raptor species as part of the MSHCP consistency. Previous consultation is outlined in Response to Comment B-3-6. Future consultation with CDFW during project-specific development is recommended, but not required.

COMMENT 6:
Impacts to Sensitive Plant Species and Proposed Relocation to the 250-foot Setback Area
Mitigation Measure 4.4.6.2A proposes relocation of listed plant species to the 250-foot buffer area. Please note that the Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful. Furthermore, the level of detail available in Mitigation Measure 4.4.6.1A is insufficient for the Department to assess this proposal. Note that plans for relocation of listed plant species should be prepared by persons with expertise in native plant relocation techniques and the plans should identify the assumptions used to develop the proposed relocation strategy.

The Department also queries the appropriateness of the relocation of listed plant species to the 250-foot buffer area as this area is proposed for "...landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses." Both Mitigation Measure 4.4.6.1A and 4.4.6.2A fail to provide information on funding sources available for listed plant relocation efforts or the level of detail required in the "landscape plans" for enforceability of these mitigation measures by the City.

RESPONSE 6:
The above comment is similar to that raised in the Department's April 8, 2013 comment letter on the Draft EIR. Full responses to those comments are included in the Final EIR (Response to Comment F-7A-55) and provided below. A focused plant survey was conducted in all areas of the WLCSP and CDFW Conservation Buffer Area with suitable habitat in 2010 and no special-status plant species were found (MBA 2013, FEIR Volume 2, Appendix E-6). The WLCSP and CDFW Conservation Buffer Area have limited suitable habitat for sensitive plant species to occur on site. It should be noted that the WLCSP and CDFW Conservation Buffer Area are currently under routine agricultural use for the dry-land farming of wheat and are disked regularly, which limits value and potential for rare/protected plants.

Based on the most current information, three sensitive plant species were identified as having a moderate potential to occur within the project site, thread-leafed brodiaea (Brodiaea filifolia), smooth tarplant (Centromadia pungens ssp. laevis), and Coulter's goldfields (Lasthenia glabrata ssp. coulteri). The 2010 sensitive plant survey was not limited to finding just these three species, but surveys were conducted for all sensitive plant species that were identified as potentially occurring within the project site. Following the sensitive plant surveys and a better understanding of the function and value of the vegetation communities within the project site, the potential for occurrence of sensitive plant species was reevaluated based on current site conditions. Based on the constituent habitat elements within the WLCSP, the three sensitive plant species previously identified as potentially occurring within the WLCSP were determined by the project biologist as not likely to occur within the project site. The thread-leafed brodiaea is usually associated with annual grasslands and vernal pools in clay soils. Smooth tarplant often occurs in alkali meadow and alkali scrub. Coulter's goldfield is usually found on alkali soils in playas, sinks, and grasslands. Suitable habitat associated with these species is not found within the project site and therefore these species are not likely to occur within the project site. Based on the revised Draft Habitat Assessment and MSHCP Consistency Analysis (FCS-MBA 2013, FEIR Volume 2, Appendix E-1) (hereafter MSHCP Consistency Analysis), four species were determined to have a low to moderate potential to occur within the WLCSP. These include Plummer's mariposa lily (Calochortus

plummerae), Parry's spineflower (Chorizanthe parryi var. parryi), slenderhorned spineflower (Dodecahema leptoceras), and Robinson's peppergrass (Lepidium virginicum var). The WLCSP contains marginal quality habitat for these four species and/or there is a recorded occurrence of these species within the vicinity of the WLCSP. These are the criteria used to determine the potential for occurrence. None of these four species were observed during the 2010 focused plant survey.

Based on the current site conditions and the necessary constituent habitat elements required for the sensitive plant species to potentially occur within the project site, it is unlikely that any of the seven sensitive plant species mentioned above occur within the WLCSP. Due to drought conditions over the past three years, sensitive plant surveys have not been repeated on the WLCSP. However, the site has been visited on several occasions by qualified biologists during the known flowering period for these species, and no sensitive plants have been observed (See Table B-3.A in Response to Comment B-3.4 in Letter B-3 CDFW: Summary of Survey Types, Dates, Locations, and Staff).

Under CEQA guidelines, focused surveys for sensitive plant species should be conducted at the time the CEQA document is submitted for site-specific projects for public review. Based on the most current information available, no sensitive plant species occur within the WLCSP. However, the build-out for the specific plan may take up to 15 years to complete. Therefore, additional focused sensitive plant surveys will be required on a project-by-project basis during the project-level CEQA process and are described in Mitigation Measure 4.4.6.2A. If any sensitive plant species are observed within the project site during focused surveys for sensitive plant species, project-related impacts may be considered significant and require mitigation measures. Thread-leafed brodiaea, smooth tarplant, Coulter's goldfields, and slender-horned spineflower are all covered species under the MSHCP and if found within the project site during focused plant surveys, payment of the MSHCP fee will fully mitigate impacts to these species. Plummer's mariposa lily (California Native Plant Society (CNPS) 4.2) and Parry's spineflower (CNPS 1B.1) are conditionally covered species under the MSHCP. These species will become fully covered under the MSHCP once they meet a specific conservation goal. Since the WLCSP has an extended build-out period, these two species may become covered prior to construction of individual projects, and payment of the MSHCP fee will fully mitigate impacts to these species. Until then, if these species are observed within the WLCSP during focused surveys before the conservation goals are met, as required under the MSHCP, 90% of the occupied habitat must be avoided until the conservation goal is met. If the 90% cannot be avoided, then a Determination of Biological Equivalent or Superior Preservation (DBESP) for impacts to Plummer's mariposa lily and Parry's spineflower will be prepared. Robinson's pepper grass (CNPS 4.3) and San Bernardino aster (CNPS 1B.2) are not covered under the MSHCP and have no legal protection under the federal or state Endangered Species Acts.

The 2010 focused plant survey acknowledges that the plant survey is not a comprehensive botanical survey to record all observed plant species within the survey area. The intent of the focused plant survey was to identify sensitive plant species that occur within the WLCSP. It is not necessary to identify every ornamental landscape species or weedy non-native species within the WLCSP to verify that those species are not sensitive plants. The Michael Brandman and Associates (MBA) 2012 Habitat Assessment MSHCP Consistency and HANS Report, sensitive plant surveys meet the requirements as a complete protocol survey[2]. If these species are identified within a project site during project-specific focused plant surveys, then an assessment will be conducted to determine the significance of the population that is found as described in Mitigation Measure 4.4.6.2A. The loss of a few individual plants would not be considered a significant impact, since it would not reduce the population of this plant to a level that is no longer self-sustaining. However, if a large population of these plants is observed within a project site, and the removal of those plants will likely cause the population to fall below a self-sustaining level, then avoidance, minimization, and mitigation measures will be required. The preferred method of mitigation is to design future site-specific projects to avoid the plant population. If avoidance is not an option, then off-site purchase of land that contains occupied habitat may be required. Alternatively, an appropriate impact fee may be paid to the Western Riverside County Regional Conservation Authority (RCA)

[2] World Logistics Center Final EIR, Appendix E Biological Resources, E-6 Sensitive Plant Survey

or other appropriate conservation organizations to offset for the loss of these species on the WLC project site as noted in MM 4.4.6.2A. As another option, a plant relocation plan will be required prior to relocation. As noted in their comment, the CDFW does not recommend this option, since it is extremely hard to relocate sensitive plant species and maintain available population, but it is included as an option as a worst case scenario.In response to the comment regarding the relocation plan should be prepared by persons with expertise with experience in native plant relocation techniques, Mitigation Measure 4.4.6.1A states that the plan shall be prepared by a licensed landscape architect in consultation with a qualified biologist and shall be consistent with the WLC Specific Plan landscape guidelines.

Finally, in response to the comment regarding funding sources for the plant relocation, project conditions of approval will require the applicant to bear all costs with the preparation of the plan, submittal fees, and costs associated with the relocation of plants.

COMMENT 7:
Focused Plant Surveys
Given that southern California is in its fourth year of drought, the Department recommends that Mitigation Measure 4.4.6.2A be conditioned to require updated focused plant surveys for all Plot Plan applications. The Department also recommends that Mitigation Measure 4.4.6.2A specifically require that floristic based assessments of special status plants and natural communities follow the Department's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Piants).

RESPONSE 7:
As required under Mitigation Measure 4.4.6.2A, each Plot Plan application within the WLC area, shall include a focused plant survey prepared by a qualified biologist to determine if any of the following sensitive plants (i.e., Coulter's goldfields, smooth tarplant, Plummer's mariposa lily, or thread-leaved brodiaea) are present.As noted in Response No. 6, the 2010 focused plant survey acknowledges that the plant survey is not a comprehensive botanical survey to record all observed plant species within the survey area. The intent of the focused plant survey was to identify sensitive plant species that occur within the WLCSP. It is not necessary to identify every ornamental landscape species or weedy non-native species within the WLCSP to verify that those species are not sensitive plants. The Michael Brandman and Associates (MBA) 2012 Habitat Assessment MSHCP Consistency and HANS Report, sensitive plant surveys meet the requirements as a complete protocol survey. However, as noted above, additional focused plant surveys will be required on a building-by-building basis as each building is proposed. It should be noted that the focused plant surveys were conducted in areas that were determined to be the only suitable habitat for sensitive plants within the WLCSP based on 5 years of surveys that were conducted within the WLCSP between 2005 and 2010. The biologists conducting the surveys were extremely familiar with the project site and the plants that occur within the project. If this was a project site that was unfamiliar and surveyed for the first time, then survey days and duration of surveys would have been extended for project sites that are unfamiliar in an attempt to understand the project and associated habitat. However, the biologists conducting the plant surveys were familiar with the suitable habitat within the project site and the blooming periods of sensitive plant species that commonly bloom in June. Due to the disturbed nature of the WLCSP, the likelihood of sensitive plant species to occur is extremely low. However, the potential for sensitive plants to occur within the project site cannot be completely ruled out. Focused surveys were not feasible during the 2012 and 2013 survey season due to a lack of sufficient rainfall.

Since the proposed project build-out will be over 15 years, updated sensitive plant surveys will be required during the same year the project-level California Environmental Quality Act (CEQA) document is prepared as described in Mitigation Measure 4.4.6.2A. Project related impacts to sensitive plants, if observed within the project site may be considered an adverse impact. The type of mitigation requirements depend on the sensitive plants that may occur within the project site. For instance, impacts associated with thread-leaved brodiaea, smooth tarplant, Coulter's goldfields, Parry's spineflower, and slender-horned spine flower are covered under the MSHCP. Payment of the MSHCP fee will fully mitigate project related impacts to these species. Project

related impacts to Plummer's mariposa lily, Robinson's peppergrass, and San Bernardino aster will require a separate analysis under CEQA guidelines. These species do not have any legal federal or state protection under the Endangered Species Act.

COMMENT 8:
Impacts to Waters of the State
The Department appreciates that Mitigation Measure 4.4.6.3A requires the submission of a Notification of Lake or Streambed Alteration to the Department prior to the issuance of grading permits. However, the Department is concerned that the focus of Mitigation Measure 4.4.6.3A is limited to impacts to "riparian habitat." Note that Section 1600 of the Fish and Game Code (FGC) was enacted by the Legislature to provide conservation to fish and wildlife resources associated with stream ecosystems. There is no mention in the FGC that Section 1600 et seq. is limited in application to only those streams that contain iconic riparian habitat.

RESPONSE 8:
Mitigation Measure 4.4.6.3A references that prior to the issuance of a grading permits, the applicant shall secure a jurisdictional determination from the USACE and confirm with the RWQCB and the CDFW if drainage features mapped on the property are subject to jurisdictional authority. The DEIR did not identify any aquatic impacts. However, applicable CDFW permits required on site-specific projects will require that habitat mitigation be provided at a minimum ratio of 1:1 to ensure no net loss of riparian habitat or aquatic resources. This language comes directly from the CDFW permit requirements. By no means is this mitigation measure intended only for riparian habitat. The mitigation measure further states that the use of these areas as conservation areas would require consent from the CDFW and the City of Moreno Valley.

COMMENT 9:
The Department is also concerned that the FEIR fails to adequately identify impacts associated with the capture of offsite drainages (offsite debris basins), retention of those drainages, and subsequent controlled release of these waters to the adjacent SJWA. It is also unclear whether post-construction onsite storm water runoff will be released from detention basins to downstream lands. The Department is concerned that State-owned land may be adversely impacted by the compounded point releases of flows that may have normally sheet flowed or traveled within numerous smaller drainages. The Department recommends the recirculated DEIR include specific and detailed plans for all drainage control facilities, including the offsite debris basins and any proposed outlet facilities. The recirculated DEIR should also disclose and analyze impacts associated with these facilities, and provide appropriate mitigation to offset impacts.

RESPONSE 9:
The detention basins will be designed to provide a water quality treatment as well as provide an area for the creation of riparian habitat. Based on the size of the proposed detention basins, only the inlet and outlet structures will require routine maintenance. This allows the majority of the basins to remain undisturbed, which allows for long-term conservation of habitat.

The Master Plan of Drainage Report (CH2M Hill 2013 – FEIR Volume 2 Appendix J-1) provided a detailed description of the size of each basin (Table 3.3 – Proposed Basins) Figure No. 9 in the report provides a detailed design of a typical basin with spreading structures. The design is preliminary and the location may change based on negotiations with regulatory agencies during the permitting process for each applicable site-specific project. As noted within MM 4.9.6.1A, drainage weir structures will be constructed at the downstream end of the watersheds flowing to the SJWA to control runoff and spread the flow such that the flows exiting the site will return to the sheet flow pattern similar to existing conditions.

MM 4.9.6.3C states that prior to the issuance of future discretionary permits for any development along the southern boundary of the project site, the applicant in cooperation with the Property Owners Association (POA) shall establish and annually fund a Water Quality Mitigation Monitoring Plan (WQMMP) to confirm project runoff will not have deleterious effects on the SJWA. This will include quarterly sampling along the southern

boundary at the outlets of all detention basins. The sampling shall be consistent with all applicable requirements of Storm Water Pollution Prevention Plans (SWPPPs) for development. This mitigation measure also states that once development is completed, the developer shall retain qualified personnel to conduct regular water sampling/testing of any basins and their outfalls to ensure the SJWA will not be affected by water pollution from the project site.

COMMENT 10:
The Department opposes the elimination of all streams and their associated habitats and recommends avoiding streams and associated habitat to the greatest extent possible. Projects that anticipate impacts to streams should provide appropriate compensatory mitigation to offset permanent losses. Mitigation Measure 4.4.6.3A only identifies the need for compensatory mitigation for impacts to riparian habitat, and compensatory mitigation is proposed to be satisfied through the planting of iconic riparian vegetation in detention basins proposed for construction within the 250-foot buffer area. The Department finds this proposal unacceptable as it proposes mitigation in detention basins that will, in the Department's experience, require in-perpetuity management. Furthermore, because in-perpetuity protection and in-perpetuity funding is not proposed for this area, the FEIR fails to identify in-perpetuity compensatory mitigation for the permanent loss of hundreds of feet of ephemeral streams within the project site. As such, the Department finds that Mitigation Measure 4.4.6.3A fails to describe adequate mitigation" to reduce impacts to areas subject to FGC Section 1600 et seq. to a level less than significant. The Department recommends that Mitigation Measure 4.4.6.3A be conditioned to require mitigation for impacts to all areas subject to FGC Section 1600 et seq.
RESPONSE 10:
As noted under Response to Comment No. 8, Mitigation Measure 4.4.6. 3A, references that prior to the issuance of a grading permits, the applicant shall secure a jurisdictional determination from the USACE and confirm with the RWQCB and the CDFW if drainage features mapped on the property are subject to jurisdictional authority. The mitigation measure further states that habitat mitigation will be provided at a minimum ratio of 1:1 to ensure no net loss of riparian habitat or aquatic resources. These detention basins will be oversized to accommodate the provision of areas of riparian habitat. Maintenance of the basins will be limited to that necessary to ensure their drainage and water quality functions while encouraging habitat growth. Riparian habitat mitigation will be provided concurrent to or prior to impacts. Maintenance of the basins as required under Section 404 and 1602 permits, will be the responsibility of the property owner. If the property owner sells the property to another entity, then maintenance would transfer to the new owner.

A Compensatory Mitigation Plan will be prepared for all unavoidable impacts and will be consistent with the USACE/United States Environmental Protection Agency's Compensatory Mitigation for Losses of Aquatic Resources; Final Rule and the United States Army Corps of Engineers Standard Operating Procedure for Determination of Mitigation Ratios.

COMMENT 11:
Please note that the Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to http://www.dfg.ca.gov/habcon/1600/forms.html.

RESPONSE 11:
Due to the level of information currently available about the proposed project, a programmatic EIR is the most appropriate CEQA compliance document at this time. The EIR states that more detailed environmental analysis will be performed once site-specific projects are prepared and submitted to the City for review and approval. A programmatic level jurisdiction delineation (JD) was conducted within the project site in 2007, entitled as the Delineation of Jurisdictional Waters and Wetlands World Logistics Center Specific Plan Report. This report

was later updated in 2012 and is included as Appendix E in the Final EIR. The 2007 document was updated based on comments received from the USACE and CDFW. The 2012 JD determined the on-site drainages were not under the jurisdiction of the USACE, but one or more may be under the jurisdiction of the CDFW. Thus, Mitigation Measure 4.4.6.3A was established to ensure there will be no significant impacts to riparian areas associated with Waters of the U.S. or Waters of the State as a result of future development. Specifically, Mitigation Measure 4.4.6.3A, requires the applicant to consult with the USACE, CDFW, and the RWQCB to establish the need for permits based on the results of site-specific design plans and site-specific jurisdictional delineation reports. Thus, consultation with these agencies shall take place and appropriate permits obtained at the site specific project-level development phase.

COMMENT 12:
Impacts to Nesting Birds and Burrowing Owl
Mitigation Measure 4.4.6.4A identifies the breeding bird season as occurring between "...February 1 and August 31". Please note that some species of raptors (e.g., owls) may commence nesting activities in January, and passerines may nest later than August 31. The Department encourages the City to revise Mitigation Measure 4.4.6.4A to require nesting bird surveys regardless of time of year to ensure compliance with all applicable laws related to nesting birds and birds of prey.

The Department also recommends that Mitigation Measure 4.4.6.4A be conditioned to require pre-construction nesting bird surveys no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner. Surveys should occur over the entirety of the project site, and not be limited to those areas with shrubs and trees, as some species nest directly on the ground.

Mitigation Measure 4.4.6.4D provides mitigation measures for impacts to burrowing owl. The Department recommends that Mitigation Measure 4.4.6.4D be revised to require consultation with the Department for any relocation (passive or active) of burrowing owls. We recommend notification to the Department if owls are found to be present onsite and the development of a conservation strategy in cooperation with the U. S. Fish and Wildlife Service, the Department, and the Western Riverside County Regional Conservation Authority.

The Department also recommends that Mitigation Measure 4.4.6.4D be revised to include MSHCP Burrowing Owl conservation requirements should the project site be found to support three or more pairs of burrowing owls.

RESPONSE 12:
In response to the first comment regarding encouraging nesting bird surveys regardless of the time of year, we concur that the mitigation measure should be updated from September through January “or depending on weather conditions” to ensure compliance with all applicable laws related to nesting birds and birds of prey
The second part of the comment is requesting that pre-construction nesting bird surveys be conducted no more than three (3) days prior to vegetation clearing or ground disturbance activities. Currently, Mitigation Measure 4.4.6.4A states that the pre-construction nesting bird surveys be conducted prior to the issuance of grading permits. In response to this comment, it is understood that nesting could occur if surveys were conducted weeks and/or months prior to construction related activities. However, three (3) days prior to construction activities may not be enough time to conduct the surveys due to site preparation work i.e., staging activities. Thus, the Mitigation Monitoring Report Program will be updated to reflect that pre-construction nesting bird surveys shall be conducted no more than one (1) week prior to construction related activities. One (1) week should be enough time to conduct the surveys and coordinate staging activities prior to grading.

The third part of the comment is CDFW is requesting the Mitigation Measure 4.4.6.4D be revised to require consultation with the CDFW for any relocation of burrowing owls. The mitigation measure states that if burrowing owls are detected outside the breeding season, or within the breeding season but the owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation

with the CDFW. Thus, consultation is already required as requested by the CDFW if relocation of owls will occur.

The final comment is in regard to revising MM 4.4.6.4D to include MSHCP Burrowing Owl conservation requirements should the project site be found to support three or more burrowing owls. As discussed in the updated 2012 Habitat Assessment included as Appendix E in the Final EIR, since there have been no observations of burrowing owls within any Cell Criteria Areas and no more than one pair of burrowing owls have been observed during a single year with the project site, a DBESP for impacts to burrowing owls will not be required as a part of this project. If a pair of burrowing owls is observed within the project site prior to construction, active and/or passive relocation will be required to avoid construction related impacts, see MM 4.4.6.4D. Thus, the project is consistent with the long term conservation goals of the MSHCP.

COMMENT 13:
Proposed Management of the 250-foot Setback Area
Mitigation Measure 4.4.6.4I details that the individual property owner and/or Property Owners Association (POA) will be responsible for maintaining the "...various onsite landscaped areas, open improved or natural drainage channels, and detention or flood control basins in a manner that provides for fuel management and vector control..." The Department requests clarification as to whether Mitigation Measure 4.4.6.41 will also apply to the 250-foot setback area. In the Department's experience, the land management activities described in Mitigation Measure 4.4.6.41 are not compatible with land managed for conservation purposes, and therefore, the Department is concerned that these activities are proposed in an area that is also proposed as mitigation to offset the loss of raptor foraging habitat. The Department has also found that conditioning such maintenance activities to Property Owners Associations may lead to deferred maintenance as funding is not always available to complete necessary activities.

RESPONSE 13:
MM 4.4.6.4I will apply to the 250-foot setback area. The formation documents for the WLC Property Owners Association will be reviewed and approved by the City prior to recordation to ensure that the POA retains the obligation to maintain POA properties in perpetuity in accordance with World Logistics Center Specific Plan standards and Mitigation Measures contained in the EIR. MM 4.4.6.4I will include clarification regarding the 250-foot setback will be maintained.

COMMENT 14:
Wildlife Movement
The FEIR states that the Project will not restrict wildlife movement to and from the Badlands and SJWA/Mystic Lake area. As proposed, the project will abut the Badlands along portions of its northern border as well as its nearly 2-mile long eastern border at Gilman Springs Road, creating an obstruction to wildlife movement between the Badlands and open areas to the south (Existing Core H of the MSHCP, Mystic Lake, Lake Perris, and SJWA). Though a narrow connection between the Badlands and open space areas to the south are anticipated through future acquisitions within Proposed Core 3 of the MSHCP, this limited connection is conceptual and has not been finalized. The proposed Project will create a nearly 2-mile long physical barrier between the Badlands and MSHCP Proposed Core 3 to the north, and the SJWA and existing Core H to the south.

As mentioned in the Department's DEIR comment letter, data collected from three culvert crossings under SR-60, located just north of the Project area, has demonstrated extensive wildlife movement activities adjacent to the proposed Project. Species observed using the crossings include: bobcat, badger, coyote, deer, long-tailed weasel, black-tailed jackrabbit, and desert cottontail. Future phased development of the Project, along with associated increases in traffic, lighting, and noise, will likely directly negatively impact wildlife through direct mortality, or alter movement patterns by forcing wildlife to move east or west, away from the Project, and by precluding the ability of wildlife to use the existing culverts under SR-60. Furthermore, the project and related growth-inducing effects will likely contribute to a need for the creation of new roads, new or improved

interchanges, and widening of existing roadways, such as Gilman Springs Road and SR-60. These future road improvements will result in impacts to the existing culverts that are used as wildlife crossings. The Department previously requested that studies be conducted to understand the potential impacts of the Project on wildlife movement within and adjacent to the Project site and that mitigation measures focusing on reducing impacts to wildlife (e.g., direct mortality) and wildlife movement within the geographic setting of the Project area be incorporated in the EIR. The City has chosen to ignore the Department's recommendations for analyses of impacts on wildlife movement as the FEIR infers that these analyses will be postponed until adjacent road improvement projects are proposed. In the Department's opinion improvements to adjacent roads will be a reasonably foreseeable future need, and as such an analysis of adjacent road upgrades should be included in this project's CEQA document.

RESPONSE 14:
Similar comments were submitted in response to the Draft EIR. Response to those earlier comments remain applicable and are repeated below:

Response to Comment B-3-22. The commenter states that the DEIR is incorrect in its assertion that the proposed project will not restrict wildlife movement to and from the San Timoteo Badlands and the SJWA/Mystic Lake area. It should be noted that currently, SR-60 and Gilman Springs Road already create a significant barrier between the Badlands and the SJWA. There are also several rural residences that occur along the east side of Gilman Springs Road and there are many proposed residences that have yet to be constructed. Therefore, the current existing conditions already have created a significant barrier between these two open space areas. It should also be noted that Existing Core H and Proposed Core 3 are connected just south of the WLCSP and therefore will not be completely separated by the proposed development. The disturbed nature of the extensive agricultural fields also limits the amount of wildlife species that may use the WLCSP area as a wildlife corridor. There is no supporting documentation that claims the WLCSP is used as a wildlife movement corridor.

The WLCSP is not within a significant wildlife movement corridor and as a result was not included in any conservation area, corridor, or linkage within the MSHCP. Therefore, the proposed WLCSP will not have a significant impact on wildlife movement on a regional basis. In an effort to provide an existing corridor through the eastern portion of the WLCSP, Drainage 9 will remain in its current location and has the potential to provide a travel path for wildlife species between Existing Core H and Proposed Core 3. Drainage 9 may require some initial re-grading and reinforcement to eliminate erosion issues, but may ultimately be enhanced to provide higher quality riparian habitat.

Response to Comment B-3-23**.** The Department requests that studies be conducted to understand the potential impacts of the project on wildlife movement within and adjacent to the project site. Biological resources have been studied on the project site for many years. Wildlife movement by ground dwelling animals north of the WLCSP is precluded because the majority of the underground culverts used to convey storm flows beneath SR-60 are filled with sediment (Master Plan of Drainage Report 2013). Therefore, construction activities associated with the WLCSP will not have any impact on wildlife movement from the area north of the WLCSP. Similarly, based on site observations in 2014, all of the culverts that convey storm flows beneath Gilman Springs Road are also filled with sediment and have not been maintained for many years. Therefore, wildlife species are forced to cross over the top of SR-60 and Gilman Springs Road. In an effort to control flood waters entering the project site, new storm drains will be required beneath SR-60 and Gilman Springs Road. Where appropriate, these drainage features will be designed to allow wildlife crossings, which under current conditions are unavailable. These project design features will take into consideration the length, width, and height of the culverts to allow for wildlife to move freely beneath SR-60 and Gilman Springs Road. As stated in Response to Comment B-3-22, Drainage 9 will remain in its current location to provide a potential travel path for wildlife species between Existing Core H and Proposed Core 3.

SUMMARY (no new comments)
Department Conclusions and Further Coordination
Due to the inclusion of landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses within the 250-foot setback from the southerly property line, the Department considers this area a direct impact of the proposed project, not an aspect of mitigation. The facilities to be constructed, the ongoing operation, and the future maintenance of the facilities within the setback area will impact the adjacent open space areas, including the SJWA. In effect, the project as proposed uses the adjacent open space areas and the SJWA as a buffer and mitigation for the project. The Department also finds that this area is insufficient as compensatory mitigation for impacts to foraging avian species, and given the proposed management of the area it is not a suitable location for the relocation of sensitive plant species. The Department strongly recommends that the City condition the project to incorporate a minimum 250-meter natural/undeveloped land setback area along its southern boundaries, and within the project footprint, where the project abuts open space areas (including the SJWA). Without revising the buffer distance and the development proposed within this area, including an analysis of reasonably forseeable adjacent road upgrades, and completing a thorough analysis of the impacts of this project on wildlife movement, the Department does not agree that the project is being mitigated to a level less than significant for impacts to adjacent open space lands and associated wildlife species and habitat.

Response
The comment summarizes the previous comments in the letter dated June 11, 2015. The response to those comments are hereby incorporated.

MEMORANDUM

DATE: Reissued August 5, 2015 (First Issued June 23, 2015)

TO: Mark Gross, Planning Department

FROM: Kent Norton, LSA Associates, Inc.

SUBJECT: **Response to Earthjustice Letter dated June 11, 2015**

In a letter dated June 11, 2015, the conservation group Earthjustice submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
THE FEIR MUST BE RECIRCULATED BEFORE PROJECT APPROVAL AND CERTIFICATION. Under CEQA, an EIR must be re-circulated for review and comment whenever significant new information becomes known to the lead agency and is added to the EIR after public notice of the availability of the draft document has been made, and before the EIR is certified. Pub. Res. Code § 21092.1. Under such circumstances the lead agency is specifically required to re-notice the environmental review document to the public and all responsible agencies, and is required to obtain comments from the same, before certifying the document's impacts and alternatives analyses as well as any mitigation measures. See id.; see also, Pub. Res. Code § 21153. A lead agency's decision not to recirculate an EIR must be supported by substantial evidence. Cal. Code Regs. tit. 14 ("CEQA Guidelines" or "Guidelines") § 15088.5(e).

"Significant new information" includes any information regarding changes in the environmental setting of the project under review. Guidelines § 15088.5(a). It also includes information or data that has been added to the EIR and is considered "significant" because it deviates from that which was presented in the draft document, depriving the public from a meaningful opportunity to comment upon a significant environmental effect of the project, or a feasible way to mitigate or avoid such an effect at the time of circulation of the draft. Id. Some examples of significant new information provided in the CEQA Guidelines are: "(1) information relating to a new significant environmental impact that would result from the project or a new mitigation measure; (2) a substantial increase in the severity of an environmental impact [that] would result unless mitigation measures are adopted; and (3) any feasible alternative or mitigation measure considerably different from others previously analyzed …" Guidelines § 15088.5 (a)(1)-(3). Recirculation is further required where the draft EIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." Guidelines § 15088.5 (a).

The required re-noticing and new comment period for a re-circulated EIR is essential to meeting CEQA's procedural and substantive environmental review requirements, as the EIR's assessment of a project's impacts, mitigation measures and alternatives and the public's opportunity to weigh in on the same is at the heart of CEQA. Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1123. Where new information is added to an EIR in such a way as to highlight informational deficiencies in the draft document's environmental impacts, mitigation and alternatives analyses, the public must be allowed the opportunity and additional time to comment on the changes made in the final document's analyses. Moreover, where significant new information that is added to the EIR's assessment of a particular impact area falls within

the purview of another responsible agency's area of expertise that agency must also be allowed a meaningful opportunity to review and respond to such new information and any changes implicated in the EIR's analyses.

While re-circulation is indeed an exception and not the rule in the preparation of final environmental review documents, it is an exception that must be invoked here – where the absence of significant information rendered the draft EIR ineffective in meeting CEQA's substantive mandates, and now, where included, the addition of significant new information substantially changes the FEIR's analyses and conclusions regarding the Project's impacts, feasible alternatives and required mitigation. Laurel Heights Improvement Assn. v. Regents of Univ. of Cal. (1993) 6 Cal.4th 1112, 1132. As stated in numerous comments to the draft EIR, that document failed to provide critical information regarding the project area and scope of the project's impacts; it failed to adequately describe fundamental information relating to the phasing and timing of the project's massive structural and infrastructural developments; it lacked adequate detail specifically regarding the construction and operations phases of the project; and it contained analyses and mitigation measures relating to the Project's air quality, traffic, human health and biological resources impacts based on outdated or inapplicable studies and data. In some instances the FEIR erratically and arbitrarily includes selective new data into its analysis of the Project's impacts and mitigation measures, and in others critical information remains absent from the document. Whether referenced in the FEIR as new information, or wholly omitted from the document's analyses, the addition of such information is essential to the public's ability to participate in the environmental review process. The FEIR must therefore be re-drafted and re-circulated document to provide the public at large and the Project's numerous other responsible agencies with more time to review and analyze the Project's impacts and to assess or prescribe necessary mitigation measure to minimize those impacts. The City cannot render a determination on the issuance of the project approvals under consideration until such recirculation occurs, and CEQA compliance is assured.

Response 1:
The comment above describes requirements of CEQA in regard to response to comments and recirculation. The FEIR for the WLC project meets the requirements of CEQA in regard to response to comments. In addition, the FEIR does not meet any of the criteria for recirculation: (1) there are no new or more severe environmental impacts, (2) there are no feasible project alternatives that would lessen the environmental impacts and all feasible mitigation has been adopted, and (3) it is neither inadequate nor conclusory.

In addition, the comment contends that the EIR did not have sufficient detail to address environmental concerns raised by commenters. Throughout the FEIR, detailed analyses are presented regarding the environmental impacts of the project. The project, the WLC Specific Plan, is a land use change. As such, the FEIR is a programmatic document that evaluates the environmental impacts based upon the foreseeable impacts of that land use change. Due to the level of information currently available about the WLC project, a programmatic EIR is the most appropriate CEQA compliance document at this time. The EIR clearly states that more detailed CEQA analysis will be performed once more specific project-level data and plans are submitted to the City for review (future site plans, plot plans, etc.) consistent with the programmatic WLC Specific Plan (FEIR Section 3.7.2 – City of Moreno Valley – Future Approvals, p. 3-114). The project under consideration is a specific plan that serves as planning document, no project-specific information is currently known. At this time, no plot plans are being considered, future tenants are not known, and building sizes for future tenants have not been established. In short, the necessary information for a project-level document will be known when the first plot plan is proposed.

Comment 2:
The FEIR Is Inadequate as an Informational Document, Is Conclusory in Nature, and Precludes Meaningful Public Review. The approval actions before the City involve more than a straightforward project and EIR approval. The City Planning Department and the City Council are not only determining whether to certify the FEIR and approve a single project; rather, in approving the FEIR as currently drafted and the Project as set forth in that document, the City will be approving numerous future actions needed to effectuate the Project's purpose. Indeed, the FEIR refers to the Project as including "all related development and planning activities currently proposed by Highland Fairview in the Rancho Belago area of the eastern end of the City of Moreno Valley." FEIR, at 3-1. Just some of these related development activities include: (1) amendments to the City of Moreno Valley's General Plan; (2) adoption of a new Specific Plan for the area in which the WLC will be cited (and which is the principle subject of the EIR documents); (3) zoning and land use changes including pre-annexation zoning changes for land that has not yet been acquired by the project proponent, Highland Fairview, but that is contained within the project area; (4) execution of a development agreement consistent with the construction of the nation's largest logistics warehouse, and the Specific Plan land use designations; and (5) a tentative parcel map to be governed by both the Specific Plan and the executed development agreement. Despite the numerous actions needed to effectuate the project, the FEIR omits critical information needed to adequately analyze and mitigate the impacts of those actions and as a result, must be recirculated.

Response 2:
The commenter does not specify what "critical information" has been omitted. However, the EIR clearly states that more detailed CEQA analysis will be performed once more specific project-level data and plans are submitted to the City for review (future site plans, plot plans, etc.) consistent with the programmatic WLC Specific Plan (FEIR Section 3.7.2 – City of Moreno Valley – Future Approvals, p. 3-114). The project under consideration is a specific plan that serves as planning document, no project-specific information is currently known. At this time, no plot plans are being considered, future tenants are not known, and building sizes for future tenants have not been established.

Comment 3:
The FEIR's Impacts and Mitigation Analyses are Based on an Improper Project Description and Inadequate Information Regarding Key Project Components…

"[A]n accurate, stable and finite project description is the sine qua non" of a legally sufficient EIR, and "the defined project and not some different project must be the EIR's bona fide subject." County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199.

Commenters on the DEIR pointed out key deficiencies in the document's failure to adequately describe the scope of the Project, including all of the entitlements necessary to effectuate its purpose and to obtain approval for the land use changes contemplated in the EIR documents. While the FEIR includes a brief response to such comments it dismisses them by stating only that the "WLC EIR does have a complete project description" on account of the project being described in a total of "78 pages with 4 tables." FEIR Response to Comments, at 23. Despite its lengthy description, however, the FEIR still fails to include an adequate description of the full scope of the project and it states inaccurate details regarding key project components such as the project's size and the nature of its immediate surroundings. The result of such omissions and inaccuracies is that the full range of impacts that would result from the City's approval of the multiple actions involved in the Project and purportedly analyzed in the FEIR, remain undisclosed, and the public as well as the Project's numerous responsible agencies are precluded from providing meaningful input regarding the Project's impacts and necessary mitigation measures.

Response 3:
The commenter does not indicate what part or parts of the project description are missing. The FEIR contains a detailed project description including the size of the project, described in acres of development as well as square feet of buildings. The project under consideration is the WLC Specific Plan. Being a programmatic document, the FEIR examines the impacts of the adoption of the WLC Specific Plan and outlines how future environmental review will guide the subsequent development under the specific plan as described above in response to the first comment.

Comment 4:
For example, the FIER only generally refers to the General Plan amendments that will be needed to effectuate the Project's purpose. FEIR, at 3.12-19. Despite their brief reference throughout the FEIR these amendments will have significant and long lasting impacts. The General Plan, as approved in 2006 and in its "community development" provisions designates the Project area as one that should be developed with the goals of supporting an "organized" "pattern of land uses" that promotes the "rational utilization" of the area's land parcels and creates a "functional balance between urban and rural land uses that will meet the needs of a diverse population and promote the optimum degree of health, safety, well-being and beauty for all areas of the community while maintaining a sound economic base" characterized by a "mix of industrial uses." FEIR, at 4.10-10 (citing objectives from the City of Moreno Valley General Plan, 2006, Section 9.2).

Response 4:
The goal of the General plan to promote a "mix of industrial uses" applies city-wide, not to any single project. The WLC Specific Plan accomplishes those goals by bringing the needed industrial space to the City. Other areas have industrial zoning suitable to other types of industrial uses; however, no other portions of the City have the type of large-scale logistics land available for the types of uses envisioned by the WLC Specific Plan. By bringing this use to the eastern portion of the City where almost no industrial uses exist, the project achieves the General Plan's goal.

By creating a master plan, through the WLC Specific Plan, the project is creating an "organized" "pattern of land uses" that brings needed jobs to the City while reducing the environmental impacts. Through the specific plan, haphazard development will be avoided and development can proceed in an organized manner. It should also be noted that the WLC plan responds to the City's Economic Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley.

The project will provide 40.6 million square feet of logistics-related warehousing and supporting office space. This development will enhance the economic base and provide increased employment opportunities for the citizens of Moreno Valley in a limited number of worker categories. The project site has direct access to two interchanges on SR-60, along with arterial access to the balance of Moreno Valley, and access to the San Jacinto/Hemet Valley via Gilman Springs Road. It is therefore consistent with the General Plan.

Comment 5:
The Project's goal of constructing and operating a 40.6 million square foot warehouse and committing a total of 2,610 acres to indefinite future use for logistics development directly conflicts with the General Plan's objectives for community development. The size of the warehouse development alone precludes any form of "mixed use" of the Project area, whether that be mixed use to attain a "functional balance between urban and rural land uses" or simply a "mix of industrial uses." The Project's commitment of virtually the whole of the Specific Plan area to some form of logistics development further undermines the General Plan's objectives to create any form of a "pattern of land uses" to "meet the needs of a diverse population" or promote health,

well-being and beauty for all areas included in the General Plan. Despite these direct conflicts, however, the FEIR concludes that the Project "is consistent with the goals, objectives and policies of the City of Moreno Valley General Plan" without reconciling the Project's clear conflicts with the goals and objectives listed above. FEIR, at 4.10-27. Moreover, the FEIR fails to actually specify what particular General Plan amendments are actually needed to effectuate the Project, and therefore, fails to adequately describe key Project components.

Response 5:
As described in response to the previous comment, the goal of achieving a mix of industrial uses is city-wide. The WLC Specific Plan brings to the City high-cube logistics development to a portion of the City where there are virtually no industrial uses. In addition, the project brings a "functional balance between urban and rural land uses" through the use of special edge treatments areas of the Specific Plan (FEIR, Appendix H, Section 2.5). As described in the Specific Plan and throughout the FEIR (Aesthetics, Section 4.1 and Biology, Section 4.4), the special edge treatments set-off the WLC development from surrounding land uses, reducing environmental impacts. Finally, Section 3.5 of the FEIR lists the specific amendments to the General Plan required by the project, including the specific text additions and deletions and updated figures.

Comment 6:
As explained below, the project area is also inconsistently defined. The FEIR includes misleading and inaccurate references to a "CDFW Conservation Buffer Area" that is not part of the Project. To the extent this "buffer" is used to minimize or otherwise mitigate the Project's impacts, the reference to the parcel as a "buffer" is fatally flawed and misleads the public.

The FEIR further fails to incorporate any detailed reference to other approvals needed to effectuate the Project, such as the development agreement. Without information relating to the approvals that are specifically designated as necessary for the Project, and which are before the City for a determination on whether they will be issued, the FEIR fails as an informational document. See Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112.

Response 6:
See response to detailed comments below.

Comment 7:
The FEIR defines the Project and the Specific Plan area as including "all related development and planning activities currently proposed by Highland Fairview in the Rancho Belago area of the eastern end of the City of Moreno Valley." FEIR, 3-1. The subject property is generally located south of SR-60, east of Redlands Boulevard, west of Gilman Springs Road, and north of Mystic Lake and the San Jacinto Wildlife Area. Id. The FEIR defines "Project Site" or "Project Area" as 3, 714 acre-area covered by the project. Id. The same Project area was as a 3,918-acre area in the draft EIR. Id.

Response 7:
The difference in acreage arises from two changes in the FEIR. First, in response to comments, 100 acres has been removed from the WLC Specific Plan area reducing the project size from 41.6 million square feet to 40.6 million square feet, as clearly described at FEIR, 3-1: "In response to comments received on the public review of the DEIR, the Specific Plan was revised to change the Specific Plan boundary resulting in a loss of 100 acres and 1 million square feet of potential development." Second, the difference of 104 acres is the amount of off-site improvements, which is listed separately in the from the project area, as clearly described at FEIR, 3-1:

"Additional acreage that was evaluated in the EIR but that is not in the Project Area is the Off-site Improvement Area of 104 acres."

Comment 8:
The Project description contained in the FEIR also refers to a "buffer zone" that is comprised of "CDFW parcels" or the "CDFW Conservation Buffer Area" – a series of parcels that have been integrated into the project area by removing over 1000 acres of land acquired by the State and governed by the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"), for the purpose of habitat and species conservation. FEIR, at 3.19-25. This zone is inconsistently and incoherently described in the FEIR, precluding any accurate assessment of the project's impacts and mitigation. It is described throughout the Project description as a zone that will be "included in the General Plan amendments" approved as part of the Project and only loosely discussed throughout the document, but elsewhere, the same area is described as falling outside of the Specific Plan area altogether. WLC FEIR, at 3-19; FEIR, at 3-25. Because this parcel was acquired for the specific purpose of preserving additional habitats and species endemic to the San Jacinto Wildlife Area ("SJWA") the City cannot rely on it as any form of "buffer" from the Project's impacts.

The use of a parcel of land whose designated purpose has been to "preserve" species habitat is misleading and requires some level of environmental review itself. The FEIR, however, precludes such review. Accordingly, the FEIR must be recirculated for an adequate assessment of the species and biological resources impacts to the habitats surrounding the Project area, including what is referred to throughout the FEIR as the "CDFW parcels" or "CDFW Conservation Buffer" zone. As explained in detail in the comments submitted by the Center for Biological Diversity and the San Bernardino Audubon Society, the "CDFW parcels" also contain critical waste water basins upon which the sensitive riparian resources preservation efforts engaged in by the State are based. The extent to which the State's preservation goals are interfered with must also be analyzed.

Response 8:
The "CDFW Conservation Buffer Area" that was purchased by the State Conservation Board is clearly described on p. 3-23 of the FEIR. The CDFW Conservation Buffer Area is part of the land-use changes analyzed by the FEIR. Currently, the 910 acres is part of the Moreno Highlands Specific Plan. The Moreno Highlands Specific Plan also includes zoning for the area proposed for the WLC Specific Plan. In proposing to adopt the WLC Specific Plan, the City is also proposing to rezone the portion of the Moreno Highlands Specific Plan that covers the CDFW Conservation Buffer to Open Space, removing the residential zoning. Section 4.4 of the FEIR analyzes the impacts of the proposed project, including to the CDFW Conservation Buffer Area and to the SJWA as well.

The "CDFW Conservation Buffer Area" name refers to the fact that it is owned by the State and that the State purchased the property to incorporate into the SJWA and buffer the SJWA from development to the north: "The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as <u>they will serve as a buffer from development north of the WLA</u> and adds significant wildlife benefits to the WLA." [emphasis added, citation from Wildlife Conservation Board Meeting Meetings, May 18, 2001, page 56].

It is unclear to what waste water basins the commenter is referring. No waste water basins are being located in CDFW property as a result of the WLC project.

Comment 9:
The draft EIR referred to "CDFW parcels" as being owned by the California Department of Fish and Wildlife, or the "CDFW," and the FEIR refers to the parcels as being owned and operated by the State Parks Department. FEIR, at 3.11. If the parcels are in fact owned and controlled by the State Parks Department and there is no agreement between the City and Highland Fairview and that Department for use of the area as a "buffer" for the Project, the area may not be subject to the control of either the City or Highland Fairview. Similarly, for the reasons explained above, if the area is owned and operated by the CDFW it should be considered part of the surrounding habitats that will be impacted by the Project, on account of the purpose to maintain that area to preserve special status, sensitive species and habitat diversity.

Without re-circulation commenters and City alike are precluded from obtaining accurate information regarding the ownership and operation of these parcels, and are unable to comment specifically on the FEIR's claim that this area, which it asserts falls within the Project boundaries, will actually minimize or mitigate the project's significant impacts. Other public agencies are similarly precluded from providing comments regarding the true role or purpose of the "CDFW parcels" and the City cannot prescribe adequate mitigation based on an accurate assessment of the Project's real impacts on the surrounding area, and cannot offset its potentially devastating consequences on the surrounding species and habitats.

Response 9:
The CDFW Buffer Conservation Area is owned by the State of California and its description as a buffer is based upon the purpose of the State's purchase as described in the response to the previous comment. The property falls within the project boundaries because it is subject to a change in zoning under the Moreno Highlands Specific Plan to Open Space as described on p. 3-23 of the FEIR. The project does not rely on these parcels as mitigation and analyzes project impacts to the these parcels in Section 4.4 of the FEIR.

Comment 10:
Unconventionally, the FEIR changed one of its project objectives between the DEIR and the FEIR. The FEIR added the bolded language in the following objective: "Provide a major logistics center to accommodate a portion of the ever-expanding trade volumes at the Ports of Los Angeles and Long Beach." FEIR, at 3-116 (emphasis added). The FEIR seeks to downplay this change by using the following caveat: "[t]he indicated minor wording change was made so the objectives would more accurate regarding service to the port which will only represent a small fraction of project trips…" Id. (emphasis in original).

While the change may be minor in the overall number of words added to this specific objective, this change drastically impacts the analysis in the FEIR. Project Objectives are meant to guide the entire environmental analysis under CEQA, including the development of alternatives. See Guidelines § 15124(b). Allowing the Project Objectives to change between the DEIR and FEIR has serious consequences because the public is not be able to propose alternatives that meet project objectives if they are changed at the last moment in the process.

The materiality of this change in the instant EIR is demonstrated by examining how this objective was used to justify excluding certain alternatives. For example, the FEIR fails to explain why the 28 million square feet of warehouse space considered under Alternative 1 couldn't be used to accommodate, to a lesser degree, the 786 daily truck trips coming from the Ports of Los Angeles. See FEIR, at 1-98; see also FEIR, at 4.15-199 (articulating that the trucks coming from the Ports will be between 240 daily trips in 2012 and 786 daily trips by 2035). A 30% reduction in size of the facility could accommodate this paltry number of trucks assumed to come from the Ports of Los Angeles and Long Beach to the same degree that the much larger Project could

accommodate the same. In addition to tainting the alternatives analysis, the change in Project Objectives invokes additional questions that infect the entire assessment of impacts. If this Project is designed to only accommodate "a portion of" the increased needs at the Ports of Los Angeles and Long Beach, what other demand justifies building the nation's largest warehouse development? Is it Ontario Airport? Is it other warehouses in the region? These questions are left unanswered in the FEIR. Regardless, for the first time, the public and decision-makers are notified that this project is only being justified to accommodate "a portion of" the growth at the Ports of Los Angeles and Long Beach.

Overall, the FEIR's inclusion of changes to the Project Objectives, for the purpose of justifying its traffic assumptions violates a core value of CEQA in assessing the range of feasible alternatives that could be used to meet the Project's core objectives.

Response 10:
This is not a major change in the project objective. It became clear through the comments received that readers assumed that the sole purpose of logistics in Southern California is to support activity through the local ports. This is an incorrect assumption. The project objective was revised to reflect that reality and provide clarity to the reader. In addition, the TIA and FEIR were revised to describe the amount of traffic expected from the Ports as mentioned in the comment above (Section 4.15.6.5). Finally, accommodating Port traffic is not the only objective of the project. As explained in the FEIR and TIA, the vast majority of logistics activity in the region is not port-related. FEIR Table 6.T (page 6-46) concludes that the "environmentally superior" alternative (Alternative 1 – Reduced Density) does not meet 9 of the 12 project objectives.

Comment 11:
The EIR's analysis of the Projects diesel emission related health impacts has been substantially revised since the draft EIR was released for public review and comment. Specifically, the FEIR now includes a January 2015 study regarding health impacts from diesel engines, titled "the Advanced Collaborative Emissions Study" ("ACES"). While the draft EIR found notable cancer risks exceeding South Coast Air Quality Management District (SCAQMD) thresholds, the FEIR concludes, based on the ACES study and report that the "application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." FEIR, at 4-17.

As noted by the California Air Resources Board ("ARB"), however, the use of a single study as the basis for this analysis is insufficient for the purpose of providing a comprehensive assessment of health risk from project construction and operations. ARB comment, 5. The ACES study is only one of many scientific studies related to the health risks from diesel and other mobile source emissions, and cannot by itself serve as substantial evidence regarding the Project's impacts to human health. Id. Indeed in relying solely on a single study to reach its determination that the human health and cancer risks from diesel exhaust have been virtually eliminated runs counter to evidence presented in comments.

Response 11:
The HEI is an independent non-profit research organization founded in 1980 to provide high-quality, impartial, and relevant science on the health effects of air pollution. Typically, HEI receives half of its core funds from the US Environmental Protection Agency and half from the worldwide motor vehicle industry. Other public and private organizations periodically support special projects or certain research programs. Organizations also participate as part of steering committees and peer reviewers including the California Air Resources Board and the Natural Resources Defense Council, among others.

It is important to note that the primary purpose of ACES, on which CARB was a member of the steering committee, was to evaluate the cancer risk from new technology diesel exhaust: "the first study to conduct a comprehensive evaluation of lifetime inhalation exposure to emissions from heavy-duty 2007-compliant engines" (HEI Statement p. 1).

The HEI ACES evaluated over 100 health endpoints, but the FEIR only relied upon the report's conclusions in its discussion and analysis of cancer risk. The HEI ACES report was not relied upon in the FEIR's analysis of the chronic/acute hazard index or the mortality/morbidity analysis. Additionally, the study mentioned by CARB does not examine cancer health risk attributable to new technology diesel but have examined health effects from diesel trucks that emit between 10 to 100 times more emissions than the new technology that the project's mitigation will require. As ACES Phase 1 and 2 demonstrate, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's.

The NEI study does represent substantial evidence demonstrating that new technology diesel emissions do not cause cancer. A disagreement among experts does not diminish the study's relevance or accuracy. In any event, the FEIR used EMFAC 2014 and appropriate mitigation measures and determined there is no significant cancer risk outside of the project boundaries even without reliance on the NEI study.

Comment 12:
Moreover, the ACES study is not the only new study that has been released since the publication of the FEIR. In February 2015 the Office of Environmental Health Hazard Assessment (OEHHA) also released a new guidance document and approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments. This guidance document sets forth new methodologies for assessing health risk from diesel particulate matter ("DPM") and other toxics, which, while generally referenced in the FEIR are either not applied, or are insufficiently applied, and the FEIR fails to explain its choice of methodology to measure health risks, and specifically cancer risk in light of the study.

Nonetheless, Table 4.3.AF in the FEIR shows the FEIR's conclusion that the estimated cancer risks using the "Current OEHHA Guidance" after application of mitigation are substantially less after mitigation. Yet, the SCAQMD cancer risk significance thresholds continue to be exceeded at locations within the project boundaries. According to the FEIR, they are not exceeded at "at any residential areas outside of the project boundary," but the document fails to substantiate why or how it has reached that conclusion in accordance with the updated methodology it cites as the "New OEHHA guidance"

Response 12:
The comment requests that the approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments be used. A full assessment using those guidelines is provided in the FEIR. (FEIR Volume 3, Section 4.3.3.4) Based upon those guidelines, there would be no project-related cancer risk outside the project's boundaries. The FEIR concludes that based upon HEI ACES, that estimated risk is overestimated and that no cancer risk impact is expected from the WLC. The primary conclusion of the HEI ACES is "that NTDE would not cause an increase in tumor formation or substantial toxic health effects." (HEI ACES Report p.3). In any event, the FEIR

used EMFAC 2014 and appropriate mitigation measures and determined there is no significant cancer risk outside of the project boundaries even without reliance on the NEI study.

Comment 13:
While the FEIR states that the analysis using the "Current OEHHA Guidance" was provided in the document to allow decision makers and the public to see the cancer-related impacts of the Project on the assumption that NTDE does cause cancer merely including this new information into the document without meaningfully applying it, or recirculating the document for public review violates CEQA's requirements. Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 308 ("If any substantial changes are proposed in a project after review of a draft EIR, it is necessary to prepare a supplemental EIR subject to the same scrutiny"), see also, Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn. (1986) 42 Cal.3d 929, 936.

ARB has requested re-circulation on the basis that "The FEIR analysis has been revised since the draft EIR was released to include [] new studie(s) regarding the health impacts from diesel engines." The FEIR should be re-circulated to allow the agency a meaningful opportunity to comment, and submit additional studies that would glean new information on the Project's impacts and mitigation measures. In addition to ARB, the public, particularly residents who will be impacted most directly by the Project's emissions from heavy truck traffic, and responsible agencies including the SCAQMD should be allowed an additional review and comment period to provide comments on this issue alone, if re-circulation is not granted for the document as a whole.

For these, and the additional reasons submitted in the remainder of this comment, as well as the comments submitted by other conservation and public health groups, the FEIR is inadequate, and its analyses are based on inaccurate, misleading information that precludes public review. As such, the document should be rejected and at a minimum, re-drafted and recirculated to cure is severe information errors and omissions.

Response 13:
CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory.

Comment 14:
The DEIR fails to cure the deficiencies raised in comments to the draft EIR, regarding the omission of substantial evidence to support the conclusion that the Project will not cause significant impacts on housing supply and population characteristics in the City of Moreno Valley. Moreover, for many of the same reasons explained below in relation to the FEIR's assumptions regarding the influx of jobs that will necessarily result from the construction and operation of the Project, the FEIR further fails to support its job creation and job benefits conclusions.

Like the draft EIR, the FEIR fails to substantiate its claims that the Project will necessarily lead to desirable, safe, full-time and permanent employment opportunities for the City's current population. The FEIR's analysis regarding the creation of jobs through the construction and operation of the Project is based on a single Fiscal and Economic Impact Study attached at appendix "O" of the document. While that study concludes that the construction and operation of a logistics warehouse the size of the proposed WLC will bring jobs to area, it fails to provide any detailed information regarding the level of education needed to fill those jobs, and it

similarly fails to provide any detailed comparison between the average level of education of the City's current residents and the level of education needed to successfully obtain and retain such jobs on a permanent basis. The FEIR also includes unfounded assumptions regarding the existing housing supply to jobs ratio and concludes that the Project will only "improve" that ratio by adding more jobs to the area. The FEIR fails, however, to analyze the potential impact of an influx of new residents that may be called upon to fill the jobs made available by the Project, but which have not been retained by Moreno Valley residents. Surely the creation of some 25,000 jobs or more would result in some jobs opportunities being conferred to future residents of the area, who do not currently reside in the City.

Without providing more detail regarding the Project's potential increase in demand for housing, the FEIR fails to analyze or mitigate any potential displacement effects caused by the Project. The FEIR must be redrafted and re-circulated to include such information for public review and comment.

Response 14:
The commenter is incorrect, the FEIR's conclusions regarding jobs creation and benefits are supported by substantial evidence presented in the EIR. The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. There is no requirement in CEQA, and it would be overly speculative at best, to try to estimate what person or group of people within a particular jurisdiction would be qualified, either by education or training, to fill the various jobs that would be created by a large logistics warehousing project. It should be noted that on April 28, 2015, the City Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement outlines formation of a local hiring program consistent with the Hire MoVal program.

The commenter's statements about jobs/housing balance are also inaccurate. FEIR Volume 3, Revised Draft EIR, Section 4.13.1 and 4.13.4 explain the City's current employment and jobs/housing conditions, while Section 4.13.5.1 explains how the proposed WLC project would substantially improve the City's jobs/housing ratio as new warehousing uses are built and occupied. In addition, Section 4.15.5.2 explains why there will not be significant impacts to the City's housing stock as a result of development within the WLC project. The EIR does not indicate all new jobs will go to City residents (FEIR Volume 3, Revised Draft EIR, page 4.13-13), as shown below:

> *The new employment opportunities resulting from development of the proposed high-cube logistics warehouse and general warehouse uses will raise the City's current jobs-to-housing ratio by providing additional jobs to local residents. While the place of residence of the persons accepting employment provided by the proposed uses is uncertain, due to the City's projected jobs/housing ratio, it is reasonable to assume and therefore expect that some percentage of these jobs would be filled by persons already living within the City or project area. Therefore, no significant increase in population of the City would result from the development or operation of the proposed WLC project, resulting in a less than significant impact associated with growth inducement and no mitigation is required.*

The Development Agreement also provides for a "local hiring center" to increase the changes that jobs within the WLC project are filled by City residents.

The commenter is incorrect that the EIR needs to be redrafted and recirculated for additional review and comment in this regard.

Comment 15:

Attached to this comment letter is a technical analysis produced by Traffic Engineer Tom Brohard, PE. [hereinafter "Brohard Letter" – attached as Exhibit A]. The Brohard Letter identifies the magnitude of this project by noting the Project will generate more than 69,000 daily trips. Brohard Letter, at 1; see also FEIR, at 4.15-46. Given the large amount of traffic associated with this Project, it is vital that the EIR accurately disclose the true traffic impacts. Brohard Letter, at 1. The Brohard letter identifies serious deficiencies that persist throughout the FEIR's analyses, and remain inadequately addressed in the FEIR's Response to Comments. All these traffic issues must be addressed to help inform proper disclosure and mitigation of this massive Project. The following sections provide some additional clarification on how the inadequacies in the FEIR's traffic analyses harm the entire FEIR.

The FEIR underestimates traffic impacts in a number of material ways. This section will focus on two ways – truck share and trip length.

Truck Share

Establishing a proper truck share is vital to understanding the impacts of this Project. In particular, the FEIR assumes a low number of trucks as a share of total trips. The Brohard Letter identifies this critical flaw that the FEIR assumes these overly rosy assumptions on the number of trucks visiting this Project. Brohard Letter, at 7-8. Notably, the FEIR deviates from recommendations made by the South Coast Air Quality Management District, which are designed to ensure that the FEIR portrays a "worst case" scenario to comply with CEQA. See SCAQMD, Warehouse Truck Trip Study Data Results and Usage, available at http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-studyfor-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2. In fact, SCAQMD recommends using a truck share percentage of 40 for projects like this that have unidentified future tenants. See CalEEMOD Guidance Appendix E, available at http://www.aqmd.gov/docs/default-source/caleemod/caleemod-appendixe.pdf?sfvrsn=2. Here, the Project assumes almost half of that suggested amount will be trucks. The FEIR does not provide substantial evidence to support this conclusion.

Realizing the faulty reliance upon the 2003 Fontana Truck Trip Study in the DEIR, the FEIR seeks to use some limited data collection from the Skechers Warehouse to justify its low truck share. The FEIR rationalizes using this study by concluding "[t]he Skechers warehouse is representative of the warehouses planned for the project. The ITE trip generation rate, however, "is three times greater than the Skechers warehouse traffic counts." FEIR, at 4.3-73. Thus, the conclusion is not supported by the record.

The FEIR further concludes that "the WLC is expected to have 15-to-25 different tenants from a variety of economic sectors…" FEIR Response to Comments, at 812; see also FEIR, at 3-119. There FEIR fails, however, to substantiate that claim. There is no basis in the FEIR or its attachments to support the assertion that the 15 to 25 currently unidentified tenants will be similar to the Skechers warehouse, which is a clothing and apparel company. The FEIR's erroneous justification is further confused by the fact that also concludes that "[e]ach building may…have multiple tenants." FEIR, at 3-119. Putting aside whether the Skechers Study, which sampled traffic numbers at the warehouse in November of 2012 for five days, is representative of the unidentified future tenants, the FEIR's conclusion does not follow suit if anywhere from one to all of the buildings may have multiple tenants. The fact that some or all buildings will have multiple tenants makes them entirely dissimilar to the Skechers warehouse. Moreover, the study of Skechers, which looked at traffic activity during a nonpeak month for goods delivery, is not representative of conditions that will be faced at the new facility.

The FEIR includes significant new data that commenters have first been able to review in the FEIR. This is an abuse of the CEQA process, and as such, the City to reissue and re-circulate the EIR to allow proper vetting of this information.

Response 15:
The comment describes the use of the 2003 Fontana Truck Trip Study as "faulty", but provides no basis for that assertion. The basis of the trip generation can be found beginning on p. 17 of the Traffic Impact Analysis contained in Appendix L. The Fontana Truck Trips Study represents substantial evidence having collected data from similar operations in the Inland Empire. The FEIR does not rely on the Skechers Study for trip generation purposes, rather it provides a basis for demonstrating the Fontana Truck Study is a reasonable data set upon which to base trip generation. Also, it is unclear why the commenter describes November, the month before Christmas, as a non-peak month for a clothing and shoes retailer – November is, in fact, a peak month for retailers.

Comment 16:
Truck Length

The FEIR includes new analyses never seen before to justify a trip length less than 50 miles assumed in the draft EIR. The FEIR now claims that the average truck trip length will be 30 to 40 miles. FEIR Response to Comments, at 815. Still, the FEIR provides no information on where these trips will be coming from and what growth at the facilities within 30-40 miles justify this development since it now shifted its Project Objective to only accommodate a small share of port-related cargo. Given that the FEIR includes wholly new information and analysis, the public has not had ample opportunity to vet the data. Thus, it is wholly improper to include a new technical report and traffic analysis, yet alone rely on it. This is especially the case for truck trip length because it directly impacts several other impacts, including direct, indirect and cumulative impacts along overburdened truck routes, and perhaps most importantly air quality and greenhouse gas emissions.

B. The Improper Traffic Analysis Infects the Analysis of Many Other Impacts.

Given that the FEIR has underestimated the impacts from traffic, the analysis contained in the document and in the documents relied upon, are similarly faulty. These impact areas include but are not limited to the Project's impacts on air quality, noise, and greenhouse gasses. A proper traffic analysis is of paramount importance to a fully informative EIR. Thus, the EIR should be recirculated to cure these defects identified in the Brohard Letter and by this and other similar comments.

Response 16:
The FEIR never relied upon the 50 mile assumption as part of its transportation analysis. The transportation analysis was always based upon the RivTAM model (FEIR, Appendix L, Section 2 Methodology). The 50-mile assumption was used in the DEIR for the estimation of air quality impacts. As this over-estimated trip length as compared to the results of the RivTAM model it was considered a "conservative" analysis. Based upon the comments received, the air quality analysis was updated to rely up on the results of the RivTAM model for link-by-link emissions estimates (FEIR, p. 4.3-59). The transportation analysis did not change in any way as a result of this refinement.

Comment 17:
Seeking to obfuscate the full impacts from this Project, the FEIR dramatically reduces the GHG emissions in a manner that contradicts the core of CEQA. In particular, the FEIR claims that "GHG emissions associated with vehicle miles traveled (VMT) cannot constitute significant increases under CEQA." FEIR, at 4.7-47. "This

regulatory conclusion is therefore directly applicable to the WLC project because VMT is by far the largest source of project GHG emissions." Id. The factual predicate for this absurd conclusion is based on claims that because of "compliance with the Cap-and-Trade regulation, project-specific GHG emissions that are covered by the regulation will be fully mitigated." Id. This is a fundamentally wrong conclusion that if left uncured will lead to large amounts of significant GHG emissions going unmitigated. This approach is unlawful for several reasons.

First, even though transportation fuels are now under California's Cap and Trade Program, it is common practice for municipalities to seek to mitigate VMT because of the great need. [Exhibit B – Examples of EIRs that address VMT GHG Emissions].

Second, this approach ignores CEQA's substantive mandate and recently adopted CEQA Guidelines related to GHG emissions. In particular, Appendix F notes that mitigation measures may include "[t]he potential of siting, orientation, and design to minimize energy consumption, including transportation energy." Guidelines, Appendix F(II)(D). Under the FEIR's approach, this provision would be rendered utterly nugatory because the siting of facilities in a manner to reduce fuel consumption (i.e. reduce VMT) would be irrelevant for mitigating GHG emissions.

Finally, the position of the FEIR makes no sense. Even if the FEIR is allowed to ignore mitigation measures for GHG emissions of transportation fuels, AB 32 seeks to achieve 1990 levels by 2020. This is not the end game in the effort to clean up harmful GHG emissions. In fact, Governor Schwarzenegger implemented EO-03-05 with the goal of also "reduc[ing] GHG emissions to 80 percent below 1990 levels" by 2050. Even the FEIR concedes that going beyond 1990 levels is a goal that should be sought in the Project. The FEIR notes that the "Sustainability Guidelines" for the WLC "[a]ssist in meeting California's greenhouse gas reduction targets as set forth through Executive Order S-3-05 and Assembly Bill 32 (also known as the Global Warming Solutions Act of 2006)." FEIR, at 3-36 (see also FEIR, at 4-7.23, 4.7-24 n.3).1 The FEIR fails to explain why the GHG targets beyond the current 2020 scope of AB 32's duly adopted programs are relevant for the "Sustainability Guidelines" but not relevant for the mitigation of VMT. In fact, given that the cap and trade program currently does not move emissions towards the goal of 80% below 1990 levels by 2050, there will inherently be significant direct and cumulative unmitigated GHG emissions from this Project. Moreover, even if there are policies geared to achieve the 80% below 1990 levels by 2050, the Project concedes that GHG issues are global in nature, but have real impacts in California. Thus, projects with VMT related emission above the 10,000 metric ton of CO2e would need to be mitigated even if California had AB 32 programs designed to reach the 80% below 1990 levels by 2050.

This deep flaw in the FEIR is especially troubling when viewed in the context of the FEIR's numerous omissions of other, critical pieces of information, masking the true scope of Project's impacts. More than 379,824 metric tons of CO2e remain un-mitigated and yet they are identified as insignificant based on the FEIR's approach, which is antithetical to CEQA. FEIR, at 4.7-54 (Table 4.7.J). For context, Commenters point out that if a stationary source resulted in the same level of emissions in Riverside County, it would be the third largest GHG emitter in the County. [Exhibit C – Spreadsheet Showing Largest GHG Stationary Sources in Riverside County]. Only two aging power plants would emit more than this source. Because this approach cannot be reconciled with CEQA, the FEIR should be rejected with instructions to prepare a recirculated draft of the document that includes significantly more mitigation measures to curb this large amount of GHG emissions. These mitigation measures should include the use of zero and near-zero emission technologies.

Response 17:
The FEIR appropriately relies on AB32 and the Cap and Trade program to help address project-related greenhouse gases. As long as AB32 and Cap and Trade remain in effect, the State has created a pool of allowable carbon emissions from select emission source sectors (e.g., fuels and energy). The size of the pool of allowable carbon emissions (known as allowances) is set by the State and is independent of the needs of any specific project. To the degree that users of carbon emissions reduce demand, other users of carbon emissions can use up the available capacity. Since price of the allowances is determined by demand, any reduction in demand will not mean fewer emissions (which set by the establishment of the available pool by the State), it will mean lower prices for the remaining users of carbon emissions. In this manner, users that can reduce their need for allowances at a lower cost than the market price for an allowance will do so, resulting in the reduction of carbon emissions to the level established by the State at the lowest possible cost. Other carbon users will then be able to purchase the remaining allowances due to reduced demand and price resulting in no change in carbon emissions. Ultimately, mitigation of fuel-based GHG emissions (or any capped emissions) will not result in reductions of GHG emissions since other allowance users will be able to emit additional emissions.

Because of the policies put in place by the State of California, the FEIR appropriately takes responsibility for those emissions which it has a direct control (uncapped emissions not part of the State's Cap and Trade program), but not the emissions for which the State has already set an aggregate cap which WLC project has no ability to influence. These issues are fully described in the FEIR Volume 3, Section 4.7.

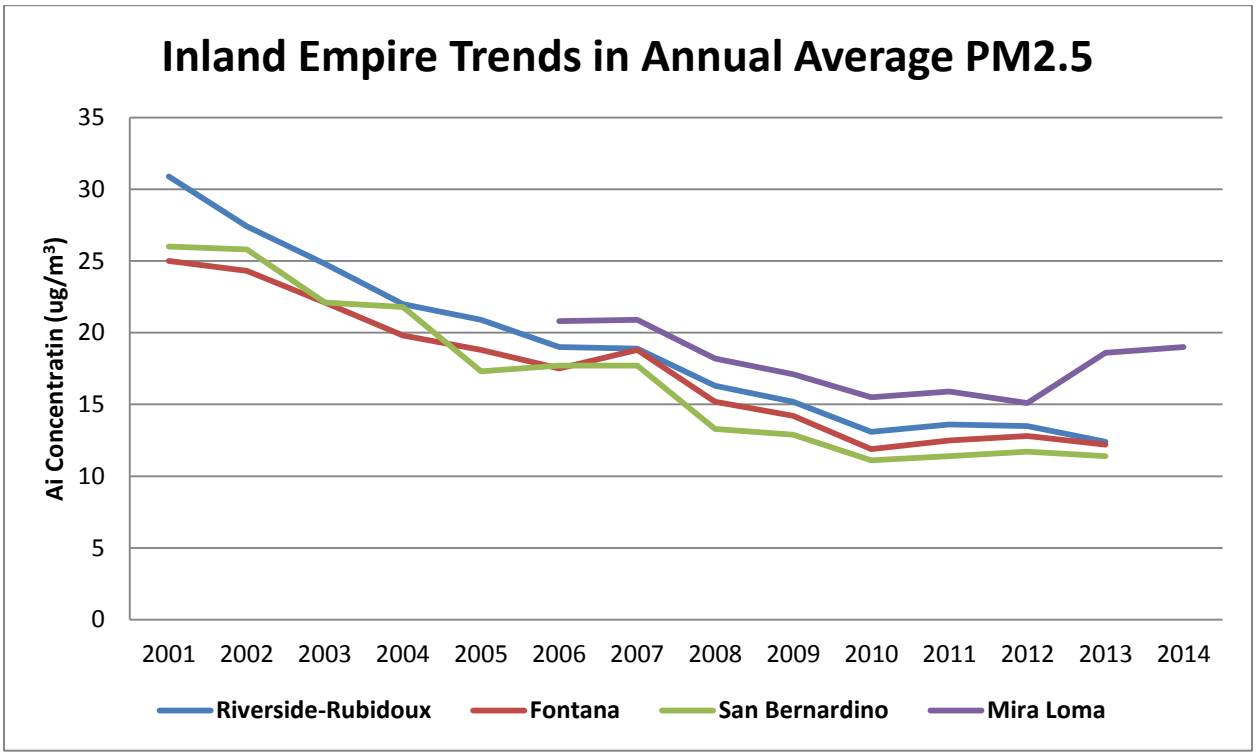
Comment 18:
The Air Quality analysis in the FEIR is designed to mislead the public and decisionmakers. Instead of accepting the fact that this project seeks to build the largest diesel magnet source in Riverside County, which receives a score of "F" for ozone and particulate pollution, it seeks to provide an overly rosy picture of the air quality landscape. See American Lung Association, 2015 State of the Air, [Attached as Exhibit D]. CEQA does not support this attempt to sugarcoat a major project of this sort.

A. The FEIR Ignores Current Trends in Particulate Matter.

In response to many comments related to the air quality impacts of the project, the FEIR seeks to take solace that "[i]n the Inland Empire there is a marked decreasing trend in PM2.5 concentrations in Riverside-Rubidoux, Fontana, and San Bernardino from 2001 to 2012 and at Mira Loma from 2006 to 2012. The relevance of these trends is that PM2.5 levels have displayed a decreasing trend in the Inland Empire despite increases in urban development including the development of large warehouse complexes since 2001. FEIR Response to Comments, at 217. The FEIR conveniently ignores the data on PM2.5 from 2012 until today. Importantly, 2014 data actually shows an increase in annual PM2.5 levels for many of the monitors relevant to this project. The FEIR provides no justification for ignoring the 2013 and 2014 data in its push that particulate matter levels are improving. [Exhibit E – Comments on EPA recent rulemaking and PM2.5 levels]. Even with the underreported truck assumptions in the FEIR, this project will be one of largest truck magnet in the state. This poses serious issues for attainment of state and federal air quality standards.

Response 18:
Any single year or two does not make a trend due to year-to-year variations in meteorological conditions, such as drought conditions that increase fugitive dust emissions and from one-off events such as wind-blown dust storms and emissions from forest fires. The overwhelming evidence of historical air quality data demonstrates that the region is able to continuously improve air quality as the population and economic activity continue to grow and, at the same time, ambient air quality standards become more stringent. This evidence is shown in the

accompanying figures that display a decreasing trend in PM2.5 air quality in the Inland Empire from 2001 to 2014.



Source: http://www.arb.ca.gov/adam/topfour/topfour1.php

Comment 19:

B. The FEIR Discounts Feasible Mitigation without Sufficient Justification.

With no sufficient justification, the FEIR discounts many mitigation measures aimed to ease the health burdens that will be imposed by this project. The magnitude of this Project demands robust mitigation. While many of the dismissed mitigation measures should be adopted, we highlight two particularly egregious examples from the Comments. First, in Response to Comment F-9A-39, the FEIR claims funding health facilities near the project is infeasible. The FEIR claims this mitigation is infeasible without reconciling the fact that the only other larger diesel magnet sources in the South Coast Air Basin - The Ports of Los Angeles and Long Beach- have determined such programs to be feasible. It is not "impossible to determine what population should be served by such a program." FEIR Response to Comments, at 822.

The Ports of Los Angeles and Long Beach have done just that. At the Port of Long Beach, staff used Arc GIS, a tool used in the preparation of this EIR, to identify zones where funding should take place. See Port of Long Beach, Community Mitigation Grant Program Zone Maps, available at http://www.polb.com/environment/grants/apply/zonemaps.asp.

Blanket statements of impossibility without one iota of justification do not satisfy CEQA's disclosure mandate. Moreover, the Port of Los Angeles bounded its Harbor Community Benefit Foundation program to the communities of San Pedro and Wilmington. In addition, both of these ports are located in the South Bay region, which has multiple sources of air pollution that can contribute to negative health.

Response 19:
The ports are a very different type of operation from the proposed WLC with much greater emissions and less emissions controls. The ArcGIS tool mentioned in the comment does not identify impacted residents, rather it outlines an arbitrary benefits zone in proximity to the ports. There is no direct correlation between the zones selected and actual impacts. The FEIR identifies three types of air quality impacts. The first is regional pollutants which impact the region at large. The FEIR found significant impacts to the region (p. 4.3-85 and p. 4.3-105), with this analysis is not possible to identify specific individuals impacted. The second is ambient concentrations (LSTs), which the FEIR found no impacts outside the project boundaries (p.4.3-98). The third analysis focused on health impacts, which the FEIR found no impacts outside the project boundaries based upon the use of updated EMFAC 2014, the latest OEHHA methodology (p. 4.3-123), and appropriate mitigation. Since the two analyses that provide information about local impacts found no significant impact outside the project boundaries, there is no need for a community benefits program as additional mitigation. The analysis which found regional impacts does not distinguish individuals impacted because the emissions contribute to regional concentrations and move with meteorology. As result, it is not possible to spatially resolve impacted individuals throughout the region.

Comment 20:
Second, the Project should not be able to reject the requirement to use zero emission technologies as part of the Project. The Project seeks to use the requirement that trucks be 2010 or later model to shield it from truly mitigating the impacts of this Project. Several agencies have weighed in that this is feasible technology now, and the FEIR fails to articulate why these requirements could not be implemented in the timeframes for this Project.

Response 20:
The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. As CARB knows, planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to do so on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As CARB has stated, there are no commercially available zero-emission on-road heavy-duty trucks available (See RTC Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment."

> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize."
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve."

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B)because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC.

Similarly with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

Comment 21:
The FEIR maintains several of the same deficiencies outlined in comments on the draft EIR by conservation groups, the US Fish and Wildlife Service, the California Department of Fish and Wildlife ("CDFW"), and the public.

A. Failure to Properly Disclose and Analyze the Scope of Impacts to the Project Area's Biological Resources

The FEIR's improper representation of the area along the southern portion of the Project area as a "buffer" that will mitigate the Project's construction and operations impacts dangerously misleads the public and prevents the City from requiring mitigation measures necessary to minimize the Project's significant impacts of sensitive, threatened and endangered species and habitats in the SJWA. Indeed the inclusion of the misleading "buffer" references in the FEIR Project will cause detrimental, significant impacts on lands already set aside for permanent conservation, in violation of CEQA. San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus, 27 Cal. App. 4th 713, 722. Moreover, as explained above in reference to the inadequacies of the Project description, the FEIR fails to adequately disclose and analyze the Project itself, adjacent areas of biological significance, and impacts to biological resources.

Response 21:
The "CDFW Conservation Buffer Area" name refers to the fact that it is owned by the State and that the State purchased the property to incorporate into the SJWA and buffer the SJWA from development to the north as: "The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as <u>they will serve as a buffer from development north of the WLA</u> and adds significant wildlife benefits to the WLA." [emphasis added, citation from Wildlife Conservation Board

Meeting Meetings, May 18, 2001, page 56]. Section 4.4 of the FEIR analyzes the impacts of the proposed project, including to the CDFW Conservation Buffer Area and to the SJWA as well.

Comment 22:
For example, by improperly referring the "CDFW parcels" as a "buffer" the FEIR fails to disclose or analyze the riparian/riverine and hydrological features of the property, as further explained in the comments submitted by the Center for Biological Diversity and the San Bernardino Audubon Society. The failure to disclose these impacts prevents the FEIR from conforming to the Western Riverside County Multiple Species Habitat Conservation Plan ("MSHCP"). This includes failing to perform an adequate Determination of Biologically Equivalent or Superior Preservation ("DBESP") as required by the MSHCP.

Response 22:
As can been seen from Figure 4.4.2 in Section 4.4 of the FEIR, the drainages within the CDFW Conservation Buffer Area are included in the analysis. FEIR Section 4.4 also extensively analyzes the project's potential impacts relative to the MSHCP and determined the project as proposed with recommended mitigation would be fully consistent with the MSHCP requirements, and no significant impacts would occur. The commenter is incorrect, a programmatic DBESP report was prepared for the WLC project and is included in FEIR Volume 2 Appendix E-7.

Comment 23:
The FEIR's deficiencies further preclude adequate analyses of impacts and mitigation for the regional MSHCP and local plans. In analyzing consistency with applicable local General Plan Policies the FEIR states "[t]here is no riparian habitat within the Specific Plan area." FEIR at 442. However, the FEIR itself contradicts this statement in finding that "[f]ive drainage features (Drainages 7, 8, 9, 12 and 15) were determined to be riparian/riverine under MSHCP guidelines and waters of the state subject to CDFW and RWQCB jurisdiction under Section 1600 of the Fish and Game Code and Porter Cologne Act respectively." FEIR at 438. The FEIR also fails to disclose and analyze impacts to drainage 14 that contains southern willow scrub that provides habitat for the least Bell's vireo and southwestern willow flycatcher. DEIR App. E at 54, 120. The FEIR attempts to dismiss the impacts to this riparian habitat by citing to a portion of the MSHCP, which purports to minimize the requirements to analyze impacts to riparian/riverine resources that are artificially created. FEIR, 4.42. However, this does not satisfy CEQA's requirement to disclose, analyze, and mitigate impacts to sensitive habitat and wildlife. The FEIR goes further in masking the conflict with applicable plans by claiming that the riparian areas containing riverside sage scrub, southern willow scrub, and mule fat scrub are not natural drainage courses requiring preservation under mitigation under the Moreno Valley General Plan Policy 7.4-3. The EIR's failure to adequately disclose and analyze the Project's impacts to riparian features and conflicts with local policies violates CEQA.

Response 23:
The comment answers its own question by recognizing that there is a difference between riparian/riverine features and riparian/riverine habitat as defined in the MSHCP guidelines. Nonetheless, the FEIR is through in its discussion of both as discussed in RTC F-1-19 and F-1-20.

Additionally, the FEIR at p. 4.4-87 addresses the potential impact on least Bell's vireo and southwestern willow flycatcher, finding no impact: "The project area does not contain habitat suitable for covered riparian species, such as least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo."

Comment 24:
The inadequacy of the FEIR's analyses masks severe impacts on burrowing owls and the Los Angeles Pocket Mouse ("LAPM"). As noted in previous comments the FEIR fails to adequately disclose and analyze impacts to burrowing owl. The FEIR also fails to adequately analyze impacts to LAPM because the biological surveys upon which its analyses of species impacts are based purport to capture similar species, such as long tailed pocket mice and desert pocket mice even though the range of those species does not include the project area. Because the inclusion of these studies does not address the impacts to the LAPM, borrowing owl or other threatened species, the FEIR must be re-circulated to disclose the survey results for those species in order to determine whether the document provides the substantial evidence required to demonstrate that the species captured were not LAPM, which is a protected species under the MSHCP.

Response 24:
The FEIR contains a complete analysis of the LAPM. Multiple surveys were carried out as described at FEIR p. 4.4-93 and Appendix E. There is no basis for the contention that surveys misidentified the various mouse species. Likewise, the FEIR contains an analysis of the impacts on the burrowing owl (FEIR p. 4.4-94 and Appendix E). The comment does not identify any inadequacy in the burrowing owl surveys other than to claim that the "analyzes masks severe impacts".

Comment 25:
Despite the Project's potential impacts on the burrowing owl and other species, the FEIR also fails to adopt feasible mitigation measures recommended by the US Fish and Wildlife Service, and the CDFW's request that a relocation plan be developed for any burrowing owls that may be found on the project site. FEIR Appendix E-16, Comment 4. The CDFW points out that burrowing owls have been found on the project site in the past, however, the FEIR takes erroneous position that the FEIR and specific plan are "not a vehicle to establish/enforce environmental mitigations nor does the City of Moreno Valley… place conditions on th[ese] documents." FEIR Appendix E-16, Response to Comment 4. This response clearly misinterprets CEQA's requirements that mitigation measures be concrete and enforceable, and mis-states the City's obligation to require mitigation of the Project's significant impacts before approving the Project.

Response 25:
The comment misrepresents the response contained in FEIR Appendix E-16. The comment does not say the "FEIR and Specific Plan", it states that the Specific Plan, a planning document, is not the vehicle for mitigation. The comment then goes on to say to discuss the requirements of the MSCHP Consistency Analysis and mitigation measures contained within the FEIR. The response concludes by stating that the mitigation CDFW is seeking (burrowing owl relocation plan) is already required by the MSCHP Consistency Analysis and is included as Mitigation Measure MM Bio-6g.

Comment 26:
The FEIR further fails to disclose additional impacts to wildlife corridors or analyze conflicts between the MSHCP's requirements for wildlife and species protections in those corridors. The Project has the potential to severely impact wildlife movement between the San Timoteo Badlands, the San Jacinto Wildlife Area, Core H of the MSHCP, and Lake Perris. The building developments, road construction, and traffic components of the Project, create a certain obstruction to wildlife movement between these regionally important areas.

As noted above, the FEIR also fails to adequately describe how the existing drainage systems in the areas surrounding the Project, specifically including the "CDFW parcels" will impact potential wildlife movement, and the FEIR summarily dismisses the Project's potential impacts on wildlife movement in direct conflict with

the MSHCP, and improperly rejects several specific mitigation measures proposed by the US Fish and Wildlife Service and CDFW. For example, the FEIR asserts that it cannot coordinate with the County of Riverside on fencing the area northeast of Gilman Springs Road because the Project owner is not the owner of that property. However, there is no evidence that the project proponent or lead agency even approached the County about implementing such a mitigation measure. This mitigation measure would also be a proper subject for any annexation proceedings that are necessary for the Project, yet any analysis of those proceedings remain absent from the FEIR.

Response 26:
The FEIR analyzes, in detail, the potential impacts and proposes specific mitigation to address potential impacts in FEIR Sections 4.4.3 – 4.4.7. Section 4.4.5.2 specifically examines wildlife movement and corridors. It should be noted that the property east of Gilman Springs Road is sparsely populated at present with only a few rural residences east of the WLC property.

Mitigation measures that are outside the jurisdiction of the City of Moreno Valley are infeasible since the City does not have the ability to control the timing or manner of implementation or even if such mitigation measures would be implemented at all.

Comment 27:
The US Fish and Wildlife Service and CDFW, who are implementing agencies on the MSHCP, have denied their approval of the FEIR's purported analysis of the Project's impacts and mitigation measures, stating:

> *"We cannot concur with the conclusion … regarding site hydrology, assessment of riparian/riverine resources, the presence of Los Angeles pocket mouse and redirection of wildlife movement around the site …"*
>
> *FEIR Appendix E-16, Comment 12.*

For these, and the additional reasons set forth in comments submitted by the Center for Biological Diversity and the San Bernardino Audubon Society, the deficiencies in the FEIR must be addressed before final consideration of the Project.

Response 27:
The commenter misrepresents the comment and does not show the response. The agencies are discussing the DBESP process, which continue throughout the development. Below is the full comment and response:

> Comment 12:
>
> We would also like to discuss the results of the Los Angeles Pocket mouse surveys, and as stated above, request copies of the latest survey reports. Prior to completion of the DBESP process, we request a hydrology report that addresses existing flows to the rare alkaline plant community on the SJWA and expected changes in those flows in the presence of the proposed basins at the southern edge of the project. We cannot concur with the conclusion in the DBESP until our questions regarding site hydrology, the assessment of riparian/ riverine resources, the presence of Los Angeles pocket mouse and redirection of wildlife movement around the site are resolved and a strategy the is equivalent or superior to avoidance has been identified.

Response 12:

The requested focused survey reports will be provided to the Agencies. In connection with project-specific applications, additional LAPM surveys will be prepared and processed.

A program-level Hydrology Report (September 2014 CMH2Hill) was prepared as part of the Specific Plan. Wildlife Agencies will be provided a site-specific project Hydrology Report when site-specific projects are proposed. The project is required to maintain the same amount of flows off-site after construction that currently occur pre-construction. In addition, the accumulated run-off from the impermeable surface of the project site will provide more available moisture that will be contained within the detention basins, which will then percolate and contribute to the sub-surface flows.

Comment 28:
As noted above and throughout this comment, the Project's goal of constructing a 2,382 some odd acre warehouse and supporting other logistics-oriented land uses for the Specific Plan area now, and indefinitely into the future involves multiple actions and approvals from the City. See FEIR, at Ch. 1. Accordingly, the FEIR sets forth mitigation measures that it asserts will address the impacts from all of those actions and approvals. Id. Despite the FEIR's inclusion of such mitigation measures, however, as a program-level or "tiered" EIR, the FEIR improperly defers the impacts analyses necessary to provide meaningful mitigation at this stage of environmental review. Moreover, because the Project as defined in the FEIR includes specific development commitments – including the commitment to construct and operate the world's largest logistics warehouse – the Project approvals before the City require the preparation of a project-level EIR in addition to any broader program-EIR analyses before they can be issued. Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036, 1051 ("[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity"); see also San Diego Citizenry Group v. County of San Diego (2013) 219 Cal.App.4th 1, 2.

"While proper tiering of environmental review allows an agency to defer analysis of certain details of later phases of long-term linked or complex projects until those phases are up for approval," CEQA's demand for meaningful information is not satisfied by simply stating, or basing an EIR's analyses on inadequate or incomplete information, or information that will be provided in the future. California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, 200 (citing Santa Clarita Organization for Planning the Environment v. County of Los Angeles (2003) 106 Cal.App.4th 715, 723). As the CEQA Guidelines explain: "Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration." Guidelines § 15152, subd. (b).

Tiering is properly used to defer analysis of environmental impacts and mitigation measures to later phases of a project only when the impacts or mitigation measures are not determined by the first-tier approval decision. See California Clean Energy Committee v. City of Woodland, supra, 225 Cal.App.4th 173. In such cases, the later phases that are subject to future environmental analyses are specific to aspects of the Project that are unknown at the time of initial environmental review. Ibid. Such aspects are considered "speculative" and as such, must be analyzed in subsequent environmental review document. Id. In the context of large land use and development projects, the courts have found tireing to be an appropriate way of evaluating future project aspects such as the aesthetic impacts of parking spaces – aspects of the project which present "speculative possibilities" of potential impacts, but do not necessarily present "substantial evidence of an environmental impact." Id. (evaluating the use of a tiered EIR for the development of a 234 acre shopping center project on undeveloped

agricultural land); see also, Pala Band of Mission Indians v. County of San Diego (1998) 68 Cal.App.4th 556, 577 (citing to Citizens Action to Serve All Students v. Thornley (1990) 222 Cal.App.3d 748 for the proposition that "[s]peculative possibilities" regarding future projects are not "substantial evidence of environmental impacts").

Here, however, the City is aware of, but fails to fully analyze the Project's true impacts; and yet the FEIR attempts to mitigate those impacts notwithstanding the critical lack of information provided in the document. Its sole basis for doing so is, erroneously, that it provides a "tiered" program-level review of the impacts of the Specific and General Plan land use changes as well as the construction and operation of the WLC.

The FEIR purports to analyze and mitigate the Specific Plan's deviations from the previously approved Specific Plan, but fails to adequately do so. This includes the land use and zoning changes needed to effectuate the Project – in essence, the construction and operation of the WLC, as well as the long term commitment of the Specific Plan area to logistics uses. The FEIR then purports to assess the impacts of any deviations between the Specific Plan and the City of Moreno Valley's 2006 General Plan, and finally, it sets forth an analysis of and mitigation for the anticipated impacts of the construction and operation of the WLC. Without further information regarding the Project's impacts, however, such mitigation efforts are illusory. The FEIR refers only generally to a host of deviations between the Specific Plan land use changes and the land use designations contained in both prior Specific Plan as well as the General Plan. See FEIR, at 3.118, 4.1-1, 4.1-71-80. The FEIR also inaccurately describes the Project and the Project area, incorporating numerous deficiencies as explained above in section I.A.ii.

While the City may analyze certain changes to the General Plan in a programmatic EIR, it cannot reasonably analyze the impacts of the Project in the same programmatic EIR for at least two principal reasons. First, the construction and operation of the WLC – the primary subject of the Specific Plan land use changes under consideration for approval by the City here – involves binding, project specific agreements between the City and Highland Fairview. Such agreements are in fact identified in the FEIR, by its reference to the "development agreement" as a project component, subject to the City's approval. The EIR is therefore required to contain a more detailed level of information than that which is generally required of a program-EIR. See Citizens for a Sustainable Treasure Island v. City and County of San Francisco, supra, 227 Cal.App.4th, at 1051 (citing to the CEQA Guidelines to state that "a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan...."). Second, the impacts of the construction and operation of the WLC are to a large extent known now, at the time of environmental review, yet they are absent or otherwise improperly analyzed in the document. Indeed the FEIR's claim to set forth mitigation measures to address such impacts shows that the FEIR attempts to analyze and mitigate those impacts. As stated above, however, a tiered or program level EIR is permitted only where "an EIR cannot provide meaningful information about a speculative future project." Pala Band of Mission Indians v. County of San Diego, supra, 68 Cal.App.4th, 577 (citations omitted). Where it can, "the deferral of an environmental assessment" violates CEQA. Ibid. The City is therefore prohibited from approving the FEIR as "a document which envisions future action without a commitment to future environmental review." Id.

In sum, regardless of whether the City intends to conduct further tiered EIRs for parts of the project, the FEIR for the WLC is defective because it sets forth mitigation measures that are based on an inadequate assessment of the full range of impacts that may result from all of the Project components including the land use changes in the Specific Plan, and its deviations from the General Plan, the construction and operation of the WLC and the execution of the development agreement between the City and Highland Fairview. As such, the document fails as an information document under CEQA, and must be rejected and re-circulated to provide an adequate

analysis of each of the actions necessary to effectuate the Project, before the City may take any action to approve or further the Project's goals. Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138 (agencies must not "take any action" that significantly furthers a project before conducting adequate CEQA review)

Response 28:
The commenter is incorrect; the Project does not contain a "commitment to construct". The Project is only a set of changes to allowable land uses. The EIR clearly states that more detailed CEQA analysis will be performed once more specific project-level data and plans are submitted to the City for review (future site plans, plot plans, etc.) consistent with the programmatic WLC Specific Plan (FEIR Section 3.7.2 – City of Moreno Valley – Future Approvals, p. 3-114). The project under consideration is a specific plan that serves as planning document, no project-specific information is currently known. At this time, no plot plans are being considered, future tenants are not known, and building sizes for future tenants have not been established. In short, the necessary information for a project-level document will be known when the first plot plan is proposed. The Development Agreement locks in the project planning and fees for 10 to 25 years but does not commit to the development of any specific structures.

Comment 29:
The FEIR includes as an attachment, a statement of overriding consideration that is still in draft form, and is insufficient to justify the Project's significant and unavoidable impacts for the reasons explained below. Although the statement's terms are provided in the proposed draft statement, they are insufficiently analyzed in both the draft EIR and in the FEIR. Moreover because the FEIR as a whole suffers from serious deficiencies that taint the whole of the analyses contained in the document, the draft statement cannot adequately weigh the Project's adverse, significant impacts with the espoused benefits from the Project contained in any statement of overriding considerations. Vedanta Society of So. California v. California Quartet, Ltd. (2000) 84 Cal.App.4th 517, 530 (a project with significant and unmitigated environmental impacts can only be approved when "the elected decision makers have their noses rubbed" in the Project's environmental effects, and still vote to move forward). As such the statement and its purported benefits must be rejected.

As the lead agency for the Project, if the City is to approve a project of this magnitude, and with the unmitigated significant environmental and human health impacts that the Project will cause, it "must adopt a statement of overriding considerations." Pub Res. Code § 21081, subd. (b); Guidelines, § 15093. In contrast with mitigation and feasibility findings, overriding considerations can be "larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like." Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist. (1994) 24 Cal.App.4th 826, 847. Yet, like mitigation and feasibility studies, a statement of overriding consideration is also subject to a substantial evidence standard of review. Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212, 1223; Guidelines § 15093, subd. (b)." Thus, an agency's unsupported claim that the project will confer general benefits is insufficient, and the asserted overriding considerations must be supported by substantial evidence in the FEIR or somewhere in the record. Sierra Club v. Contra Costa County (1992) 10 Cal.App.4th 1212, 1223; Guidelines §15093, subd. (b)."

As part of the EIR review process, statements of overriding consideration are intended to "vindicate the 'right of the public to be informed in such a way that it can intelligently weigh the environmental consequences' of a proposed project[;]" and they must make a good-faith effort to inform the public of the risks and potential benefits of the Project whose approval is proposed. Woodward Park Homeowners Ass'n, Inc. v. City of Fresno (2007) 150 Cal.App.4th 683, 717-718 (citing Karlson v. City of Camarillo (1980) 100 Cal.App.3d 789, 804).

In accordance with this standard, before approving the Project and the FEIR the City must show that it has considered each of the Project's significant and unavoidable impacts in light of each of the alleged overriding considerations that it asserts will justify those impacts. Cherry Valley Pass Acres & Neighbors v. City of Beaumont (2010) 190 Cal.App.4th 316, 357 (upholding a statement of overriding consideration on the basis that "the City found the project had eight benefits, each of which 'separately and individually' outweighed its unavoidable impacts). Thus, the City must specifically consider and set forth overriding considerations to justify the Project's significant and unavoidable direct indirect and cumulative impacts in each of the following areas: aesthetics, land use and biological resources, noise, traffic and air quality. See generally, Draft Facts, Findings and Statement of Overriding Considerations ("Draft Statement of Overrid.").

The draft statement of overriding consideration attached to the FEIR asserts two general areas of benefits that it asserts outweigh the Project's significant and detrimental, un-mitigated impacts: (1) an increase in jobs that improves the job to housing ratio in the City of Moreno Valley, and (2) an increase the in the City's overall tax revenue, which could be used to improve schools and confer other public benefits to the residents of the City. Draft Statement of Overrid., at 211. Any additional public benefits that the draft statement assumes may result from approval of the Project flow from one of those two underlying considerations.

These two alleged benefits are, however, based on erroneous assumptions that (a) the Project will bring secure, desirable and certain jobs to the City of Moreno Valley; and (b) that the environmental degradation caused by the Project's significant and unavoidable impacts will not outweigh the benefits conferred by the Project in monetary terms, or based on any other form of valuation methodologies. While the draft statement sites thoroughly to "appendix O" the Fiscal and Economic Impact Study prepared by Taussig & Associates, it fails to account for aspects of the job market that will undoubtedly impact the nature and desirability of the jobs made available at the Project, if it is approved, constructed and permitted to operate. Just some of these unmentioned aspects include trends towards employing largely contract, part-time or temporary or short-term labor to fill the jobs created by the WLC. Indeed the study is based on an assumption that either the WLC or other logistics uses will result in the permanent employment of .5 employees per 1,000 building square feet. Appendix O, at 20. Yet the study fails to calculate what the rate of employment would be if some or all of those jobs were characterized as part-time or temporary contract labor employment.

The draft statement of overriding considerations similarly fails to account for any discrepancy in full-time vs. part time, temporary or contract jobs. Moreover, additional aspects of job desirability including working conditions for laborers employed at the WLC or similar logistics enterprises that would operate in the project area are left wholly omitted from both the Taussig & Associates study and the draft statement, and to the extent the draft statement relies on the development agreement to ensure that such jobs are actually ensured, such assurances are illusory as the development agreement terms remain unclear.

Response 29:
Section VI of the Resolution lists a number of benefits, such as jobs and taxes, which support or justify approving the project. The Fiscal Study adequately addresses the type of jobs expected: "General economic impacts include additions to the City's employment (<u>number of average annual full- & part-time jobs</u>), economic output (e.g., gross receipts), and earnings (the sum of wages, salaries and benefits, other labor income, and employer and employee contributions to social security). (emphasis added, FEIR Appendix O, p. 2)." In addition, the Fiscal Study states, "DTA's analysis is based on the assumption that the Project will directly employ 0.50 employees per 1,000 building square feet. These employees are Full Time Equivalent ("FTE") employees, meaning that part-time employees are only counted based on the percentage of forty (40)

hours per week that they are working. Understandably, it takes two half-time (1/2) employees to equal one FTE employee. (FEIR, Appendix O, p. 19)."

Comment 30:
The draft statement of overriding considerations also fails to adequately quantify, either monetarily or based on some other form of valuation method, the consequences of the Project's impacts, specifically including its impacts to human health, the environment and invaluable threatened and endangered biological resources that surround the proposed project area. Weighing the Project's true impacts against its purported benefits is a critical environmental review requirement. See Woodward Park Homeowners Ass'n, Inc. v. City of Fresno,150 Cal.App.4th, 720. The City must therefore engage in a good faith effort to thoroughly analyze of the full scope of the impacts for which the statement of overriding consideration is being offered. Doing so here would involve some process by which to measure conclusory statements that fully contradict the evidence on the record, such as the statement that the Project will improve health public health. Draft Statement of Overrid., at 223.

Response 30:
The FEIR contains an exhaustive analysis of the projects impacts on the environment and human health. Attempts to monetize the impacts described in the FEIR are speculative and go beyond the requirements of CEQA. The impacts in all resource areas have been described and all feasible mitigation measures have been adopted. See Executive Summary (FEIR, Section 1) for a full description of the impacts and mitigation measures analyzed for this project.

Comment 31:
Finally, the draft statement of overriding considerations fails to justify the Project's impediment to the South Coast Air Basin achieving federal and state NAAQS, and it's steady, foreseeable future contribution to the region's ability to meet Air Quality Management Plan targets, which are essential to ensuring compliance with state and federal law. The statement of overriding consideration cannot, in essence justify the Project's apparent conflict of potentially causing violations of air quality standards, which carry severe economic sanctions for the 18 million people living the South Coast Air Basin based on parochial economic justifications for one city.

Response 31:
The FEIR identifies mitigation that goes beyond what has been achieved by any other project of its kind. Through the commitment to the use of Tier 4 construction equipment (MM 4.3.6.2A) and the requirement that all trucks meet U.S. EPA 2010 standards (MM 4.3.6.3A), the project is accelerating the adoption of clean equipment in Southern California. Based upon currently available technology (as no commercially available zero-emission heavy-duty trucks exist), any new project contributes to continuing violations of ambient air quality standards. However, the air quality control agencies have not adopted a zero-growth policy. Rather, continuing advances in pollution control technology applied state-wide have led to decades of steadily improving air quality.

The decision whether to approve the project is up to Moreno Valley's elected City Council and to weigh the project's environmental impacts, thoroughly analyzed in the FEIR, and its benefits as set forth in the Statement of Overriding Considerations, and then to decide what action best furthers the public's health, safety, and general welfare.

MEMORANDUM

DATE: July 13, 2015

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Earthjustice dated June 30, 2015**

In a letter dated June 30, 2015, Earthjustice submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
I. Contrary to Statements from the Developer, Near-Zero Emission Trucks are Not Required by the Project, as Currently Proposed.

During Developer's presentation, Developer suggested to the City Planning Commission, the residents of Moreno Valley, and other members of the public in attendance, that the Project as currently proposed requires "near-zero" emission trucks. This representation, however, is, false, and it is misleading. No such requirement is included in the Final EIR. In fact, the Final EIR concludes that the implementation of "near-zero" emission trucks is infeasible. See Final EIR Response to Comments, at 67 ("However, the requirement of zero and near-zero trucks are not feasible as discussed in Master Response-3, Zero Emission and Hybrid Electric Trucks, Vehicles, and Equipment"); at 76 (same); at 185 ("near-zero emissions trucks are not currently viable or feasible technologies"). While CCAEJ disagrees with the Final EIR's finding of infeasibility, Developer has espoused a fact that is clearly contradicted by the evidence on the record for the Project, and has created confusion for the public and the Commissioners regarding the Project's specific requirements and its potential impacts.

The California Environmental Quality Act ("CEQA") is clear in its requirement that the public and decision makers be informed by the most accurate description and evaluation of a proposed project's impacts, prior to reaching a determination regarding project approval. Neighbors for Smart Rail v. Exposition Metro Line Const. Authority (2013) 57 Cal.4th 439, 455 (considering accuracy of information presented before decision makers in the context of project's baseline and significant impacts therefrom). Thus, where inaccuracies are presented in environmental review documents such as an EIR, or throughout the environmental review process, such inaccuracies must be corrected in order to ensure that CEQA's mandate is met.

The statement that "near-zero" emissions trucks are included within the Project outright, or as a feasible mitigation measure is flatly wrong given the evidence before the Planning Commission. Thus it is imperative that any misunderstanding regarding the Project's use of "near-zero" emission trucks be clarified prior to approving the Project. In particular, the Developer's claims that only 2010 EPA certified trucks will be allowed, does not lead to the conclusion that "near- zero" emission trucks will be used by this Project, as such trucks are not "near-zero" emissions trucks.

To the extent commenters are operating under a misapprehension, and the Developer has in fact rescinded the conclusion that "near-zero" emissions trucks are infeasible, we request that the Planning Commission recirculate the EIR and revise the mitigation monitoring and reporting program to clearly articulate and reflect this requirement.

Response 1:
As described above, the FEIR correctly discusses the infeasibility of near-zero emissions technology (FEIR Volume 1, Master Response-3) and the requirement that all trucks that serve the WLC must meet US EPA 2010 emissions standards (MM 4.3.6.3B). The fact that the developer used layman term like "near-zero" to describe the greater than greater than 90% reduction achieved by 2010-compliant trucks that must meet a particulate emissions standard of 0.01 g/bhp-hr does not result in confusion regarding the requirements of the WLC or the significant emission reductions achieved by the project through the use of this mitigation.

Comment 2:
II. The Participation of Respected Entities like the California Air Resources Board, Environmental Protection Agency, and the Natural Resources Defense Council in the Peer Review Process or as Project Funders for the Health Effects Institute ("HEI") Study Does Not Mean They Support Developer's Conclusions.

Developer's inclusion of a slide about the Advanced Collaborative Emissions Study (ACES): Lifetime Cancer and Non-Cancer Assessment in Rats Exposed to New-Technology Diesel Exhaust (hereinafter "HEI Rat Exposure Study") with the logo of various entities like the California Air Resources Board, Natural Resources Defense Council, and United States Environmental Protection Agency is confusing.1 The slide does not indicate that these entities support the conclusions put forward in the Final EIR, including the conclusion that "[t]he HEI study clearly demonstrates that the application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." FEIR, at 4.3-17. In fact, the California Air Resources Board has specifically rejected the conclusions set forth in the Final EIR, including those that are based on the HEI Rat Exposure Study. Moreover, the above entities have participated in reviews for many other studies and reports, including several that form the basis of the volumes of additional materials supporting the need to take health threats from diesel engines seriously. Importantly, none of these entities agree with the Final EIR's conclusions of health risks associated with the Project's impacts, including its air quality impacts, or the document's use of the HEI Rat Study to justify its conclusions.

Response 2:
The developer did not assert that the agencies support the conclusions of the HEI Study. The only claim made in the FEIR is that those agencies had an oversight role to ensure that the study was performed to the highest standards. The agencies role in this regard is not in dispute. Additionally, CARB has not rejected the findings of the HEI ACES study. Their concern was regarding the use of the HEI ACES in the analysis of project-related health risk and that the analysis should use the recently updated OEHHA guidelines for assessing risk. The FEIR does contain an analysis of risk based upon the updated OEHHA guidelines, which found no significant risk outside the project boundaries. SCAQMD's review of this analysis found no problems with this analysis as stated in SCAQMD's testimony at the Planning Commission hearing. When the results of the OEHHA-based analysis are taken into to consideration with the HEI ACES study, the FEIR found no significant project-related cancer risk (FEIR Section 4.3.6.5). The FEIR does not ignore the previous studies, but goes to great lengths to discuss them. However, the HEI ACES is the only life-time exposure study of new technology diesel exhaust prepared by an independent, credible research institute and overseen by the agencies like CARB and US EPA.

Comment 3:
III. The Project Does not Commit to "All Necessary Infrastructure" Development.

Overall, we are deeply disappointed with Developer's statement that Highland Fairview will commit to provide "all necessary infrastructure." We do not believe that is the case. In fact Developer's use of the term "all necessary infrastructure" is without definition. During Developer's discussion regarding infrastructure, a number of issues were raised about the electrical infrastructure required by the Project. It was clear from Developer's presentation that this infrastructure will be provided by other utility interests. Similarly, with regard to other infrastructural needs associated with the Project, including electrical infrastructure, water infrastructure and transportation infrastructure, it is clear that Developer cannot guarantee a corporate commitment to meeting all of the Project's needs. As one of the largest and most significant land use projects in Southern California, the Planning Commission should not be persuaded by salesmanship, but rather must rely on the facts and evidence relating to the Project's range of impacts, contained on the record. This includes facts and evidence relating to the Project's infrastructural needs, and the potential impact that those needs will have on tax payers.

Developer has a clear economic interest to place as many costs on taxpayers as possible, in order to maximize the company's profits. We have already seen the Final EIR understate the full range and significance of the Project's impacts, and we cannot rely on Developer's unsupported statements ensuring that "all necessary infrastructure" will actually occur either through enforceable mitigation measures or enforceable commitments from the City or other agencies.

Response 3:
Section 4.8 of the Development Agreement ensures that the developer is required to implement all infrastructure as required by mitigation measure 4.15.7.4A. Moreno Valley Utility as a matter of practice requires that developers install the necessary infrastructure as it did in the case when the same developer constructed the first phase of Highland Fairview Corporate Park. With regard to water infrastructure, another agency (EWMD) is responsible for working with developers. However, there practice is also to require the developer to install any necessary infrastructure to support a project prior to providing service.

Comment 4:
IV. The Final EIR must Identify and Mitigate the Impacts Associated with Trucks Failing to Comply with Designated Truck Routes.

Throughout the hearing, several commenters raised concerns about trucks disobeying truck routes and driving on surface streets. This issue has been identified as a reasonably foreseeable consequence of the Project's operation. The basis for not assessing, analyzing or mitigating the impacts from the use of surface streets by truck drivers was allegedly based on the lack of jurisdiction on the part of the Commission, or the City, to address the problem. An EIR cannot fail to identify and require mitigation to minimize a reasonably foreseeable impacts solely based on the limited authority of an oversight agency. See e.g., Neighbors for Smart Rail v. Exposition Metro Line Const. Authority, 57 Cal.4th, at 465 (holding that CEQA allows an agency to require mitigation measures even when they are "within the responsibility and jurisdiction of another public agency"). The goal of the Final EIR is to ensure that decision-makers go into a decision with eyes wide open. Here, the Final EIR has obscured the Project's impacts to several intersections and surface streets where the thousands of trucks will likely seek to circumvent long lines to enter the facility. CEQA requires this full analysis to be done.

Moreover, despite its claims to the contrary, the City does retain the authority to address impacts from heavy-duty trucks and has the authority to control the use of designated truck routes. Title 12 of the Moreno Valley Municipal Code includes several measures to do just this. A project of this magnitude will surely require major additional enforcement resources from the City, but the City can require this from the Developer, which will profit handsomely from this development. As it stands now, the Final EIR turns a blind eye to many of the serious consequences of this Project, and as a result, the public and decision-makers are not fully informed. The Planning Commission should recirculate the Final EIR based on these errors, among others raised in additional comments contained on the record for the Project.

Response 4:
The comment is correct that the City retains authority to enforce truck routes and it has successfully done so throughout the City. Nothing in the record indicates that the City will suddenly be incapable of enforcing City truck routes. In addition, the project will generate significant revenue for the City. The fiscal analysis (FEIR Appendix O) states that after additional costs to service the project are taken into account, including additional policing, the City will have a net surplus of $5.7 million annually.

Comment 5:
V. The Amount of Money Spent on the EIR does not Mean It Complies with CEQA.

At the June 25, 2015 hearing, Developer also appeared to suggest that his company's expenditure of $4 million on the EIR preparation process means that the document is legally sound. There is no provision in CEQA, however, that states that a certain amount of expenditure of funds makes an EIR valid or invalid. Rather, the Planning Commission must assess whether the Final EIR complies with the mandates of CEQA overall.

While we think the Developer has received subpar work in preparing the EIR for the amount of money he claims to have spent, such considerations are not properly before the Planning Commission. The Planning Commission's decision-making relates to whether the document before it complies with CEQA's clear mandates. It is not whether significant funds were or were not spent on preparing the document.

Response 5:
While the developer may have paid for the preparation of the FEIR, the FEIR represents the independent judgement of the City.

Comment 6:
VI. There is no such thing as "Healthy" or "Good" Traffic.

At the hearing, the Developer sought to justify the project by arguing that it would generate good or healthy traffic. We are aware of no distinction regarding positive or negative traffic. This project will generate massive traffic in an already overburdened community based on the almost 70,000 trips per day associated with the facility. Providing what appear to be public relations labels to the "type" of traffic created by the project cannot hide that fact.

Response 6:
All the impacts associated with project-related traffic are detailed in the Appendix L of the FEIR and Section 4.15. The FEIR goes to great lengths to describe the impacts and mitigation required for the project and does not attempt to hide any of it. Nonetheless, the project will generate traffic in the reverse commute direction. A project that makes significant use of unused roadway capacity to deliver thousands of jobs to a community is good thing, all of the traffic impacts notwithstanding. In a community where nearly 90% of working residents leave town for work, the WLC provides jobs with less than impacts than other alternatives including the current zoning.

Comment 7:
VII. The Range of Heavy Duty Truck Trip Lengths is Understated.

The Final EIR backs down from the EIR's previously stated assumption that heavy duty trucks will travel on average 50 miles. Importantly, in many responses to comments, the Final EIR uses the 50 mile assumption to claim conservatism. However, the Final EIR dramatically shifted the average heavy duty truck trip length. As we have explained in our previous comment letter, the Final EIR fails to identify what parts of the high desert or Inland Valley will expand to require this large of a facility.. Attached as "Exhibit A," we prepared a map that outlined a 35- mile radius around the project site. The Final EIR fails to explain what growth in facilities in the35-mile region justifies such a large facility. Finally, we note that this is being touted as a "World" center, and the curtailed analysis seems to indicate it will only service local goods. For example, the Final EIR fails to explain where trucks exiting the facility will be heading. Under a 35-mile average, they will only be servicing consumers in the relatively small urban, rural and desert areas in the region. Because there is no support for the conclusion that the Project will entail trips of a 35 mile or less length, and because one of the nation's largest urban areas lies many miles to the west of this supposed average distance, the Final EIR's conclusions are unsupportable.

Response 7:
The traffic analysis never used a 50-mile average trip length for traffic. As described in Response to Comments F-7A-57, F-1-50, and F-9C-4 (FEIR Volume 1), the traffic analysis is based upon the RivTAM version of the SCAG regional transportation demand model. The appropriateness of using RivTAM is described beginning on page 27 of the TIA (FEIR, Appendix L-1). In the DEIR, rather than extracting trip lengths from the model to estimate truck emissions, the air quality analysis relied upon an average 50-mile trip length per an SCAQMD approach. In the FEIR, the analysis was refined to use the trip lengths reported by RivTAM.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Friends of the Northern San Jacinto Valley dated June 11, 2015**

In a letter dated June 11, 2015, Susan Nash with the Friends of the Northern San Jacinto Valley submitted a comment on the WLC Project FEIR. The specific comment is presented below, followed by a response to the comment.

Comment 1:
The Friends of the Northern San Jacinto Valley submit these comments on the Final Environmental Impact Report for the World Logistics Center. The Final EIR Reliance on the "CDFW Conservation Buffer Area" is in Error. The CDFW in its April 8, 2013 comments stated: "The revised DEIR should not refer to the SJWA as a "CDFW Conservation Buffer Area", (B-3 pg. 17, #4) "Providing a buffer was not the sole purpose of the acquisition. Lands that compromise the "CDFW" conservation buffer Area" include agricultural properties that were purchased by the CDFW from individual landowners through grants obtained under the Safe Neighborhood Parks, Clean Water, Air & Costal Protection Bond Act (Prop. 12). The lands were purchased by the CDFW and incorporated into the SJWA to expand the existing wildlife area, provide wildlife refuge for SKR during flooding events at Mystic Lake, and contribute toward the preservation of a wildlife corridor between the SJWA and the Badlands…. the lands cannot be used to offset impacts associated with development of the Project, provide for the Project's open space requirements, provide a setback/buffer from the Project, or to mitigate/minimize impacts resulting from the Project" (pg. 14)

The minutes of the May 18, 2001, Wildlife Conservation Board (WCB) meeting indicate that the "acquisition of the approximately 1,000 acres will allow for protection of a portion of Mystic Lake and its associated upland habitat which is important to a number of sensitive plant and animal species. The upland areas and hills surrounding the lowland flood plain of Mystic Lake are dominated by Riversidian sage scrub and patches of grasslands are found on the upland and alkali flats. Numerous sensitive plants endemic to the Mystic Lake area, including the thread-leaved brodfiaea…San Jacinto saltbush… and spreading navarretia…are found on the site. The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to wildlife, as they will serve as a buffer from the development north of the Wildlife Area (WLA) and add significant wildlife benefits to the WLA." (Draft EIR Comment letter G-29 Attachment 4 pg. 4-5)

The City falsely claims the CDFW created the "CDFW Conservation Buffer Area", but the CDFW states, "The revised DEIR should not refer to the SJWA as a 'CDFW Conservation Buffer Area'". Friends could find no authority for the City to tell the State of California Department of Fish and Wildlife that the CDFW is wrong. Friends agree with the CDFW that the DEIR must be revised and recirculated to show the new significant environmental impacts to the SJWA conserved lands without relying on the fraudulent "CDFW Conservation Buffer Area" designation.

The City Response to Comments G-89-3 (pg. 1458 of Vol.1) states, "The lands discussed as CDFW Conservation Buffer Area including the SDG&E lands are not a part of the WLC specific Plan, but are a part of the General Plan Amendment and Zoning Changes."

In Response to comments G-89-4 (pg. 1458 vol. 1) the City states the 1,000-foot indirect impact zone is now associated with the edge of the WLC Specific Plan boundary, [rather than the southern edge of the fictional "CDFW Conservation Buffer Area"] and extends into the SJWA conservation area in order to identify any indirect impacts of the development of the specific plan."

There has been no CEQA or MSHCP analysis of the direct and indirect impacts to the SJWA without reliance on the fraudulent "CDFW Conservation Buffer Area" designation. The impacts to the SJWA from the project under both a CEQA and MSHCP impact analysis are significant. The City's new impact analysis (moving of the analysis area to the Specific Plan boundary line) is significant new information that has deprived the public and decision makers of a meaningful opportunity to comment upon substantial adverse environmental impacts of the project.

The Draft EIR impact analysis and mitigation measures must be revised and recirculated so that the public can comment on these significant changes to the Biological Resources section of the environmental document.

Response 1:
Draft EIR Section 4.4.1.10, *Wildlife in the SJWA and Mystic Lake* (DEIR pages 4.4-16 and 17) goes into detail on the classification of this open space land and cites the same material submitted by the commenters. In fact, Attachment #1 submitted by Johnson and Sedlack in a letter dated June 11, 2015 clearly states the following (regarding SJWA expansions 15 through 19*)…"The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as <u>they will serve as a buffer from development north of the WLA</u>* [underlining added] *and adds significant wildlife benefits to the WLA."* Responses 6 and 6a in the letter from Johnson and Sedlack dated June 11, 2015 also address this issue, and that letter has attachments which demonstrate the fact this area was acquired as a buffer years ago to separate Mystic Lake and the SJWA from future development (originally the approved Moreno Highlands Specific Plan, now the proposed World Logistics Center). See also the related discussion in the Final EIR Volume 1, Response to Comments, page 3-23.

It is not false or incorrect to call this area a conservation buffer area because that is clearly the purpose for which it was purchased, as demonstrated by the commenter's own materials. However, what the EIR (or the CDFW for that matter) call the northern SJWA area adjacent to the southern boundary of the WLCSP property is not nearly as important as its function and the fact the WLC EIR requires a 250-foot additional buffer with no development (Mitigation Measure 4.4.6.6.1A) plus an additional 150-foot buffer with no buildings, both located along the southern boundary of the WLCSP adjacent to the San Jacinto Wildlife Area. As outlined in Section 4.4 of the FEIR, the project design and proposed mitigation clearly reduce potential impacts to biological resources of the SJWA to less than significant levels.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Friends of the Northern San Jacinto Valley dated June 25, 2015**

In a letter dated June 25, 2015, the Friends of the Northern San Jacinto Valley submitted a comment on the WLC Project FEIR. The specific comment is presented below, followed by a response to the comment.

Comment 1:
In our June 11, 2015, letter, Friends stated: "Friends could find no authority for the City to tell the State of California Department of Fish and Wildlife that the CDFW is wrong" about the need to revise and recirculate the DEIR to remove all the words "CDFW Conservation Buffer Area" from the revised and recirculated DEIR.

In its June 11, 2015 comment letter on the FEIR, the CDFW clearly stated that calling 910 acres of the SJWA is "not an accurate portrayal of the intent of the purchase or the function of the property." (pg. 2) As the City has now been clearly informed by the CEQA Responsible Agency and the Trustee Agency that all references to the "CDFW Conservation Buffer" must be removed from the FEIR, the City has no choice but to follow their statement of the facts.

Response 1:
Draft EIR Section 4.4.1.10, *Wildlife in the SJWA and Mystic Lake* (DEIR pages 4.4-16 and 17) goes into detail on the classification of this open space land and cites the same material submitted by the commenters. In fact, Attachment #1 submitted by Johnson and Sedlack in a letter dated June 11, 2015 clearly states the following (regarding SJWA expansions 15 through 19*)…"The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as <u>they will serve as a buffer from development north of the WLA</u>* [underlining added] *and adds significant wildlife benefits to the WLA."* Responses 6 and 6a in the letter from Johnson and Sedlack dated June 11, 2015 also address this issue, and that letter has attachments which demonstrate the fact this area was acquired as a buffer years ago to separate Mystic Lake and the SJWA from future development (originally the approved Moreno Highlands Specific Plan, now the proposed World Logistics Center). See also the related discussion in the Final EIR Volume 1, Response to Comments, page 3-23.

What the EIR calls the northern SJWA area adjacent to the southern boundary of the WLCSP property is not as important as its function and the fact the WLC EIR requires a 250-foot additional buffer with no development (Mitigation Measure 4.4.6.6.1A) plus an additional 150-foot buffer with no buildings, both located along the southern boundary of the WLCSP adjacent to the San Jacinto Wildlife Area.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Johnson and Sedlack dated June 11, 2015**

In a letter dated June 11, 2015, Johnson and Sedlack submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Our firm and over a hundred other people, groups, and regulatory agencies, submitted extensive comments on the Draft EIR for the World Logistics Center (WLC) which have not been adequately addressed in the Final EIR. The Planning Commission should require the EIR be revised and recirculated to adequately evaluate impacts and incorporate all feasible mitigation for impacts to/from agriculture, air quality, health risks, GHGs, biological resources, hydrology/water quality, water supply, noise, and traffic, among other effects.

We are particularly concerned the EIR fails to adequately evaluate and mitigate the traffic fiasco which will be caused by this Project and associated air quality and health risks from diesel emissions from some 14,000+ daily truck trips. The EIR has failed to advance any remedy for the locally and regionally significant problems. Notably CARB, SCAQMD, Caltrans, RCTC, RCTLMA, and other agencies responsible for these impacts have all expressed concerns with the project, the EIR, and the lack of mitigation proposed for the Project.

In addition to the legally inadequate EIR, we believe the City has become or will become unlawfully intertwined with the project by incorporating unauthorizing properties in the General Plan Amendment, Change of Zone, and Specific Plan Applications of Highland Fairview. Before the City considers approval of the WLC project, these issues must be considered and addressed.

Improper Inclusion of unauthorized properties in General Plan Amendment, Change of Zone, and Specific Plan

On May 22, 2012 the City Council voted to direct planning staff to include all properties not providing authorization in its consideration of HF's General Plan Amendment, Zone Change, and Specific Plan applications related to the WLC. The City has or will have acted illegally in moving forward with a vote on a GPA, Zone Change, and Specific Plan that includes these properties.

Highland Fairview's (HF) application for the World Logistics Center project sought a General Plan Amendment and Change of Zone for 1,155-acres owned by CDFW, SDG&E, and Southern California Gas Company; none of which have provided authorization for the Project.

Within the Specific Plan area, the May 22, 2012 agenda stated HF's application included 21 parcels (with 18 owners) that have not provided authorization for the WLC Project, comprising 294 acres or 11% of the Specific Plan Area. All but three properties are currently zoned for residential uses which would be incompatible with the Specific Plan's proposed land uses. The non-participating Specific Plan parcels are all located either adjacent to the primary truck access route for the WLC Specific Plan or surrounded on 3 or more sides by participating properties.

Today's agenda states HF has confirmed interest in 2,263 of 2,610-acres, so that 347- acres (13%) of the Specific Plan Area is owned by now 16 private, unauthorizing entities. (Agenda Packet p. 77) There is no discussion whether any changes to the scope of the GPA and Change of Zone unauthorizing properties has occurred.

Improper Initiation of GPA, Zone Change, and Specific Plan
The General Plan Amendment and Change of Zone have not been properly initiated for the unauthorizing properties. Here, HF initiated the amendments to the General Plan and Zoning without the authorization of impacted land owners. HF cannot initiate a GPA or Zone Change for these sites.

Alternatively, the City has never initiated a GPA or Zone Change for the impacted properties. Instead, the City Council voted to recommend staff include all properties not providing authorization in its consideration of HF's application for the WLC including the General Plan Amendment, Zone Change, and Specific Plan. Such an action is not an authorized manner of initiating such an amendment under the City's Municipal Code.

The City's Municipal Code § 9.02.050 provides amendments to zoning districts can be initiated by the following actions:
"1. Recommendation of staff or the planning commission;
2. Recommendation of the city council;
3. An application from a property owner or his authorized agent, relating to his property, filed with all required applications; or
4. An application from any affected party, which does not request redistricting of property."

Municipal Code § 9.02.040 provides amendments to the general plan may be initiated by:
"1. Recommendation of the planning commission and city council concurrence;
2. Recommendation of the city council; and
3. A privately filed application involving a change in land use designation for a specific property shall be submitted by the property owner or the owner's authorized agent and shall be accompanied by all required applications."

If the City seeks to initiate a GPA and/or Zone Change on these sites, it has the authority to do so, but it has not done so here. HF's privately filed application cannot include properties outside its ownership or agency interest.

Response 1:
This is not a CEQA related comment. As the commenter notes, the City's Municipal Code states that amendments to zoning districts and the general plan may proceed at the "recommendation of the city council." As the commenter also notes, "On May 22, 2012 the City Council voted to direct planning staff to include all properties not providing authorization in its consideration of HF's General Plan Amendment, Zone Change, and Specific Plan applications related to the WLC." Clearly, the City Council has provided necessary recommendation as required by the City's municipal code. This comment will be provided to the City Council which will decide if its direction to staff constituted the "recommendation" referred to in the City's municipal code.

Comment 2:
Similarly, authority to initiate the preparation of a Specific Plan is vested with the planning commission or community development department with the concurrence or direction of the city council; or may be privately initiated and processed. Municipal Code § 9.13.020. There is no authority for a non-owner to initiate a Specific Plan or for the city to expand the scope of a privately initiated specific plan. Further, an additional 53 acres have evidently been added to the unauthorizing properties within the Specific Plan since the May 22, 2012 hearing with no notice or intent expressed by the City whatsoever relative to this land. The City has no authority to expand the Specific Plan proposed by HF to these private and non-authorizing properties.

Response 2:
This is not a CEQA related comment. Municipal code §9.13.020 states: The "planning commission or the community development department may, with concurrence of the city council, or if so directed by the city council, initiate the preparation of specific plans based upon the general plan and shall draft such regulations and programs as deemed necessary. Publicly and privately initiated specific plan applications shall be processed by the community development department and shall be scheduled for public hearing by the planning commission for recommendation to the city council." The community development department is processing the specific plan application with direction from the city council as discussed in Comment/Response 1. The commenter has not indicated what 53 acres is being referred to, and there is no evidence in the record that indicates 53 acres of the WLC Specific Plan area was added without appropriate direction or approval from the City.

Comment 3:
Improper Notice and Disclosure of City's Involvement
The current Agenda, Final EIR, and all related documents for approval of the WLC provide inadequate notice of the City's role in Project approval. All documents state the applicant to be "Highland Fairview, Inc." However, as a result of the City's improper inclusion of an additional 1,155-acres in the GPA and Zone Change, and an additional now 347- acres in the Specific Plan, the WLC is essentially now a joint proposal of HF and the City. In essence, the City has acted as if it initiated a GPA, Zone Change, and Specific Plan for these properties; and so must disclose its role with respect to these actions. The notice currently provided is inadequate, and understates the City's involvement in the current project.

Response 3:
It is the actions, not the actors, that count for CEQA. Friends of Davis v. City of Davis, 83 Cal. App. 4th 1004, 1019-1022 (2000). Moreover, the commenter does not point out any prejudice. Absent prejudice, any error is not sufficient to set aside a CEQA-related action. Public Resources Code Section 21005(b); Roberson v. City of Rialto, 22 Cal. App. 4th 1499, 1506-1509 (2014).

Comment 4:
Unlawful Taking for Private Purpose. If the City votes to approve the WLC with these unauthorized properties included, the City will be unlawfully taking private property for private use and without just compensation. A taking includes not only the physical seizure of land but regulatory takings, deprivation of access, reduction in property value, etc. In 2012 while discussing the recommendation to have staff consider unauthorized properties in the GPA, Zone Change, and Specific Plan, the Council implied landowners would be forced to sell their property as a result of the WLC project. Among other reasons, takings may be needed to address land use, transportation, and biological issues associated with the WLC.

When the City Council voted to recommend Staff consider of all properties, including those not providing authorization, in its consideration of the WLC Project applications, the City Attorney cautioned that appraisals of the affected properties were needed before any formal action is taken by the City Council on the proposed applications to determine whether and to what extent the City's actions would constitute a "taking" under the U.S. and/or California Constitutions. To my knowledge, no appraisals have been done. Nevertheless, the Council failed to consider whether such an action would even be legally permitted in this context where taken for a private developer. It is not.

The City may take private property for public use so long as it pays just compensation to the private landowner for the taking. A taking can only legally be made for a public, not private, use. Cal. Code Civ. Proc. § 1230.030. In this instance, taking of these properties is not for public use where any taking would benefit HF, a private developer, and its application for the WLC; not the public. Accordingly, any taking of property to achieve this expanded project scope is illegal.

Even if for some "public purpose," the City must pay just compensation for the taking. Under Cal. Gov. Code § 7267 that this requires the City obtain an appraisal and make an offer to the owner of record of real property to be acquired before the agency may commence court proceedings to formally acquire property and pay just compensation for such acquisition. The City has not begun this process or disclosed to the public that such action may be necessary as a result of approving the WLC for this private developer.

In the event the City does not address this issue before approval of the WLC, the City nevertheless will be opening itself to inverse condemnation claims from the non-consenting property owners at the expense of taxpayers. Beyond physical takings, it is reasonably foreseeable that such claims will be upheld for diesel PM emissions from the enormous truck presence caused by the project-case law has recognized inverse condemnation claims for noxious odors. Varjabedian v. City of Madera (1977) 20 Cal.3d 711. Inverse condemnation claims will also exist as a result of the immense truck traffic, gridlock, and traffic noise presence, where action for inverse condemnation can be based on substantial impairment of the right of ingress and egress. Breidert v. Southern Pac.Co. (1964) 61 Cal.2d 659, 663, see also, Border Business Park, Inc. v. City of San Diego (2006) 142 Cal. App. 4th 1538. Residences surrounded on 3 sides by warehousing and truck traffic may also have a viable claim. The public and decisionmakers must be informed of this issue prior to any consideration for project approval.

As the City cannot take property for HF's private use, any consideration for project approval must exclude the unauthorized 1,155- acres in the GPA and Zone Change and 347- acres in the Specific Plan. The EIR must be revised and recirculated to address this issue.

Response 4:
The taking of private property is not a CEQA issue. None of the project approvals involve eminent domain. If, at some future time, private property is to be acquired, the property owner will be accorded all the procedural and substantive protection afforded by law. Moreover, there is no legitimate argument that taking will take place because each owner of property subject to the Specific Plan will still have the right to make use of their property under the applicable land use designations. Any claims of inverse condemnation will have to be made by the affected landowners and then only after the Project is in operation. The comment will be provided to the City Council for its consideration as part of the Project's application process.

Comment 5:
Gift of Public Funds. If the City votes to approve the Project including the unauthorized take of some portion of 1,155- acres in the GPA and Zone Change and now 347-acres in the Specific Plan, the result is an illegal gift of public funds to HF. The California Constitution prohibits gifts of public resources to private citizens or organizations. Cal. Const. art. XVI, § 6 ("nor shall it [the Legislature] have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individuals, municipal or other corporation whatever;…"); See also City and County of San Francisco v. Patterson, 202 Cal. App. 3d 95, 103-04. This prohibition against gifts of public funds applies to Moreno Valley as it does to all public agencies except charter cities.[1]

If the City votes to approve this Project and thus to take private property in favor of HF, it will have illegally gifted public funds to this private company for a private purpose. Stated another way, the use of taxpayer money to help pave the way for and develop HF's project is illegal. Again, these properties must be omitted from HF's application for the WLC and its associated GPA, Zone Change, and Specific Plan.

[1] It is notable that in 2013, 2 out of 3 of the City Councilmembers that voted in favor of including unauthorized properties in the GPA, Zone Change, and Specific Plan ran the push to prepare a charter for the City and get it on the ballot. The charter ran aground as residents questioned the haste, underlying motives, and potential problems associated with the change to charter city and never received a meaningful answer.

Response 5:
This comment is not related to CEQA. Further, as noted in Response 4, no taking has occurred, and, based on the analysis in the FEIR, is not likely to occur. Further, if nuisance claims are alleged, it will be the developer and operators of facilities in the project which will be liable. Code of Civil Procedures Section 731a (properly run uses in industrially zones areas cannot be a nuisance). The comment will be provided to the City Council for its consideration as part of the Project's application process.

Comment 6:
Misleading Information and Lack of Setback from Biological Habitat Area. The inclusion of non-authorizing properties, including over 1,000 acres for open space and biological habitat area, misleads the public about the project's impacts to, at least, biological resources and recreation. These areas are already intended to be preserved as wildlife habitat, as recognized by the General Plan and the property owners. Their inclusion in the WLC misleads the public and decision makers into believing this project creates open space and biological habitat when its existence is completely unrelated to the WLC.

Response 6:
The World Logistics Center Specific Plan (WLCSP) does not include any public lands, including any portion of the San Jacinto Wildlife Area (SJWA), nor does the Project treat any portion of the SJWA, as a form of mitigation for the development which will take place in the land subject to the WLCSP. The Draft Environmental Impact Report (DEIR) has analyzed the impact of the development which will take place as part of the World Logistics Center (WLC) project in the California Department of Fish and Wildlife (CDFW) Conservation Buffer Area. The 910-acre portion of the project area owned by the State is being rezoned to "open space." The 910 acres was acquired by CDFW as a buffer between the high quality SJWA habitat and the development originally contemplated under the Moreno Highlands Specific Plan north of the 910 acres. In addition, see Response 1 to the letter from the Friends of the Northern San Jacinto Valley dated June 11, 2015.

Comment 6a:
Furthermore, the EIR erroneously characterizes open space habitat included in the WLC as a "buffer zone" or "setback" between warehousing and open space not included in the WLC, namely the San Jacinto Wildlife area. There is no buffer zone created by the project at all. Rather the project would allow warehouse development right up to existing open space and habitat areas wrongly incorporated into the project.

Response 6a:
The comment is incorrect. As stated in the WLC Specific Plan at Section 2.5.3:

2.5.3 SJWA Edge
The San Jacinto Wildlife Area (SJWA) edge is along the southerly boundary of Planning Areas 10 and 12 (See Exhibit 2-1) and adjacent to state-owned open space currently in agricultural use. This edge will feature a restricted use area of at least 250 feet from these state-owned properties. No buildings, truck courts, loading areas, employee/visitor parking, truck circulation areas, or truck or trailer storage uses are permitted within this area. Emergency access, landscaping, drainage facilities, and property maintenance access are permitted. In addition to this 250 foot restricted use area, additional setback will be provided such that all buildings are a minimum of 400 feet from the SJWA boundary.

Draft EIR Section 4.4.1.10, *Wildlife in the SJWA and Mystic Lake* (DEIR pages 4.4-16 and 17) goes into detail on the classification of this open space land and cites the same material submitted by the commenters. In fact, Attachment #1 submitted by the commenters clearly states the following (regarding expansions 15 through 19*)…"The DFG has identified the subject properties as being within a Significant Natural Area and has recommended the purchase of the property as an addition to the existing WLA. The acquisition of the subject properties are important to the wildlife area as* <u>*they will serve as a buffer from development north of the WLA*</u> [underline added] *and adds significant wildlife benefits to the WLA."* Further, it should be noted the WLC EIR

requires a 250-foot additional buffer with no development and an additional 150-foot buffer with no buildings both located along the southern boundary of the WLCSP adjacent to the San Jacinto Wildlife Area.

Comment 7:
Comments on FEIR - Independently Prepared EIR
The City failed to independently prepare the EIR. CEQA requires a draft EIR be prepared by a lead agency or prepared independently under contract to the lead agency. Before using an EIR prepared by another person, the lead agency must subject the draft to the agency's own review and analysis. The lead agency is responsible for the adequacy and objectivity of the EIR, and an EIR sent out for public review must reflect the independent judgment of a lead agency. (Guidelines § 15084, 15089) The EIR here is inadequate and shows substantial bias in favor of the Project. The City should independently prepare an EIR for the Project.

Response 7:
The FEIR was independently prepared and represents the City's independent judgement. Not only was the FEIR prepared by experienced experts representing the many resource areas covered in the FEIR (see FEIR Section 8 List of Preparers), it was also internally reviewed by City staff and subjected to independent peer-review. To conduct the peer-review, the City retained Tim Krantz, Ph.D., University of Redlands, an expert in southern California environmental issues.

Comment 8:
Responses to Comments - The FEIR fails to adequately respond to the significant environmental points raised in public comments. Guidelines § 15088 (c) requires that a response to comments evidence a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and instead makes these conclusory statements unsupported by fact. The FEIR also groups together several comments and responds to only a portion of the issues raised by commenters. This is contrary to the policy of CEQA.

For example, Response to comment F-13-19 states that the commenter has not evidenced that the development would create a significant lighting impact even if consistent with the City's lighting ordinance. CEQA, however, places the burden of environmental review on the agency, not the public. The EIR does not show that this enormous project operating 24 hours a day will have a less than significant impact to nighttime lighting, sky glow, and lighting impacts to the adjacent wildlife areas.

Response 8:
The FEIR does analyze potential environmental impacts of the WLC project and does adequately respond to all the comments made and being made on the various EIR documents, and supports those responses with substantial evidence. The FEIR uses as its standard an ordinance, adopted by the City of Moreno Valley for the purposes of controlling light pollution. The standard represents the City's threshold of what is significant and how to keep impacts less than significant, therefore, requiring the WLC to meet the standards set forth in the ordinance will result in a less than significant impact. Without stating, the commenter is questioning validity of the threshold adopted by the City. However, the commenter fails to identify how the threshold does not limit impacts of light pollution.

Comment 9:
Response to comment F-13-20 fails to respond to the comment made and is confusing. Preserved open space would remain preserved open space regardless of the project.

Response 9:
The comment above is unclear - the original comment F-13-20 states the following: "Cumulative impacts: The EIR does not consider cumulative lighting effects from all projects in the vicinity which would impact night lighting. The cumulative impact evaluation is unclear as to what other projects are considered." The comment does not address open space. The FEIR response clearly states that most of the land surrounding the WLC will

remain vacant and therefore would not be considered as sources to contribute to cumulative light impacts. The response also makes clear that the WLC will be the largest contributor to light in the area, while FEIR Section 4.1.7 states that the analysis considered the nearby auto mall and other nearby, large-scale logistics facilities.

Comment 10:
Response to Comment F-13-25, the report states, "the latest research demonstrates that new technology diesel exhaust does not contribute to cancer and the proposed project would prohibit traditional diesel engines." The Air Resources Board's evidences the FEIR's reliance on the single Advanced Collaborative Emissions Study (ACES) study is misplaces and insufficient. CARB specific points to the flaws in the ACES study of limiting to NO2 and not particulate matter (PM), and using diluted NO2, and not relying on real world conditions.

Further, numerous other studies that contradict the findings of the ACES and connect diesel PM exposure with adverse human health effect. Diesel pm has been connected to heart disease, shorter life spans, asthma, respiratory diseases, gastrointestinal inflammation, reproductive health, changes in gene expression, and cancer. It is also currently being investigated as an environmental risk factor in autism spectrum disorders. (See Attachments) Even the ACES study found cardiovascular effect from exposure to diesel exhaust. Incorporation of zero emission technologies as they become commercially available is feasible mitigation that must be incorporated for the Project. Moreover, at this scale of development, this project can drive the commercial availability of zero-emission truck technology at the present date and at project buildout through restricting to zero- or near-zero- emission trucks.

Response 10:
See response to CARB letter on FEIR and response to SCAQMD letter on FEIR. No study contradicts the HEI ACES study. All previous exposure studies examined the health traditional diesel exhaust, not new technology diesel exhaust.

There are no commercially available zero-emission or near-zero-emission trucks. Even SCAQMD's letter on the FEIR demonstrates that all such trucks are in the demonstration phase and not commercially available. In fact, CARB just released "Solicitation for the Fiscal Year 2014-15 Zero-Emission Drayage Truck Demonstration Project", which can be found at:
http://article.wn.com/view/2015/06/24/Solicitation_for_the_Fiscal_Year_201415_ZeroEmission_Drayage/.
with up to $23 million in funding on June 23, 2015.

Comment 11:
Mitigation. In evaluating the feasibility of mitigation, the FEIR fails to take into account that the scale of the Project may render feasible mitigation which may be infeasible for a smaller project. For example, where technologies are commercially available at present (e.g. zero emission or alternatively fueled trucks), the scope of demand for the WLC project can reduce the cost of such technologies to a reasonable rate. Similarly, where a smaller project with restrictions may be unable to compete with unrestricted projects in the region, the enormous scale of this project creates the opportunity to drive regional restrictions in the same manner as the Ports in their Clean Truck Program as a substantial percentage of regional trucks will need to access the site. The enormity of the Project must be considered in evaluating the feasibility of mitigation measures.

Response 11:
In fact, the WLC is going further than the port's Clean Trucks Program (CTP). The CTP relies upon 2007 truck standards where the WLC requires a minimum of 2010 truck standards (see Mitigation Measure 4.3.6.3B). As a result, like the ports' CTP, the WLC is pushing forward the use of clean truck technologies at even faster pace relying upon the most stringent standards in existence.

Comment 12:
Mitigation measures are largely uncertain, vague, and unenforceable. For example, the EIR proposed to encourage tenants through the terms in the lease agreement to become SmartWay partners, but will not

actually require this as mitigation. This "mitigation measure" is unenforceable and uncertain to reduce project impacts.

Response 12:
SmartWay features (low rolling resistance tires and aerodynamic devices) are required through California's Tractor-Trailer Greenhouse Gas Regulation[2]. In addition, MM 4.3.6.3B encourages tenants to become SmartWay partners and maximize the number of SmartWay trucks. Tenants will be encouraged through the terms in the lease agreement, but the developer cannot require them to become SmartWay partners because their specific operational characteristics and financial arrangements are not known at this time, so it is unknown what that would mean to their business and operations.

Comment 13:
Mitigation Measure 4.2.6.1A is vague, unenforceable, and fails to adopt adequate mitigation for the conservation of Unique Farmland where the measure does not state how much farmland will be preserved in a conservation easement to make up for land developed with the Project. Will the easement be purchased at a 1:1 ratio? 2:1? While MM4.2.6.1A describes the necessary quality of land it omits a certain description of quantity. There is no reason for this mitigation measure to be vague and uncertain where the Project will convert 25 acres of Unique Farmland. At a 1:1 ratio, the purchase of an adequate Agricultural Conservation Easement must consist of at least 25 acres. 2:1? 50 acres.

Response 13:
The mitigation measure clearly states a metric and that is productivity. MM 4.2.6.1A states, "an Agricultural Conservation Easement shall be recorded over land of equivalent or better agricultural economic productivity of the offsite easement property compared to the World Logistics Center property. The analysis will include a comparison of the project's "Unique Farmland" considering its relative economic potential as the best measure of productivity (i.e., net profitability per acre or potential net rental income per acre)." As a result, the more productive the land identified is the less land is needed for a conservation easement, while the less productive the land is the more land is needed for the conservation easement. In this manner, the mitigation measure sets a performance measure to ensure mitigation.

Comment 14:
Response to comment F-13-22 states that the mitigation ratio for offsite mitigation to offset the loss of agricultural land will be based on the current agricultural economic productivity of the property compared to economic productivity of offsite property. As a result of the recent drought and/or HF's ownership of much of the site, agricultural economic productivity of Unique Farmland may be zero at the moment, despite high potential productivity. The quantity of equivalent Farmland preserved off-site to mitigate for the loss of onsite Unique Farmland should not be tied to a vague and uncertain analysis of agricultural economic productivity or "relative economic potential" of the off- site easement compared to onsite property but rather size and physical factors (e.g. location and accessibility, soils and topography, micro and macro climatic conditions, water availability and quality, etc.)

Response 14:
As the commenter points out, physical factors are important in assessing the value of land. While the comments says factors like drought may be discounted, the comment goes on to acknowledge the importance of water availability. There is no better metric of all the physical constraints on agricultural land than productivity. Each one of the characteristics enumerated in the comment directly impacts productivity and allows for consideration of all such factors that affect each parcel of land uniquely.

---

[2] http://www.arb.ca.gov/msprog/truckstop/trailers/trailers.htm

Comment 15:
Several commenters suggested mitigation restricted to electric yard trucks (aka hostlers, yard goats). The response in the FEIR states, "it is not feasible to require an electric yard truck because they are not commercially available and it is unknown whether they will become commercially available." Electric yard trucks are presently commercially available and several warehouses in the City and region are already restricted to this use. (See, http://orangeev.com/company-info/ and http://www.transpowerusa.com/yard-tractors/). CARB further stated the information provided in the EIR is out of date, and provided information on zero emission technology available for use at warehouse/ distribution centers. There is no question that this technology is currently available at present, and will certainly be available and feasible at project buildout.

Response 15:
See response to CARB letter on FEIR and response to SCAQMD letter on FEIR as well as Mitigation Measure 4.3.6.3B (k). The companies identified in the comment above are producing single demonstration units that are being funded with grant money. These vehicles have not yet become commercialized and it is unknown if they would be suited to the needs of future tenants.

Comment 16:
Statement of Overriding Considerations. The proposed the statement of overriding considerations is unsupported by substantial evidence as no specific economic, legal, social, technological or other benefits of a proposed project outweigh its unavoidable adverse environmental impacts. The EIR finds the Project will cause significant and unavoidable impacts to aesthetics, air quality, including associated health risks, land use, noise, transportation and circulation. These are not some small, remaining impacts after mitigation, but rather adverse effects which span the City and region and result in significant harm to human environmental health. The meager benefits of the Project to the public cannot outweigh the substantial impacts.

The proposed findings substantially overstate, and restate, job creation as an overriding benefit of the Project. In fact, the Project do little for job creation and the City's economy. For example, the proposed findings state the Project will generate 13,000 construction jobs over 15 years because it will create 850 jobs per year. This shows the project will generate 850 jobs for 15 years, not 13,000 jobs (850 x 15=12,750).

Response 16:
The estimate for construction jobs did round the total direct jobs from 12,807 to 13,000. However, it did not include the additional 7,000 indirect and induced jobs that would be created. In total, it is estimated the project will create 20,233 direct, indirect, and induced construction jobs. Please see FEIR, Appendix O, Table C presented below.

Further, the proposed Statement of Overriding Considerations includes a number of benefits to the City beyond the number of construction jobs, each of which individually constitutes a basis for the City Council's approval of the project. The comment will be provided to the City Council for its consideration as part of the Project's application process.

TABLE C
(ALL NUMBERS SUBJECT TO ROUNDING)

One-Time Construction Job Impacts	Direct	Indirect/Induced	Total
Construction Employees			
Countywide	12,807	7,427	20,233
Within City	12,807	3,714	16,521
Construction Wages			
Countywide	$625 Million	$302 Million	$927 Million
Within City	$625 Million	$151 Million	$776 Million
Construction Output			
Countywide	$1.67 Billion	$932 Million	$2.60 Billion
Within City	$1.67 Billion	$466 Million	$2.14 Billion

Comment 17:
The findings state the Project would generate 20,000 ongoing direct jobs in the City. However, evidence of job creation at logistics warehouses have been historically overstated and are anticipated to be even fewer in the future as a result of automation. (See, Moreno Valley: Sketchers' Warehouse has caused net job loss, February 1, 2012, http://www.pe.com/articles/moreno-649749-valley-skechers.html) The other problem with warehousing jobs relates to labor issues: while some jobs may be created, employers often use staffing agencies to employ "temporary workers" though they may fork for years in the same building. (As California Warehouses Grow, Labor Issues are a Concern, July 22, 2012, http://www.nytimes.com/2012/07/23/us/in-california-warehouse- industry-is-expanding.html?_r=0)

Furthermore, by project buildout year 2030, self-driving tucks may be commercial available. (http://www.huffingtonpost.com/scott-santens/self-driving-trucks-are-going-to- hit-us_b_7308874.html) Such trucks are already in development, with market penetration currently anticipated by 2026.

Hence the alleged "job creation" and economic benefits of this Project are not supported. To the contrary, the Project will convert land proposed for commercial and other uses which may create jobs to this job poor logistics use.

The claim that the Project will further a balanced land use pattern is completely unsupported by substantial evidence. The existing General Plan contains a balance of land uses with industrial/ warehousing in the south and a range of residential, recreation, and commercial/business opportunities at the project site. Development pursuant to current designations would further this General Plan goal.

The claim the project will further attractive conditions fee of blight is also no supported where the Project site is currently undeveloped and the Project will cause adverse aesthetic impacts.

Installing needed infrastructure to meet the needs of the Project is not a benefit to the public, but to the applicant.

Response 17:
The actual number of jobs that would eventually be generated by the WLC will depend on the actual type and mix of uses that ultimately are built on the site, including level of automation and the specific kinds of logistics

warehousing uses within the WLC. The Moreno Highlands Specific Plan does have a wider variety of land uses (i.e., residential, commercial, business park, etc.) but the alternatives analysis in the EIR indicates that land plan would have other environmental impacts, including more traffic, compared to the proposed WLC project.

Attached to this Final Environmental Impact Report (FEIR) as Appendix O-4 is a presentation done by Beacon Economics that reflects its independent Economic Impact Analysis of the WLC. This study was commissioned separately from the David Taussig & Associates (DTA) fiscal study which was part of the EIR analysis (Appendix O-1 in support of Draft Environmental Impact Report (DEIR) Section 4.13, Population, Housing, and Employment) to provide a "second opinion" and separate independent analysis of the potential jobs and other economic aspects of the WLC project. Beacon is a highly respected economics firm based out of Los Angeles, led by Chris Thornberg, a nationally renowned economist. The Beacon study indicates an even higher level of benefit/impact compared to the DTA study for the City of Moreno Valley as a result of the WLC. For example, the Beacon study estimated the WLC project could produce up to 32,201 employees (slide 29, Beacon 2013), while the project economic study (DTA 2014) estimated the WLC project would generate 24,642 employees (page 4.13-9, DEIR Section 4.13, Population, Housing, and Employment). The Beacon study is included as Appendix O-4 in the revised DEIR (FEIR Volume 2). The large numbers of employees and other economic factors are the result of the size of the WLC project and not the accuracy or source of the analyses. The comment will be provided to the City Council for its consideration as part of the Project's application process.

At this point in time, it is overly speculative estimate what effect driverless cars and trucks will have on the actual operations of future WLC development/uses. That issue will have to be addressed on a project to project basis during future discretionary review. In addition, it should be noted that the proposed WLC project would generate considerably less overall traffic (i.e., ADT) compared to the approved Moreno Highlands Specific Plan at buildout, although the percentage of trucks would be higher. The public will also benefit from infrastructure (roads, pipelines) installed by Highland Fairview as part of the WLC project.

Comment 18:
The Project will absolutely not provide a mix of industrial uses: it proposes logistics and smaller logistics. This proposed finding is completely unsupported. The Project will draw a significant amount of water in a time of unprecedented drought. That the Project will "minimize" such consumption does not refute this fact. The Project's 14,000 truck trips/ day encourage bicycling? No sane bicyclist would pit their life against a semi-truck more often than every 10 seconds. The remainder of the alleged ways the Project furthers the General Plan, increases jobs and /or has economic benefits, etc. are similarly unsupported, contradicted by the EIR, and at times laughable (e.g. the Project will improve health, reduce commuting times and traffic).

Response 18:
The commenter is misreading the General Plan by suggesting that it directs that each project provide this desired range of industrial uses. The range of industrial uses sought by the General Plan will occur city-wide, not within every project. The intent is to provide "a sound and diversified economic base" for the City as a whole, not on a project-by-project basis.

DEIR Section 4.16.*1 Water Supply* discusses the water supply available for the project through the year 2035. This section determined that there is adequate water supply to serve the project with Mitigation Measures 4.16.1.6A through C. The project's water consumption represents substantially less than 1 percent of the consumption yearly capacity and because the Eastern Municipal Water District (EMWD) indicates that water to service the project's proposed industrial uses is available, no significant water supply impacts would occur with implementation of the industrial use, and no mitigation would be necessary.

One of the goals of the project is provide Class 2 bicycle lanes in a master-planned environment to ensure that nearby residents can bike from adjacent communities.

Comment 19:
The minimal benefits of money to the City are not worth the environmental and fiscal costs of the Project. This assessed money must be weighed against the costs of hospital and doctor's visits, time expended sitting in traffic, air filtration systems, recreational costs, loss of potential jobs, etc. caused by the Project's adverse environmental impacts. For example, a 2008 study found poor air quality costs Riverside and San Bernardino Counties $6.3 billion in health care expenses, sick days, and deaths—an average of $1,500 to $1,600 per person. (Press Enterprise, 11/13/2008: Cal State Fullerton's Institute for Economic and Environmental Studies; See, County of Riverside General Plan- GPA 1096, Appendix M: Health Indicators, http://www.rivcoph.org/portals/0/pdf/health_indicators.pdf, p. 13) In all, the City cannot adopt the proposed Statement of Overriding Considerations for the Project as it is utterly unsupported by substantial evidence and, in any case, the benefits of the Project do not outweigh its significant effects.

Response 19:
As stated in the Statement of Overriding Considerations, public health research groups like the Robert Woods Johnson Foundation find that socioeconomic difficulties, not environmental issues, are the principal causes of public health risks (http://www.dailynews.com/opinion/20131025/californias-poor-kept-in-poverty-by-job-killing-elite-john-husing). As a result, projects like the WLC that deliver thousands of jobs can improve health in a community bereft of jobs. In addition, the project has implemented the most aggressive mitigation to reduce the environmental impacts of the project as described in the FEIR. Whether the Project's benefits outweigh any potential adverse impacts will be decided by the City Council as part of its consideration of the Project's application process.

Comment 20:
Conclusion
For the reasons detailed herein, and in the numerous comments from the public as well as state and local agencies opposing this Project, I respectfully ask you vote to recommend denial of this Project in its entirety. At a minimum, consideration of the issues raised herein and substantial revision and recirculation to the EIR is needed before any vote is taken concerning recommending potential approval to the City Council. Thank you for your consideration of these comments.

Response 20:
The comment will be provided to the City Council for its consideration as part of the Project's application process.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Kathleen Dale dated June 11, 2015**

In a letter dated June 11, 2015, Kathleen Dale submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The matter before you is not a popularity contest, nor as we often hear from your members a simple proclamation that it "is a good project and we should approve it". You have an obligation to review each of the entitlement applications, individually and collectively, and render a decision as to whether the record before you demonstrates compliance with procedural requirements and whether the findings necessary for the multiple General Plan amendments, the rezoning, the Specific Plan, the pre- zoning, the subdivision map, and the development agreement (and at least one additional Municipal Code amendment that has been omitted from the disclosed required actions) are supported by substantial evidence in the record.

Due to procedural errors detailed in the enclosure to this letter, the Commission may not take any affirmative action on this matter at this time. In addition, errors, omissions and inconsistencies with the substantive content of the CEQA documentation, also as detailed in the enclosure to this letter, render the Commission unable to make an informed recommendation to the City Council regarding certification of the Final EIR or approval of the entitlement applications.

Response 1:
Based on input from City staff and the City's legal counsel, the Planning Commission did take action on the proposed WLC project on June 30, 2015, recommending it for approval by the City Council on a 6-1 vote. The Commission made an informed decision based on the whole of the record presented to it including 30 volumes of environmental reports prepared and circulated to the public and decision-makers prior to action on the project.

Comment 2:
While the substandard condition of the administrative record precludes you from taking any affirmative action at this time, I wish to register my strong opposition to this project, and request that you recommend that the City Council deny each and every application, and not certify the EIR, for the following reasons:

1. The City's Economic Development website discloses that the City already has about 15 million square feet of occupied warehouses in the Moreno Valley Industrial Area, the Centerpointe Business Park, and on SR-60 at Redlands Boulevard. More than 7 million square feet of additional warehouse space is approved or available within the city limits. There is an additional 32 million square feet of warehouse space on the City's south and west borders within the City of Perris, on March JPA lands, and within the City of Riverside's Sycamore Canyon Business Park. Collectively these existing warehouse districts provide nearly 55 million square feet of such use within our City and immediate environs. It is simply irresponsible to designate more land for this particular use. ***As a City, we deserve and demand more diversity in our job market.***

Response 2:
The various economic studies and presentations to the public have demonstrated the City needs more job-producing land uses (currently it is the lowest in Riverside County) and the logistics field is expanding

throughout Southern California (FEIR Volume 2, Revised DEIR, Appendix O). For example, Dr. Husing is a well-respected economist and expert on the economy of the Inland Empire. His information, along with other fiscal and economic information, was provided in the DEIR. The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley in February 2012. The City requested that Highland Fairview prepare a specific plan for the entire project area. It was intended that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City while minimizing potential environmental impacts such as traffic compared to other types of land uses or the approved Moreno Highlands Specific Plan.

The City Planning Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. The rest of the comments do not address the EIR for the WLC project - they are personal opinions which are not part of the CEQA process.

Comment 3:

*2. **This is the wrong place for such uses.** While we cannot undo the poor decisions that thrust Skechers, Aldi and ProLogis upon the eastern end of the State Route 60 corridor, we do have the power to ensure those mistakes are not repeated. Modern warehouse development requires adjacency to other modes of transportation, particularly rail and/or air. This location does not provide such modality flexibility and it is not feasible to resolve this deficiency in the future. It is not a coincidence that planned regional transportation improvements in the eastern inland area are focused upon enhancement of rail along the I-10 corridor and that no further funding is programmed for widening of State Route 60 in this area. The existing warehouse areas along the City's west and south boundaries enjoy excellent access along Interstate 215, existing rail service, and proximity to the outstanding joint-use airfield at March Inland Port.*

Response 3:

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. It is the only location in Moreno Valley that has sufficient acreage to allow a large assemblage of logistics warehouses. The traffic impact assessment for the project examined potential rail service to this area and determined it was infeasible even if the development could take advantage of rail (e.g., most logistics trips within Southern California are by truck, not rail). Mitigation Measure 4.15.7.4E and F proposes fair share contributions to agencies outside of the City (e.g., Caltrans) to help alleviate traffic impacts caused by the project.

Comment 4

3. The project proponent makes exorbitant claims about the economic benefits of this project. If these projections were even in the realm of realism, the existing core of warehousing within our City should have solved our job woes, filled the City coffers to overflowing, and jettisoned our schools to the top of the performance charts. This is simply not the case, and it is unreasonable to expect that benefits to the City of a further 40 million square feet of warehouse uses will be any different. ***As a City, we deserve and demand a more diversified economic development base that will provide a varied and more robust revenue stream.***

Response 4:

The estimate of jobs and incomes from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area, including the level of automation or robotics. By comparison, the Beacon Economics study estimated between 16,000 to 24,000 jobs.

Comment 5:
4. Approval of this project requires overriding 15 unavoidable significant impacts. Among these are air quality and traffic impacts that will adversely affect the general quality of life in our City and the extended region that is adversely impacted by this project. The lifetime risk comparison chart added to the Final EIR (Figure 4.3.21, Track Changes Version of Final EIR, page 4.3-157) is highly offensive and is irrelevant to you deliberations. ***The fact is that, if approved, the EIR presented for your consideration tells you that this project will make people sick and will kill people. Not one of you has the right to inflict such a future on any other individual.***

Response 5:
The WLC EIR examined the potential environmental impacts of the WLC project and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). It is the responsibility of the City Council to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 6:
Please consider *the future vibrancy and prosperity of the City, and the health and well-being of families within the City and the extended region beyond that will be adversely affected if this project is approved. If the decision is to proceed with a hearing process for this ill-conceived project, you must acknowledge the significant deficiencies with the CEQA record before you and direct staff to prepare a revised draft EIR and conduct the required new public review and comment period before a recommendation is rendered.*

Please note that these comments are based upon a reasonable review of the voluminous and poorly presented documents released by the City prior to the June 11th hearing date, including the critical Development Agreement which was only disclosed to the public for the first time late in the evening of June 4th. I reserve the right to submit further comments as time permits additional review and as the hearing process proceeds.

Response 6:
The City released the Final EIR materials on May 1, 2015 with 41 days before the first Planning Commission hearing on June 11, 2015, and two additional hearings with the Commission were held before the Commission voted 6-1 to recommend approval of the project to the City Council. In addition, the City Council will hold multiple hearings before taking action on the WLC project. We refer the commenter to the Development Agreement which contains 26 pages (the document also contain exhibits with the legal description of the property covered by the Development Agreement and additional pages for the notary), was provided to the public on June 1, 2015 immediately after City staff had finished negotiating its contents with the applicant. Adequate time to review and comment on these materials, including the development agreement, has been provided before a decision is made on the WLC project.

The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. The commenter may submit additional comments at any time during the City's deliberative process.

Comment 7:
Ms. Dale submitted an 8-page attachment to this letter outlining 34 objections to text or items in the Development Agreement (DA). Many of the comments do not address the EIR but rather relate to the adequacy of notices, the timing of payments or provisions in the DA, etc. Comments on the DA that are relevant to the EIR are responded to below.

Response 7:
1. Agenda Description. (a) not applicable to the EIR or CEQA process; (b) project does not propose to change truck routes outside of the WLC property which is covered by the WLC Specific Plan; and (c) the WLC Specific Plan is a privately sponsored specific plan although to be consistent with the City's The WLC plan

responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The City requested that Highland Fairview prepare a specific plan for the entire project area. It was intended that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City.

2. Public Notice (a-d). These comments do not relate to the EIR document or process.

3. Development Agreement. (a) Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley; (b) DIF program description – not applicable to the EIR; (c) Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley – there is no conflict, the developer will have to pay for all project-related road improvements within the City; (d) discrepancy between DIF fire fee and paying for the fire station – minor editorial correction to the Executive Summary; (e) delete term "library" from DA heading – does not apply to the EIR; and (f) five minor revisions to timing of DA terms – this is not an EIR issue but the City Council may choose to modify the DA language as necessary.

4. Environmental Impact Report. (a) Recirculation - the information provided in the Final EIR, Volume 1, Response to Comments, Section 1.8 including Table 1.C and Volume 2, Revised Draft EIR, demonstrate that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information); (i) Project Description Changes – these are described in both Volumes 1 and 2 of the Final EIR, and the changes acted to reduce the acreage and square footage of the project (which reduces impacts, so no significant increase in impacts from these changes); (ii) Municipal Code Changes for Truck Routes – project does not propose to change truck routes outside of the WLC property which is covered by the WLC Specific Plan; (iii) Noise Impacts – project was reduced in size so reduced noise impacts, including along Gilman Springs Road; (iv) Noise Impacts – additional language in noise wall mitigation was in response to comments on how walls would be approved and installed.

(b) Following City CEQA Rules (i through vii) – the City believes the EIR has been processed in accordance with its rules and procedures to meet the intent and legal requirements of CEQA.

(c) Traffic Generation of Project Alternatives – the EIR presents an accurate comparison of trip generation among the various alternatives which are all consistent with the project traffic study. Results are given in passenger car equivalents (PCEs) specifically so the various alternatives can be compared to each other on an equivalent basis regardless of how many trucks versus passenger vehicles are generated by each scenario.

(d) Mitigation Measure language – the commenter must remember the EIR is a programmatic document and the mitigation measures in many instances must be programmatic until specific development plans are submitted in the future. Specific mitigation can then be prepared for that development consistent with the programmatic measures in the WLCSP EIR and consistent with the subsequent CEQA documentation that will have to be prepared for each new development proposed.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Kathleen Dale dated June 25, 2015**

In a letter dated June 25, 2015, Kathleen Dale submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The enclosures to this letter are excerpts from the adopted Moreno Highlands Specific Plan (MHSP), which constitutes the existing development regulations for the property that is the subject of the proposed World Logistics Center (WLC). The enclosure includes:

1. MHSP Project Description (pages 1-4 through 1-9) – characterizing the balanced, mixed-use nature of the existing zoning. Of particular note is the second paragraph on page 1-8, which discloses the generation of 21,000 jobs with the planned business center, commercial centers and public facilities.
2. MHSP page 4.3 (under Implementation Plan item a) – which again discloses the 21,000 jobs to be generated by the existing specific plan.
3. MHSP page 4-5 (under Implementation Plan item c) – which cites a projected annual revenue surplus of approximately $2 million (in 1992 dollars).
4. MHSP pages 4-20 through 4-23 – which provides more detail regarding the planned business center. Key points are the variety of uses contemplated, the conspicuous absence of trucking- oriented uses, and the contribution toward jobs-housing balance within the City.
5. MHSP (pages 6-36 and 6-37) – which describes regulations for the planned Business Park uses.
Key points are the focus upon compatibility with adjacent land uses (next to last paragraph on page 6-36) and the intended high-quality business environment characterized by a variety of professional and administrative offices (Purpose and Intent on page 6-37).

With respect to the World Logistics Center project, the existing projected land uses under the Moreno Highlands Specific Plan must be taken into consideration in evaluating No Project scenarios for the impact analyses. This information is also relevant in evaluating the purported benefits of the project in the Statement of Overriding Considerations. The repeated characterization of the World Logistics Center project providing a substantial public benefit by providing approximately 20,000 jobs is a misrepresentation of the fact that it actually reduces the projected job production when compared to the existing General Plan and zoning.

Response 1:
The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The DEIR did examine a number of alternatives, including "No Project/Existing General Plan" (Moreno Highlands Specific Plan) and Alternative 3: Mixed Use B which was the Moreno Highlands Specific Plan with logistics warehousing. Every one of the project alternatives provides a mix of impacts and benefits which are outlined in Section 6 of the EIR (FEIR Volume 2, Revised Draft EIR). The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. The City Council will weigh the various impacts and benefits of the proposed WLC project and its alternatives before making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Kathleen Dale dated June 29, 2015**

In a letter dated June 29, 2015, Kathleen Dale submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment (NOTE – the commenter submitted all these comments in all capital letters, they were not modified by the respondent).

Comment 1:
MY NAME IS KATHLEEN DALE. I HAVE LIVED IN MORENO VALLEY FOR ALL BUT TWO SHORT PERIODS OF MY CHILDHOOD WHILE MY FATHER WAS STATIONED AWAY FROM MARCH AFB. MY FAMILY LIVED ON GIFFORD AVENUE, EAST OF REDLANDS BOULEVARD, AT GROUND ZERO FOR MORE THAN 30 YEARS. I CURRENTLY LIVE NEAR CACTUS AVENUE AND PERRIS BOULEVARD IN AN AREA THAT WILL BE SIGNIFICANTLY IMPACTED BY THE PROJECT PROPOSAL TO TURN CACTUS AVENUE INTO A CROSS-TOWN HIGHWAY.

I HAVE SUBMITTED TWO SETS OF WRITTEN COMMENTS. THE FIRST, DATED JUNE 11TH,(PAGES 424 THORUGH 433 OF THE 6/25 AGENDA PACKET) RAISES NUMEROUS PROCEDURAL ERRORS AND POINTS OUT ERRORS, OMISSIONS AND INCONSISTENCIES IN THE RECORD BEFORE YOU THAT RENDER THE COMMISSION UNABLE TO MAKE AN INFORMED RECOMMENDATION REGARDING THE DEVELOPMENT APPLICATIONS AND CERTIFICATION OF THE EIR. THE SECOND, DATED JUNE 25TH, PROVIDES EXCERPTS FROM THE MORENO HIGHLAND SPECIFIC PLAN REGARDING PROPOSED LAND USES, JOB PROJECTIONS, AND PROJECT SURPLUS REVENUE TO THE CITY.

Response 1:
Comments regarding Cactus Avenue are addressed in Response 2 below. Separate response memos have been prepared for each of the letters cited by the commenter.

Comment 2:
IN CASE THERE IS ANY DOUBT, I AM OPPOSED TO THIS PROJECT AND AGREE WITH THE VERY KNOWLEDGABLE ATTORNEYS, ENVIRONMENTAL ORGANIZATIONS, AND PUBLIC AGENCIES WHO HAVE PROVIDED EXTENSIVE EVIDENCE THAT THE RECORD BEFORE YOU REQUIRES SUBSTANTIAL ADDITIONAL WORK AND RECIRCULATION OF A REVISED DRAFT EIR BEFORE THIS COMMISSION TAKES ANY AFFIRMATIVE ACTION.

THE MINIMALIZATION OF THE CONSEQUENCES OF CACTUS AVENUE EXTENSION CHANGE IN THE PROJECT SUBSEQUENT TO CIRCULATION OF THE 2012 DRAFT EIR IS APPALLING. IN ADJUSTING THE PROPOSED CIRCULATION SYSTEM TO ADDRESS THE MODIFIED SPECIFIC PLAN BOUNDARY AND TO ADDRESS IMPACTS TO THE OLD MORENO NEIGHBORHOODS EAST OF REDLANDS BOULEVARD, THE CIRCULATION PLAN HAS BEEN MODIFIED TO SHIFT ABOUT 20,000 VEHICLES PER DAY ORIGINATING FROM THE PROPOSED DEVELOPMENT TO CACTUS AVENUE EAST OF REDLANDS BOULEVARD, WHICH CURRENTLY CARRIES ABOUT 470 VEHICLES PER DAY (EXCEPRTS FROM THE EIR ATTACHED, INCLUDING 2012 CIRCULATION PLAN, 2015 CIRCULATION PLAN, 2015 WLC TRIP ESTIMATES, 2015 WLC TRIP DISTRIBUTION AND EXISTING TRAFFIC VOLUMES). THIS CHANGE ALONE CLEARLY TRIGGERS THE RECIRCULATION REQUIREMENT BY IMPACTING NEW

SENSITIVE RECEPTORS (BOTH RESIDENTS AND WILDLIFE). THIS CHANGE IN THE PROJECT BY ITS NATURE AND LOCATION PRESENTS THE POTENTIAL FOR NEW OR MORE SEVERE IMPACTS FOR AESTHETICS, AIR QUALITY, BIOLOGICAL RESOURCES, CULTURAL RESOURCES, HAZARDS, HYDROLOGY, LAND USE, NOISE, PUBLIC SERVICES, TRAFFIC, AND UTILITIES THAT ARE NOT ADDRESSED IN THE FINAL EIR BEFORE YOU.

Response 2:
The commenter is incorrect on a number of issues regarding Cactus Avenue which are clarified below:

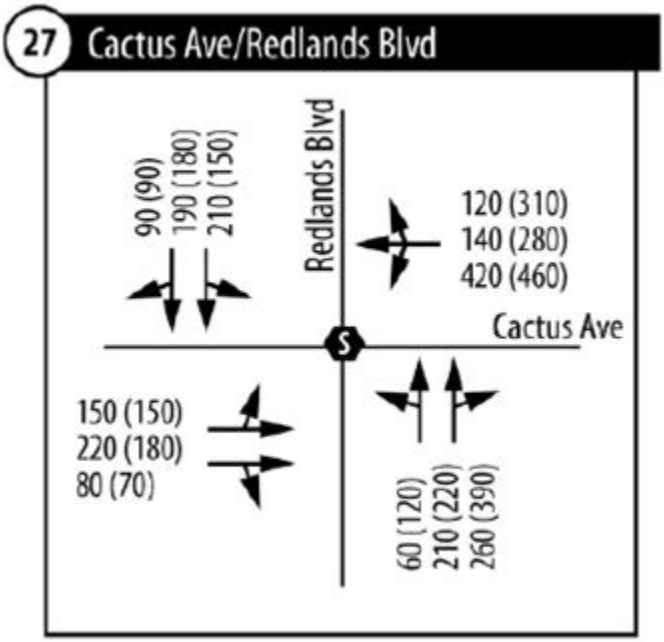


Figure 53: Turning Movement Volumes under 2035 Plus Build-out Conditions (C)

Figure 53 from the TIA shows the turning movements at Redlands Boulevard and Cactus Avenue under proejct buildout conditions in 2035. Figure 39 (see below) indicates that 29% of all auto traffic uses Cactus Avenue at project buildout in 2015. Based on 54,714 total autos, that would be 15,867 using Cactus. Ave. In Figure 39 of the TIA, the 29% of auto trips entering & exiting on "West Surface" streets include all WLC trips crossing a north-south screenline drawn west of Redlands Blvd from SR-60 to south of John F. Kennedy Drive. For example, this includes trips on Eucalyptus Avenue. Only about 12,800 WLC trips would enter or leave the site via Cactus Avenue Extension, including cars and light and medium trucks, not approximately 20,000 as claimed by the commenter.

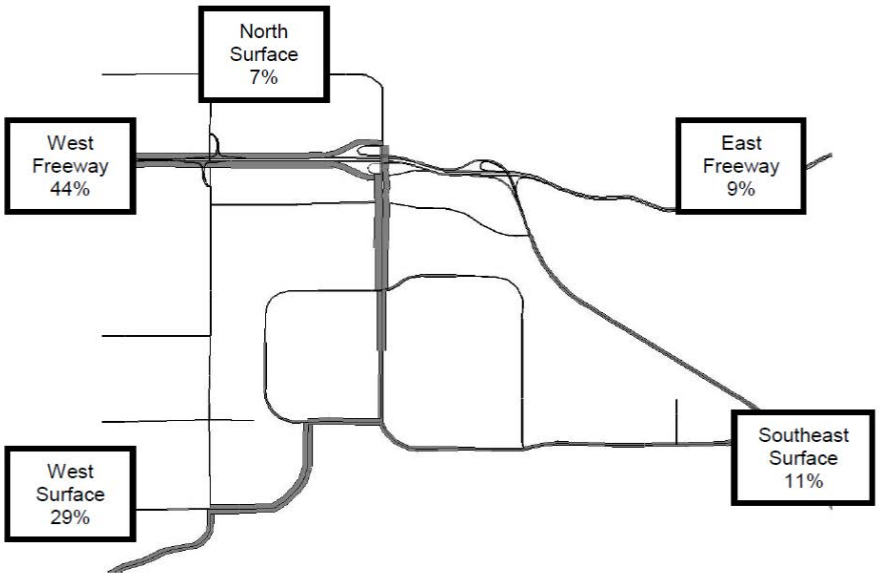


Figure 39: Daily Distribution of WLC Auto Trips

One issue that may confuse readers is that an employment center of the WLC's size does not simply add trips to background traffic, it also acts as a replacement destination and diverts many trips that would have gone somewhere else, including virtually all of the commute trips by car. The commenter wrongly assumes that the traffic volumes in the Plus Project condition can be found by adding Project traffic to the traffic volumes in the No-Project condition. This is not correct for an employment center of this size. A new, large employment center situated in an area with many homes but few jobs will act as a replacement work destination and so divert many trips that would have gone somewhere else. So if in the absence of the WLC there would have been, say, 500 cars per day driving north on Gilman Springs Road and turning west on Alessandro to reach their job site a portion, perhaps 200, would instead go to the WLC as their jobsite. The number of through trips crossing the site would therefore be reduced by 200. So it is not correct to assume, as the commenter did, that the volume of through traffic would be the same with and without the Project.

The commenter also did not take into account the fact that WLC will provide a new alternate route between Redlands Boulevard and Gilman Springs Road., namely Eucalyptus Ave/Street B. Some of the through traffic across the site that current uses Alessandro would divert to that route.

In summary, the traffic forecasts presented in the TIA represent a reasonable forecast of traffic conditions with and without the Project.

Comment 3:
THE PROPOSED DEVELOPMENT AGREEMENT REQUIRES SIGNIFICANT AMENDMENT TO CLEARLY DISCLOSE THE INFRASTRUCTURE AND SERVICES EACH PARTY IS REPONSIBLE FOR AND THE CORRESPONDING COSTS. THE DEVELOPMENT AGREEMENT PROVISIONS REGARDING DIF FEES ARE IN DIRECT CONFLICT WITH THE EIR ANALYSIS AND MITIGATION PROGRAM, THESE CONFLICTS MUST BE RESOLVED BY AMENDING WITH THE DEVELOPMENT AGREEMENT OR THE EIR BEFORE A DECISION IS RENDERED. MY JUNE 11TH LETTER INCLUDES ADDITIONAL DETAIL AND RECOMMENDATIONS FOR MODIFICATIONS TO PROVIDE REAL BENEFITS TO THE CITY IF YOU MAKE THE ILL-INFORMED DECISION TO RECOMMEND APPROVAL OF A DEVELOPMENT AGREEMENT.

Response 3:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
NO PROJECT/NO BUILD SCENARIO CONFUSION – THE REVISED DRAFT EIR CLAIMS THAT THE ANALYSIS CONSIDERS BOTH "NO PROJECT" AND "NO BUILD" SCENARIOS. LOOKING AGAIN AT THE TRAFFIC IMPACT ANALYSIS TECHNICAL REPORT THIS MORNING, THE ANALYSIS PRESENTED AS THE "NO PROJECT" SCENARIO1 IS ACTUALLY THE "NO BUILD" SCENARIO. AS THE MATTER BEFORE YOU IS A COLLECTION OF GENERAL PLAN AMENDMENTS AND A CHANGE OF ZONE, THE APPROPRIATE BASELINE FOR THE "NO PROJECT" SCENARIO IS DEVELOPMENT UNDER THE EXISTING GENERAL PLAN AND ZONING. REASONED ANALYSIS OF A CORRECT "NO PROJECT" SCENARIO FOR ALL IMPACT CATEGORIES IS REQUIRED BEFORE THE COMMISSION MAY MAKE AN INFORMED RECOMMENDATION. FOR AT LEAST TRAFFIC, AIR QUALITY, AND NOISE IMPACTS, THIS INCLUDES QUANTITIATIVE ANALYSIS.

Response 4:
There are two No Project Alternatives, Section 6.3.4 is the No Project/No Build Alternative, and Section 6.3.5 is the No Project/Exiting General Plan Alternative. The commenter is incorrect, the No Project/Existing General Plan Alternative looked at development of the Moreno Highlands Specific Plan (MHSP) since that is what is currently approved for the project site and could be built there if the WLC is not approved. The No Project/Existing General Plan scenario was actually modified from the Draft to the Final EIR based on comments on the Draft EIR that correctly pointed out that since the time the MHSP was approved, the State had purchased almost 1,000 acres of land in the southern portion of the MHSP to act as a buffer for the San Jacinto Wildlife Area (SJWA) to the south (that 1,000 acres was then incorporated into the SJWA as a buffer from future development (i.e., the rest of the MHSP or the WLC if it is approved).

Comment 5:
THE PROJECT INCLUDES A MUNICIPAL CODE AMENDMENT TO MODIFY THE CITY'S ADOPTED TRUCK ROUTE MAP THAT IS NOT PART OF THE ENTITLEMENTS DISCLOSED FOR THIS HEARING OR IN THE EIR PROJECT DESCRIPTION. THIS ASPECT OF THE PROJECT IS INCONSISTENTLY AND INADEQUATELY CHARACTERIZED IN THE FINAL EIR, AS DETAILED IN MY JUNE 11TH LETTER. THE FINAL EIR ALSO REPEATEDLY RELIES ON A CONCLUSORY STATEMENT THAT THE CITY'S TRUCK ROUTE ORDINANCE WLL ENSURE TRUCKS ARE RESTRICTED TO DESIGNATED ROUTES. RESIDENTS OF THIS CITY ARE KEENLY AWARE OF THE CURRENLT LACK OF ENFORCEMENT OF THE DESIGNATED TRUCK ROUTES. FURTHER, THE EIR FAILS TO ACKNOWLDEGE THE LOOPHOLE IN MUNICIPAL CODE SECTION 12.36.050C (COPY ATTACHED) THAT ESSENTIALLY ALLOWS TRUCKS TO GO WHEREVER THEY DESIRE.

Response 5:
Compliance with the City's truck route ordinance, combined with the revenues that the City will receive from future WLC development, will provide for additional enforcement if needed – this is adequate mitigation. The proposed WLC project does not propose to amend the Municipal Code relative to truck routes at this time because the project would not change truck routes outside of the WLC property, and streets within the WLC are covered by the WLC Specific Plan. In addition, the commenter and the general public may have some confusion as to how trucks are addressed in the Municipal Code. The Code allows an exemption for trucks that have business in residential areas such as for delivery, trash pickup, etc. Trucks that do not have business would be prohibited from transiting a residential area even if they were a delivery truck.

Comment 6:
AS DETAILED IN THE MY JUNE 25TH LETTER, THE EXSITING GENERAL PLAN AND ZONING DESIGNATIONS FOR THE SPECIFIC PLAN AREA ARE PROJECTED TO GENERATE 21,000 JOBS. RELIANCE ON THE 20,000 JOBS PROJECTED UNDER THE WORLD LOGISTICS CENTER SPECIFIC PLAN AS AN OVERRIDING PROJECT BENEFIT IS INCONSISTENT WITH THE REALITY THAT THE PROPOSED GENERAL PLAN AMENDMENTS, REZONING AND SPECIFIC PLAN WILL ACTUALLY DECREASE THE JOBS POTENTIAL FOR THE PLAN AREA.

Response 6:
The jobs estimate for the MHSP prepared in 1992 may have been accurate at that time, but current employee rates per square foot for office uses, which comprise over three quarters of the estimated job growth, indicate job growth from the MHSP project would be considerably lower than originally estimated. Second, market conditions for office uses in this area are relatively weak. Finally, it is doubtful that 5 million square feet of office uses, which was anticipated under the MHSP, could actually be built and occupied in this area.

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The DEIR did examine a number of alternatives, including "No Project/Existing General Plan" (Moreno Highlands Specific Plan) and Alternative 3: Mixed Use B which was the Moreno Highlands Specific Plan with logistics warehousing. Every one of the project alternatives provides a mix of impacts and benefits which are outlined in Section 6 of the EIR (FEIR Volume 2, Revised Draft EIR). The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. The City Council will weigh the various impacts and benefits of the proposed WLC project and its alternatives before making a decision on the project.

Comment 7:
THE EXTENSIVE COLLECTION OF PAGES CONSTITUTING THE PROJECT CEQA DOCUMENTATION IS IRRELEVANT TO THE OBVIOUS CONCLUSIONS THAT (10 THIS PROPOSAL IS NOT IN THE BEST INTERESTS OF THIS CITY AND (2) THAT IT WILL SIGNIFICANTLY COMPROMISE THE QUALITY OF LIFE FOR HUNDREDS OF THOUSANDS OF PEOPLE LIVING IN THE CITY AND AN EXTENDED REGION BEYOND. WHAT YOU NEED TO KNOW ABOUT THIS PROJECT IS SUCCINCTLY CONDENSED IN A MOVING ONE-PAGE HANDWRITTEN LETTER (PACKET PAGE 736 OF YOUR 6/11/15 AGENDA PACKET) FROM A FORMER RESIDENT. SHE SIMPLY IMPLORES YOU NOT TO APPROVE THIS PROJECT AND SIGNS WITH THIS PS: "THIS BREAKS MY HEART". IF YOU RECOMMEND APPROAL OF THIS PROJECT, YOU WILL BOTH FIGURATIVELY AND LITERALLY BREAK THE HEARTS OF HUNDREDS OF THOUANDS OF PEOPLE.

Response 7:
The City Council will consider these comments and weigh the various impacts and benefits of the proposed WLC project and its alternatives before making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Kathleen Dale dated June 30, 2015**

In a letter dated June 29, 2015, Kathleen Dale submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment (NOTE – the commenter submitted these comments in all capital letters, and they were not modified by the respondent).

Comment 1:
THE MATTER BEFORE YOU IS NOT A SIMPLE THUMBS UP OR THUMBS DOWN TO THE CONCEPT OF UPENDING THE CITY'S GENERAL PLAN TO TURN THE EAST END INTO ANOTHER WAREHOUSING DISTRICT. THE MATTER BEFORE YOU IS A SERIES OF ACTIONS THAT EACH REQUIRE FULL AND DELIBERATE CONSIDERATION OF TENS OF THOUSANDS OF PAGES OF SUPPORTING DOCUMENTS, INCLUDING MORE THAN 1,400 PAGES THAT HAVE BEEN PRESENTED TO YOU SINCE THE PUBLIC HEARING COMMENCED ON JUNE 11, 2015.

THE FOLLOWING SUMMARIZES KEY FACTORS THAT MUST BE TAKEN INTO CONSIDERATION AS YOU DELIBERATE THE CRITICALLY IMPORTANT MATTERS BEFORE YOU THAT WILL SIGNFICANTLY ALTER THE QUALITY OF LIFE IN THIS CITY AND AN EXTENDED REGION BEYOND.

1. REOPENING OF PUBLIC HEARING

THE THREE MINUTES THAT HAS BEEN AFFORDED SPEAKERS TO DATE IS WOEFULLY INADEQUATE TO ADDRESS THE MULTIPLE DEVELOPMENT APPLICATIONS AND THE ENVIRONMENTAL IMPACT REPORT THAT EACH REPRESENT SEPARATE ACTIONS FOR RECOMMENDATION TO THE CITY COUNCIL. AS EVIDENCED BY THE TESTIMONY, MOST SPEAKERS WERE ONLY ABLE TO TOUCH ON THEIR OVERALL STANCE ON THE COLLECTIVE RESULT OF THE DEVELOPMENT APPLICATIONS AND THE EIR.

IT WOULD BE APPROPRIATE, AND I IMPLORE YOU, TO REOPEN THE PUBLIC HEARING ON EACH COMPONENT OF YOUR DECISION BEFORE YOU TAKE ACTION.

Response 1:
After taking extensive written and verbal public testimony, the City Planning Commission took action on the various proposed actions related to the WLC project and made recommendations as appropriate to the City Council. The City Council will also take public testimony at their hearings and will review all comments and responses as appropriate prior to making a decision on the WLC project. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:
2. ENVIRONMENTAL IMPACT REPORT (City Case Number P12-016)

THE RECORD BEFORE YOU IS REPLETE WITH EVIDENCE FROM RESPECTED ENVIRONMENTAL ORGANIZATIONS, RENOWNED ENVIRONMENTAL ATTORNEYS, STATE AGENCIES, REGIONAL AGENCIES, AND NEIGHBORING LOCAL AGENCIES THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENTATION BEFORE YOU IS WOEFULLY INADEQUATE IN ITS CHARACTERIZATION OF THE PROPOSED PROJECT, ANALYSIS OF THE POTENTIAL ENVIRONMENTAL CONSEQUENCES AND APPLICATION OF FEASIBLE MITIGATION MEASURES FOR IDENTIFIED SIGNIFICANT EFFECTS.

Response 2:
The DEIR and FEIR provide substantial evidence on the evaluation of potential environmental impacts of the proposed WLC project. The WLC EIR examined the potential environmental impacts of the WLC project and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). In addition, the City has responded as appropriate to all of the various comments made both on the Draft EIR as outlined in the Final EIR Volume 1, Response to Comments, but also all the comments made on the Final EIR in a series of memos since the Final EIR was distributed on May 1, 2015. It is the responsibility of the City Council to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 3:
ONE EXAMPLE THAT IS OF UTMOST CONCERN TO RESIDENTS ALONG THE CACTUS AVENUE CORRIDOR IS THE HIDDEN AND INADEQUATELY ASSESSED PROJECT ELEMENT THAT MAKES CACTUS AVENUE A NEW CROSS-TOWN HIGHWAY, REPLACING ALESSANDRO BOULEVARD WHICH IS BEING CLOSED TO PROTECT THE OLD MORENO RESIDENTIAL NEIGHBORHOODS. THIS ADJUSTMENT TO THE CIRCULATION PLAN SHIFTS APPROXIMATELY 20,000 VEHICLES PER DAY ORIGINATING FROM THE PROPOSED DEVELOPMENT

TO CACTUS AVENUE EAST OF REDLANDS BOULEVARD WHICH CURRENTLY CARRIES ABOUT 470 VEHICLES PER DAY. RELEVANT EXCERPTS FROM THE EIR ARE ATTACHED, INCLUDING THE 2012 CIRCULATION PLAN, THE 2015 CIRCULATION PLAN, TRIP ESTIMATES, TRIP DISTRIBUTION, EXISTING TRAFFIC VOLUMES, AND A CONFLICTING STATEMENT REGARDING USE OF CACTUS AVENUE BY LIGHT AND MEDIUM DUTY TRUCKS). EXAMINATION OF TABLE 4.15.AQ OF THE REVISED DRAFT EIR TRAFFIC SECTION (COPY ATTACHED) SUGGESTS A DISCONNECT IN THE TRAFFIC STUDY METHODS FOR THIS PROJECT ELEMENT AS THE ADDED NUMBER OF TRIPS ON CACTUS AVENUE EAST OF REDLANDS BOULEVARD AT BUILDOUT (15,772) IS LESS THAN THE PROJECTED NUMBER OF PROJECT AUTOMOBILE TRIPS USING THIS ROUTE (29 % OF 54,714, WHICH IS 15,867). FUTURE TRAFFIC VOLUMES ON THIS ROUTE MUST ALSO TAKE INTO CONSIDERATION TRIPS DIVERTED FROM THE CLOSED ALESSANDRO BOULEVARD (11,038 TRIPS PER DAY FOR 2035 BUILD-OUT CONDITIONS PER REVISED DRAFT EIR TABLE 4.15.V), TRUCK TRAFFIC (PENDING RESOLUTION OF THE CONFLICTING INFORMATION REGARDING USE OF CACTUS BY LIGHT AND MEDIUM DUTY TRUCKS), AND ADDITIONAL TRAFFIC THAT WILL BE ATTRACTED FROM THE WEST TO I-215 AS THIS NEW THROUGH ROUTE IS OPEN.

Response 3:

The commenter is incorrect on a number of issues regarding Cactus Avenue which are clarified below:

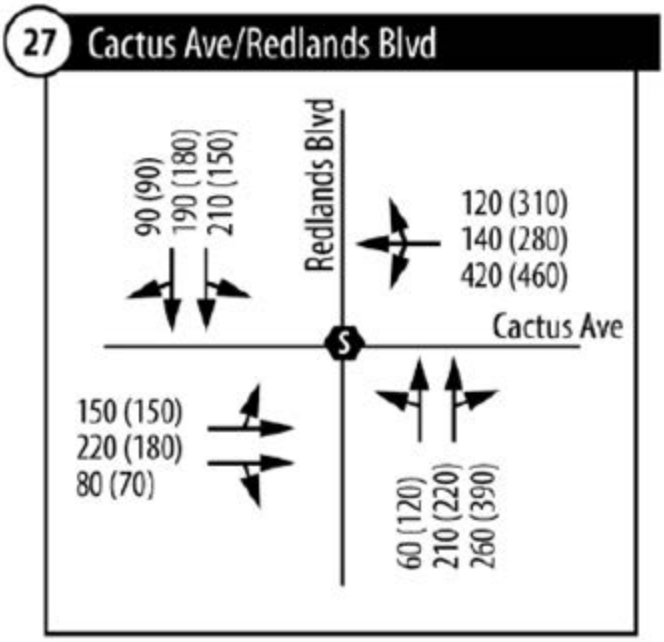


Figure 53: Turning Movement Volumes under 2035 Plus Build-out Conditions (C)

Figure 39 (see below) indicates that 29% of all auto traffic uses Cactus. Based on 54,714 total autos, that would be 15,867 using Cactus. In Figure 39 of the TIA, the 29% of auto trips entering & exiting on "West Surface" streets include all WLC trips crossing a north-south screenline drawn west of Redlands Blvd from SR-60 to south of John F. Kennedy Drive. This includes, for example, trips on Eucalyptus Avenue. Only about 12,800 WLC trips would enter or leave the site via Cactus Avenue Extension, including cars and light and medium trucks, not 15,867 as claimed by the commenter.

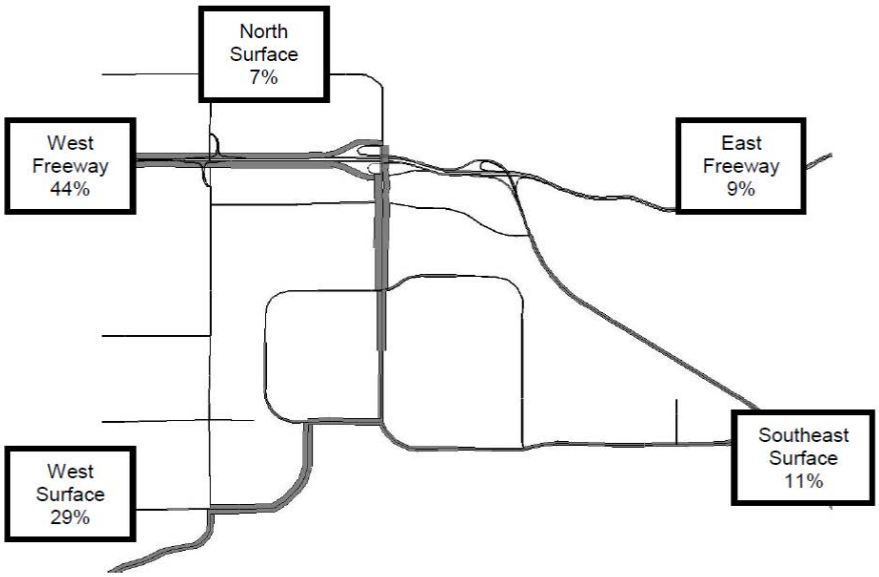


Figure 39: Daily Distribution of WLC Auto Trips

One issue that may confuse readers is that an employment center of this size does not simply add trips to background traffic, it also acts as a replacement destination and diverts many trips that would have gone somewhere else, including virtually all of the commute trips by car. The commenter wrongly assumes that the traffic volumes in the Plus Project condition can be found by adding Project traffic to the traffic volumes in the No-Project condition. This is not correct for an employment center of this size. A new, large employment center situated in an area with many homes but few jobs will act as a replacement work destination and so divert many trips that would have gone somewhere else. So if in the absence of the WLC there would have been, say, 500 cars per day driving north on Gilman Springs Road and turning west on Alessandro to reach their job site a portion, perhaps 200, would instead go to the WLC as their jobsite. The number of through trips crossing the site would therefore be reduced by 200. So it is not correct to assume, as the commenter did, that the volume of through traffic would be the same with and without the Project.

The commenter also did not take into account the fact that WLC will provide a new alternate route between Redlands Boulevard and Gilman Springs Road., namely Eucalyptus Ave/Street B. Some of the through traffic across the site that current uses Alessandro would divert to that route.

Also, another effect of the WLC is to provide a new alternate route between Redlands Boulevard and Gilman Springs Road, namely Eucalyptus Avenue/Street B. Some of the traffic that current uses Alessandro would divert to that route.

In summary, the traffic forecasts presented in the TIA represent a reasonable forecast of traffic conditions with and without the Project.

Comment 4:
THIS CHANGE ALONE CLEARLY TRIGGERS THE RECIRCULATION REQUIREMENT BY IMPACTING NEW SENSITIVE RECEPTORS (BOTH RESIDENTS AND WILDLIFE). THIS CHANGE IN THE PROJECT BY ITS NATURE AND LOCATION PRESENTS THE POTENTIAL FOR NEW OR MORE SEVERE IMPACTS FOR AESTHETICS, AIR QUALITY, BIOLOGICAL RESOURCES, CULTURAL RESOURCES, HAZARDS, HYDROLOGY, LAND USE, NOISE, PUBLIC SERVICES, TRAFFIC, AND UTILITIES THAT ARE NOT ADDRESSED IN THE FINAL EIR BEFORE YOU.

Response 4:
The DEIR and FEIR provide substantial evidence on the evaluation of potential environmental impacts of the proposed WLC project. The WLC EIR examined the potential environmental impacts of the WLC project and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. Changes to the document and the inclusion of new information is not the standard for recirculation, in fact, it is the public process of CEQA.

Comment 5:
THE FINAL EIR ALSO REPEATEDLY RELIES ON A CONCLUSORY STATEMENT THAT THE CITY'S TRUCK ROUTE ORDINANCE WLL ENSURE TRUCKS ARE RESTRICTED TO DESIGNATED ROUTES. RESIDENTS OF THIS CITY ARE KEENLY AWARE OF THE CURRENLT LACK OF ENFORCEMENT OF THE DESIGNATED TRUCK ROUTES. FURTHER, THE EIR FAILS TO ACKNOWLDEGE THE LOOPHOLE IN MUNICIPAL CODE SECTION 12.36.050C (COPY ATTACHED) THAT ESSENTIALLY ALLOWS TRUCKS TO GO WHEREVER THEY DESIRE.

Response 5:
The proposed WLC project does not propose to amend the Municipal Code relative to truck routes at this time because the project would not change truck routes outside of the WLC property, and streets within the WLC are covered by the WLC Specific Plan. The Municipal Code is not intended to keep these "lighter duty" type trucks out of residential areas as they constitute normal business operations serving residential areas. The WLC project will provide a surplus of funds (i.e., more revenues than costs) that could be used to fund enforcement activities if necessary.

Comment 6:
THE JUNE 11, 2015 STAFF REPORT IDENTIFIED APPROXIMATELY 70 COMMENTS RECEIVED SINCE THE FINAL EIR WAS RELEASED, AND MORE HAVE BEEN SUBMITED SINCE. TO DATE THE DISMISSIVE RESPONSES PREPARED BY HIGHLAND FAIRVIEW'S CONSULTANTS ARE LIMITED TO SIX RESPONSES TO AGENCIES (REGIONAL BOARD, MORENO VALLEY UNIFIED SCHOOL DISTRICT, CALIFORNIA AIR RESOURCES BOARD, INLAND EMPIRE WATERKEEEPER, RIVERSIDE COUNTY TRANSPORTATION COMMISSION, RIVERSIDE COUNTY TRANSPORTATION AND LAND MANAGEMENT AGENCY) AND TWO RESPONSES TO INDIVIDUALS (DUNCAN BUSH, TOM PAULEK AND SUSAN NASH). WHEN WILL THE PUBLIC BE AFFORDED THE COURTESY OF THE CITY'S RESPONSE TO THE MULTITUDE OF REMAINING COMMENTS (INCLUDING EXTENSIVE COMMENTS FROM ENVIRONMENTAL ATTORNEYS, ADDITIONAL PUBLIC AGENCIES, INFORMED CITIZENS, AND CONCERNED CITIZENS)? HOW WILL THE COMMISSION WEIGH THE REMAINING COMMENTS IN YOUR DELIBERATIONS?

UNTIL THE MYRIAD DEFICIENCIES WITH THE EIR ARE CURED AND THE PUBLIC IS GIVEN AN OPPORTUNITY TO REVIEW AND COMMENT UPON A REVISED, RECIRCULATED DRAFT EIR, THE COMMISSION IS NOT ABLE TO MAKE AN INFORMED RECOMMENDATION TO THE CITY COUNCIL TO CERTIFY THE FINAL EIR. WITHOUT A RECOMMENDATION FOR A CERTIFIABLE EIR, THE COMMISSION CANNOT MAKE AFFIRMATIVE RECOMMENDATIONS ON ANY OF THE DEVELOPMENT APPLICATIONS.

EXPECTING THAT THE COMMISSION IS LIKELY TO IGNORE THESE FACTS REGARDING DEFICIENCES IN THE CEQA RECORD AND THE RESULTANT RESTRICTIONS UPON AFFIRMATIVE

RECOMMENDATIONS, THE FOLLOWING POINTS ARE ALSO PROVIDED FOR CONSIDERATION IN YOUR DELIBERATIONS ON THE DEVELOPMENT APPLICATIONS.

Response 6:
The DEIR and FEIR provide substantial evidence on the evaluation of potential environmental impacts of the proposed WLC project. The WLC EIR examined the potential environmental impacts of the WLC project and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). In addition, the City has responded as appropriate to all of the various comments made both on the Draft EIR as outlined in the Final EIR Volume 1, Response to Comments, but also all the comments made on the Final EIR in a series of memos since the Final EIR was distributed on May 1, 2015. It is the responsibility of the City Council to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 7:
3. GENERAL PLAN AMENDMENT (City Case Number PA12-0010)

THE ACTION BEFORE YOU IS MORE THAN AN UNWISE CHANGE IN THE LAND USE DESIGNATION TO DESIGNATE MORE THAN 2,500 ACRES FOR A VERY LIMITED RANGE OF INDUSTRIAL USES. THE GENERAL PLAN AMENDMENT INCLUDES NUMEROUS AMENDMENTS TO MULITPLE ELEMENTS OF THE GENERAL PLAN THAT GUT A BALANCED PLAN TO FACILITATE THE MYOPIC VISION OF A PROJECT PROPONENT THAT HAS ONLY STYMIED PROGRESS IN THIS CITY FOR MORE THAN 30 YEARS.

IN ADDITION TO THE OBVIOUS LAND USE ELEMENT MAP CHANGE, THE STAFF REPORT DISCLOSES THE FOLLOWING ADDITIONAL CHANGES TO THE GENERAL PLAN:

- *LAND USE ELEMENT - TEXT CHANGE REGARDING MODIFICATION OF LAND USES.*
- *OPEN SPACE ELEMENT TRAILS – NUMEROUS MODIFICATIONS TO REDUCE THE EXTENT OF PROPOSED TRAILS.*
- *OPEN SPACE ELEMENT OPEN SPACE LANDS – TO REMOVE INTERVENING OPEN SPACES THORUGHOUT THE ADOPTED GENERAL PLAN RESIDENTIAL NEIGHBORHOODS, TO ADD APPROXIMATELY 75 ACRES OF HILLSIDE WITHIN PLANNING AREA 30, AND TO ADD 1,100 ACRES THAT IS NOW PART OF THE SAN JACINTO WILDLIFE AREA.*
- *OPEN SPACE ELEMENT FUTURE PARKLAND ACQUISITION – TO ELIMINATE PARKS PRESENTLY INCLUDED TO SERVE FUTURE RESIDENTIAL NEIGHBORHOODS.*
- *CONSERVATION ELEMENT SCENIC RESOURCES – RECHARACTERIZES IDENTIFIED MAJOR RESOURCES TO REFLECT THE OBLITERATION OF AREAS PRESENTLY SO DESIGNATED AS A RESULT OF THE ILL-ADVISED DEVELOPMENT.*
- *SAFETY ELEMENT NOISE CONTOURS – SIGNFICANTLY ALTERS GENERAL PLAN FIGURE 6-2 (BUILD-OUT NOISE CONTOURS) AND ASSOCAITED TECHNICAL DATA TABLE DETAILING DISTANCES TO MAPPED NOISE CONTOURS.*
- *SAETY ELEMENT FIRE STATIONS – ADJUSTS LOCATION OF THE PROPOSED FIRE STATION WITHIN PLAN AREA.*
- *CIRCULATION ELEMENT STREET DESIGNATIONS AND ROADWAY CONFIGURATIONS – COMPETELY RESTRUCTURES THE CIRCULATION SYSTEM FOR THE PROJECT AREA, PARTICULARLY ELIMINATING ALESSANDRO BOULEVARD AS THE EXISTING MAJOR EAST-WEST CORRIDOR AND ADDING A NEW SECTION OF CACTUS AVENUE, EAST OF REDLANDS BOULEVARD, THAT CREATES CACTUS AVENUE AS AN EAST-WEST THROUGH CORRIDOR (REPLACING ALESSANDRO BOULEVARD).*

- *CIRCULATION ELEMENT LEVEL OF SERVICE STANDARDS – CHARACTERIZATION OF CHANGES IS UNCLEAR AND MISLEADING AS TO DESIGNATED LEVEL OF SERVICE ON CACTUS AVENUE, EAST OF REDLANDS BOULEVARD*
- *CIRCULATION ELEMENT BIKEWAY MAP – CHARACTERIZED AS ADDITION OF BICYCLE BOULEVARDS WITHIN THE SPECIFIC PLAN AREA.*

THE ANEMIC RESOLUTION PRESENTED FOR YOUR RECOMMENDATION TO THE CITY COUNCIL IS SIGNFICANTLY LACKING IN CHARACTERIZATION OF THE NATURE OF THE MULTIPLE COMPONENTS OF THE GENERAL PLAN AMENDMENT AND IN PROVIDING CLEAR FINDINGS FOR EACH COMPONENT OF THE AMENDMENT. THE RESOLUTION MUST BE REVISED TO PROVIDE A CLEAR EXPLANATION OF EACH COMPONENT OF THE GENERAL PLAN AMENDMENT AND TO ADDRESS THE REQUIRED FINDINGS SEPARATELY FOR EACH COMPONENT. UNTIL THIS LEVEL OF DETAIL IS ADDED TO THE PROPOSED RESOLUTION AND UNTIL THE REVISED RESOLUTION IS CIRCULATED FOR PUBLIC REVIEW, THE PUBLIC IS DEPRIVED OF AN UNDERSTANDING OF THE BASIS FOR THE COMMISSION'S RECOMMENDATION AND THE COMMISSION IS UNABLE TO MAKE AN INFORMED, LEGALLY ADEQUATE RECOMMENDATION.

IN REVIEWING THE CACTUS AVENUE EXTENSION ISSUE, IT HAS BEEN DISCOVERED THAT THE EIR CLAIMS THAT THE PROPOSED PROJECT IS CONSISTENT WITH GENERAL PLAN POLICY 2.5.4 REGARDING SEGREGATION OF INDUSTRIAL TRAFFIC FROM RESIDENTIAL AREAS. HOWEVER, THE EIR ANALYSIS TAKES A NARROW VIEW OF THIS POLICY AS APPLYINIG TO ONLY TRUCK TRAFFIC. THIS PROJECT IS AMENDING THE CIRCULATION ELEMENT TO TURN A DEADEND SECTION OF CACTUS AVENUE INTO A MAJOR THOROUGHFARE, THROUGH ESTABLISHED RESIDENTIAL NEIGHBORHOODS, WITH THE PRIMARY COMPONENT OF TRAFFIC BEING DERIVED FROM AN INDUSTRIAL PROJECT. THIS DISCONNECT WITH GENERAL PLAN POLICY 2.5.4 REQUIRES FUTHER ATTENTION WITH RESPECT TO THE VALIDITY OF THE PROPOSED CONSISTENCY FINDING IN RESOLUTION 2013-15, AS WELL AS WITH RESPECT THE NEED FOR AN ADDITIONAL PROJECT GENERAL PLAN TEXT CHANGE TO MODIFY THIS POLICY CONSISTENT WITH ITS INTERPRETATION FOR THIS PROJECT.

ALSO RELATIVE TO THE CACTUS AVENUE EXTENSION, THE TRAILS-RELATED AMENDMENT DOES NOT APPEAR TO TAKE INTO CONSIDERATION FUTURE ACCESS AND SAFETY CONSIDERATIONS AFFECTING THE ESTABLISHED TRAIL ACCESS POINT AT THE EXISTING END OF CACTUS AVENUE. WITH THE TRANSFORMATION OF THE EXISTING DEADEND STREET TO A CURVING, HIGH GRADE, HIGH SPEED THROUGHWAY, HOW WILL HIKERS AND MOUNTAIN BIKERS SAFELY ACCESS THIS EXISTING TRAIL IN THE POST-PROJECT CONDITION? NO DISCUSSION OF THIS PROJECT IMPACT COULD BE FOUND IN THE REVISED DRAFT EIR. THIS CIRCUMSTANCE ALSO RAISES A QUESTION WITH THE EIR ASSESSMENT OF PROJECT CONFORMANCE TO GENERAL PLAN POLICY 4.3.7 REGARDING TRAIL SAFETY AND CONVENIENCE.

AGAIN RELATED TO THE CACTUS AVENUE EXTENSION AND AS DETAILED UNDER ITEM 2, ABOVE, THE PROJECTED TRAFFIC VOLUMES AND VEHICLE MIX HAVE NOT BEEN ADEQUATELY OR ACCURATELY DISCLOSED AND ASSESSED IN THE REVISED DRAFT EIR. THE INACCURACIES IN THE TRAFFIC FORECASTS LIKELY UNDERESTIMATE THE FUTURE NOISE VOLUMES ALONG CACTUS AVENUE.

THE GENERAL PLAN BACKGROUND SHEET PROVIDED WITH THE JUNE 11, 2015 AGENDA PACKET DESCRIBES THE PROPOSED BIKE FACILITIES AS "BOULEVARDS". IN CONTRAST, THE SPECIFIC PLAN IDENTIFIES ALL BIKEWAYS AS CLASS II FACILITIES, WHICH ARE PAINTED LANES WITHIN THE STANDARD ROADBED. THE SAFETY AND DESIREABILITY OF PURPOSEFULLY MIXING BIG RIG TRUCK TRAFFIC AND BIKE TRAFFIC CERTAINLY WARRANTS CAREFUL CONSIDERATION.

FINALLY REGARDING THE GENERAL PLAN AMENDMENT, MUNICIPAL CODE SECTION 9.02.040C REFLECTS STATE LAW THAT RESTRICTS THE NUMBER OF GENERAL PLAN AMENDMENTS IN ANY CALENDAR YEAR. THE RECORD BEFORE YOU APPEARS TO BE DEVOID OF ANY ANALYSIS REGARDING THE NUMBER OF AMENDMENTS FOR EACH AFFECTED ELEMENT THAT HAVE ALREADY BEEN ADOPTED THIS CALENDAR YEAR. IT WOULD ALSO BE PRUDENT FOR THE COMMISSION TO REQUEST OF STAFF THE STATUS OF ANY PENDING OR KNOWN AMENDMENTS THAT MAY COME FORWARD FOR THE BALANCE OF THIS CALENDAR YEAR.

Response 7:
The FEIR fully describes the components of the General Plan Amendment (FEIR Section 3.5 in the Project Description), and fully evaluates the potential impacts of the GPA components in the appropriate sections of the EIR (e.g., trails and open space in recreation, land use impacts in the land use section, etc.). The traffic analysis in Section 4.15 of the FEIR fully evaluated the potential traffic impacts to Cactus Avenue and other streets affected by WLC traffic, both trucks and passenger vehicles. It is not unreasonable to assume truck traffic would be limited to truck routes within the City, and any violations of the Municipal Code in this regard would become an enforcement issue, which can be paid for out of the project revenues e.g., property taxes) that exceed project costs. The WLC FEIR is a programmatic document and site or neighborhood specific issues would need to be further evaluated when specific development is proposed in the future, as outlined in the FEIR>

Comment 8:
4. CHANGE OF ZONE (City Case Number PA12-0012) COMMENTS TO BE PROVIDED IF HEARING IS CONTINUED.

Response 8:
The City will respond to specific comments made about any of the actions related to the WLC project.

Comment 9:
5. SPECIFIC PLAN (City Case Number PA12-0013)

IN ADDITION TO THE COMMENTS PROVIDED BY MR. THORNSLEY AND MR PAUW AT THE 6/25/15 HEARING REGARDING THE RIDUCULOUSLY NARROW RANGE OF PERMITTED USES AND THE IMPOSSIBLY CONSTRAINED OPPORTUNITIES FOR THE FORCED PARTICIPANTS, A PROVISION OF THE SPECIFIC PLAN THAT REQUIRES YOUR FULL ATTENTION IS THE DEVELOPMENT REVIEW PROCESS IN SECTION 11.3. OF PARTICULAR CONCERN IS SECTION 11.3.2.d, WHICH ALLOWS ADMINISTRATIVE APPROVAL OF FUTURE BUILDING PLOT PLANS.

THE REFERNCE TO "SUPPLEMENTAL" IN SECTION 11.3.2.d.1 RELATIVE TO NEW CEQA DOCUMENTATION IS AMBIGUOUS IN THE CONTEXT OF THE STATE CEQA GUIDELINES. THIS SECTION REQUIRES CLARIFICATION RELATIVE TO THE APPLICABILITY OF CEQA GUIDELINES SECTIONS 15162 (SUBSEQUENT EIRS) AND 15163 (SUPPLEMENT TO AN EIR) SO THAT THE INTENDED PROCESS IS CLEAR TO THE PUBLIC. CONSIDERING THE VERY LIMITED AMOUNT OF DETAIL ABOUT FUTURE BUILDINGS AND SITE DEVELOPMENT AVAILABLE AT THIS JUNCTURE AND THE RANGE OF ISSUES THAT MAY BE ENTAILED IN

ANY FUTURE BUILDING PROPOSAL, IT WOULD BE MORE APPROPRIATE TO ESTABLISH A REVIEW PROCESS THAT ENSURES PUBLIC NOTICE AND A PUBLIC HEARING FOR EACH FUTURE BUILDING.

ADDITIONAL COMMENT TO BE PROVIDED IF HEARING IS CONTINUED.

Response 9:
Future specific development in the future will have specific CEQA documentation prepared and processed for it, the FEIR documents state this in dozens of locations. The FEIR makes it very clear that there will be

subsequent tiered CEQA review of specific development since this is a programmatic document at present.

Comment 10:
6. SUBDIVISION MAP (City Case Number PA12-0015) COMMENTS TO BE PROVIDED IF HEARING IS CONTINUED.

Response 10:
The City will respond to specific comments made about any of the actions related to the WLC project.

Comment 11:
7. DEVELOPMENT AGREEMENT (City Case Number PA12-0011)

I HAVE ADDRESSED THIS ASPECT OF THE PROJECT IN MY PRIOR WRITTEN COMMENTS OF JUNE 11, JUNE 25 AND JUNE 29 (SUBMITTAL OF 6/25 PUBLIC TESTIMONY SCRIPT, INCLUDING MATERIAL THAT COULD NOT BE COVERED IN THE PALTRY THREE MINUTES, AND SUPPORTING MATERIALS THAT HAD BEEN PROVIDED TO EACH COMMISSIONER THAT NIGHT).

THE BOTTOM LINE IS THAT THE DEVELOPMENT AGREEMENT IS SUBSTANTIALLY DEFICIENT IN DISCLOSING THE INVENTORY AND ASSOCIATED COSTS OF INFRASTRUCTURE AND SERVICES EACH PARTY IS RESPONSIBLE FOR, AND REQUIRES SUBSTANTIAL AMENDMENT TO ENSURE THE CITY RECEIVES SOMETHING CLOSE TO THE INFLATED BENEFITS HIGHLAND FAIRVIEW CLAIMS WILL ACCRUE TO THE CITY AND THE REGION. IT IS ALSO INCONSISTENT WITH THE ENVIRONMENTAL IMPACT REPORT RELATIVE TO DEVELOPMENT IMPACT FEE PAYMENTS, WHICH ARE REQUIRED MITIGATION MEASURES.

AT THE JUNE 11, 2015 PLANNING COMMISSION MEETING, ATTORNEY CURLY MADE A STATEMENT THAT HIGHLAND FAIRVIEW HAD PROVIDED EVIDENCE TO THE CITY'S SATISFACTION THAT THEY OWN OR HAVE AN "EQUITABLE INTEREST" IN ALL OF THE PROPERTY INCLUDED WITHIN THE DEVELOPMENT AGREEMENT. IN REPSONSE TO MY INQUIRY TO REVIEW SUCH EVIDENCE, THE CITY HAS PROVIDED AN ELECTRONIC COPY OF A TITLE REPORT DATED 6/15/15 WHICH IS INADEQUATE TO DRAW ANY CONCLUSION AS TO OWNERHIP OR CONTROL OF THE PROPERTIES SUBJECT TO THE DEVELOPMENT AGREEMENT. THE COMMISSION MUST DEMAND SUCH EVIDENCE, WHICH MUST ALSO BE DISCLOSED FOR PUBLIC REVIEW.

UNTIL THE REQUIRED CHANGES TO THE DEVELOPMENT AGREEMENT ARE DETAILED, HIGHLAND FAIRVIEW AGREES, AND THE PUBLIC IS GIVEN AN OPPORTUNITY TO REVIEW A REVISED DEVEVLOPMENT AGREEMENT, YOU ARE NOT IN A POSITION TO MAKE AN INFORMED RECOMMENDATION ON AN AFFIRMATIVE ACTION WITH RESPECT TO THE DEVELOPMENT AGREEMENT.

Response 11:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The terms of the Development Agreement (DA) will have to be agreed to by both parties (i.e., the City and Highland Fairview) prior to final approval of the DA, including definitions of all terms. For example, the term fair share is well defined in terms of project impacts; "fair share" means that a project which causes X% of a given impact is responsible for the payment of X% of the cost of mitigating that impact. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

The other comments (i.e., about other projects) are not part of the CEQA process. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 12:
8. PRE-ZONING (City Case Number PA12-0014) COMMENTS TO BE PROVIDED IF HEARING IS CONTINUED.

Response 12:
The City will respond to specific comments made about any of the actions related to the WLC project.

Comment 13:
9. MUNICIPAL CODE AMENDMENT TO TRUCK ROUTE MAP

THE FINAL EIR INTRODUCES AN ADDED PROJECT ELEMENT OF A MUNICIPAL CODE AMENDMENT TO REVISE THE CITY'S ADOPTED TRUCK ROUTES. PAGES 40, 89 AND 90 OF THE REVISED TRAFFIC STUDY (COPIES ATTACHED) DEPICT THE EXISTING TRUCK ROUTES, PROVIDE A SIMPLE SENTENCE STATING THAT THE PROJECT INCLUDES PROPOSED CHANGES, AND DEPICT THE PROPOSED REVISED DESIGNATED TRUCK ROUTES. THIS ELEMENT OF THE PROJECT IS NOT DISCLOSED AS ONE OF THE APPLICATIONS FOR THIS HEARING OR IN THE EIR PROJECT DESCRIPTION.

THE PROPOSED MODIFICATIONS EVIDENT BY QUICK COMPARISON OF THE EXISTING AND PROPOSED TRUCK ROUTE EXHIBITS INCLUDE: (1) ELIMINATION OF AN EXISTING TRUCK ROUTE SEGMENT ON ALESSANDRO BOULEVARD BETWEEN MORENO BEACH DRIVE AND MERWIN STREET, (2) ADDITION OF A TRUCK ROUTE ALONG EUCALYPTUS AVENUE BETWEEN REDLANDS BOULEVARD AND GILMAN SPRINGS ROAD, AND (3) ADDITION OF NEW INTERNAL SPECIFIC PLAN ROADS AS DESIGNATED TRUCK ROUTES, INCLUDING SEGMENTS IN PROXIMITY TO ESTABLISHED RESIDENTIAL NEIGHBORHOODS.

THIS ADDED PROJECT ELEMENT REPRESENTS A NEW ENTITLEMENT ELEMENT AND ENTAILS CHANGES IN TRUCK MOVEMENT PATTERNS THAT PRESENT THE POTENTIAL FOR NEW OR MORE SEVERE TRAFFIC, NOISE AND AIR QUALITY IMPACTS AFFECTING EXISTING AND FUTURE SENSITIVE RECEPTORS (AS ONE EXAMPLE, TRUCK TRAFFIC THAT WOULD HAVE USED ALESSANDRO BOULEVARD TO TRAVEL EAST THROUGH THE CITY WILL NOW BE DIVERTED NORTH ALONG MORENO BEACH DRIVE – ASSUMING THE DESIGNATED ROUTES ARE RESPECTED). THIS CHANGE IN THE PROJECT REQUIRES RECIRCULATION OF A REVISED DRAFT EIR DISCLOSING THE NEW PROJECT ELEMENT, CHARACTERIZING THE NATURE OF THE CHANGE, ASSESSING THE RESULTANT IMPACTS, AND DETERMINING THE NEED FOR NEW OR MODIFIED MITIGATION MEASURES. THE CITY MUST CONDUCT A NEW NOTICE AND CONSULTATION PERIOD AND RESPOND TO ANY COMMENTS RECEIVED IN THE COURSE OF THE NEW NOTICE PERIOD. ONLY THEN MAY A FINAL EIR BE PRESENTED FOR THE COMMISSION'S CONSIDERATION OF A RECOMMENDATION TO THE CITY COUNCIL REGARDING CERTIFICATION OF THE EIR AND AFFIRMATIVE ACTION ON THE DEVELOPMENT APPLICATIONS.

ATTACHMENTS:

1. TIA EXCERPTS RELATED TO TRUCK ROUTE MUNICIPAL CODE AMENDMENT (PAGES 40, 89 AND 90)
2. 2102 CIRCULATION PLAN
3. 2105 CIRCULATION PLAN
4. 2105 TRIP ESTIMATES

5. 2015 TRIP DISTRIBUTION
6. 2015 EXISTING TRAFFIC VOLUMES
7. REVISED DEIR TABLE 4.15.AQ – BUILD-OUT TRAFFIC VOLUMES ON CACTUS AVENUE EAST OF REDLANDS
8. FINAL EIR EXCERPT INDICATING LIGHT AND MEDIUM DUTY TRUCKS WILL USE CACTUS AVENUE (PAGE 242, RESPONSE TO COMMENT C-3-15)
9. MVMC SECTION 12.36.050C (TRUCK ROUTE EXCEPTIONS)

Response 13:
The proposed WLC project does not propose to amend the Municipal Code relative to truck routes at this time because the project would not change truck routes outside of the WLC property, and streets within the WLC are covered by the WLC Specific Plan. The Municipal Code is not intended to keep these "lighter duty" type trucks out of residential areas as they constitute normal business operations serving residential areas. The WLC project will provide a surplus of funds (i.e., more revenues than costs) that could be used to fund enforcement activities if necessary. The Municipal Code map of truck routes can be modified in the future to indicate the routes internal to the WLC boundaries if necessary, although their designation in the Specific Plan is sufficient at this time. Various sections of the FEIR evaluate potential impacts of the proposed WLC project on local environmental conditions, such as traffic (Section 4.15), Noise (Section 4.12). etc. The commenter is incorrect in that the proposed approvals requested as part of the WLC project are appropriate at this time given the level of information known about the project, and future specific development will have more specific CEQA-related studies and evaluation. The WLC Specific Plan is a programmatic document and the FEIR for it provides program-level information consistent with the requirements of CEQA. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the Metropolitan Water District of Southern California dated June 11, 2015**

In a letter dated June 11, 2015, the Metropolitan Water District of Southern California submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment. All referenced attachments are found in the actual comment letter attached to this memo for reference.

Comment 1:
Metropolitan has reviewed the FEIR Responses to Letter C-2 (Page 205) and would like to again respectfully request that its fee-owned property be excluded from the Specific Plan. Additionally, Response to Comment C-2-4 states that Metropolitan's fee-owned property is"...not located adjacent to Theodore Street and several intervening properties between the Metropolitan property and access to the SR-60 Freeway." Please clarify Response to Comment C-2-4 to note that Metropolitan's irregularly shaped fee-owned property is located adjacent to Theodore Street and Gilman Springs Road, and access to State Route 60 Freeway.

Response 1:
This correction is hereby noted. Any development of the property would be at the discretion of the MWD but would be subject to the World Logistics Center Specific Plan if that application is approved by the City Council. The boundaries of the WLCSP were established to provide comprehensive planning and environmental review for potential development within the project area, including the MWD property.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 27, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from SCAQMD dated June 11, 2015**

In a letter dated June 11, 2015, Ian McMillan with the SCAQMD submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The South Coast Air Quality Management District (SCAQMD) staff continues to have very strong concerns about the significant air quality impacts from this project and the lack of adequate mitigation to reduce these impacts. As we have identified in previous comment letters, there are many options available to the lead agency to address these impacts prior to project approval. In addition, the Health Effects Institute study on diesel exhaust is being misinterpreted, used inappropriately, and should not be relied upon in the PEIR.

We want to let the Planning Commission know that the concerns identified in our comment letter on the PEIR have not been adequately addressed, and that SCAQMD staff is willing to work with the lead agency in developing strategies that can be implemented to reduce the air quality impacts of the WLC project. A detailed comment letter will be sent next week providing specific recommendations to address the inadequate mitigation of significant air quality impacts. If you have any questions, please contact me at (909) 396-3244.

Response 1:
The Planning Commission was made aware of the SCAQMD's concerns and comments, and the more detailed comments submitted by SCAQMD on June 24, 2015 have been responded to in a separate memo.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 27, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from SCAQMD dated June 24, 2015**

In a letter dated June 24, 2015, Ian McMillan with the SCAQMD submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1A:
The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to submit comments on the Final PEIR for the World Logistics Center Project. SCAQMD staff appreciates the time that city staff and the project applicant have taken to meet with us to discuss this project and the inclusion of some mitigation measures in the Final PEIR, such as the requirement for 100% Tier 4 construction equipment. However, we continue to have significant concerns about this project that were raised in previous comments, including those not adequately addressed in the Final PEIR.[1] *Most importantly, given the magnitude of the air quality impacts, the project must provide more substantial mitigation for the significant emissions from the additional on-road truck trips generated by this project.*

SCAQMD staff recognizes the critical role that warehousing and goods movement have in our regional and national economy. While there has been tremendous growth in warehousing in our region over the past several years to accommodate the needs of the logistics sector, the scale of the proposed World Logistics Center is unprecedented. The 40.6 million square feet of new warehousing in this single project make up almost ten percent of the total new warehousing space projected to be needed in the region by 2035[2]*, and also represents an area that is bigger than 32 individual cities in our jurisdiction. As a further indication of the scale of this project, the estimated ~14,000 trucks per day serving this project at project build out will be more than half the total number of trucks that currently visit the entire Port of Long Beach*[3]*. Below we present the major air quality issues that the lead agency must address before it considers approving this project.*

Response 1A:
The comment points out that the project area is larger than 32 individual cities within the SCAQMD jurisdiction, but the jurisdictions that SCAQMD references are among the smallest cities in California, with as small as a one square mile and populations of only one thousand residents. As the programmatic FEIR has been prepared for a specific plan in the second largest city in Riverside County, it is not surprising that it covers an area geographically larger than the many tiny cities in Southern California.

---

[1] http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2012/march/world-logistics-center-specific-plan.pdf
http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2012/may/world-logistics-center-specific-plan-may-2012.pdf
http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/april/world-logistics-center.pdf
http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/june/fpeirworldlog.pdf

[2] Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities, Southern California Association of Governments (2010)
http://www.freightworks.org/DocumentLibrary/Comprehensive%20Regional%20Goods%20Movement%20Plan%20and%20Implementation%20Strategy%20-%20Reigonal%20Warehousing%20Needs%20Assessment%20Final%20Report.pdf

[3] Based on the most recent emission inventory: http://www.polb.com/civica/filebank/blobdload.asp?BlobID=12246

With over 200,000 residents and projected to grow to over 300,000, Moreno Valley represents approximately 2.7% of the Inland Empire industrial market and has one of the lowest job-to-housing ratios of any city in the region. This imbalance has created one of the largest bedroom cities with nearly 90% of working residents forced to commute long distances to their jobs outside the city. These commutes, and the tremendous negative health and environmental consequences it produces, are precisely what this project is designed to alleviate by creating 20,000 local job opportunities. Moreno Valley has so few job-producing land uses that it needs to allocate a large area in order to create enough jobs to reach a job-to-housing ratio of one. Altogether, Moreno Valley has less than 150 acres left in the entire city for industrial job-producing land uses. A more appropriate comparison would be to other cities of similar size and the amount of Industrial/Warehouse space located within those jurisdictions. In comparison, the City of Riverside with 9.1% of the industrial space market, Chino with 8.9%, Rancho Cucamonga with 8.7%, Fontana with 10.7%, Redlands with 4.3%, and Ontario with 23.9%. It is for these reasons why WLC is the size that it is.

Additionally, the comment claims that there will be 14,000 trucks per day serving the project site. As the SCAQMD does have some knowledge of how traffic analyses are conducted it is surprising that the comment clearly misstates the project traffic impacts. There are approximately 14,000 truck **trips** per day (trips in and trips out of the WLC are counted separately). This means that if every truck only made one visit to the WLC, there would be approximately 7,000 trucks visiting the site. To the degree that trucks make multiple visits, the number of trucks serving the site, there would be even less trucks serving the site. SCAQMD's claim that there would be 14,000 trucks (implying 28,000 trips for every in and out) is completely unfounded. Additionally, SCAQMD's reference for Port of Long Beach's (POLB) trips does not actually contain any trip data, as confirmed by discussions with POLB staff, rather it contains aggregate vehicle-miles-travelled data.

Comment 1B:

Inadequate Mitigation of Trucking Emissions While the proposed project includes a seemingly stringent requirement to only allow trucks that meet the 2010 emissions standard onsite, in reality this measure will do very little to reduce air quality impacts beyond current regulatory requirements. Due to the state Air Resources Board's existing Truck and Bus Regulation, by the time the first warehouse will become operational (likely no sooner than 2018), approximately 75 percent of all truck miles in our region will already be driven by trucks meeting the 2010 emissions standard. By 2023 (when half of this project is still unbuilt), the proposed mitigation will affect no more than about 1 percent of the project's trucking emissions from then onwards.

As currently proposed, the mitigated emissions from this project will reach between about one half and three quarters of a ton of nitrogen oxide (NOx) emissions each day for the majority of the project's life.[4] To put this in perspective, this level of emissions is comparable to facilities in the top ten largest stationary sources of NOx in the air basin (e.g., power plants or refineries). Despite this substantial air quality impact, the proposed mitigation from this project does not include all feasible measures to reduce impacts, nor does it provide a fair-share reduction in NOx to meet air quality standards, as demonstrated below.

In order to meet federal requirements to achieve air quality standards, our air basin must reduce NOx emissions beyond existing regulations by up to 65% by 2023 and up to 75% by 2032[5]. If these ozone and particulate matter air quality standards are not achieved, the region faces two significant challenges. First, we will continue to experience poor air quality and the resulting health impacts, including lung damage and premature deaths.

---

[4] *NOx is a key ingredient to both ozone and particulate matter formation in the atmosphere, two pollutants for which the air basin and the Inland Empire in particular do not meet air quality standards.*

[5] *Based on estimates from the 2012 Air Quality Management Plan.*

Second, federally mandated sanctions will be imposed, including higher operating costs for businesses with air permits and more importantly for this project, loss of federal transportation funding. It is for these reasons that we are disappointed that this project does not propose more measures to mitigate its air quality impacts. This project can and must do more.

The unprecedented scale of this project requires all feasible mitigation measures for the large amount of NOx emissions that will be generated by the project. Although the PEIR investigated the truck technologies currently utilized by the ports of Los Angeles and Long Beach to determine what is feasible to implement for this project today, it ignored the more important actions taken by both ports to encourage and implement newer technologies in the future. For example, because vehicle technology is evolving rapidly, both ports have programs in place to demonstrate and deploy newer truck tailpipe and infrastructure technologies as they become available.[6] *These actions are implemented both as mitigation measures within individual CEQA projects*[7]*, and as measures separate from development projects. This approach has proven to be generally successful to ensure continued growth at the ports by bringing stakeholders together to build consensus regarding feasible mitigation measures without excessive litigation and corresponding delays, subsequently resulting in sizable air quality improvements.*

Response 1B:
The comment inaccurately compares the project's emissions to other sources of air pollutants such as refineries. When comparing the WLC project to stationary sources, those comparisons do not include the mobile sources (such as fuel tankers) that visit such sites. Ignoring those emissions provides an inaccurate and misleading comparison.

The comment also mischaracterizes the ports' requirements in the Clean Air Action Plan. Despite the availability of 2010 compliant trucks, the port's Clean Trucks Program still only mandates the use of 2007 compliant trucks (www.polb.com/cleantrucks). In fact, no goods movement project has adopted a 2010 emissions standard for trucks serving a high-cube logistics development.

The comment claims that other projects have incorporated future technology requirements into the mitigation. Again, this claim is misleading. The two projects referenced (Port of Long Beach [POLB] Middle Harbor and Port of Los Angeles [POLA] Berths 212–224 (YTI) Container Terminal Improvements Project) do not include enforceable requirements. In the case of POLB, the requirement for one measure is the Clean Trucks Program that only requires 2007 trucks. The other POLB measure is "subject to mutual agreement". As a result, this is not an enforceable requirement under CEQA. Similarly, with the POLA reference the requirements are "subject to mutual agreement" and not enforceable under CEQA. The one referenced measure that included a clear commitment was participation in a demonstration project. However, demonstration projects are not proper mitigation under CEQA because success of such demonstrations is not reasonably foreseeable. Even if it were, a single demonstration would provide trivial actual emissions reductions compared to ongoing operations, and there is no requirement to use the speculative equipment going forward.

The WLC project has several design features that will have a positive impact on air quality. For example, unlike fossil fuels, solar panels do not give off the harmful emissions that contribute to smog production. Installation of solar systems within the WLC project area, as specified in the Specific Plan document, would help reduce need for oil-fired power plants, which are significant contributors to regional air pollution.

[6] *http://www.cleanairactionplan.org/*

[7] *See the following Mitigation, Monitoring, and Reporting Programs for examples of how projects have incorporated future technology reviews and implementation into project approvals:*
http://www.polb.com/civica/filebank/blobdload.asp?BlobID=6261 (e.g., MMAQ-8 & 25)
http://www.portoflosangeles.org/EIR/YTI/FEIR/MMRP_FINAL.pdf (e.g., MMAQ-8 & LMAQ-1 & 2 & 4)

In addition, the WLC project buildings will Leadership in Energy and Environmental Design (LEED) requirements which will improve indoor and outdoor air quality. Meeting LEED requirements will help reduce exposure of workers to indoor air pollutants and . Meeting the aspects of the LEED scoring factors inherently result in air quality benefits.

Finally, the WLC project will have a number of roundabouts rather than signalized intersections. Research from Kansas State University indicates roundabouts can improve traffic flow as well as cut down vehicular emissions and fuel consumption by reducing the vehicle idle time at intersections. Their research concluded that modern roundabouts operated more effectively than the before intersection control (All-Way Stop Control/Two-Way Stop Control) in reducing vehicular emissions at all locations studied. After installation of a modern roundabout, the following statistically valid results were obtained for both the AM and PM peak periods observed:

- 21 to 42 percent decrease in Carbon Monoxide (CO) emissions;
- 16 to 59 percent decrease in Carbon Dioxide (CO2) emissions;
- 20 to 48 percent decrease in Oxides of Nitrogen (NOx) emissions; and
- 18 percent to 65 percent decrease in the Hydrocarbons (HC) emissions.

Reduction in delays, queues and proportion of vehicle stopped at the intersection also suggest that roundabouts enhanced the operational performance of the intersections and account for the reduction in vehicular emissions. Since all the locations had a range of different traffic conditions, it is reasonable to suggest that a modern roundabout may be the best intersection alternative to reduce vehicular emissions for other locations with similar ranges of traffic volumes.

Comment 2:
The Final PEIR's response to SCAQMD staff and ARB staff comments regarding the implementation of an alternative technology truck phase-in was not sufficient and did not consider the feasible measures that are, or soon will be, available to implement new technologies early and throughout the life of the project. It is inappropriate to simply dismiss as 'speculative' the comments of two public agencies who have considerable expertise in truck engine technologies and who have devoted considerable financial resources to ensure that these technologies will be commercially available in the time frames specified. Establishing a program of enforceable mitigation that actually will reduce emissions for most of the project's life is particularly important at this juncture because the PEIR is being used to approve a Development Agreement, which may not receive any further environmental review.

More specifically, the lead agency and project applicant should consider developing strategies that are consistent with ARB's Draft Sustainable Freight Strategy (SFS) document[8]*. For example, the project could include a project-wide cap (e.g., SFS page 45 that declines through time as newer truck engine types become commercially available and/or are required to be manufactured per future regulations.*

[8] Draft document available here: http://www.arb.ca.gov/gmp/sfti/Sustainable_Freight_Draft_4-3-2015.pdf

Response 2:
The development agreement locks in today's planning and zoning but doesn't bar further CEQA review or mitigation. Prior responses did not simply dismiss as "speculative" non-existent drayage technologies. Rather, the response relied upon CARB's Sustainable Freight Strategy and CARB's Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015
(http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf).
As SCAQMD points out CARB has considerable expertise regarding these issues and has made the following statements in its technology assessment:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment." Page ii

> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize." Page iii

> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve." Page 11

Not only are these technologies not currently available, it is not currently known when such trucks will become available, what technology they will rely on (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The City cannot rely on speculative future technologies as mitigation. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B) because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC. Mitigation Measure 4.3.6.3B is verifiable and whose emission benefits are quantifiable and does not rely upon speculative and uncertain technologies. This represents a commitment to the highest and best technologies available today, well in advance of the market. Further, SCAQMD acknowledges, almost in passing, that the WLC project mandates the requirement for 100% Tier 4 construction equipment as a standard for construction. No similar project has made a similar commitment.

Comment 3:
Today there are already many trucks that are commercially available that have certification levels that are below ARB's current NOx standard (Attachment A). Further, trucks that meet ARB's lowest Optional NOx standard (90% lower than the current standard) are expected to be commercially available in the 2018 timeframe, very early in the life of the project (Attachment B). Lastly, engine technologies that may achieve even greater reductions in emissions are being demonstrated widely today for potential commercialization well before project buildout (Attachment C).

Response 3:
There are engines that are certified below CARB's current NOx standard. As the standard may not be exceeded, it is expected that many of the engines certified to the 2010 standard will be below the CARB's current NOx standard. It is expected that many trucks that serve the WLC will employ engines that are below CARB's current NOx standard. However, as the list shows, the engines that appear on the list are varied in terms of intended purpose, size, horsepower, and fuel. It is not possible in a programmatic document to know if any of these engines will meet all tenants' future needs. In addition, it is unknown if these engines will be available from one year to the next as engine models and design change regularly. For reasons such as this, the project must rely upon a promulgated standard where the availability of the technology will not be in doubt. In

addition, since this is a programmatic EIR, each subsequent project will require additional CEQA review. If it is determined during subsequent CEQA review that additional mitigation is feasible due to advancing emissions standards, it will be incorporated at that time. Finally, the development agreement locks in today's planning and zoning but doesn't bar further CEQA review or mitigation.

With regard to available technologies in Attachment A, it is unclear if SCAQMD understands the nature of the project. The project is a high-cube logistics center. As a result, it is unlikely the vehicles appearing on the list such as buses, excursion vans, or utility trucks will be serving the project. Further, the delivery trucks that are shown are not of the type likely to serve the project. A more reasonable presentation on the state of technology comes from the Port of Los Angeles, a leader in zero emission technology demonstration. POLA states in its recent Zero Emission White Paper (http://www.portoflosangeles.org/pdf/Zero_Emmissions_White_Paper_DRAFT.pdf) that "the accumulated demonstration activity of yard tractors and drayage trucks tested to date falls far short of matching even a year's operation for a single yard tractor or drayage truck" (page 2):

Table 1 – Comparison of Accumulated Demonstration Activity to Typical Fleet Operation

Description	On-Road Drayage	Off-Road Yard Tractor
Total units in past demonstrations	0	8
Number of units in field demonstration **today**	4	2
Total accumulated demonstration activity to date (the sum of all vehicle/equipment demonstration activity, including current (4) and past (8) demonstration units)	~8,900 miles	~1,000 hours
Average annual activity of a typical short-haul drayage truck in operation at the port (i.e. miles/year or hours/year)	~12,000 miles	~1,700 hours

With regard to future technologies, as slide 6 of Attachment B shows, every technology that is projected to exceed the 2010 emissions standard (0.20 g/bhp-hr), is in the research and development stage. Only three technologies are shown as commercial. However, the those three technologies are designed to meet the 0.20 g/bhp-hr NOx standard, which is the same NOx standard as the 2010 US EPA emissions standard. As a result, the only commercially available vehicles identified in that technology assessment perform no better than the 2010 diesel trucks required for the project and would not provide any additional emissions benefit. In Attachment C, SCAQMD claims that the technologies listed "will" be available "before full project buildout". Such a claim is misleading. These are demonstration projects; as a result the outcome of the demonstration is unknown. In addition, the companies advancing these technologies are tiny firms which have no track record of delivering commercialized products. Again, the City cannot rely on speculative future technologies as mitigation. The requirements that SCAQMD suggests in its comments would create substantial risk for the City and businesses seeking to operate in the City. Presuming the success of specific technologies before proven in the market would place Moreno Valley businesses at a competitive disadvantage.

Comment 4:

Requested Modification to PEIR[9]: SCAQMD staff strongly recommends that the PEIR implement a program that includes elements such as:

- *Steps to implement new truck and infrastructure technologies as a part of the project based on periodic and frequent technology/feasibility reviews as individual buildings are leased or sold.*
- *Project-wide or building-specific emissions caps that decline through time. The lowering of emission caps could be tied to the advancement of engine technologies. For example, in a set period of time after the commercial introduction of trucks meeting ARB's lowest Optional NOx Standard the emission caps could be reduced by a certain percentage. These caps could be implemented as individual buildings are leased or sold.*
- *Similar to the SCAQMD Surplus Off-road Option for NOx (SOON) program for owners of off-road vehicles[10], tenants that occupy buildings in the project site should be required to apply in good faith for incentive funding assistance[11] to replace and retrofit older trucks. Should awards be granted, the applicant must also be required to use them.*

Response 4:

Periodic review is already built into the project. Since this is a programmatic EIR which only addresses land use, each subsequent action for a project-specific building will require additional CEQA review. If, at that time, additional mitigation that was previously infeasible becomes feasible, it will be incorporated as required by CEQA.

A declining emissions cap will not necessarily result in lower emissions. A more likely scenario is that more intensive users will select locations not subject to an emissions cap or split their operations among several buildings. In either case, the goal of reducing regional emissions will not be achieved.

Tenants will already be required to use the cleanest equipment available. All equipment must be non-diesel and meet Tier 4 requirements (Mitigation Measure 4.3.6.3B(k)). Additionally, tenants are encouraged to apply for incentive funding (Mitigation Measure 4.3.6.3B(j)).

[9] SCAQMD staff is available to help craft detailed revisions to the project's mitigation on an expedited basis.

[10] *http://www.aqmd.gov/home/programs/business/business-detail?title=off-road-diesel-engines&parent=vehicle-engine-upgrades*

[11] *For example, Carl Moyer, Proposition 1B, VIP, or other similar funding programs. http://www.aqmd.gov/home/programs/business/business-detail?title=vehicle-engine-upgrades*

Comment 5:
Misleading Discussion of Potential Health Risks The PEIR misinterprets and then relies heavily on a single study published by the Health Effects Institute (HEI) to determine that "new technology diesel exhaust does not cause cancer." (PEIR pg. 4.3-1). The PEIR should not make such sweeping conclusions based on a single study. While the study identifies real reductions in the mass of particulate matter with newer truck technologies, the study size was too small to identify potential cancer effects for exposures similar to what people will experience from this project.

This study did not, nor was it designed to, evaluate the question of whether the toxicity per unit mass of diesel exhaust particulate (e.g., the cancer potency factor) was different compared to older engines. At the concentrations studied, one would not expect to find any tumors given the number of animals used, even if the carcinogenic potency of the new technology particulate emissions were the same as that of the particulate from the older technology engines. From the study results, it is not possible to make any conclusions on the relative carcinogenic potency of diesel exhaust particulates.

Response 5:
The PEIR does not make such sweeping conclusions. It simply summarizes the conclusions contained in the HEI ACES. As the HEI report stated:

"Lifetime inhalation exposure of rats exposed to one of three levels of [New Technology Diesel Exhaust] NTDE from a 2007-compliant engine, for 16 hours per day, 5 days a week, with use of a strenuous operating cycle that more accurately reflected the real-world operation of a modern engine than cycles used in previous studies, did not induce tumors or pre-cancerous changes in the lung and did not increase tumors that were considered to be related to NTDE in any other tissue. (HEI ACES Page 1)"

In other words, lifetime exposure to new technology diesel exhaust did not cancer. In addition, SCAQMD provides no basis for the claim that "the study size was too small to identify potential cancer effects for exposures similar to what people will experience from this project." This was not identified as a limitation of the study. In fact, as SCAQMD points out later, the study came to the following conclusion:

> "Using appropriate statistical approaches to analyze the data, the investigators in this core study confirmed the a priori hypothesis, namely, that lifetime exposure to NTDE at the concentrations studied would *not* cause an increase in tumor formation or substantial toxic health effects in rats, although some biologic effects might occur." [italics in the original] Page 165

And with regard to exposure concentration, the study points out the following:

> "Both the investigators and the Panel noted that although engine-generated [particulate matter] PM mass was greatly reduced (to $\leq$ 11 $\mu g/m^3$ inside the chamber) in this study, substantial numbers of particles (between 2 and 8 $x10^5/cm^3$) in the ultrafine range (20 to 40 nm in diameter) were detected. These levels are in the range of (or somewhat higher than) those found on or near major roads in urban areas and in environments in which diesel-powered traffic dominates (e.g., McCreanor et al. 2007; Morawska et al. 2008; Zhang et al. 2009)." Page 156

The concentrations used in the study are higher than what would be experienced on a major urban roadway dominated by diesel sources. The HEI ACES study concludes that there would not be cancer formation at the concentrations studied.

With regard to the toxicity, the FEIR does not discuss changes in toxicity of DPM. Rather the FEIR applies both the results of the study and other information, including the latest OEHHA methodology to analyze cancer risk, to draw its conclusions. However, the HEI ACES study does state the following regarding changes in DPM toxicity:

"Regarding the question of whether the *toxicity per unit mass* of the PM emitted from the 2007-compliant engines was changed compared with older engines, the Panel pointed out that ACES was not designed to investigate this question. Consequently, the most straightforward inference would be that the steep drop in particle mass and levels of organic components in NTDE significantly *decreased* the overall toxicity of NTDE compared with the toxicity of TDE." [italics in the original] Page 154-155

Comment 6:
Further, the state Office of Environmental Health Hazard Assessment (OEHHA) is charged with determining the cancer potency factors of all pollutants for use in Health Risk Assessment (HRAs) throughout the state. The cancer potency factors from OEHHA have been used in the HRA prepared for this EIR, and the emission factors from the state Air Resources Board's EMFAC model already account for the reduced diesel exhaust coming from 2010 trucks. Therefore, the EIR's conclusions regarding diesel exhaust from this single HEI study are wholly unsupported by the volume of studies that OEHHA and ARB rely on to determine the carcinogenicity of diesel particulate matter coming from 2010 trucks.

We note that in response to ARB staff's comments expressing concern about the misuse of the HEI study, the PEIR consultant provided a response using a partial quote taken from the study's Executive Summary.

RESPONSE TO ARB STAFF'S CONCERNS ABOUT THE HEI STUDY IN JUNE 10, 2015 MEMO FROM LSA ASSOCIATES TO MORENO VALLEY PLANNING DEPARTMENT.

"The primary conclusion of the HEI ACES is 'that the [New Technology Diesel Exhaust] would not cause an increase in tumor formation or substantial toxic health effects.' (HEI ACES Report p.3)"

SCAQMD staff is concerned that the lead agency is selecting this quote out of the full context of the report and ignoring an important aspect of the HEI publication process, the independent peer review. Importantly, in the Commentary prepared by HEI's own independent review panel, the peer reviewers felt it necessary to modify the quote from above to the statement below.

*HEI PEER REVIEW PANEL CONCLUSION ON STUDY (PAGE 165 OF THE HEI STUDY) (**EMPHASIS ADDED**):*

*"Using appropriate statistical approaches to analyze the data, the investigators in this core study confirmed the a priori hypothesis, namely, that lifetime exposure to [New Technology Diesel Exhaust] **at the concentrations studied** would not cause an increase in tumor formation or substantial toxic health effects in rats, although some biologic effects might occur."*

The HEI study as designed cannot determine whether diesel exhaust from the World Logistics Center project would pose a potential cancer risk in the surrounding community. The study does not contain sufficient information to determine whether 2010 diesel truck exhaust can cause cancer in humans. The number of animals in the study was too low to detect any cancer risk that would be expected at the concentrations evaluated. Therefore in SCAQMD staff's expert opinion, the whole of the scientific literature leads us to conclude that 2010 diesel truck exhaust be considered carcinogenic.

Requested Modification to PEIR: SCAQMD staff strongly recommends that the lead agency not rely on an approach that cherry picks and misuses a single study to conclude that diesel exhaust emitted from this project would not be carcinogenic. In particular, this study – which contradicts the general consensus of air quality experts that diesel exhaust is a carcinogen – should not be used as substantial evidence to support a Statement of Overriding Considerations. For significance determinations, the PEIR instead should only rely on the HRA that was already prepared following standard procedures to account for reduced emissions from 2010 trucks. If the lead agency chooses to keep references to the HEI study as part of the PEIR, then it

should only be as supplementary information and characterized correctly.

Response 6:
As SCAQMD points out by quoting the HEI study above, the study did not conclude that the animal population is too small. Rather it concluded that at the concentrations studied would not result in cancer. And further, that the concentrations studied are equivalent or higher than those experienced at a major urban roadway dominated by diesel sources. See also response to Comment 5. Rather than including the groundbreaking results of this first of its kind, peer-reviewed study, SCAQMD would have the FEIR continue to rely on the studies that were the basis of the designation of traditional diesel exhaust, such as the 1950's railroad workers study. No studies that have been conducted or evaluated by OEHHA have included new technology diesel exhaust. As a result, it is important that HEI ACES study be included in the FEIR. However, as SCAQMD points out, an analysis using the latest OEHHA methodology is included in the FEIR (FEIR Volume 2, Section 4.3.6.5). That conservative analysis concludes that there would be no significant impact outside the project boundaries and only three homes would be impacted within the project boundaries. Additionally, at the request of the Planning Commission all seven homes within the project boundary would be fitted with home air filtration systems that would reduce the impact to the three homes (as determined by the latest OEHHA methodology) to less than significant (FEIR Volume 2, page 4.3-130). As a result, regardless of the approach taken to analyze cancer risk, the latest OEHHA methodology alone or the HEI ACES alone, the cancer risk is less than significant.

Comment 7:
<u>Conclusion</u>
As demonstrated in this letter, the project's mitigation is insufficient, but the city still has several options to improve this project and the PEIR prior to approval that would reduce the substantial and significant impacts on air quality. The choice is not about promoting jobs OR promoting clean air. It is about promoting a future that provides both. It has been done before and it should be done for this project.

We appreciate your willingness to consider these comments, and we look forward to continuing to work with you in developing strategies that can be implemented to reduce the air quality impacts of the World Logistics Center project.

Response 7:
The FEIR has provided substantial evidence using data and methodologies recommended and approved by the SCAQMD and OEHHA regarding the assessment of health hazards, including cancer risks, for the proposed WLC project. Other responses in this memo and responses to comments from the California Air Resources Board in a separate memo dated June 8 explain why the project has proposed and will implement all feasible mitigation measures. The FEIR has committed the WLC project to require U.S. EPA 2010 compliant trucks well ahead of the State of California's requirements. There are no commercially available heavy-duty trucks and therefore such mitigation is infeasible. CARB's own planning efforts with regard to zero-emissions within the freight sector is incomplete. Additionally, without knowledge of who future users might be, it is not currently possible to specify what technology will meet their operational needs. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the SoCal Environmental Justice Alliance dated June 11, 2015**

In a letter dated June 11, 2015, Joseph Bourgeois with the SoCal Environmental Justice Alliance submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Thank you for the opportunity to comment on the EIR prepared for The World Logistic Center. Please accept these comments on behalf of SoCal Environmental Justice Alliance.

The proposed World Logistics Center project (WLC) site covers 3,918 acres in eastern Moreno Valley. A General Plan Amendment is proposed to designate 2,635 acres for logistics warehousing including up to a maximum of 41.4 million sf of "Logistics Development" and 200,000 sf of warehousing-related uses classified as "Light Logistics." The remaining 1,104 acres will be designated for permanent open space and public facilities. The following elements of the General Plan are included in the proposed Amendment: Community Development (land use); Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and the General Plan Goals and Objectives. The site is just north of the San Jacinto Wildlife Area and includes 7 rural residential properties. A new Specific Plan will be adopted to govern development of the 2,635 acres, and a separate zoning amendment will also be processed to rezone 1,104 acres for open space and public facilities uses.

At present there are a large number of logistics warehouse buildings approved, built, and proposed in Moreno Valley. In fact, the City has just approved the 2,000,000 SF ProLogis Project and is in the process of approving the World Logistic Center (WLC) which is a 42,000,000 SF logistics facility. There are a number of studies that have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact.'" Moreno Valley has one of the highest minority population, unemployment, education and health statistics in the county.

Response 1:
The characterization of the project and the community by the commenter is largely correct.

Comment 2:
Any EIR prepared for this Project should address potential blighting effects from an oversupply of logistics warehousing in the City from development of this Project, as well as impacts from failing to maintain a mix of industry in the City. As the site stands as one of the remaining non logistics industrial uses in the City, the EIR should evaluate impacts from eliminating this remaining beacon of diversity within the industrial land use classification.

Response 2:
There has been no evidence presented that there is in fact an oversupply of warehousing in the City as demand is high even as new projects are approved not only in the City but in surrounding areas as well. The commenter

indicates the project will not allow the City to maintain an appropriate mix of land uses. However, the General Plan actually encourages a mixture of non-residential land uses (commercial, industrial) over the entire City and not on a project-by-project basis. Other than the WLC property, which is currently zoned for mixed residential and commercial uses, the rest of the City contains less than 150 acres of vacant land planned for non-residential uses, so the land use decision regarding future uses on the WLC project site will be very important for the economic health of the City in the future.

Comment 3:
If it is the City's decision to move forward with the Proposed Project, the Alliance urges the City Council to adopt, wherever possible, to address the Environmental Justice issues that the Project's approval will create. This, even if the alternative would impede to some degree the attainment of the project objectives, or would be more costly. The Alliance believes the EIR for the Proposed Project fails to comply with CEQA and must be substantially supplemented, amended, and recirculated before the City Council makes its decision on the Proposed Project. The Alliance encourages the city to require the recirculated EIR address the Environmental Justice Element as outlined in the California General Plan Guidelines and give the Element the same weight as the mandatory elements of the general plan. Because the EIR has completely failed to address these issues the Alliance believes the EIR for the Proposed Project fails to comply with CEQA and must be substantially supplemented, amended, and recirculated before the City Council makes its decision on the Proposed Project. The Alliance encourages the city to require the recirculated EIR to address the Environmental Justice Element as outlined in the California General Plan Guidelines and give the Element the same weight as the mandatory elements of the general plan. Cities have an important role to play in ensuring environmental justice (EJ) for all of California's residents under state law: "Environmental Justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects. Moreno Valley must begin to recognize its obligation to consider EJ in the CEQA process and the advantages of EJ; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, EJ requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development. Moreno Valley has two environmental justice-related responsibilities, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

First, Government Code section 11135, subdivision (a) provides in relevant part: No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. While this provision does not include the words "environmental justice," it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens discussed above. For example, a general plan update is funded by or receives financial assistance from the state or a state agency the local government should take special care to ensure that the plan's goals, objectives, adhere to the Office of the California Attorney General's Environmental Justice policies (Updated: 07/10/12 Page 2 of 6 and implementation measures) and provide for the following: (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in the unmitigated concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135. In addition, in formulating its public outreach for the general plan update, the local agency should evaluate whether regulations governing equal "opportunity to participate" and requiring "alternative communication services" (e.g., translations) apply. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 1113 5 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to "curtail" state funding in whole or in part to the local agency. (Gov. Code, §11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

Second, under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects ..." (Pub. Res. Code, § 21002.) Human beings are an integral part of the "environment." An agency is required to find that a "project may have a 'significant effect on the environment'" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, § 15126.2 that notes "that a project may cause a significant effect by bringing people to hazards."

CEQA does not use the terms "fair treatment" or "environmental justice." Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Still, as set out below, by following well-established CEQA principles, local governments can further environmental justice. CEQA's purpose the importance of a healthy environment for all of California's residents is reflected in CEQA's purposes. In passing CEQA, the Legislature determined:

1. The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern. (Pub. Res. Code, § 21000, subd. (a).)

2. We must "identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached." (Id. at subd. (d).)

3. Major consideration must be given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (Id. at subd. (g).)

4. We must "take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise." (Pub. Res. Code, § 21001, subd. (b).)

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two longstanding CEQA considerations that may relate to environmental justice are relevant - setting and cumulative impacts.

It is well established that "the significance of an activity depends upon the setting." (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also id. at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions "are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant."]) For example, a proposed project's particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose "sensitive receptors" to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.

In addition, CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are "cumulatively considerable" and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) "'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." (Id.) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it more likely that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the "relevant question" is "whether any additional amount" of pollution "should be considered significant in light of the serious nature" of the existing problem (Hanford, supra, 221 Cal.App.3d at 661; see &ho Los Angeles Unified School Dist. v. City of Los Angeles (1997) 58 Cal.App.4th 1019,1025 [holding that "the relevant issue ... is 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 in light of the serious nature of the traffic noise problem already existing around the schools."])

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (Id. at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community's existing businesses, and if that could in turn "result in business closures and physical deterioration" of that community, then the agency "should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project." {See Citizens for Quality Growth v. City of Mt Shasta (1988) 198 Cal.AppSd433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (Id. at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: "For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant." (Id. at § 15131, subd. (b); see also id. at § 15382 ["A social or economic change related to a physical change may be considered in determining whether the physical change is significant."]) CEQA's "substantive mandate" prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (Mountain Lion Foundation v. Fish and Game Commission (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup.

(See CEQA Guidelines, § 15041, subd. (a) [noting need for "nexus" between required changes and project's impacts].) Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal 3d 376, 404) or alternative project designs (see Citizens of Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. "Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public." (Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 93.) Further, "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (CEQA Guidelines, § 15126.4, subd. (a)(2).) As part of the enforcement process, "in order to ensure that the mitigation measures and

project revisions identified in the EIR or negative declaration are implemented," the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) "The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (Federation of Hillside and Canyon Assns. V. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

Under CEQA, a local government is charged with the important task of "determining whether and how a project should be approved," and must exercise its own best judgment to "balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d).)

A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (Id. at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA's public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the "specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" that, in its view, warrant approval of the project, but also the project's "unavoidable adverse environmental effects[.]" (Id. at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

The Project has numerous impacts to the neighborhood, the most important are (1) Air Quality, (2) Cumulative Effects, (3) Growth Inducing and (4) GHG: Aesthetics/Visual

- *Air Quality*
- *Archaeologic-Historic*
- *Biological Resources*
- *Geologic/Seismic*
- *Noise*
- *Soil Erosion/Compaction/Grading*
- *Toxic/Hazardous*
- *Traffic/Circulation*
- *Vegetation*
- *Growth Inducing*
- *Cumulative Effects*

Response 3:
Neither the CEQA Statute nor the State CEQA Guidelines requires a specific analysis of environmental justice but does require analysis of a number of potential environmental issues that relate directly to the concerns expressed by the commenter regarding environmental justice, specifically air quality and health risks, hazardous materials, and noise. The WLC EIR has provided analyses of these issues to an appropriate level of detail to determine if any disadvantaged communities or areas would be disproportionately impacted by the WLC project. First, it should be noted that the community immediately adjacent to the WLC project site (i.e., along Redlands Boulevard to the west) is not a disadvantaged neighborhood, and these areas would be more directly impacted by development of the WLC project than other neighborhoods in the City further to the west. In fact, these adjacent neighborhoods have higher socioeconomic characteristics than other neighborhoods further to the west in the central and western portions of the City. Therefore, the issue of environmental justice does not appear to be relevant to the WLC project.

For example, the regional air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. DEIR Section 4.4 fully

evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. Planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As the HEI ACES Study mentioned in the FEIR demonstrates, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's. Therefore, potential air quality impacts of the WLC project will be more regional in nature rather than affecting particular communities that may have EJ characteristics.

Comment 4:
In a Tuesday letter to city planning officials. Riverside County Transportation Commission Executive Director Anne Mayer said the report for the proposed 40.6-million square foot complex does not properly address how needed improvements on Highway 60, Highway 79 and Gilman Springs Road would be made. Mayer stated, "The approval of the proposed project would result in far-reaching impacts to surrounding local and regional transportation corridors." The environmental study has no plans on how to pay for upgrades to those highways or roads. In a letter Monday, Riverside County Transportation and Land Management Agency - a separate entity - also raised concerns about whether the 60 and Gilman Springs could handle the additional traffic, which it stated would be "highly detrimental to traffic safety and mobility." Gilman Springs - a two-lane county road - is already handling as much traffic as it can and that the project could add 6,019 cars and 420 trucks a day.

Road and freeway improvements should be built before approving the project and before building permits are issued because a traffic study that is part of the report estimates the complex would generate about 68,000 vehicle trips a day, around 14,000 of which would come from trucks.

This does not address whether the $34.1 million in fees that will be paid by the developer through a regional program to pay for transportation projects adequately compensates for regional impacts. Additionally, the proposed project will change the land use designation of thousands of 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.

Additionally, the Proposed Project application in its present form should be denied because the Proposed Project undermines the General Plan. The proposed General Plan Amendments and zoning changes will irreparably change the well thought out dynamic of the City's General Plan by replacing the City's diverse land use mix with logistics and distribution centers for short-term economic gain over the long-term healthy and successful development of the City. This is illustrated by the EIR's failure to accurately identify the Proposed Project's impacts on the City's housing element (the Proposed Project will eliminate 6000 homes from the City's housing element) especially with respect to affordable housing and the Social Justice Element. The Proposed Project's complete failure to offer any meaningful mitigation must also be noted as a major failure of the Proposed Project's EIR.

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 to distribution warehousing facilities. As a result, payment of TUMF will not sufficiently mitigate traffic impacts of the proposed project.

The issues raised by these transportation agencies highlight the inadequacy with the final environmental impact report not to mention the California Air Resources Board stated the study did not property address the potential health risks of air pollution or explore measures to reduce pollution through zero or near-zero emission machinery, which raises serious legal issues that the city should address in a supplemental analysis. The health risk analysis must be revised to ensure that the potential impacts are fully analyzed and disclosed.

Even the city's environmental report stated the project's local and regional air quality impacts would be "significant and unavoidable" as a result of the center's estimated 14,000 truck trips a day. The city is relying in its analysis on a study published this year by the Boston-based Health Effects Institute that found that rats exposed in a laboratory to the exhaust of newer diesel engines did not develop cancer. The fact is the City has overstated the study's findings and ignored other studies that show the opposite result.

These comments hereby incorporate the extensive commentary previously made by current members of the SoCal Environmental Justice Alliance. We reserve the right to supplement these comments at later hearings and proceedings for this Project. For these reasons and those previously articulated, I respectfully request you deny this Project in its entirety and decline to certify the EIR.

Response 4:
Since the City cannot guarantee that improvements outside of its jurisdiction will be made, it has no choice but to find impacts outside the City as significant and unavoidable under CEQA. The City has no ability to compel regional and State agencies to take the necessary actions required to improve regional infrastructure. What the City can do is ensure that developments within the City pay their fair share when such actions by regional and State agencies do occur. The FEIR contains a series of mitigation measures to ensure that traffic impacts are addressed (Mitigation Measures 4.15.7.4A-4.15.7.4G). These measures require the improvement of right-of-way within the City's jurisdiction, the payment of fair share costs to jurisdictions outside the City, payment of TUMF fees (estimated at $34.1 million in TUMF fees), and coordination with outside jurisdictions regarding constructing improvements outside the City's jurisdiction. The City will work with TMLA, RCTC, and WRCOG to ensure that improvements of regional benefit are constructed. However, it is unreasonable to restrict development until such time that regional agencies are prepared to construct necessary and needed regional infrastructure. Doing so would effectively give agencies outside the City a veto on any City development.

The number of truck trips of the WLC project is less than that estimated for the currently approved Moreno Highlands Specific Plan (MHSP), however, the total number of trips is substantially reduced for the WLC project compared to the MHSP plan.

For more information on potential air quality impacts, see Response 3 above.

The WLC EIR examined the potential environmental impacts of the WLC project and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). It is the responsibility of the City Council to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Dr. Karen Jackpor dated June 13, 2015**

In a letter dated June 13 2015, Dr. Karen Jackpor submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Hello my name is Dr. Karen Jakpor and I am a physician volunteer with the American Lung Association, although I am speaking now as an individual. I am speaking not only from the point of view of a physician, but also that of a patient with severe asthma who has been to the ER countless times.

The California Air Resources Board finds the Final Environmental Impact Report "legally inadequate and unresponsive" to the recommendations the ARB made concerning zero and near-zero emission technology. Instead the final EIR does only partial mitigation by requiring trucks from 2010 on. The fEIR relies on a rat study the ARB called inadequate and said should be removed from the entire report. According to the Press-Enterprise, "Dan Greenbaum, the president of the Health Effects Institute, said the city's report appears to have overstated the study's findings."

It would be irresponsible to assume that there will be no health effects from the WLC if it is allowed to proceed while ignoring full-mitigation measures. Just as the health effects evaluation is likely full of error, I suspect that the traffic estimates are also hugely in error.

To give you an idea of how much error, a study by Bluffstone and Ouderkirk published in the Journal of Contemporary Economic Policy in 2007 estimates that a warehouse the size of 800,000 SF implies roughly 560 truck trips/day. Since the WLC is 52 times bigger, I multiplied by that and found an estimate of 29,120 truck trips per day for the World Logistics Center, based on this study. If that's true, then the EIR estimate of 14,682 truck trips per day should perhaps be doubled. That means you should also double the emissions projections which would greatly increase the health impact. The authors of that study further concluded with the emissions data they had when they wrote the study that in the range of 15,000 to 25,000 additional diesel truck trips would be associated with an excess mortality in the range of 3.2 to 6.4 deaths per year, with a combined excess mortality and morbidity value of $24.7 to $45.5 million dollars per year—that's 3 to 6 people dying each year. This is a serious issue. The analysis of the traffic, air pollutant emissions, and resulting health effects should be accurate before you make any decision.

Particulate air pollution not only causes increased deaths due to asthma and respiratory conditions. But very small particulate gets absorbed into the blood stream and causes heart attacks, strokes and cancer. (and perhaps autism) This is no small problem. According to MIT researchers, air pollution accounted for 200,000 deaths in the US in 2005. And air pollution related mortality shortened the average victim's lifespan by 12 years. Approximately 7,000 Californians die each year from particulate air pollution, more than twice the number killed in car accidents.

The American Lung Association State of the Air Report shows that again this year our community has received straight F's in all air quality measures and has some of the worst air quality in the nation. So I don't believe it is coincidental that Riverside County has the highest mortality rate in California for deaths from heart disease, and close to the worst in cancer, lung disease, and stroke. An article in the New England Journal of Medicine showed that residents of Pittsburgh and Buffalo which have made the most progress in cleaning their air, gained almost 3 ½ years longer life expectancy in the last two decades.

Bad air quality is costly. The California Department of Public Health reported that over $1 billion was spent on asthma hospitalizations in 2010, with the majority of that expense covered by MediCal and Medicaid.

Why should Moreno Valley chose between jobs and health? Instead, why not create jobs that don't have the potential to shorten the life expectancy of every citizen? Please vote against this proposed development.

Response 1:
The commenter's information regarding traffic trip generation is incorrect. The traffic analysis in the EIR used the traffic generation rate for high-cube warehouses suggested by the Institute of Traffic Engineers ("ITE") which is based on traffic counts from a number of large warehouses located in California and elsewhere in the United States. This rate was also compared to the trip generation rate actually resulting from the Skechers warehouse immediately adjacent to the project. The Skechers warehouse is representative of the warehouses planned for the project. The ITE trip generation rate is three times greater than the Skechers warehouse traffic counts (see Table 4.15.K in the revised EIR). Because the project analysis used a higher trip generation rate, the vehicle miles traveled are also higher. The combination of the conservative forecasts of traffic and of the miles traveled means that the calculation of the cancer risk in the EIR overstates the extent of that risk regardless of the exposure period used (FEIR Volume 1, Response to Comments, Master Response-1). This trip generation rate and the traffic study procedures used for this project are standard and typical for those used for logistics warehousing projects in Southern California.

The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. DEIR Section 4.3 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. As CARB knows, planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

With all due respect to CARB and the ALA, there are no commercially available zero-emission on-road heavy-duty trucks currently available (See also FEIR Volume 1 Response to Comments, Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015)[1] overview states that the zero and non-zero emission technologies are still at the demonstration phase:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment."
>
> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize."
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve."

[1] http://www.arb.ca.gov/lispub/rss/displaypost.php?pno=8389

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B)because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC.

Similarly with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

One of CARB's comments was that the approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments[2] should have been used. In fact, a full assessment using those guidelines was provided in the FEIR. (FEIR Volume 3, Section 4.3.3.4) Based upon those guidelines, there would be no project-related cancer risk outside the project's boundaries.

Additionally, the study mentioned by CARB does not examine cancer health risk attributable to new technology diesel but have examined health effects from diesel trucks that emit between 10 to 100 times more emissions than the new technology that the project's mitigation will require. As the HEI ACES Study mentioned in the FEIR demonstrates, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's.

CEQA Guidelines Section 15088.5 states that "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". The impacts described in the FEIR are similar to or less than the impacts described in the DEIR. New, though not significant, information added to the document responds to comments; merely clarifies or amplifies existing information; or adds new mitigation measures, any impacts of which have been fully evaluated in the FEIR. In addition, FEIR is neither inadequate nor conclusory

The OEHHA health risk assessment contained in the FEIR analyses the lifetime exposure of individuals as defined by OEHHA (30 years). (FEIR Volume 3, Section 4.3.3.4) Any period shorter than the lifetime exposure would show results less than those shown in the FEIR. While the OEHHA method overestimates the risk, based upon the conclusions of HEI ACES, it does show a worst case scenario with regard to duration. Further, as one moves into the future, the health impacts would be less than those described in the FEIR since emissions will be lower than in the early years of the project.

The FEIR has committed the project to require U.S. EPA 2010 compliant trucks well ahead of the State of California's requirements. There are no commercially available zero or near zero emissions heavy-duty trucks and therefore such mitigation is infeasible. CARB's own planning efforts with regard to zero-emissions within the freight sector is incomplete. Additionally, without knowledge of who future users might be, it is not currently possible to specify what technology will meet their operational needs. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval.

The project is being required to implement all feasible mitigation at this time, but it is possible that future development within the WLCSP would require more strict diesel emission mitigation if zero- or near-zero emission trucks become feasible (i.e., commercially available) as future development occurs and subsequent CEQA evaluation is completed.

[2] http://oehha.ca.gov/air/hot_spots/HRAguidefinal.html

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the Rincon Band of Luiseno Indians dated June 15, 2015**

In a letter dated June 15, 2015, Jim McPherson with the Rincon Band of Luiseno Indians submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Thank you for inviting us to submit comments on the World Logistics Center Final EIR SHC 2012021045 Project. This letter is written on behalf of the Rincon Band of Luiseno Indians. Rincon is submitting these comments concerning your projects potential impact on Luiseno cultural resources.

The Rincon Band has concerns for impacts to historic and cultural resources and the finding of items of significant cultural value that could be disturbed or destroyed and are considered culturally significant to the Luiseno people, but is not within Rincon's Historic boundaries. We refer you to the Pechanga Band of Luiseno Indians or Soboba Band of Luiseno Indians who are closer to your project area.

Thank you for the opportunity to protect and preserve our cultural assets.

Response 1:
DEIR Section 4.5 evaluates the potential impacts of the WLC project on identified and unknown historical and archaeological resources on or near the WLC property. Mitigation Measures 4.5.6.1A to 1E and 4.5.6.3A outline the methods and activities future development will have to comply with, including monitoring by interested Native American tribes, to reduce potential cultural resources to less than significant levels.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from the SoCal Environmental Justice Alliance dated June 22, 2015**

In a letter dated June 22, 2015, Joseph Bourgeois with the SoCal Environmental Justice Alliance submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Thank you for the opportunity to comment on the Environmental Impact Report prepared for The World Logistics Center. Please accept and consider these comments on behalf of SoCal Environmental Justice Alliance.

The proposed World Logistics Center project (WLC) site covers 3,918 acres in eastern Moreno Valley. A General Plan Amendment is proposed to designate 2,635 acres for logistics warehousing including up to a maximum of 41.4 million sf of "Logistics Development" and 200,000 sf of warehousing-related uses classified as "Light Logistics." The remaining 1,104 acres will be designated for permanent open space and public facilities. The following elements of the General Plan are included in the proposed Amendment: Community Development (land use); Circulation; Parks, Recreation, and Open Space; Safety; Conservation; and the General Plan Goals and Objectives. The site is just north of the San Jacinto Wildlife Area and includes 7 rural residential properties. A new Specific Plan will be adopted to govern development of the 2,635 acres, and a separate zoning amendment will also be processed to rezone 1,104 acres for open space and public facilities uses.

Currently there are several logistics warehouse facilities approved, built, or proposed in Moreno Valley. Additionally, the City has recently approved the 2,000,000 SF ProLogis project and is in the process of approving the World Logistics Center (WLC), a 42,000,000 SF logistics facility.

The SoCal Environmental Justice Alliance urges the City Council to consider the combined effect of the oversupply of logistics warehousing and failing to maintain a mix of land uses and industry within the city. The World Logistics Center is one of the few remaining non-logistics or industrial uses within the City. The EIR must evaluate the impact of stripping 42,000,000 SF of Moreno Valley of the opportunity to be utilized as a land use classification that is more beneficial to the residents of the City.

Response 1:
The characterization of the project by the commenter is correct. There has been no evidence presented that there is in fact an oversupply of warehousing in the City as demand is high even as new projects are approved not only in the City but in surrounding areas as well. The commenter quotes from the General Plan suggesting that the project is inconsistent with the general plan because it proposes “one use across 2,600 acres of land” instead of a mix of industrial uses. The commenter is misreading the General Plan by suggesting that it directs that each project provide this desired range of industrial uses. The range of industrial uses sought by the General Plan will occur city-wide, not within every project. The intent is to provide “a sound and diversified economic base” for the City as a whole over the long-term, not on a project-by-project basis.

Comment 2:
There are a number of studies that report a connection between heightened sensitivity to pollution for communities with low income levels, low educational levels, and other social and environmental factors. The combined impact of pollutants coming from several sources and increased sensitivity among these communities can result in a higher cumulative pollution impact.[1]

Response 2:
The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies. The EIR contains accurate and legally adequate information upon which decision-makers can make an informed decision. DEIR Section 4.4 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. Planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector.

As the HEI ACES Study mentioned in the FEIR demonstrates, new technology diesel exhaust is substantially different from traditional diesel exhaust necessitating the HEI study to evaluate the health impacts of new technology diesel exhaust. All previous studies, including those evaluated by OEHHA and cited by CARB examined the health effects of traditional diesel exhaust which date back to research done in the 1990's and 2000's.

Comment 3:
Moreno Valley benefits as one of the most ethnically diverse cities in the state. However, Moreno Valley also suffers from high rates of unemployment, low levels of education, and chronic health issues among residents.

According to the 2010 U.S. Census data, Moreno Valley had a population of 193,365 people which grew to 201,175, a 4% rate of growth.[2] *This is higher than the 3.2% change in California as a whole. People are still moving into Moreno Valley and the City should seek to provide the most environmentally conscious living environment possible.*

The 2009-2013 median household income in Moreno Valley was $54,918 compared to the California median of $61,094[3]*. Additionally, a striking 19.5% of residents in Moreno Valley live below the poverty level while 15.9% of California overall is below the poverty level*[4]*. In 2013, 18,244 residents of Moreno Valley lived below the poverty level and 34.9% of them were unemployed*[5]*. These statistics demonstrate that the City Council must consider new economic development in Moreno Valley as an opportunity for residents to live above the poverty level and increase their access to education and clean jobs.*

---

1 Office of Environmental Health Hazard Assessment, Cumulative Impacts: Building a Scientific Foundation (Dec 2010), Exec. Summary, p.ix, available at http://oehha.ca.gov/ej/cipa123110.html.
2 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html
3 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html
4 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html
5 U.S. Census: Employment Status 2009-2013 American Community Survey 5-Year Estimates

Table 8-3
Employment of Residents by Occupation

Occupation	Number of Jobs	% of Total
Management, business, science, and arts occupations	18,439	24.5%
Service occupations	13,446	17.9%
Sales and office occupations	21,180	28.1%
Natural resources, construction, and maintenance occupations	9,535	12.7%
Production, transportation, and material moving occupations	12,696	16.9%
Total	75,296	100%

Source: U.S. Census Bureau, 2007-2011 American Community Survey 5-Year Estimates for "Moreno Valley city, California"

Only 75% of Moreno Valley residents have graduated from high school, in comparison to 81.2% of California Residents[6]. Further, only 14.8% of Moreno Valley residents 25 and older possess a Bachelors degree or higher, only half of the 30.7% of California as a whole[7].

The table above from the Housing Element of the Moreno Valley General Plan shows that only 16.9% of residents 2007-2011 reported employment in the production, transportation, and material moving occupations[8]. 42,000,000 SF will bring an abundance of jobs in this field. Residents are unable to benefit from the increase in jobs available unless they receive the proper training to work safely, effectively, and efficiently in the logistics industry.

The mean travel time to work for workers in Moreno Valley age 16 and over is 34.2 minutes compared to 27.2 minutes for California[9]. The extensive amount of time spent commuting to work takes time away from Moreno Valley residents to pursue other activities such as exercising, higher education, and personal development. Further, traffic congestion and pollution have been increased significantly due to more vehicles on the road for people commuting out of the city. Thousands of employees will be commuting into Moreno Valley for work at the World Logistics Center and increasing traffic congestion, air pollution, and the need for city services. The way the project stands, residents must commute out of Moreno Valley for lower wage jobs when they should be enjoying the benefits of industrial development within their city.

This data demonstrates that residents of Moreno Valley are low-income, live below or near the poverty line, and unable to obtain the education that can enhance the lives of their family and community. These residents need access to skills and technical training in order to be employed in a logistics career. Otherwise, employees for these mega job centers will be imported from other areas which leaves Moreno Valley residents stuck in the same cycle of a low-income, high poverty level, and low education community. The City Council must regard this fact and the needs of residents to bring themselves above the poverty level when considering the impact of the World Logistics Center.

There are many factors that contribute to a successful and highly functioning city environment. The ability of residents to travel to work with ease and care for the environment is dependent upon the city's commitment to ensuring that development will have a positive impact on the citizens of Moreno Valley. Work, income, and job skills are plausibly the root of the vitality of the community and environmentally friendly routes to local work will engage the community in environmental consciousness while ensuring progress towards smart urban

---

6 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html
7 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html
8 Moreno Valley General Plan: Housing Element, p 40.
9 U.S. Census: Moreno Valley Facts http://quickfacts.census.gov/qfd/states/06/0649270.html

growth. Decreasing the commute time for residents to their workplace can increase their connectivity to the environment and local community. Overall, planning new development in Moreno Valley must encourage local job growth, sustainable living, and economic vitality in the city. The future of Moreno Valley requires focused planning and compact development in the present to ensure a successful and sustainable urban future.

Response 3:
The commenter seems to indicate that the socioeconomic conditions of the City's workforce is relatively consistent with the characteristics of current warehouse employees. In addition, the commenter specifically states the following:

> "These statistics demonstrate that the City Council must consider new economic development in Moreno Valley as an opportunity for residents to live above the poverty level and increase their access to education and clean jobs."
>
> "This data demonstrates that residents of Moreno Valley are low-income, live below or near the poverty line, and unable to obtain the education that can enhance the lives of their family and community. These residents need access to skills and technical training in order to be employed in a logistics career. Otherwise, employees for these mega job centers will be imported from other areas which leaves Moreno Valley residents stuck in the same cycle of a low-income, high poverty level, and low education community. The City Council must regard this fact and the needs of residents to bring themselves above the poverty level when considering the impact of the World Logistics Center."

It appears the commenter is arguing that the proposed WLC project which would provide a large number of jobs for local residents if they are trained for the new type of warehousing jobs that are coming. The Development Agreement provides monies to the Moreno Valley Unified School District specifically for future workforce training, and on April 28, 2015, the City Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement outlines formation of a local hiring program consistent with the Hire MoVal program.

The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Terrell Watt Planning Consultants dated June 24, 2015**

In a letter dated June 24, 2015, Terrell Watt Planning Consultant submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Given the potential for urban decay impacts, a thorough analysis of all potentially significant urban decay impacts should be completed as required by case law and CEQA; and the FEIR lacks an adequate analysis of urban decay impacts.

It is my professional opinion that given the scale and type of uses that would be developed in the World Logistics Center, the likelihood of significant urban decay impacts in the primary and secondary market areas (including adjacent cities and unincorporated areas) is high. The lack of an adequate analysis of these potentially significant impacts is a glaring omission in the FEIR and one that must be addressed in a supplemental environmental document, including but not limited to:

1) *Analysis of potential areas of blight as a result of "nuisances" caused by the project (e.g., traffic, noise, air pollution, odors, lower response time from police, fire and other services); and*
2) *Analysis of the potential for existing similar uses and industrial/warehouse areas to be rendered no longer economically viable and forced to close or stagnate thereby creating a blighted area prone to vandalism, increase in crime and other forms of urban decay.*

As pointed out in detail in the letter submitted by Lozeau Drury, the Courts have found that social and economic changes that may have a physical impact must be analyzed in an EIR. It is understandable that the City sees benefits in creating jobs locally, improving the jobs-housing balance, attracting quality businesses and enhancing City revenue. Without an adequate analysis of potential urban decay impacts, it is not clear at what the local and regional "costs" of these potential benefits are. Specifically, this project may shift the location of warehouse development without accounting for the potentially offsetting impacts to existing businesses and neighborhoods. In addition, benefits such as improving job-housing balance are appropriately done taking into consideration adjacent and even regional balance, and not just one city or community.

The massive scale, change in land use and type of land use proposed by this Center warrants an in depth analysis of urban decay impacts in a supplemental DEIR. Finally, given the project entitlements include a Development Agreement ("DA" FEIR page 4.14-1) between the City and the project applicant, the project will be "vested" and it will be difficult as project details emerge to address significant impacts that were not addressed in the FEIR. The DA makes even more critical the completion of an adequate and thorough analysis of all potentially significant impacts, including urban decay, prior to project approval.

While most urban decay studies and analyses have focused on large-format big box stores, any project under CEQA could be subject to an urban decay study where it would have a potentially significant impact. In this case, there are numerous project features that require a full urban decay analysis including, but not limited to: 1) the massive scale of the project and therefore generation of both "nuisance" type impacts as well as market share-related impacts; 2) the proximity of existing uses that could be impacted by the project as a result of

traffic, air quality, noise and other nuisance type effects; and 3) the number of similar uses and entitled uses in the primary and secondary market areas that would likely be impacted by the development of an entirely new and massive center.

Response 1:
As described extensively in the response to comments (e.g., FEIR Volume 1, RTC F-9A-45 and F-13-11), the SCAG study entitled *Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities*[1] demonstrates that there is ample demand, exceeding projected supply, for warehousing. The WLC project is estimated to provide less than 7% of foreseeable growth in demand and a tiny percentage of the approximately one billion square feet of warehouse space estimated to be needed in 2028. This project would have little effect on the existing market or nearby surrounding uses given existing and future projected demand. As examples of this, the when Skechers consolidated their operations from five buildings in Ontario to a single building in Moreno Valley, the Ontario facilities were promptly leased. The construction of the regional headquarters/west coast distribution center for Aldi in Moreno Valley, the development at the March Air Reserve Base, and recent approval of the Prologis in Moreno Valley project are further examples of the significant demand for such facilities.

Impacts from the project are analyzed in detail throughout the FEIR, including aesthetics (FEIR Volume 2, Section 4.1), air quality (FEIR Volume 2, Section 4.3), noise (FEIR Volume 2, Section 12), public service response times (FEIR Volume 2, Section 4.14), and traffic (FEIR Volume 2, Section 4.15) among other resource areas. The impacts and mitigation from the project, as well as cumulative impacts, are extensively described in the respective sections. While significant impacts were identified in the FEIR, most impacts were reduced to a less than significant impact through mitigation. None of the remaining significant impacts were identified to have in abandonment or other forms of urban decay.

Additionally, the WLC is designed to support rather than compete with local commercial sites in the City. The only commercial site within the WLC Specific Plan is a logistics support area to provide fuel and sundries to truck drivers in order to keep them out of local neighborhoods. The estimated 20,000 workers at the WLC would have direct access to the Stoneridge Towne Centre on Nason Street via Eucalyptus Avenue and would provide an economic boost to local retailers and restaurateurs.

The land use vesting provided by the Development Agreement does not allow the avoidance of future CEQA review and mitigation. The FEIR is a programmatic document. All future development within the WLC Specific Plan area is subject to subsequent CEQA review and, if necessary, mitigation.

Comment 2:
I. The EIR Fails to Analyze Urban Decay Impacts *The FEIR contains a two sentence section on urban decay: "5.4 Urban Decay. A detailed analysis of potential employment and fiscal impacts of the project is provided in Section 4.13, Population, Housing and Employment. This analysis concludes the proposed project is not expected to cause or contribute to any conditions of urban decay within the City of Moreno Valley." (FEIR p. 5-7).*

A thorough review of the referenced section, 4.13, and all other relevant documents including EIR, EIR appendices and staff reports, reveals that there is no substantive or adequate analysis of urban decay impacts. Urban decay impacts in the form of existing similar enterprises and warehouse/industrial parks going out of business are completely ignored. Impacts in the form of blight as a result of project generated nuisance (e.g., traffic, reduction in essential services, air quality, and the like) are not analyzed in any substantive way and conclusions are rendered without factual support or analysis.

---

1 (http://www.freightworks.org/DocumentLibrary/Comprehensive%20Regional%20Goods%20Movement%20Plan%20and%20Implementation%20Strategy%20-%20Reigonal%20Warehousing%20Needs%20Assessment%20Final%20Report.pdf)

Response 2:
As described extensively in the response to comments (e.g., FEIR Volume 1, RTC F-9A-45 and F-13-11), the SCAG study entitled *Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities* demonstrates that there is ample demand, exceeding projected supply, for warehousing. The WLC project is estimated to provide less than 7% of foreseeable growth in demand and a tiny percentage of the approximately one billion square feet of warehouse space estimated in 2028. This project would have little effect on the existing market or nearby surrounding uses given existing and future projected demand. As examples of this, the when Skechers consolidated their operations from five buildings in Ontario to a single building in Moreno Valley, the Ontario facilities were promptly leased. The construction of the regional headquarters/west coast distribution center for Aldi in Moreno Valley, the development at the March Air Reserve Base, and recent approval of the Prologis in Moreno Valley project are further examples of the significant demand for such facilities.

Impacts from the project are analyzed in detail throughout the FEIR, including aesthetics (FEIR Volume 2, Section 4.1), air quality (FEIR Volume 2, Section 4.3), noise (FEIR Volume 2, Section 12), public service response times (FEIR Volume 2, Section 4.14), and traffic (FEIR Volume 2, Section 4.15) among other resource areas. Appendix O of the FEIR describes how the project will generate a net revenue surplus for the City's general fund allowing the City to expand public services. The impacts and mitigation from the project, as well as cumulative impacts, are extensively described in the respective sections. While significant impacts were identified in the FEIR, most impacts were reduced to a less than significant impact through mitigation. None of the remaining significant impacts were identified to have in abandonment or other forms of urban decay.

Comment 3:
II. An Analysis of Urban Decay Must be Completed. *The FEIR's conclusion that the project will not cause or contribute to any conditions of urban decay within the City of Moreno Valley is incomplete and unsupported by analysis and evidence. The lack of any analysis or conclusion concerning potentially significant urban decay impacts generated by the proposed project beyond the City is a glaring omission. Placing more than 40 million square feet of warehouse and distribution space in the City, has the real potential to cause and contribute to significant urban decay impacts related to both project generated nuisance (e.g., traffic, noise) as well as impacts resulting from changes in economic conditions as a result of the massive project. The latter category of urban decay-related impacts include but are not limited to depreciated or stagnant property values or impaired investments, abnormally high vacancies, low lease rates, high turnover, abandoned buildings, vacant lots within developed areas/warehouse/industrial parks; lack of essential facilities and increased crime. Incompatibility of adjacent uses can also prevent economic development and lead to blight of existing uses. Moreover, the scale of this project warrants impacts associated with urban decay to be analyzed for primary and secondary market and impacts areas extending well beyond the City of Moreno Valley (e.g., an area extending at least to Ontario and other regional warehouse/industrial hubs; inclusive of adjacent cities impacted by traffic and emissions such as Riverside).*

A review of recent environmental impact reports that address urban decay indicate that where a project would result in the impacts listed below, an urban decay study should be prepared:

- *The proposed project is projected to result in project-related and/or cumulative economic or social changes that would cause substantial and adverse physical changes, or*
- *The proposed project alone or in combination with cumulative projects would cause or contribute to urban decay defined, among other characteristics, as visible symptoms of physical, deterioration that invite vandalism, loitering, graffiti and other impacts caused by a downward spiral of business closures and vacancies. The outward manifestation of urban decay include but are not limited to: boarded buildings, unsightly fenced off properties, long term unauthorized uses, graffiti, illegal dumping, dead landscaping, lack of building maintenance, homeless camps, unlawful long term parking oftrucks, vehicles, as well as other signs of economic distress.*

Based on the conclusions the FEIR reaches concerning the significant of nuisance related impacts that would impact existing areas of the City and beyond (e.g., City of Riverside), an urban decay analysis is warranted. The scale of the project and its potential to disrupt, delay or siphon off the market for existing similar uses and warehouse/industrial areas and hubs warrants a thorough analysis of urban decay that could result from rending other areas stagnant and blighted.

Response 3:
There is no evidence that the project will cause urban decay. As discussed previously, estimated demand for similar projects exceeds projected demand as documented by SCAG's Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities study. Additionally, the WLC is designed to support rather than compete with local commercial sites in the City. The only commercial site within the WLC Specific Plan is a logistics support area to provide fuel and sundries to truck drivers in order to keep them out of local neighborhoods. The estimated 20,000 workers at the WLC would have direct access to the Stoneridge Towne Centre on Nason Street via Eucalyptus Avenue and would provide an economic boost to local retailers and restaurateurs.

Further, by creating 20,000 jobs in Moreno Valley, the DTA analysis (FEIR Volume 2, Appendix O) estimates that the project will generate over $2 billion in economic activity and millions in surplus funds for the City's general fund to expand public services. As such, there is no basis to believe that urban decay will occur.

Comment 4:
Ill. Required Analysis Components. *As described below, the required analysis for an adequate urban decay analysis has not been completed. Issues and components that must be analyzed in a recirculated environmental document include, but are not limited to the following:*

- *Identification of primary and secondary market areas for the proposed project and therefore potential impact areas.*

The FEIR lacks the information needed to support an urban decay study. The DTA Study was focused on the fiscal and economic benefits to the City and not on local and regional impacts to existing businesses and land uses.

- *Identification of existing similar space in the market areas as well as entitled space.*

Table 6.R in the FEIR presents a partial list of potential alternative sites for the project. However, the table is incomplete and fails to include sites within the secondary market area as well as presents this information not for an urban decay study but for an alternative site study. Thus information is incomplete in the FEIR necessary to support an urban decay analysis.

- *Proposed project demand capture.*

The DTA study provides limited information, but again was not focused on supporting an urban decay analysis and therefore is incomplete.

- *Leakage analysis to determine unmet demand;*

The FEIR lacks a thorough inventory of existing and entitled warehouse and industrial parks in the primary and secondary market area as well as projections for demand. This information is essential to an analysis of potential urban decay as a result of oversaturation of the market and rendering existing uses/warehouse and industrial parks stagnant or vacant and as a result blighted.

- *Maximum project related impacts on existing primary and secondary market area uses.*

Again, the FEIR purports to evaluate urban decay, but in fact lacks any analysis of impacts on the warehouse/industrial market in the primary and secondary market areas.

- *Assessment of the extent the proposed project may have on urban decay in the primary and secondary market areas, as a result of market disruption and of nuisances that render existing uses and warehouse and industrial parks stagnant or vacant (e.g., traffic, declining air quality)*

The Fiscal and Economic Study prepared by DTA focuses on the net fiscal impacts of the project on the City's General Fund and to some extent on employment generation, economic output and earnings. As pointed out in the numerous letters from the City of Riverside, the project will generate significant traffic, noise and air quality impacts that have the potential to severely overburden and degrade the quality of existing neighborhoods. To the extent these impacts are not addressed and mitigated, urban decay impacts on severely impacted areas could result. These impacts are not addressed by the FEIR. In addition, traffic congestion could render Riverside neighborhoods and commercial areas less competitive and attractive. Again, these "urban decay" type impacts are simply not addressed. Likewise, the potential for this massive project to stall the absorption of existing and entitled warehouse and industrial areas in the City as well as well beyond the City (e.g., Ontario's distribution hub, Mira Lorna, Centerpointe Business Park, Eastern Moreno Valley-Rancho Belago Area, as well as others) is high. Finally, the FEIR discounts the possibility that the Villages at Lakeview, though large enough, could accommodate similar uses is laughable since this project also requires a sweeping general plan amendment ("While the property [Villages of Lakeview"] is large enough, it is already proposed for residential development so it would be infeasible to use the property to support development equivalent to the proposed project.") FEIR at page 6-41. The Villages at Lakeview may not be an appropriate alternative location for this type of use, but the conclusory and unsupported nature of the FEIR text points to the lack of any rigorous analysis or critical thinking in this FEIR. The EIR is deficient for ignoring urban decay impacts and for asserting that urban decay impacts are insignificant without any substantive analysis.

Conclusion

For the foregoing reasons, the City must continue the matter for future consideration pending the completion of a thorough and adequate urban decay study in a recirculated CEQA document that addresses both the potential for significant unavoidable nuisance based decay and blight in the City, adjacent cities and region as well as market based decay and blight in primary and secondary market areas.

Response 4:
There is no evidence that the project will cause urban decay. As discussed previously, estimated demand for similar projects exceeds projected demand as documented by SCAG's Industrial Space in Southern California: Future Supply and Demand for Warehousing and Intermodal Facilities study. This study has a detailed existing and projected inventory of warehouse space in the region. The proposed project will total approximately 4% of the available warehouse space in 2028 when all currently industrially-zoned property is expected to be developed. Even at that point, the WLC is not expected to be fully built out due to its estimated 15-year construction schedule. From 2028, demand is expected to outpace supply. As examples of this, the when Skechers consolidated their operations from five buildings in Ontario to a single building in Moreno Valley, the Ontario facilities were promptly leased. The construction of the regional headquarters/west coast distribution center for Aldi in Moreno Valley, the development at the March Air Reserve Base, and recent approval of the Prologis in Moreno Valley project are further examples of the significant demand for such facilities. As a result, there is expected to be no impact to the primary or secondary markets. The premise that the WLC will result in vacancies elsewhere in the region for warehouse space is contrary to the data established in the SCAG study. As a result, there is no basis for the commenter's conclusion that vacancies will result in urban decay.

Impacts from the project are analyzed in detail throughout the FEIR, including aesthetics (FEIR Volume 2, Section 4.1), air quality (FEIR Volume 2, Section 4.3), noise (FEIR Volume 2, Section 12), public service response times (FEIR Volume 2, Section 4.14), and traffic (FEIR Volume 2, Section 4.15) among other resource areas. The impacts and mitigation from the project, as well as cumulative impacts, are extensively described in the respective sections. While significant impacts were identified in the FEIR, most impacts were reduced to a less than significant impact through mitigation. None of the remaining significant impacts were identified to have in abandonment or other forms of urban decay.

Additionally, the WLC is designed to support rather than compete with local commercial sites in the City. The only commercial site within the WLC Specific Plan is a logistics support area to provide fuel and sundries to truck drivers in order to keep them out of local neighborhoods. The estimated 20,000 workers at the WLC would have direct access to the Stoneridge Towne Centre on Nason Street via Eucalyptus Avenue and would provide an economic boost to local retailers and restaurateurs.

The statement that the Villages at Lakeview is currently proposed for commercial development and in the midst of the entitlement process is not a "conclusory and unsupported" statement, it is a fact. Being a fact, it is entirely appropriate to exclude the property from consideration for future industrial development.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued July 27, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from California Department of Transportation dated June 25, 2015**

In a letter dated June 25, 2015, Caltrans submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
The California Department of Transportation (Caltrans) appreciates being provided a copy of the Final Programmatic EIR - Revised Draft Environmental Impact Report (FEIR) prepared for the World Logistics Center. As the owner and operator of the State Highway System (SHS), Caltrans has the responsibility to coordinate and consult with local jurisdictions and Tribal Governments when proposed local land use planning and development may impact these facilities.

Caltrans advocates community design (e.g., urban infill, mixed use, transit oriented development) that promotes an efficient transportation system and healthy communities. Caltrans seeks to reduce vehicle trips associated with proposed new local development and recommends appropriate mitigation measures that address the remaining transportation impacts of such development. Caltrans supports local development that is consistent with state planning priorities "intended to promote equity, strengthen the economy, protect the environment and promote public health and safety ..." (Government Code [GC] 65401.1).

In consideration of both the scale of development that is proposed and the Level of Significance conclusions provided on Page 4.15-253 of the FEIR, the Department requests a Condition of Approval be placed on the World Logistics Center project to fund fair share improvements to the State Highway that are impacted by this development. Even with implementation of the Mitigation Measures 4.15.7.4.A through 4.15.7.4G, and implementation of all the improvements identified in Tables 4.15 ATV through 4.15 BAB, direct and cumulative impacts on study area roadway segments, intersections and freeway facilities would not be reduced to less than significant levels, including all improvement locations outside the City of Moreno Valley.

Response 1:
Mitigation Measure 4.15.7.4E already states, "In order to ensure that all of the Project's traffic impacts are mitigated to the greatest extent feasible, the Applicant shall contribute its fair share of the cost of the needed traffic improvements that are not within the City as identified in the World Logistic Center Specific Plan Traffic Impact Analysis (i.e., under the jurisdiction of other cities, the County of Riverside or Caltrans, pursuant to Mitigation Measure 4.15.7.4F). As used in this mitigation measure, the Applicant's "fair share" has been determined in compliance with the requirements of the Fee Mitigation Act, Government Code § 66000 et seq., and, pursuant to §66001(g), does not require that the Applicant be responsible for making up for any existing deficiencies."

Comment 2:
The FEIR repeatedly discusses, with some wording variations, in the Traffic and Circulation Section 4.15 on Pages 203, 207-208, 223-233, 242 and 243 that because the Freeway is outside the jurisdiction of the City of Moreno Valley and no mechanism is in place for ensuring the availability of the non-project portion of the needed funds that the City cannot ensure that the identified improvements would be made. Therefore, the

project's impacts must be considered significant and unavoidable. However, the City can still ensure that fair share fees are collected related to this development of regional significance which could only be later used to mitigate this project's impacts.

This future fee should be the responsibility of the City of Moreno Valley to collect and should apply to situations where the project contributes to degraded safety, air quality and congestion.

The Freeway segments specifically identified in the Traffic and Circulation portion of the FEIR that are expected to experience worsening conditions are as follows:

- *Eastbound SR-60 from Euclid Avenue to Grove Avenue*
- *Eastbound SR-60 from Martin Luther King to Central Avenue*
- *Westbound SR-60 from I-215 to Day Street*
- *Westbound SR-91 from Pierce Street to Magnolia Avenue*
- *Westbound SR-91 from Magnolia Avenue to La Sierra*
- *Eastbound SR-91 from Central to 14th Street*
- *Northbound I-215 from SR-74/Case Road to Redlands Boulevard*
- *Southbound I-215 from Case Road to Redlands Boulevard*
- *Southbound I-215 from Baseline Road to Highland Avenue*
- *Eastbound SR-60 from SR-91 to W. Blaine Street/3rd Street*
- *Eastbound SR-60 from W. Blaine Street/3rd Street to University Avenue*
- *Eastbound SR-60 from Central Avenue to Fair Isle Drive/Box Springs Road*
- *Eastbound SR-91 from Arlington Avenue to Central Avenue*
- *Westbound SR-91 from 14th Street to University Avenue*

In addition to Freeway Mainline impacts, we request that fair share fees be provided to address the following other State facilities as well:

- *SR-60/Gilman Springs Interchange*
- *SR-79 and Gilman Springs Interchange*

Response 2:
The FEIR identifies all impacts that require mitigation and the fair share contribution necessary as a result of the World Logistics Center project, including those identified above. The commenter is correct that because the City cannot ensure that the identified improvements would be made that the project's impacts must be considered significant and unavoidable. However, it is the jurisdiction that controls the infrastructure that has the obligation to put in place a fair share contribution program in a timely manner. The City of Moreno Valley will not collect fees for speculative programs that may or may not come into existence. If and when the agency that controls the impacted infrastructure establishes a fair share contribution program, the City will collect the fair share mitigation pursuant to mitigation measure 4.15.7.4E. As listed below, each location described in the comment is specifically addressed in the FEIR:

- Eastbound SR-60 from Euclid Avenue to Grove Avenue (FEIR 4.15-202)
- Eastbound SR-60 from Martin Luther King to Central Avenue (FEIR 4.15-203)
- Westbound SR-60 from I-215 to Day Street (FEIR 4.15-203)
- Westbound SR-91 from Pierce Street to Magnolia Avenue (FEIR 4.15-203)
- Westbound SR-91 from Magnolia Avenue to La Sierra (FEIR 4.15-203)
- Eastbound SR-91 from Central to 14th Street (FEIR 4.15-207)
- Northbound I-215 from SR-74/Case Road to Redlands Boulevard (FEIR 4.15-207)
- Southbound I-215 from Case Road to Redlands Boulevard (FEIR 4.15-207)
- Southbound I-215 from Baseline Road to Highland Avenue (FEIR 4.15-207)

- Eastbound SR-60 from SR-91 to W. Blaine Street/3rd Street (FEIR 4.15-207)
- Eastbound SR-60 from W. Blaine Street/3rd Street to University Avenue (FEIR 4.15-207)
- Eastbound SR-60 from Central Avenue to Fair Isle Drive/Box Springs Road (FEIR 4.15-208)
- Eastbound SR-91 from Arlington Avenue to Central Avenue (FEIR 4.15-208)
- Westbound SR-91 from 14th Street to University Avenue (FEIR 4.15-208)
- SR-60/Gilman Springs Interchange (FEIR 4.15-232)
- SR-79 and Gilman Springs Interchange (FEIR 4.15-201)

Comment 3:
For the reasons above, we request a Condition of Approval be placed on the World Logistics Center such as following:

"The developer shall fund a study that will be participated in by the City of Moreno Valley, Riverside County Transportation Commission and Caltrans to develop a fair share contribution to making mainline improvements to Freeway segments and interchanges that are expected to be significantly impacted by the World Logistics Center (such as SR-60, I-215, SR-91 and Gilman Springs Road Interchanges). The plan should include fair share contributions that would be based on the nexus requirements contained in the Mitigation Fee Act (Govt. Code Section 66000, et seq.) and 14 Cal. Code Regulations. Section 15126.4(a)(4). The plan would also be compliant with Government Code Section 66001(g) and other applicable provisions of law. The plan would set forth a time line and other agreed upon relevant criteria for implementation of the improvements recommended in this FEIR. Once the plan is approved, the City shall impose the fair share fees on each project that is developed under the World Logistics Center as part of the individual review of each development project. Prior to adoption of the Study, the City shall impose a fair share payment requirement on each development project within the World Logistics Center Specific Plan in accordance with the requirement of the Mitigation Fee Act. Required fair share payments shall be made prior to the issuance of Occupancy Permits for each requested development."

Response 3:
The FEIR already has analyzed the project's impacts and estimated the fair share contribution. In addition, as discussed in response to comments 1 and 2, the FEIR also requires the developer to pay its fair share contribution and provides a mechanism for doing so. As a result, there is no need for the project to participate in the preparation of another nexus study, which case law has established is the responsibility of the agency seeking fair share contributions, to determine its fair share contribution. In other words, it is the responsibility of Caltrans to establish and maintain appropriate fair share programs similar to the WRCOG's TUMF program. Mitigation Measure 4.15.7.4E ensures that cumulative impacts are addressed as well.

Comment 4:
In regard to the FEIR's discussion of measures to address significant traffic impacts we request that the content regarding Eastbound SR-60 from Gilman Springs Road to Jack Rabbit Trail (F-36) on page 4.15-242 of the FEIR) and the content regarding Eastbound SR-60 from Jack Rabbit Trail to Potrero Road (F-37) on Page 4.15-243 of the FERI) be revised to clearly explain that neither of the two projects were developed to address traffic impacts from the proposed World Logistics Center. As explained in the respective Environmental Documents prepared for the SR- 60 Truck Climbing Lane and the State Route SR-60 Potrero new interchange, these projects were developed to address different needs (safety and local access).

Response 4:
The City agrees that neither project mentioned in the comment is related to, or as a result of, the World Logistics Center. The text on p. 4.15-243 only discusses the impact to the road segment, the necessary mitigation, that improvements have been proposed by Caltrans, and that since such improvements are outside the ability of the City of Moreno Valley to ensure they are completed that the impact remains significant and unavoidable. The paragraph does not discuss the purpose or need of the proposed improvements.

Comment 5:
Caltrans also recommends that the City in coordination with the Riverside Transit Agency locate conceptual transit stops within the specific plan due to the expected employment of 20,000 people within the project area. To reduce Vehicle Miles Traveled (VMT) and Greenhouse Gases, which are the primary goals of the 2040 California Transportation Plan (2040 CTP), we also recommend that things like preferential parking for vanpools and carpools be addressed in both the Specific Plan and the future site plan approvals. Bicycle and pedestrian facilities should also be provided both conceptually in the specific plan and through the site plan approval process.

Response 5:
Future development will be required to provide transit-related improvements such as preferential parking for vanpools and carpools, pedestrian improvements, and bicycle facilities. In addition, the WLC Specific Plan has requirements for improvements including mass transit. Section 3.3.4 Mass Transit Circulation states:

"All streets in the World Logistics Center are designed to accommodate bus service. Regional bus service in Western Riverside County is provided by the Riverside Transit Agency (RTA), however they do not currently operate any routes in the immediate vicinity of the World Logistics Center. RTA will determine if and when bus service will be provided. Facilities to support future bus service to the project pursuant to RTA's "Design Guidelines for Bus Transit" will be incorporated, as needed, into street design in connection with site-specific development proposals. Covered shelters shall be provided when bus routes are activated. A standard design for shelters shall be reviewed and approved by RTA and the City prior to installation of the first shelter."

MEMORANDUM

DATE: First issued August 4, 2015

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Sierra Club dated July 10, 2015**

In a letter dated July 10, 2015, the Sierra Club submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
We submit this letter on behalf of the San Gorgonio chapter of the Sierra Club to provide comments on the Final Environmental Impact Report ("FEIR") for the World Logistics Center Project ("Project"). After reviewing the FEIR, it is our position that it fails to remedy the deficiencies in the Draft Environmental Impact Report ("DEIR") and introduces new deficiencies of its own. For example, the FEIR's project description remains legally inadequate under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq. and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("CEQA Guidelines"). The FEIR also fails to analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts. Moreover, the FEIR introduces new, significant information requiring recirculation of the EIR. For these and other reasons detailed herein, the EIR is inadequate under CEQA.[1]

Response 1:
The commenter is incorrect, the FEIR is legally adequate and does accurately estimate potential environmental impacts of the proposed WLC project. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 2:
In addition, the Project demonstrates a disturbing disregard for the City of Moreno Valley General Plan's provisions developed to protect the environment and human health and well-being. Although the applicant proposes to amend the General Plan, these amendments would only serve to undermine the integrity of the City's planning efforts. Thus, because the Project conflicts with fundamental General Plan provisions so as to result in significant environmental impacts, and because the City has failed to adequately identify these conflicts in the EIR, approval of the Project would violate not just CEQA, but also the California Planning and Zoning Law, Government Code § 65000 et seq., and the Subdivision Map Act, Government Code §§ 66473.5,66474 et seq.

Response 2:
The City Council will weigh the various impacts and benefits of the proposed WLC project and will have to adopt a Statement of Overriding Considerations if they decide the project's benefits outweigh its anticipated impacts. Potential conflicts with existing General Plan policies or objectives will be removed by approval of the

---

[1] The DEIR and the FEIR are sometimes referred to collectively as the "EIR."

proposed General Plan Amendment as outlined in Section 3.5 of the Revised Draft EIR (FEIR Volume 3). The project's consistency with applicable General Plan policies and objectives was analyzed in each environmental analysis section of the Draft EIR (Sections 4.1 through 4.17).

Comment 3:
To ensure that the public, as well as the City decision makers, have adequate information to consider the effects of the proposed Project—as well as to comply with the law—the City must prepare and recirculate a revised DEIR that properly describes the Project, analyzes its impacts, and considers meaningful alternatives and mitigation measures that would help ameliorate those impacts.

Response 3:
The commenter is incorrect, the FEIR does accurately describe the WLC project, analyze and summarize its impacts (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1), evaluate a reasonable range of alternatives, and does propose almost 100 mitigation measures to help reduce potential impacts of the project. In addition, information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrates that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information).). Ultimately the City Council will have to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
Hundreds of members of the public, including the Sierra Club, submitted extensive comments to the City on the DEIR for the Project, identifying scores of legal inadequacies. These comments expressed grave concern about the failure of the EIR to adequately analyze or mitigate the Project's significant adverse impacts on traffic, biological resources, air quality, visual resources, community character, drainage facilities, and public safety. The United States Fish and Wildlife Service, the California Department of Fish and Wildlife, the California Air Resources Board, and numerous environmental and community organizations echoed these concerns.

The FEIR's response to these comments is, lamentably, denial. The vast majority of the public's concerns about the impacts of the Project are rejected out of hand. The FEIR neither adequately responds to comments previously raised nor cures the legal inadequacies identified by those comments. Rather than revise the DEIR to comprehensively analyze and mitigate the far-ranging environmental implications of the proposed Project, the FEIR merely seeks to defend the erroneous assertions and conclusions of the prior document. Additionally, the FEIR fails to adopt feasible mitigation measures identified by commenters. Thus, the FEIR perpetuates the failings of the DEIR. Below, we identify examples of these legal inadequacies, as well as flaws with the City's analysis.

Response 4:
The commenter is incorrect, the FEIR does provide detailed responses to each comment made on the DEIR made by the many commenters, and in many cases referring the commenter to specific sections in the DEIR where the analysis referred to is provided. Over a dozen mitigation measures were modified directly in response to comments on the DEIR and are outlined in the FEIR Volume 1, Response to Comments. The FEIR does accurately analyze potential project impacts (FEIR Volume 3, Sections 4.1 through 4.17), and summarize the results of those analyses in FEIR Volume 3, Table 5.A, Section 5.1, page 5-1.

Comment 5:
II. The EIR Fails to Comply with CEQA. A. The City's Continued Reliance on a Programmatic EIR Is Unlawful Because the Project Includes Vested Rights to Develop. The FEIR continues to rely on a programmatic EIR claiming that specific project information is not yet available. For this reason the EIR repeatedly defers analysis of environmental impacts and the development of mitigation and alternatives to a later time. The FEIR

asserts that more detailed CEQA documentation will be prepared in the future, when specific project information is available, to determine if the development would have new or more extensive impacts than those outlined in this programmatic EIR. FEIR Responses to Comments at 758.

CEQA requires that environmental impacts be specifically identified and mitigated at the earliest possible date in order to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 564. That time is now. CEQA requires that the environmental consequences of a development of this magnitude be "considered before, not after, [the decision to approve the project] is made." Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal. App. 4th 182, 196.

As explained in SMW's comments on the DEIR, the EIR cannot rely on a programmatic EIR because the Development Agreement (DA) proposed as part of the project grants the applicant a vested right to proceed with the project consistent with the "existing approvals." Draft DA dated June 3, 2015 at 10. In this case, the "existing approvals" include a general plan amendment, rezoning, and a tentative map. These approvals, once granted, cannot be changed and any other applicable local laws that currently apply to the project site are also not changeable.

The FEIR acknowledges these facts. FEIR Responses to Comments at 760. However, the FEIR continues to assert that program-level analysis is appropriate because "there are no current of [sic] future approvals which will allow any physical development of the WLC site without the submittal of discretionary applications" subject to review and approval by the City. FEIR Responses to Comments at 760. This assertion is misleading.

Real environmental analysis is especially important now, because it is clear that meaningful, in-depth environmental review in the future is highly unlikely. The DA makes this conclusion unavoidable. When the City considers any future approvals to facilitate the development (e.g., grading and building permits), it will have little, if any, discretion to consider an alternative to the project. Features such as building height and size, which will be determined by the new zoning, will be set in stone by the DA, such that they cannot be changed by a new City Council or by initiative. By signing the DA the City would give up any phasing control, freeze in place the mitigation fees, and leave design of the project in the hands of the developer. Draft DA dated June 3, 2015 at 10, 11, or 12.

Therefore, while the project level environmental document might evaluate the project's impacts in a greater level of detail, the City's hands will be tied. Under the DA, the landowner has a "vested right to develop the Subject Property in accordance with the Existing Regulations." Id. Thus, the City will not be able to consider a reduced-size project or a different location, rendering any project-level documentation prepared in the future essentially an empty exercise.

In sum the City must not rely on a program EIR for the present approvals. The program EIR does not specifically address all impacts that could occur and any later environmental review would be meaningless. Deferring important environmental considerations until after project approval is not only irresponsible, but a violation of CEQA.

Response 5:
The commenter is incorrect, a programmatic EIR is the appropriate level and type of CEQA documentation that should be provided at this time. The commenter even provides the citation that explains why a programmatic EIR is necessary now, even though the WLCSP does not show specific sizes and locations of buildings. In the comment above, the commenter states…*CEQA requires that environmental impacts be specifically identified and mitigated at the* <u>*earliest possible date*</u> [emphasis added] *in order to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." Citizens of Goleta Valley*

v. Board of Supervisors (1990) 52 Cal. 3d 553, 564. Although the developer does not yet have information on the sizes and locations of specific buildings, the City determined that a programmatic EIR was appropriate to examine the overall impacts of developing 40.6 million square feet of logistics warehousing in this general location. As outlined in the FEIR, additional CEQA analysis will be conducted on future specific development proposals (i.e., plot plans for specific buildings of specific sizes and in specific locations) by individual developers in the future. The Specific Plan and EIR outline a maximum amount of development that could occur on the WLC project site (i.e., 40.6 million square feet), but do not specific locations or sizes so that information, and related CEQA evaluation of potential impacts, would be done at the time the future development is proposed, and could result in moving buildings or less square footage than an applicant requests depending on the result of that future analysis. However, the programmatic EIR has set performance standards within the various mitigation measures proposed to provide specific guidance to future developers, therefore, this is not deferral of analysis or mitigation according to CEQA, but the proper use of tiering environmental documents depending on the level of information available at the time the CEQA document is prepared.

Comment 6:
B. The Unstable Project Description Renders the EIR's Impact Analysis Inadequate. As discussed in SMW's previous comments on the DEIR, the EIR does not come close to meeting clearly established legal standards regarding the project description necessary to support an EIR because it fails to provide a stable and finite description with respect to key components of the proposed Project. These components have the potential to result in significant environmental impacts not analyzed in the EIR.

The FEIR dismisses SMW's comments on the DEIR regarding the flawed project description, asserting that the information provided is adequate. FEIR Response to Comments at 762. However, the FEIR still fails to include an adequate description of the full scope of the project. For example, the FEIR lacks any substantive description of the construction phasing. The DEIR assumed that construction of the Project would be completed by 2022. However, the FEIR makes clear that "market conditions will determine the actual development timeline" making it impossible to identify with specificity the exact year in which various phases will be initiated or completed. FEIR Responses to Comments at 762.

In some cases, the FEIR includes information that is contradictory or inaccurate. For example, the FEIR states it will be the developer's burden to ensure that infrastructure is in place prior to or concurrent with project development. FEIR Response to Comments at 762. Yet, this statement is contrary to the DA, which expressly states that "[t]he City shall provide the public infrastructure and services which are not the Owner's responsibility in a timely fashion." Draft DA dated June 3, 2015 at 13. The FEIR must make clear which party is responsible for infrastructure development and on what timeline.

Moreover, the FEIR fails to describe in any detail the location or design of off-site infrastructure improvements, including three reservoirs, using the programmatic level analysis as an excuse. FEIR Response to Comments at 764. Instead, the description of needed infrastructure improvements provided by the FEIR is inconsistent and confusing. For example, the FEIR states that the Project will not require the construction of new storm water drainage facilities or expansion of existing storm water drainage facilities, yet also states that five new drainage systems will be constructed to accommodate additional runoff that will result from the Project. FEIR at 4.16-24 and 4.16-25.

Response 6:
The commenter is incorrect, the description of the WLC project is not "unstable" but rather appropriate and accurate based on the programmatic nature of the EIR document and the WLC project at this time. It must be remembered that subsequent development in the future will require subsequent analysis for CEQA compliance once specific building sizes and locations are proposed (i.e., known). It would be overly speculative at this time to plan specific locations for such support infrastructure until more information is available on the number, size,

and locations of specific buildings. The mitigation measures in the programmatic EIR set performance standards to provide specific guidance to future developers when building new warehouse buildings or supporting infrastructure. Therefore, this is not deferral of analysis or mitigation but rather the proper use of tiering environmental documents under CEQA based on the level of information available at the time the CEQA document is (or will be) prepared.

Comment 7:
Given that the City intends to use this EIR to support subdivision maps and a DA the DEIR cannot put off analysis of necessary infrastructure. The City is obliged to disclose now whether it is possible to develop infrastructure able to accommodate the entitlements the City intends to guarantee to the applicant, and at what environmental cost. The revised EIR must contain a description and analysis of these critical aspects of the Project.

Response 7:
The various technical engineering studies prepared in support of the EIR analysis (e.g., hydrology, utilities, etc.) conclude that the level of development proposed by the WLC project can be accommodated by the proposed infrastructure (e.g., roads, water and sewer lines, electrical and natural gas systems, etc.). In fact, the technical studies identified the design parameters for the various infrastructure systems, again, to assure the planned improvements could accommodate the level of development proposed. The EIR project description provides information on the planned improvements, including FEIR Section 3.4.6.3 regarding onsite utilities and Section 3.4.11 regarding offsite improvements.

Comment 8:
C. The FEIR's Analysis of and Mitigation for the Impacts of the Proposed Project Are Inadequate. 1. The EIR's Analysis of the Project's Incompatibility with the City's General Plan Remains Inadequate. The FEIR, like the DEIR, glosses over a number of the Project's glaring inconsistencies with the General Plan. As discussed in SMW's comments on the DEIR, the EIR provides clear evidence that the Project is inconsistent with the General Plan. The FEIR refutes the obvious inconsistencies and responds only that "the project will not be inconsistent with the General Plan since specific development in the future will be evaluated against the indicated General Plan policy…." FEIR Responses to Comments at 775. This deferral of analysis is not acceptable under CEQA.

Response 8:
The WLC EIR examined the potential environmental impacts of the WLC project, including consistency with applicable General Plan policies in each environmental analysis section (4.1 through 4.17). The FEIR determined the project would have a number of significant impacts relative to these issues (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The FEIR also identifies what portions of the General Plan will need to be modified to accommodate the WLC project (FEIR Volume 3, Revised Draft EIR, Section 3.5, General Plan Amendment). Ultimately, the City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Comment 9:
It is clear that the Project remains inconsistent with myriad General Plan policies as enumerated in our DEIR comment letter. The FEIR claims that the EIR analyzes the Project's consistency with applicable policies in each chapter according to issue area. FEIR Responses to Comments at 778. However, this is not the case. For instance, the FEIR's noise section fails to evaluate consistency with Policy 6.3.1 and Objective 6.5, both requiring mitigation of noise to comply with applicable standards. The Project will result in significant and unavoidable construction period and operational noise impacts, and will therefore be inconsistent with these policies.

Response 9:
The analysis is FEIR Section 4.12.6.3 concluded that long-term operational noise impacts of the WLC project would be less than significant with mitigation. It is the City Council's responsibility to determine if or to what degree a particular project is consistent with the City's General Plan policies and objectives. For example, Objective 6.5 requires projects to "minimize noise impacts from significant noise generators such as, but not limited to, motor vehicles, trains, aircraft, commercial, industrial, construction, and other activities." The analysis in the FEIR demonstrates that the proposed long-term noise mitigation will help reduce noise impacts but will not eliminate it, however, the objective does not require noise to be eliminated, only to demonstrate the project would "minimize" impacts – the FEIR clearly demonstrates reductions in offsite noise impacts.

In addition, General Plan Policy 6.3.1 states…"*The following uses shall require mitigation to reduce noise exposure where current or future exterior noise levels exceed 20 CNEL above the desired interior noise level:*

> *a. Single and multiple family residential buildings shall achieve an interior noise level of 45 CNEL or less. Such buildings shall include sound-insulating windows, walls, roofs and ventilation systems. Sound barriers shall also be installed (e.g. masonry walls or walls with berms) between single-family residences and major roadways.*
>
> *b. New libraries, hospitals and extended medical care facilities, places of worship and office uses shall be insulated to achieve interior noise levels of 50 CNEL or less.*
>
> *c. New schools shall be insulated to achieve interior noise levels of 45 CNEL or less."*

Since no specific buildings, sizes, or locations have been proposed at present, there is no way to effectively determine if this policy applies to the proposed WLC project. Section 4.12.2 of the FEIR analysis determined that project direct noise impacts along offsite roads would be less than significant with mitigation, but also found certain proposed mitigation measures were not feasible due to physical limitations. Cumulative operational noise was also found to be significant. The WLC project mitigates noise impacts to the degree feasible given existing physical limitations of offsite conditions, consistent with the requirements of CEQA. The City Council will weigh the various impacts and benefits of the proposed WLC project and will have to adopt a Statement of Overriding Considerations if they decide the project's benefits outweigh its anticipated impacts.

Comment 10:
In another example, the City's General Plan "require[s] development along scenic roadways [including State Route 60] . . . to allow for scenic views of the surrounding mountains and Mystic Lake." Moreno Valley General Plan Policy 7.7.5. The EIR clearly indicates that the Project would block scenic views. FEIR at 4.1-55. Yet, despite evidence to the contrary, the EIR continues to assert that the Project's visual changes are generally consistent with the City's General Plan. FEIR at 4.1-71. The FEIR response again relies on "the programmatic nature of the EIR" to justify its failure to adequately analyze these impacts and the apparent contradiction of its conclusion. It states that "it is not possible to definitively conclude visual impacts from SR-60 will be significant without knowing the exact sizes and locations of buildings…." FEIR Responses to Comments at 773. Thus, the FEIR reiterates the flawed analysis of the DEIR and again defers analysis to a future date, after approval of the Project and the DA.

Response 10:
The FEIR does not defer analysis and mitigation but rather provides an appropriate level of analysis given the amount of information known about the project at this time, and appropriately relies on tiering of subsequent CEQA documents and process to provide a more detailed level of analysis when specific and more detailed information about new development is known. This is an appropriate use of tiering and additional information is provided in Response 5 above.

Comment 11:
Similarly, the FEIR responses assert that the EIR evaluates the Project's consistency with relevant General Plan policies related to traffic impacts. Id. While the DEIR provides an extensive list of relevant General Plan policies, it fails to actually analyze the Project's consistency with them. FEIR at 4.15-34 to 4.15-39. A revised EIR must identify these, and other inconsistencies, as significant impacts and must identify feasible mitigation or alternatives to avoid or mitigate these impacts.

Response 11:
The commenter is incorrect, DEIR Section 4.15.5.4 analyzes if the WLC project would "conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?" and determined it would be consistent with these policies. In addition, DEIR Section 4.15.8 also concludes that the WLC project is consistent with the City's traffic-related goals and objectives of the General Plan, as supported by the analyses in Sections 4.15.6.1 through .5 and implementing the various mitigation measures outlined in DEIR Section 4.15.7. Finally, DEIR Section 4.15.8 summarizes the significance of traffic-related impacts of the WLC project after implementation of the recommended feasible mitigation.

Comment 12:
2. The FEIR Continues to Defer Analysis and Mitigation for Significant Impacts Related to Geology. As explained in our previous comment letters, the EIR's approach of deferring the fault investigation violates the Alquist-Priolo Act. The Act is applicable to any project "which is located within a delineated earthquake fault zone." Pub. Res. Code § 2621.5(b). Pursuant to the Act,

> *cities and counties shall require, prior to the approval of a project, a geologic report defining and delineating any hazard of surface fault rupture. If the city or county finds that no undue hazard of that kind exists, the geologic report on the hazard may be waived, with the approval of the State Geologist. Pub. Res. Code § 2623(a) (emphasis added).*

The FEIR acknowledges that the Act is applicable to the proposed project. FEIR at 4.6-3. Yet, the document fails to require the appropriate geologic report "prior to approval of the project" as required by the Alquist-Priolo Act. The City has also failed to secure the approval of the State Geologist for any waiver of the Act's requirements and, in any event, lacks the evidence necessary to support such a request.

The FEIR also fails to analyze and mitigate for geologic impacts to major utilities proposed onsite. The FEIR acknowledges that the on-site Claremont Segment of the San Jacinto Fault Zone is an Alquist-Priolo zoned "active fault[]" and that other fault lines are located in close proximity to the site. Id. The Project proposes water and sewer lines in the vicinity these faults. On-site and off-site utilities may be heavily damaged in the event of surface fault rupture, an impact that the EIR completely ignores.

Response 12:
Again, the commenter misinterprets impermissible deferral of analysis or mitigation with appropriate tiering of environmental analysis based on the level of information known at the time the CEQA document is prepared (see Response 5 above), including specific geotechnical impacts and site specific mitigation. A programmatic EIR was the appropriate level and type of CEQA documentation at this time. Although the developer does not yet have information on the sizes and locations of specific buildings, the City used a programmatic EIR to examine the overall impacts of developing 40.6 million square feet of logistics warehousing in this general location, including geotechnical constraints such as the San Jacinto Fault in the eastern portion of the site. As outlined in the FEIR, additional CEQA analysis will be conducted on future specific development proposals (i.e., plot plans for specific buildings of specific sizes and in specific locations) by individual developers in the future. The Specific Plan and EIR outline a maximum amount of development that could occur on the WLC project site (i.e., 40.6 million square feet), but do not specify locations or sizes so that information, and related

CEQA evaluation of specific geotechnical impacts, would be done at the time the future development is proposed, and could result in moving buildings or less square footage than an applicant requests depending on the result of that future analysis. However, the programmatic EIR has set performance standards within the various geotechnical mitigation measures proposed to provide specific guidance to future developers, therefore, this is not deferral of analysis or mitigation according to CEQA, but the proper use of tiering environmental documents depending on the level of information available at the time the CEQA document is prepared.

Comment 13:
3. The FEIR Continues to Defer Mitigation for Significant Impacts Related to Hazards and Hazardous Materials. The FEIR continues to defer mitigation of potentially significant impacts related to hazardous materials. Specifically, the FEIR includes mitigation measures (4.8.6.1B and 4.8.6.1C) requiring the applicant to prepare risk assessment reports analyzing safety conditions relative to the proposed fueling facility and the existing compressor plant, and planned development. FEIR at 4.8-22. However, the requirement that an applicant analyze safety impacts and adopt mitigation measures recommended in a future study fails to comply with CEQA. Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-07 ("A study conducted after approval of a project…is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA."). Despite the dearth of site- specific investigation, the EIR boldly concludes that impacts related to hazards and hazardous material will be mitigated to a less-than-significant level. FEIR at 4.8-23. This conclusion cannot be sustained. Inasmuch as this Project proposes a development that may pose significant safety risks, it is of the utmost importance that the site's existing hazards be characterized and that anticipated safety risks be analyzed. The City must conduct this analysis prior to Project approval when it still has the authority to require changes in the Project design to reduce potential hazards.

Response 13:
The commenter's incorrect assertions about deferral of analysis and mitigation are addressed in detail in Response 12 above. The commenter continues to misinterpret impermissible deferral of analysis or mitigation with appropriate tiering of environmental analysis based on the level of information known at the time the CEQA document is prepared (see Response 5 above), including specific hazard-related impacts and site specific mitigation. No specific fueling facility has been proposed at this time, although the general need for and location for one is included in the Specific Plan. When a specific facility is proposed, a site specific study must be done to identify its actual location and size to provide adequate setbacks from existing residences. There is no way to provide that information at this time, so the programmatic EIR correctly identifies the parameters and performance standards for such a study when a specific fueling facility is proposed or needed.

Comment 14:
4. The FEIR's Analysis of Impacts Relating to Population, Housing and Employment Remains Inadequate. The EIR makes conclusory statements and unsupported conclusions regarding the Project-related jobs being filled by local residents. FEIR Responses to Comments at 784. SMW's previous comments pointed out that the DEIR omits information and analysis of skills and/or educational characteristics of the local labor force. The FEIR's responses to comments fail to correct these flaws.

Rather than performing the omitted analysis, the FEIR revises the City's earlier claim that Project-related jobs would be filled by "workers, who for the most part, already reside in the project area." DEIR at 4.13-13. Instead, the FEIR states that "it is expected that many project employees will be commuting to the Project from other locations in the Inland Empire and may eventually move to the City to live closer to work, thereby increasing the population and ultimately the demand for homes within the City…." FEIR Responses to Comments at 784. But this statement too lacks evidentiary support. The EIR continues to omit a discussion of the types of jobs created by the Project and of the skills and education levels of local workers. Without this

information, it is not possible to make a reasonable evaluation of whether the jobs created will serve local workers, nor whether a jobs-to housing match will occur.

Response 14:
The developer, the City, and the commenter cannot know specifically who will fill a specific job position within the WLC project, but in general people tend to live close to their employment to minimize time and costs associated with commuting long distances on area freeways. The contention of the FEIR regarding employment and employee location, relocation, etc. remains valid. The estimate of both short- and long-term jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). There is no empirical evidence that supports the assertions made by the commenter. Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area. The City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Comment 15:
5. The FEIR's Analysis of the Project's Cumulative Impacts is Inadequate. Not surprisingly, the FEIR also fails to correct the DEIR's failures with regard to analysis of cumulative impacts. The FEIR identifies potentially significant cumulative impacts to aesthetics, agriculture, air quality, noise and transportation. FEIR at 5-1 to 5-3 and FEIR Responses to Comments at 786. However, the FEIR fails to adequately analyze and disclose the extent and severity of cumulative impacts identified as significant and unavoidable and fails to identify feasible measures to minimize those impacts.

For example, the mitigation proposed for these significant cumulative impact amounts to nothing more than a promise that Highland Fairview Operating Company operations comply with existing law. FEIR Table 1B beginning at 1-25. This approach fails to comply with CEQA on two fronts. First, the FEIR provides no quantitative evidence that compliance with existing regulations would ensure that either project-level or cumulative noise impacts would be less than significant. Without substantial evidence supporting the conclusion that mitigation would be effective, the EIR remains inadequate.

Response 15:
The commenter is incorrect, each environmental analysis section of the EIR (Sections 4.1 through 4.17) examine potential cumulative impacts of the project on each environmental issue, and recommend mitigation if additional measures are needed beyond what is proposed for project-specific impacts. Section 4.12 of the DEIR does evaluate noise impacts of the project and recommends appropriate mitigation. The cumulative analysis in the EIR was done according to applicable CEQA guidance as outlined in Section 2.10.

Comment 16:
Second, the FEIR concludes that if the Project and the other contributing projects each mitigate their individual environmental impacts to water quality and storm water, there would result no cumulative impacts. FEIR Responses to Comments at 785. Specifically, the FEIR explains that, because all future development in the City and surrounding region will be required to comply with existing regulations (i.e., NPDES permit program), and because they will all be required to implement BMPs [best management practices] and other avoidance, minimization, and/or mitigation measures, a less-than-significant cumulative impact to water quality will occur. FEIR at 4.9-63. This statement defies common sense and is incorrect. If every project that were ever developed fully mitigated water quality impacts with BMPs, the quality of water in Riverside County would be pristine.

Yet, as the FEIR explains, receiving waters downstream of the Project are impaired with, among other things, nutrients, organic enrichment/low dissolved oxygen, polychlorinated biphenyls (PCBs), and unknown toxicity. These same pollutants are associated with the Project. FEIR at 4.9-21. Clearly BMPs and other mitigation

measures may incrementally reduce some pollutants, but they are not sufficient to avoid surface water pollution altogether. The purpose of analyzing cumulative impacts is to determine whether a collection of less-than-significant impacts may combine to be cumulatively considerable.

Response 16:
Similar comments were addressed in FEIR Volume 1, Response to Comments, specific responses F-1-78, F-5-12, F-5-14, F-5-17, F-5-20, F-5-21, F-5-22, and F-5-24.

Comment 17:
If the City approves the Project, it will permit additional traffic and air and water pollution in an area already burdened by significant environmental problems. Under the "trust us" approach favored by the EIR, neither decision makers nor the public would know the severity of the impacts until after Project approval. In order to assess impacts intelligently, the EIR must adequately disclose the Project's cumulative contribution to environmental impacts over the long-term.

Response 17:
The commenter is incorrect, the EIR clearly identifies the potential and significant direct and cumulative impacts of the proposed WLC project relative to traffic, air quality, and water quality and recommends appropriate mitigation. The EIR determined the project would have significant air quality and traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Council will have to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 18:
6. The FEIR Fails to Address the Project's Growth-Inducing Impacts. CEQA requires that an EIR analyze the environmental impacts caused by growth induced by the Project. Pub. Res. Code § 21100(b)(5); City of Antioch v. City Council of Pittsburg (1986) 187 Cal. App. 3d 1325, 1337. The EIR, echoed in the recitals of the DA, claims that the Project will provide new employment opportunities and increases in demand for goods and services. The FEIR clearly states that the Project could induce additional business and job growth by removing an impediment to growth, such as a lack of basic infrastructure or services. FEIR at 5-6. As discussed above, it also states that project employees "will be commuting to the site from other locations in the Inland Empire and may eventually move to the City to live closer to work, thereby increasing the population and ultimately the demand for homes within the City…." FEIR Responses to Comments at 784.

As explained in our previous comments, the DEIR fails to meet CEQA's requirements for analysis of the Project's growth inducing effects. Specifically, the DEIR fails to analyze the growth fostered by new employment opportunities, speculation/removal of barriers, and economic stimulus. The FEIR's is non-responsive to our comments and merely repeats the arguments in the DEIR. It states that "it would be overly speculative" to try to evaluate the environmental impacts of the potential growth induced by the Project. FEIR Response to Comments at 786.

The City's inappropriate decision to label this EIR a "programmatic" document does not render the growth-inducing effect of the Project too "speculative" to evaluate. As stated by the court in Napa Citizens for Honest Government v. Napa County Bd. of Supervisors (2001) 91 Cal. App. 4th 342, 368-69, "[t]he fact that the exact extent and location of such growth cannot now be determined does not excuse the County from preparation of an EIR…. [R]eview of the likely effects of the proposed [project] cannot be postponed until such effects have already manifested themselves…."

The FEIR thus fails to adequately address growth inducing factors such as the addition of new infrastructure and the removal of barriers to growth. Additionally, the responses to comments and the FEIR fail to address the

gross underestimation of direct and indirect population growth generated by the Project and the likely demand for housing in the surrounding area.

Without these details, the EIR fails in its fundamental purpose of "alert[ing] the public and its responsible officials to environmental changes before they have reached ecological points of no return." Village Laguna of Laguna Beach, Inc. v. Board of Supervisors (1982) 134 Cal. App. 3d 1022, 1027 (emphasis added). The EIR's failure to alert the public to the amount of development that would be induced by this expansion of infrastructure violates CEQA. A revised EIR must either provide evidence that the Project's removal of barriers/expansion of infrastructure will not induce growth or include a revised analysis of growth induced by the Project. Finally a recirculated EIR should include a discussion of potential mitigation for growth inducing impacts, such as limiting the excess capacity of infrastructure development for the Project.

Response 18:
DEIR Section 5.3, page 5-4 states the potential of the WLC project "to induce or create conditions that would accelerate development of vacant parcels in the surrounding area from the creation of new employment opportunities and increasing the demand for goods and services." In addition, page 5-6 of the DEIR states…

"Streets, water and sewer utilities, and municipal services would be extended to serve the proposed WLC project. The proposed WLC project will benefit other development projects in the project area, and therefore, could potentially induce additional business and job growth by removing an impediment to growth, such as a lack of basic infrastructure or services. However, the proposed WLC project is located proximate to other existing warehouse, commercial, and residential uses. Therefore, the project will necessitate extension of major infrastructure, however, the project will not result in substantial population growth that has not already been planned for in the City's General Plan. As the type and intensity of use proposed for the project site would be consistent once implementation of the General Plan Amendment and Zone Change take place, and because the improvements necessary for development of the site would not facilitate growth that has not been anticipated in the project area, no significant growth-inducing effect would occur, and no mitigation is required."

The EIR therefore does discuss the potential growth-inducing impacts of the WLC project. CEQA does not require mitigation for growth-inducing impacts, merely a discussion of them. However, the various environmental analysis sections of the DEIR (4.1 through 4.17) do evaluate specific impacts of the WLC project and recommend appropriate mitigation.

Comment 19:
7. The EIR's Analysis of Climate Change Impacts Is Inadequate. The WLC, if constructed, will add 400,000 metric tons CO2e per year to the atmosphere. To put the magnitude of this pollution in perspective, the entire city of Moreno Valley generated 900,000 metric tons CO2e in 2010 (FEIR at 4.7-11); approving the Project would increase city-wide greenhouse gas ("GHG") emissions by 44 percent in one fell swoop. Yet rather than analyze this massive increase in GHG pollution and confront the daunting task of crafting mitigation measures or project alternatives to reduce or avoid the associated impacts, the FEIR brushes aside project impacts and in doing so, fails to comply with CEQA.

Response 19:
The FEIR accurately estimates GHG emissions from the WLC project and does correctly incorporate state-level mitigation of GHG emissions related to fuel consumption because this project is primarily a transportation-related project. It is even more appropriate given the programmatic nature of the FEIR to attempt to estimate GHG emissions from project vehicles and then demonstrate to what degree compliance with current and future vehicular fuel emission standards will help reduce potential GHG emissions from trucks (all types) and passenger vehicles. It is not equitable to attempt to make a particular project, and one that is so dependent on

truck vehicle fuels, mitigate its "gross" GHG emissions as the project itself has no control over vehicle fuels which are the overwhelming source of GHG emissions for the WLC project.

The FEIR appropriately relies on AB32 and the Cap and Trade program to address greenhouse gases. The commenter claims that there is no provision for AB32 to extend beyond 2020. This is incorrect. AB32 states the following at Section 38551: "(a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed. (b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020." SB32, now under consideration amends AB32 to achieve greater emission reductions by 2050.

As long as AB32 and Cap and Trade remain in effect, the State has created a pool of allowable carbon emissions from select emission source sectors (e.g., fuels and energy). The size of the pool of allowable carbon emissions (known as allowances) is set by the State and is independent of the need of any project. To the degree that user of carbon emissions reduces demand, other users of carbon emissions can use up the available capacity. Since price of the allowances is determined by demand, any reduction in demand will not mean fewer emissions (which set by the establishment of the available pool by the State), it will mean lower prices for the remaining users of carbon emissions. In this manner, users that can reduce their need for allowances at a lower cost than the market price for an allowance will do so, resulting in the reduction of carbon emissions to the level established by the State at the lowest possible cost. Other carbon users will then be able to purchase the remaining allowances due to reduced demand and price resulting in no change in carbon emissions.

Because of the policies put in place by the State of California, the FEIR appropriately takes responsibility for those emissions over which it has direct control (uncapped emissions not part of the State's Cap and Trade program), but not the emissions for which the State has already set an aggregate cap which WLC project has no ability to influence. These issues are fully described in the FEIR Volume 3, Revised Draft EIR, Section 4.7.

In addition to a mitigation allowance for the State Cap and Trade program for vehicle fuel standards, the WLC project will allow for the installation of rooftop solar systems to help offset project electrical consumption which will also incrementally reduce regional GHG emissions. The methodology for estimating GHG emissions and mitigation used in the FEIR is scientifically accurate and consistent with CEQA, and constitutes substantial evidence in relation to CEQA documentation.

Comment 20:
a. The EIR Fails to Compare the Project's GHG Emissions to the Existing Environmental Setting. The existing GHG emissions from the Project site are zero, as the property is largely vacant. FEIR at 4.7-11. Consequently, it is clear that adding the massive new logistics facility will significantly increase GHG emissions. Yet rather than evaluate the Project's significance by comparing the proposed Project to existing environmental setting, the City's thresholds of significance completely ignore this fundamental CEQA tool. FEIR at 4.7-32 to -34 (establishing thresholds of significance based only on SQACMD's 10,000 mt threshold and compliance with applicable plans and policies).

Section 15064.4 of the CEQA Guidelines explain how a lead agency should evaluate GHG emissions: (1) by comparing project emissions to the "existing environmental setting"; (2) by comparing project emissions to an established threshold of significance; and (3) by assessing project compliance with existing regulations or requirements adopted to implement a statewide, regional, or local plan to combat GHG pollution.

The City's methodology, however, eliminates the first threshold altogether. FEIR at 4.7-32. While lead agencies are granted some discretion in selecting thresholds of significance, they are not permitted to choose thresholds that foreclose consideration of other evidence tending to show the environmental effect may be significant.

Protect The Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099, 1109 ("[T]hreshold[s] of significance cannot be applied in a way that [] foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant."). The WLC increases the City's GHG emissions by 44 percent – the City cannot craft its thresholds of significance in such a way that glosses over this massive increase.

Response 20:
The commenter is incorrect. The project analysis assumes that the WLC site has no GHG emissions at present, all of the emissions estimated by development of the WLC project are over the assumed zero baseline, and the impacts and mitigation are analyzed based on that assumption. The project's uncapped emissions are compared to the SCAQMD's recommended threshold. The FEIR is legally adequate and does accurately estimate potential GHG impacts of the proposed WLC project.

Comment 21:
b. The Elimination of the "Capped" Emissions Violated CEQA. The EIR estimates that at full buildout in 2031, the operation of the Project will cause GHG emissions of almost 400,000 mt of CO2e annually, including 270,000 mt from mobile sources and 100,000 mt from electricity usage. FEIR at 4.7-49. Both mobile sources and electricity usage are included under the AB 32 cap and trade program. The EIR reasons that because these two categories are already "capped," they should be excluded from the analysis of Project emissions. FEIR at 4.7-37. Consequently, the EIR only compares the Project's uncapped emissions to the SCAQMD threshold of significance, and treats the capped emissions as though they will not occur. Id.

This approach violates CEQA. As a preliminary matter, AB 32's cap and trade program currently extends to 2020; it does not cover emissions occurring later. Even if the presence of the cap and trade program somehow excused mobile source and electricity emissions from CEQA analysis, the EIR utterly fails to analyze or mitigate for the impact of the 370,000 mt of CO2e pollution that will occur annually from 2020 throughout the life of the project. As the courts have recently held, failure to consider the pollution a project will generate over its entire lifespan renders an EIR invalid.

In addition, the EIR's exclusion of capped emissions cannot be squared with CEQA's requirements or purpose. The emissions generated by the Project's mobile sources and electricity use will still occur, regardless of whether the upstream producers of transportation fuel and electricity obtain permits under AB 32's cap and trade program. And these emissions will still contribute to climate change, even if other entities in California reduce their emissions as a result of cap and trade permits. Consequently, under CEQA, the City must consider all of the Project's GHG emissions in evaluating whether the Project will have a significant effect on the environment.

The EIR's exclusion of capped emissions also conflicts with CEQA's core purposes. AB 32's cap and trade program is wide-ranging; most of the state's GHG emissions come within its scope. If a lead agency could complete a CEQA "analysis" of GHG emissions by stating that project emissions are covered by the cap and trade program, climate change—the single largest environmental threat facing California— would be largely ignored by lead agencies in their CEQA analyses. The state and the public would miss out on the benefits that could be accrued by forcing lead agencies to consider additional mechanisms for mitigating or avoiding greenhouse gas emissions.

In addition, the recent amendments to the CEQA Guidelines regarding GHG analysis and mitigation (e.g., CEQA Guidelines §§ 15064.4, 15126.4(c)) would be rendered largely superfluous. And local agencies—arguably the best positioned to address the serious land use decisions necessary to fight climate change—would be excused from conducting any analysis of feasible project alternatives or mitigation measures in approving land use decisions. Moving forward, environmental review documents would fail to give decision makers and

the public accurate information about the Project's significant impacts on climate change. The proponents of AB 32 did not intend to eviscerate CEQA's power to require disclosure and mitigation of environmental harms by setting up a cap and trade program.

Finally, the EIR's conclusions regarding the cap and trade program fail to acknowledge the uncertainties inherent in the cap and trade program. The EIR provides no explanation for why compliance with the cap and trade program by fuel manufacturers and electricity generators will reduce the Project's capped emissions to a level of insignificance. The reduction in GHG emissions attributable to the cap and trade program's application to fuel and electricity is particularly attenuated, because the Project is not required to comply with the cap and trade program directly. Because the amount of reduction to be achieved remains unclear, the EIR cannot adequately support its conclusion that impacts will be mitigated to insignificance.

The EIR must be revised to include the capped emissions as part of its evaluation of the Project's significant environmental impacts.

Response 21:
The commenter is incorrect, the FEIR does accurately estimate GHG emissions from the WLC project and does correctly incorporate state-level mitigation of GHG emissions related to fuel consumption because this project is primarily a transportation-related project. It is even more appropriate given the programmatic nature of the FEIR to attempt to estimate GHG emissions from project vehicles and then demonstrate to what degree compliance with current and future vehicular fuel emission standards will help reduce potential GHG emissions from trucks (all types) and passenger vehicles. It is not equitable to attempt to make a particular project, and one that is so dependent on truck vehicle fuels, mitigate its "gross" GHG emissions as the project itself has no control over vehicle fuels which are the overwhelming source of GHG emissions for the WLC project.

The FEIR appropriately relies on AB32 and the Cap and Trade program to address greenhouse gases. The commenter claims that there is no provision for AB32 to extend beyond 2020. This is incorrect. AB32 states the following at Section 38551: "(a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed. (b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020."

Through the Cap-and-Trade program, the State has created a pool of allowable carbon emissions from select emission source sectors (e.g., fuels and energy). The size of the pool of allowable carbon emissions (known as allowances) is set by the State and is independent of the need of any project. To the degree that some users of carbon emissions reduces demand, other users of carbon emissions can use up the available capacity. Since price of the allowances is determined by demand, any reduction in demand will not mean fewer emissions (which set by the establishment of the available pool by the State), it will mean lower prices for the remaining users of carbon emissions. In this manner, users that can reduce their need for allowances at a lower cost than the market price for an allowance will do so, resulting in the reduction of carbon emissions to the level established by the State at the lowest possible cost. Other carbon users will then be able to purchase the remaining allowances due to reduced demand and price resulting in no change in carbon emissions. Only the State can adjust the cap and modify the State's long-term reduction goal.

Executive Order B-30-15 orders a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030, which is a greater reduction than the State is required to meet according to AB 32. Senate Bill (SB) 32, now under consideration in the Legislature,[2] amends AB32 to

[2] Senate Bill 32 passed in the Assembly Natural Resource Committee on July 14, 2015 and now goes to the Assembly Appropriations Committee. (Senator Fran Pavley, Sen. Pavley's Climate Pollution Bill Approved by Assembly Panel, http://sd27.senate.ca.gov/news/2015-07-14-sen-pavley-s-climate-pollution-bill-approved-assembly-panel).

achieve greater emission reductions and would require that GHG emissions in California be reduced 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

To reduce GHG emissions to those new levels or even to maintain 1990 levels as currently required by the State, a cap-and-trade program beyond 2020 would be necessary. California Air Resources Board (ARB) Resolution 13-44 (Amendments to the California Cap-and-Trade regulation) states the following: "WHEREAS, the draft update to the AB 32 Scoping Plan recommends the development of post-2020 emissions reduction targets, and that sending a signal that Cap-and-Trade will continue beyond 2020 is critical to fully realizing the benefits of the program…BE IT FURTHER RESOLVED that pursuant to the draft update to the AB 32 Scoping Plan, the Board directs the Executive Officer to develop a plan for a post-2020 Cap-and-Trade Program, including cost containment, before the beginning of its third compliance period to provide market certainty and address a potential 2030 emissions target."

The following excerpts are from the ARB's First Update to the Scoping Plan:

> Together, LCFS [Low Carbon Fuel Standard] and Cap-and-Trade provide a structure to ensure that necessary emission reductions are achieved and provide an effective market signal to accelerate innovation and development of cleaner fuels. Continuing these policies beyond 2020 will ensure that fuel carbon intensity continues to decline and that low-carbon alternatives to petroleum are available in sufficient quantities in the long term.
>
> …The Cap-and-Trade Program is a vital component in achieving both California's near-and longterm GHG emissions targets. California's Cap-and-Trade Regulation is purposely designed to leverage the power of the market in pursuit of an environmental goal. It opens the door for major investment in emission-reducing technologies and sends a clear economic signal that these investments will be rewarded. The Cap-and-Trade Regulation establishes a hard and declining cap on approximately 85 percent of total statewide GHG emissions.
>
> …Sending the market a signal that the Cap-and-Trade Program will continue in the long-term is critical to fully realizing the benefits of the program. Continuing the program and establishing an emission cap beyond 2020 will also reduce the costs of the program as California industry and households make long-term capital and investment decisions.

Because of the policies put in place by the State of California, the FEIR appropriately assigns responsibility for those emissions over which the WLC project has direct control (uncapped emissions not part of the State's Cap-and-Trade program), but not the emissions for which the State has already set an aggregate cap which WLC project has no ability to influence. These issues are fully described in the FEIR Volume 3, Revised Draft EIR, Section 4.7.

Comment 22:
c. The Project Conflicts with Climate Change Policy and Plans. Despite increasing the City's GHG emissions by 44 percent, the EIR concludes that the project is consistent with applicable climate change policies and plans. FEIR at 4.7-59. This conclusion is not supported by the record before the City. For example:

- *Although the Project will generate a huge increase in GHG emissions, the EIR concludes that the Project is consistent with strategies to reduce emissions to levels proposed in Executive Order S-3-05. The Project is also inconsistent with the new Executive Order B-30-15, which calls for the further reduction of GHG emissions to 40 percent of 1990 levels by 2030. By disregarding the state climate policy's overarching goal of emission reductions, the EIR makes it falsely appear as if the project is furthering state climate policy, when in fact the trajectory established by the Project directly contravenes it.*

- *The Air Resources Board's 2014 Update to the Climate Change Scoping Plan recognizes that local and state agencies must use local land use planning tools to reduce travel demand and improve goods movements. "Coordinated, comprehensive planning is critical to achieving deep emission reductions in the transportation sector." Scoping Plan Update at 49. The proposed Project, however, would approve local land use plans that result in a dramatic increase in vehicle miles traveled and GHG emissions when compared to existing conditions. The EIR does not address how the increased VMT and emissions resulting from poor land use planning can be squared with the Scoping Plan.*

- *The EIR also erroneously claims that certain policies are not applicable in order to avoid reaching the obvious conclusion that the Project is simply inconsistent with such policies. For example, the EIR identifies regional transportation-related greenhouse gas targets that require local governments to "directly influence both the siting and design of new residential and commercial developments in a way that reduces GHGs associated with vehicle travel." FEIR at 4.7-53. The EIR concludes that these reductions are "outside the scope of this project." However, it is clear that the Project is simply not consistent with a strategy to use local government's siting decisions to reduce GHG emissions.*

Response 22:
The commenter incorrectly asserts the project conflicts with climate policy and plans by citing three examples, which are discussed below.

1. The commenter claims that the project is not consistent with two State executive orders. The project is consistent with Executive Order S-3-05. As discussed on page 4.7.33 in the FEIR, the SCAQMD indicates that implementation of the target in Executive Order S-3-05 (reduce GHG emissions to 80 percent below 1990 levels by 2050) would contribute to worldwide efforts to cap GHG concentrations and stabilize the climate. The threshold used by the project was derived by the SCAQMD using the Executive Order S-3-05 target. Since the project's uncapped emissions are below the SCAQMD's threshold, the project is consistent with the 80 percent reduction target in S-3-05. The 80 percent reduction target is more stringent than the target in the new Executive Order B-30-15 (reduce GHG emissions 40 percent below 1990 levels by 2030). Therefore, the project would also be consistent with the reduction target in Executive Order B-30-15.

2. The commenter took a partial quote from the First Update to the Scoping Plan out of context. The full sentence from the Scoping Plan indicates the following (the commenter omitted the parts in **bold**):

   > Coordinated, comprehensive planning is critical to achieving deep emission reductions in the transportation sector, **and must include the development of the 2014 California Freight Mobility Plan (Caltrans), the 2014 Sustainable Freight Strategy (ARB), the 2040 California Transportation Plan in 2015 (Caltrans), the 2016 SIP (ARB, SCAQMD, SJVAPCD), and all future regional sustainable community strategy and Regional Transportation Plan development and implementation.** *From the ARB First Update to the Scoping Plan at pages 48, 49*

   As shown, the type of planning involved and mentioned within the First Update to the Scoping Plan involves agencies such as Caltrans, the ARB, and the SCAQMD. The 2014 California Freight Mobility Plan was published in December 2014.[3] The ARB's Sustainable Freight Discussion Document was published in April 2015,[4] which describes ARB's initial contribution to developing a Sustainable Freight Strategy, its vision of a clean freight system, seeks input from the public, outlines actions for future ARB

[3] Caltrans, 2014 California Freight Mobility Plan, www.dot.ca.gov/hq/tpp/offices/ogm/CFMP/Dec2014/CFMP_010815.pdf
[4] California Air Resources Board. Sustainable Freight, Pathways to Zero and Near-Zero Emissions, Discussion Document. www.arb.ca.gov/gmp/sfti/sustainable-freight-pathways-to-zero-and-near-zero-emissions-discussion-document.pdf

consideration to advance California toward a zero and near-zero emission freight transportation system. The document states, "A more efficient, zero and near-zero emission freight system will demand not only new equipment and fuels, but also new transportation infrastructure, communications, and industry operating practices" (page 1). In summary, State agencies are making progress in freight mobility and sustainability. And although near-zero and zero truck technologies are currently not feasible, the State is working on feasibility through regulation and incentives.

The commenter also states, "the EIR does not address how the increased VMT and emissions resulting from poor land use planning can be squared with the Scoping Plan." Under AB 32, the State's GHG emissions are capped indefinitely to 1990 levels. Therefore, any increase in VMT and the resulting GHG emissions are capped and the total GHG emissions in the State must remain at or below 1990 levels. The State is required to inventory GHG emissions. For the 2013 State inventory, the ARB estimated transportation emissions from fuel sales.[5] Therefore, when the State estimates GHG emissions after the project is operational, the fuel combusted by the cars and trucks accessing the project (and all other non-project sources) will be used to generate the emissions. Again, since the State's GHG emissions are capped, the project's emissions are within that cap.

3. The FEIR states that the project is compliant with regional transportation-related GHG targets (page 4.7-53). The project is sited in such a manner to reduce vehicle travel by locating in a residential rich area, thereby providing local employment. In addition, the project is located adjacent to a major highway (SR-60), which would reduce truck travel through neighborhoods. Pedestrian and bicycle features would be implemented. The project would implement feasible design measures to reduce vehicle travel.

Comment 23:
d. The EIR Fails to Evaluate All Feasible Mitigation to Address GHG Impacts. Finally, the proposed mitigation measures are woefully inadequate for a Project of this magnitude. First, many of the measures proposed are already required by existing standards. The mitigation measure requiring trucks to meet 2010 engine standards is required by ARB's truck and bus rule (Cal. Code Regs., tit. 13, section 2025). The measure requiring waste diversion of 50 percent is already mandated by AB 939. And the measure requiring buildings to exceed the Green Building Standards in Title 24 by 10 percent is already required by the City's Climate Action Strategy. FEIR at 4.7-57. The "double-dipping" artificially skews the Project's ability to curtail emissions.

Response 23:
The commenter claims that several of the project's mitigation measures are already required by law. This is incorrect, as discussed below.

1. The comment is correct that CARB's truck and bus rule requires trucks to meet the 2010 emissions standard. However, that requirement does not phase-in until 2023. MM 4.3.6.3B requires all trucks to meet the 2010 emissions standard from the first day of operation, well ahead of the CARB requirements.
2. Diversion of 50 percent waste is already mandated; however, the mitigation measure requires that 75 percent of operational and construction waste be diverted (see MM 4.7.6.1A).
3. The mitigation measure to exceed the green building standards by 10 percent is *recommended* by the City's Climate Action Strategy and is not *required*.

Comment 24:
Second, the EIR fails to include all feasible mitigation measures to reduce the Project's massive contribution to climate change. The City should consider the feasibility of the following mitigation measures:

[5] California Air Resources Board. Documentation of California's Greenhouse Gas Inventory, 8th Edition, last updated April 24, 2015. www.arb.ca.gov/cc/inventory/doc/docs1/1a3biii_onroad_heavy-dutyvehicles_trucks,buses&rvs_fuelcombustion_distillate_co2_2013.htm

- *Requiring zero or near zero emission trucks or compliance with the EPA's proposed Phase 2 Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles (http://www.epa.gov/oms/climate/regs-heavy-duty.htm).*

The ARB's Sustainable Freight Discussion Document was published in April 2015,[6] which describes ARB's initial contribution to developing a Sustainable Freight Strategy, its vision of a clean freight system, seeks input from the public, outlines actions for future ARB consideration to advance California toward a zero and near-zero emission freight transportation system. The document states, "A more efficient, zero and near-zero emission freight system will demand not only new equipment and fuels, but also new transportation infrastructure, communications, and industry operating practices" (page 1).

CARB's Sustainable Freight Strategy and CARB's Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015 (http://www.arb.ca.gov/msprog/tech/techreport/ta_overview_v_4_3_2015_final_pdf.pdf) also makes the following statements about zero-emissions technology:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment." Page ii
>
> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize." Page iii
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve." Page 11

Not only are these technologies not currently available, it is not currently known when such trucks will become available, what technology they will rely on (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The City cannot rely on speculative future technologies as mitigation. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B) because it is not a question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC. Mitigation Measure 4.3.6.3B is verifiable and whose emission benefits are quantifiable and does not rely upon speculative and uncertain technologies. This represents a commitment to the highest and best technologies available today, well in advance of the market.

In summary, State agencies are making progress in freight mobility and sustainability. And although near-zero and zero truck technologies are currently not feasible, the State is working on feasibility through regulation and incentives.

With regard to the EPA's proposed Phase 2 standards, the standards are only a proposal and it is unknown at this time if standards will be adopted or what form final standards will take if adopted. However, the project does not have a significant GHG impact, so no further mitigation is required.

---

[6] California Air Resources Board. Sustainable Freight, Pathways to Zero and Near-Zero Emissions, Discussion Document. www.arb.ca.gov/gmp/sfti/sustainable-freight-pathways-to-zero-and-near-zero-emissions-discussion-document.pdf

- *Requiring that off-road diesel-powered vehicles used for construction be new low-emission vehicles or use retrofit emission control devices such as diesel oxidation catalysts and diesel particulate filters verified by CARB.*

The project requires the use of Tier 4 construction equipment (MM 4.3.6.2A). Tier 4 equipment incorporates diesel particulate filters into their design to achieve the required emissions standard.

- *Further requiring the Project to generate all or a portion of its own power through alternative means, such as photovoltaic arrays (current mitigation measures require alternative generation for "ancillary office uses" only).*

The project already incorporates a solar power component. The estimated electricity generation from onsite solar is 19,739 MWh per year, which is 5.2 percent of the electricity demand at buildout (376,426 MWh). Therefore, 5.2 percent of the unmitigated GHG emissions are reduced by solar generation (FEIR Volume 3, p. 4.7-46). However, the project does not have a significant GHG impact, so no further mitigation is required.

- *Requiring use of a catalyzed diesel particulate filter on both new and existing diesel engines (because black carbon is a component of diesel particulate matter, strategies that reduce particulate matter will also reduce black carbon).*

The project requires the use of Tier 4 construction equipment (MM 4.3.6.2A) and 2010 trucks for operation (MM 4.3.6.3B). Both Tier 4 construction equipment and 2010 on-road trucks incorporate diesel particulate filters into their design to achieve the required emissions standard.

- *Further minimizing and recycling construction-related waste.*

Already required through MM 4.7.6.1A.

- *Using salvaged and recycled-content materials for hard surfaces and non- plant landscaping materials.*

Already required through MM 4.7.6.1A when feasible.

- *Landscaping to preserve natural vegetation and maintain watershed integrity.*

Section 5.4 of the WLC Specific Plan and mitigation measures 4.9.6.1A, 4.9.6.1B, 4.9.6.3A, and 4.9.6.3C require the use of the natural vegetation and measures to protect the integrity of the watershed.

- *Utilizing the combination of construction materials with the lowest carbon footprint.*

The FEIR contains a number of measures to reduce impacts related to construction, including mitigation measure 4.7.6.1A and Section 12.8 of the Specific Plan requiring LEED certification. However, the project does not have a significant GHG impact, so no further mitigation is required.

All of these measures would result in direct reductions in GHG emissions that would otherwise be attributable to the Project. In addition, through a combination of other on- site and off-site measures, the agencies could require all aspects of the Project to be "carbon neutral." An important aspect of such mitigation would be the adoption of an off-set requirement for any reductions that could not be achieved directly. CEQA specifically envision such offsets for the mitigation of GHG emissions. CEQA Guidelines § 15126.4(c)(3) ("Measures to mitigate the significant effects of greenhouse gas emissions may include . . . [o]ff-site measures, including offsets that are not otherwise required"). Emissions could be offset either through financial contributions to sustainable energy projects or through the purchase of carbon credits. Such programs are increasingly

common and thus raise no issue of infeasibility. Moreover, locating certain off-site mitigation measures either near the San Jacinto Wildlife Area or in the Inland Empire could have valuable co-benefits.

Without further consideration of non-duplicative and feasible mitigation measures, the EIR's analysis will remain inadequate.

Response 24:
The FEIR concluded that after mitigation, GHG emissions are less than significant; therefore, no additional mitigation measures are required. Nevertheless, a comprehensive analysis of mitigation measures was explored within the Response to Comments on the DEIR (see Volume 1, Response to Comment F-1-66) and the mitigation measures as suggested by the commenter are addressed below.

Comment 25:
III. The Project Violates the State Planning and Zoning Law and The Subdivision Map Act. As explained in SMW's comments on the DEIR, the State Planning and Zoning Law and the Subdivision Map Act both require that the Project be consistent with the General Plan and Zoning for the site. This Project remains inconsistent with applicable plans and policies such that approval of it would violate state law.

The question of consistency between the Project and the applicable plans and ordinances plays three distinct roles in this environmental review and project approval process. First, a conflict between a plan or ordinance and the Project is a significant impact that must be disclosed and analyzed in the EIR. See Pocket Protectors v. City of Sacramento (2005) 124 Cal. App. 4th 903, 929-36. The FEIR acknowledges this by establishing unequivocally that the Project would have a significant impact if it would "[c]onflict with any applicable land use plan, policy or regulation." FEIR at 4.10-12. The EIR's conclusions regarding these impacts, like those for any other impact, must be supported by substantial evidence.

Second, under separate provisions of State Planning and Zoning Law and local law, the Project may not be approved in the face of such inconsistencies. The Project requires approval of a Specific Plan, tentative parcel map and a DA. State law clearly requires these approvals to be consistent with the City's General Plan. "The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 570. As discussed extensively in SMW's comments on the DEIR, and in Section II.C.1, supra, the proposed Project is clearly inconsistent with the City's General Plan. The FEIR does nothing to correct these deficiencies. Thus, the City cannot legally grant the necessary approvals for this Project or any iteration of the Project unless it is revised to comply with the General Plan.

In sum, the City's processing of the Project suffers from two serious flaws related to the City's General Plan: (1) the Project is inconsistent with the applicable plans and ordinances; and (2) the EIR's analysis of these inconsistencies is deeply inadequate.

It is important to keep in mind the distinction between these flaws. One of the CEQA issues may potentially be resolved if, for example, the City recognizes that the conflicts constitute a significant and unavoidable impact and finds, based on substantial evidence, that the Project's benefits outweigh that impact. See Public Resources Code § 21081. Such a finding, however, would do nothing to overcome the actual conflicts between the Project and the plans. These conflicts mean that the City cannot approve the Project as a matter of law and a Statement of Overriding Considerations cannot remedy this problem.

Response 25:
The commenter is correct, the City Council will weigh the various impacts and benefits of the proposed WLC project and will have to adopt a Statement of Overriding Considerations if they decide the project's benefits

outweigh its anticipated impacts. Potential conflicts with existing General Plan policies or objectives will be removed by approval of the proposed General Plan Amendment as outlined in Section 3.5 of the Revised Draft EIR (FEIR Volume 3).

Comment 26:
IV. The EIR Must Be Recirculated. Under California law, the present EIR cannot properly form the basis of a final EIR. CEQA requires recirculation of an EIR when significant new information is added to the document after notice was provided but prior to certification. Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5. "Significant new information" includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless. Laurel Heights Improvements Ass'n v. Regents of the University of California (1993) 6 Cal. 4th 1112, 1130; CEQA Guidelines § 15088.5(a).

Response 26:
The commenter is incorrect, information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrates that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information).

Comment 27:
Here, recirculation is triggered for multiple reasons. First, the FEIR presents significant, new information showing new, substantial environmental impacts and substantial increases in the severity of significant environmental impacts. For example, the FEIR includes: changes to the project description; new data, new methodologies, and/or substantial new analysis related to biological resources, traffic, air quality, greenhouse gas emissions, hydrology and noise; and new or revised mitigation measures for multiple issue areas.

Response 27:
The commenter is incorrect, the need for recirculation is not triggered in this case. Information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrates that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information). There were no impacts of the project that increased in severity, conversely, several impacts were actually reduced in severity as a result of changes to the project and revised mitigation measures (based on response to comments on the Draft EIR). The additional methodologies for the air quality assessment were recommended in DEIR comments or to comply with the latest government agency guidance on such studies. The various revisions to the mitigation measures resulted from responding to comments on the Draft EIR, and they clarify or provide more specific information on the measure's implementation, which does not trigger recirculation.

Comment 28:
Second, the FEIR fails to implement proposed feasible mitigation measures that would clearly lessen the Project's environmental impacts. In one glaring example, the Air Resources Board commented that feasible mitigation for the Project's significant impacts on air quality should include a requirement of zero-emission vehicles where feasible. ARB comment letter at 4. Rather than implementing this measure, the FEIR ignores the Air Resources Board's comments and fails to implement the agency's recommendation.

Response 28:
The commenter, and the Air Resources Board, are incorrect, zero emission vehicles are not economically or physically feasible (i.e., commercially and readily available) at present. The WLC Project FEIR is a

programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. Planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector (see memo on CARB's letter both dated June 8, 2015).

At present, there are no commercially available zero-emission on-road heavy-duty trucks available (See RTC Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase:

> "Demonstrations are underway across the State in a wide array of heavy-duty applications including drayage trucks, delivery trucks, school buses, and some types of off-road equipment."
>
> "Achieving the successful transition to zero and near-zero emission technologies will be challenging and will take time and money to realize."
>
> "Staff is assessing additional zero emission vehicle and equipment platforms in the concept, demonstration, or pilot scale deployment stage in the heavy duty sector. Examples include drayage trucks, delivery trucks, and selected types of cargo handling equipment (CHE) such as yard trucks. These technologies are limited today by cost and in some cases performance. As these technologies mature, moving from demonstrations to pilots and early commercialization, costs will decrease and performance will improve."

Not only are none currently available, it is not currently known when such trucks will become available, what technology they will rely (an important requirement for refueling/recharging requirements), or what operational capabilities such equipment might have such as range or load. The project can commit to requiring all trucks meet U.S. EPA 2010 standards (Mitigation Measure 4.3.6.3B) because it is not question of commercial availability – all new trucks must meet these standards – it is a question of what subset of the truck fleet with serve the WLC.

Similarly with off-road equipment, there is no zero-emission standard for such equipment. While some electrical equipment does exist, it does not exist in for all operational requirements. However, all onsite equipment is available in non-diesel technologies. Subsequent environmental review may require that specific technology that will work with future users be required as condition of approval, but a broad requirement that unknown future users use a specific technology is not currently feasible since current zero-emission technology is very limited.

Comment 29:
Third, the FEIR fails to acknowledge the serious implications associated with the Project's impacts. Throughout this letter and in our prior comments, and throughout hundreds of comment letters from agencies, environmental and community organizations, commenters have pointed out several issue areas where the EIR analysis is inadequate and conclusory in nature. For instance, the FEIR fails to recognize the Project's clear inconsistency with General Plan policies protecting scenic views, substantially understates the Project's impacts on biological resources, and fails to recognize the threat to public health posed by Project-related increases in air pollution. See Moreno Valley General Plan Policy 7.7.5; United States Fish and Wildlife Service comment letter dated April 22, 2013; California Department of Fish and Wildlife letters dated April 8,

2013 and June 11, 2015; and Air Resources Board comment letters dated April 16, 2013 and June 8, 2015. Not only must the analysis be greatly expanded and corrected, but the EIR must be recirculated.

Response 29:
Comments made by the agencies referred to above are addressed in separate correspondence. The methodologies used for estimating and analyzing potential environmental impacts of the WLC project used in the FEIR are scientifically accurate and consistent with CEQA, and constitutes substantial evidence in relation to CEQA documentation. Information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrates that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information).). Ultimately the City Council will have to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 30:
The City cannot make a responsible decision's about this Project without further environmental review. An EIR serves to inform the public of the environmental consequences of a project to promote the accountability of decision makers. The public cannot come to its own conclusions; nor can it determine whether officials made the right decisions, without accurate, up-to-date information about the Project's environmental consequences. In light of the issues identified above, the EIR for the Project provides information that is neither accurate nor up-to date. In order to resolve these issues, the new EIR would necessarily include substantial new information that triggers CEQA's recirculation request. Thus any decision to approve the proposed Project without recirculating a new EIR would violate CEQA.

In order to assess the City's efforts to comply with CEQA and State Planning and Zoning laws, we request a copy of any written response from the City be provided to Rachel Hooper (hooper@smwlaw.com).

Response 30:
The commenter is incorrect, the methodologies used for estimating and analyzing potential environmental impacts of the WLC project used in the FEIR are scientifically accurate and consistent with CEQA, and constitute substantial evidence in relation to CEQA documentation and are therefore legal. Information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrates that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information). Ultimately the City Council will have to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. All commenters will have access to the responses to the DEIR and FEIR prior to the City Council making a decision on the project.

MEMORANDUM

DATE: Reissued August 5, 2015 (First Issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from Pauw Family Trust dated July 11, 2015**

In a letter dated July 11, 2015, Pauw Family Trust submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
We are the owners of approximately 17 acres which are proposed to be rezoned as part of the project referred to as the World Logistics Center. Our property is identified on the attached map as "Pauw" and referred to herein as the "Pauw Property" (See Exhibit A).

The purpose of this letter is to request that the City add a sentence to the Logistics Development zoning definition on page 26 of the Final EIR or provide assurances that it will grant an administrative variance in the future when an application for development is submitted to the City. Given that the Pauw Property is on the fringe of the World Logistics Center Specific Plan ("Specific Plan"), coupled with the fact that Metropolitan Water District objects to the rezoning of its property which is also on the fringe of the Specific Plan, it would be relatively straightforward to make one of these two commitments to the Pauw Property.

Without such accommodation, we believe the rezoning of the Pauw Property would render it valueless and undevelopable and thus a taking requiring just compensation. The proposed rezoning would result in severe deleterious impacts on our property.

Response 1:
The basis for concern appears to be with regards to the alignment of Street B and how it may bisect the property. The alignment is only graphical and a precise alignment will be established with future entitlements and studies. Your objection to the graphical alignment is on record and will be considered in all future studies and entitlements. You are encouraged to participate in these future studies and you have the option to propose an alignment with any future entitlements you may seek for your property. Once a precise alignment is establish it may be an alignment that has no impact on your property, so speculating on the impacts based upon a conceptual alignment is premature.

Additionally, the WLCSP Section 11.3.3.1-Administrative Variances, allows for adjustments in regulations within the WLCSP to prevent hardships resulting from strict interpretation of the regulations. Should the ultimate alignment of Street B result in a condition where a hardship occurs it would seem appropriate to allow for a variance depending on the proposed use. The City cannot provide an assurance at this time that an administrative variance will be granted until the final alignment of Street B is established and determines whether a hardship would be created. If a hardship is created then such a variance will depend on the proposed use(s).

Comment 2:
There are several elements contained in the proposed project which would render the Pauw Property valueless and undevelopable. First, the project intends to extend Eucalyptus Avenue to Gillman Springs Road by running Street B through our property. This road would cut our property into two, unusable sections based

on the proposed rezoning. The planned zoning change for our property would be Logistics Development ("LD"). This zoning provides for buildings of 500,000 square feet or greater. The Pauw Property is approximately 750,000 square feet. The proposed Street B and proposed zoning would leave us with two smaller pieces which are much smaller than required to build a 500,000 square foot building, meaning we would not be able to meet the required minimum square footage for a warehouse building. In addition, even if we received some sort of variance from the LD requirement, the southern sliver is too small for any type of use even if relaxation of standards were granted. (See Exhibit A)

Response 2:
(See Response 1)

Comment 3:
Another undesirable and damaging impact to the Pauw Property is the City's intended placement of a water pump station on our property. Exhibit B shows that the water pump station will be placed fronting Theodore Street interfering with our access to Theodore Street. This pump station and its proposed location will cause issues with the siting of any buildings on our property. The pump station does not need to be placed at that precise location within the Specific Plan. Therefore, we request that the City remove it from our property.

Response 3:
This is not CEQA comment relating to an impact to the environment. However, your statement that "The pump station does not need to be placed at that precise location within the Specific Plan" is correct; it is not a precise location and like Street B is an illustrative depiction. The pump station could be in numerous locations within the WLCSP, but will likely be located somewhere in the general area depicted, east or west of Theodore Street. Your objection to a pump station located on your property is of record and will be considered in future studies and entitlements.

Comment 4:
Yet another impact to the Pauw Property is that as a result of the bifurcation caused by Street B, our property will be in two different Planning Areas - 6 and 8 - which again will cause yet another issue with siting buildings on our property.

Response 4:
The purpose of the Planning Areas is to define geographic areas within the Specific Plan area to assess the potential development possibilities throughout the Specific Plan and provide one possible sense of phasing. The Planning Areas do not create any administrative or planning obligations and will not impact the ability of a property owner to develop their property in whole or part.

Comment 5:
Moreover, as yet another adverse impact as a result of the proposed project is that the Pauw Property is slated for Phase 2, which does not propose any construction until 2023 at the earliest. Such a delayed build-out prevents our property from being developed earlier which undisputedly leaves our property valueless and undevelopable for at least the next 8 years.

Response 5:
The phasing evaluated in the programmatic Final Environmental Impact Report (FEIR) was for purposes of evaluating project impacts at a mid-point through the proposed project. It does not establish a hard phasing schedule for any individual project within the WLCSP. Each individual project within the WLCSP can proceed on its own logical schedule of development. The WLCSP Section 8.1-Overall Project Phases states: "Development will occur as dictated by the market and other condition as determined by the developer. Notwithstanding this phasing projection, any portion of the property may be developed at any time at the

owner's discretion subject to the development of infrastructure to support it." There is no restriction holding your property to wait until phase 2 to develop.

Comment 6:
We note that the City has made accommodations to other property owners: the smaller-lot owners received the designation, Light Logistics; the Jindal and TDA properties were included in the draft EIR but removed from the final EIR; and the water district property's zoning retains utility usage. We do not believe the City's intent regarding the proposed project was to have such a disastrous effect on the Pauw Property.

Response 6:
The smaller lot properties clearly cannot support the Logistics Development zoning, whereas a 17 acre (750,000 sf) parcel can. The assumption the Street B alignment is fixed and therefore bisects your parcel to a size that cannot meet Logistics Development is understandable but premature (see Response 1). The property owner in the southwest corner of the WLCSP had a subdivision map for residential uses filed in 2007. There had been little activity on processing the subdivision map until the draft EIR was circulated. The owner cited his wish to continue with the processing of the existing subdivision map filed prior to the draft EIR circulation and consequently removed. The removal of the residential map from the WLCSP left the Jindal and TDA properties isolated from the remaining WLCSP, so they too were removed.

Comment 7:
In addition to removing the water pump station from our property, we propose either of two remedies:

1. Add the following sentence to page the Logistics Development zoning definition on page 26 of the final EIR: "If a property has a road proposed for a portion of it such that the remaining portion of the property cannot support a 500,000 square foot building or has a water pump station proposed for it, then additional permitted uses shall include, the activities described in the light logistics zoning, commercial, light industrial, business park multi-tenant property, high tech service, repair high tech equipment, in addition to a fueling station as described in the 'Special Uses' paragraph of Section 3.4.6.1, a truck rest stop and regular service station."

2. Provide assurances that an administrative variance will be granted.

If the City is unwilling to change the zoning for the Pauw Property, at the very least, the City should provide assurances that development of our property will be allowed pursuant an administrative variance identified in Section 11.3.3.1 of the Specific Plan.

If no such assurances are provided consistent with the above, we will vehemently oppose the project given that our property would be left with little or no value. We expect the City to work with us to allow us some functional usage for our property or compensate us for the diminution in value.

We don't know of any other property owners within the Specific Plan which are burdened to such an extent that their property is rendered useless such that they cannot even participate in the proposed project if they wanted to. We would like to have a meeting with the proper City representatives in advance of the City Council's consideration of the Specific Plan to discuss these issues. Please contact us at 206-224-8791 at your early convenience.

Response 7:
The basis for concern is clearly with the alignment of Street B and how it may bisect the property. The concern is understandable but premature. The alignment is only graphical and a precise alignment will be established with future entitlements and studies. Your objection to the graphical alignment is of record and will be considered in all future studies and entitlements. You are encouraged to participate in these future studies and you have the option to propose an alignment with any future entitlements you may seek for your property. Once

a precise alignment is establish it may be an alignment that has no impact on your property, so speculating on the impacts based upon a conceptual alignment is premature.

The WLCSP Section 11.3.3.1-Administrative Variances, allows for adjustments in regulations within the WLCSP to prevent hardships resulting from strict interpretation of the regulations. The City cannot provide an assurance at this time that an administrative variance will be granted until the final alignment of Street B is established and determines whether a hardship would be created. If a hardship is created then such a variance will depend on the proposed use(s).

General Comment (statement):

We would like to have a meeting with the proper City representatives in advance of the City Council's consideration of the Specific Plan to discuss these issues. Please contact us at 206-224-8791 at your early convenience.

General Response: *A meeting has been set.*

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued August 3, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Response to Letter from James Engstrom dated July 13, 2015**

In a letter dated July 13, 2015, James Engstrom, Ph.D. with the Scientific Integrity Institute at UCLA submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Comment 1:
Please include this letter with other public comments on the World Logistics Center (WLC) Final Environmental Impact Report (FEIR) (http://www.moval.org/misc/pdf/wlc/FEIR.pdf). Also, please make sure that all members of the Moreno Valley City Council receive the letter. My comments are limited to a scientific critique of the "Heath Risk Assessment" section of the June 8, 2015 CARB letter from Heather Arias and the "Potential Health Risks" section of the June 24, 2015 SCAQMD letter from Ian MacMillan, which are earlier comments on the WLC FEIR.

The specific section of the June 8, 2015 CARB letter from Heather Arias is on pages 5 and 6:

Recirculation Is Required Due To Fundamental Inadequacies in the Project's Health Risk Assessment
Several elements of the health risk assessment section of the FEIR are flawed and inadequate, and require revision and recirculation. As noted above, one of the circumstances triggering the need for EIR recirculation is the addition of information showing that the EIR was fundamentally inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 CCR § 15088.5(a).)

In this case, this recirculation "trigger" is present. The FEIR analysis has been revised since the draft EIR was released to include a new study regarding health impacts from diesel engines, specifically, the Advanced Collaborative Emissions Study (ACES). The FEIR repeatedly references that the ACES study concludes that the "application of new emissions control technology to diesel engines have virtually eliminated the health impacts of diesel exhaust." First, the use of only one study as the basis for this analysis is not sufficient for the purpose of providing a comprehensive analysis of health risk from project construction and operations. The ACES study is only one of many scientific studies related to health risk and emissions, and therefore, cannot serve as substantial evidence regarding the project impact to human health. In fact, there are many other studies that conclude that diesel particulate matter (PM) is a health hazard. For example, the International Agency for Research on Cancer evaluated the scientific literature as a whole and concluded in 2012 that diesel PM is carcinogenic to humans (class 1). Second, and more importantly, the ACES study's methodology and findings render it inadequate for inclusion in an environmental document, and cannot serve as substantial evidence supporting a finding that the project will not result in significant cancer risk impacts (4). Therefore, use of and reference to the ACES study should be removed throughout the FEIR (5).

Further, the air quality and health risk methodology and models used in the FEIR should be fully explained to ensure the information is accessible and understandable to the public. Specifically, the final document should include the presentation of all cancer and non-cancer health risks at the receptor locations of interest for all emissions from construction and operations at the WLC. The methodology should include the use of all the current Office of Environmental Health Hazard Assessment (OEHHA) approved risk assessment methodology contained in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (February 2015).

The specific section of the June 24, 2015 SCAQMD letter from Ian MacMillan is on pages 4 and 5:

Misleading Discussion of Potential Health Risks

The PEIR misinterprets and then relies heavily on a single study published by the Health Effects Institute (HEI) to determine that "new technology diesel exhaust does not cause cancer." (PEIR pg. 4.3-1). The PEIR should not make such sweeping conclusions based on a single study. . . . From the study results, it is not possible to make any conclusions on the relative carcinogenic potency of diesel exhaust particulates.

Further, the state Office of Environmental Health Hazard Assessment (OEHHA) is charged with determining the cancer potency factors of all pollutants for use in Health Risk Assessment (HRAs) throughout the state. The cancer potency factors from OEHHA have been used in the HRA prepared for this EIR, and the emission factors from the state Air Resources Board's EMFAC model already account for the reduced diesel exhaust coming from 2010 trucks. Therefore, the EIR's conclusions regarding diesel exhaust from this single HEI study are wholly unsupported by the volume of studies that OEHHA and ARB rely on to determine the carcinogenicity of diesel particulate matter coming from 2010 trucks.

Based on my own independent assessment, there are NO "Fundamental Inadequacies in the Project's Health Risk Assessment" and there is NO need for "Recirculation" of the FEIR as claimed by CARB. Also, there is NO "Misleading Discussion of Potential Health Risks" as claimed by SCAQMD. Regarding the above claims made by CARB and SCAQMD, I have these responses: 1) HEI Research Report 148 "Advanced Collaborative Emissions Study (ACES): Lifetime Cancer and Non-Cancer Assessment in Rats Exposed to New-Technology Diesel Exhaust" (http://pubs.healtheffects.org/view.php?id=438) is a very high quality, peer reviewed study that is directly relevant to the FEIR and reference to it must not be removed from FEIR;

2) There are serious methodological and scientific problems with the Office of Environmental Health Hazard Assessment (OEHHA) "Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (February 2015)"
(http://oehha.ca.gov/air/hot_spots/hotspots2015.html) and the OEHHA cancer potency factors should not be used in the Health Risk Assessment for this project.

Since January 2006 I have submitted extensive comments to CARB and/or SCAQMD that dispute their exaggerated claims about the health effects of fine particulate air pollution (PM2.5) and diesel particulate matter (DPM). This is overwhelming scientific evidence that PM2.5 and DPM do not cause "premature deaths" or cancer among Californians. My evidence, as well as additional evidence from numerous other qualified scientists, has been systematically and deliberately ignored by CARB and SCAQMD for a decade and these agencies continue to make inaccurate and exaggerated health claims such as those contained in their letters.

One way to put the CARB and SCAQMD exaggerations in context is to note that life expectancy from birth in California has increased from 71.7 years in 1970 to 80.8 years in 2013. The age-adjusted total death rate in California has declined by 45% from 11.370 deaths/1000 in 1970 to 6.301 deaths/1000 in 2013. These declines are not related to reductions in air pollution (like PM2.5), because air pollution does not cause deaths in California. Indeed, California (CA) has the lowest age-adjusted total death rate in the continental United States (US) (only Hawaii has a lower rate) and nearly the lowest age-adjusted total cancer death rate. The South Coast Air Basin (SCAB), which includes Riverside County, has total and cancer death rates that are even lower than the corresponding California death rates (http://wonder.cdc.gov):

2013 age-adjusted total deaths/1000: 7.310 in US, 6.301 in CA, 6.202 in SCAB (.847 of US)
2013 age-adjusted cancer deaths/1000: 1.675 in US, 1.505 in CA, 1.465 in SCAB (.874 of US)

My statements are supported by the documents shown below that I have submitted to CARB and/or SCAQMD. In order to fully understand and assess these documents you need to get comments from the individuals who I have copied on this letter. All of these individuals have knowledge that is relevant to CARB, SCAQMD, and/or the health effects of air pollution in California. It is particularly important that you get comments from the ten UC Riverside (UCR) academics, who all work within 10 miles of Moreno Valley and who all should be concerned about the environmental, health, and economic impacts of the WLC. If helpful, I am willing to discuss the CARB and SCAQMD letters about the WLC FEIR with these UCR academics in front of the Moreno Valley City Council and/or any other person(s) suggested by you. Thank you very much for your consideration.

References

December 15, 2005 Enstrom paper "Fine particulate air pollution and total mortality among elderly Californians, 1973-2002" Inhalation Toxicology 2005;17: 803-816 (http://www.arb.ca.gov/planning/gmerp/dec1plan/gmerp_comments/enstrom.pdf)

December 10, 2008 Enstrom public comments criticizing proposed CARB Statewide Truck and Bus Regulations with evidence not cited by CARB (http://www.arb.ca.gov/lists/truckbus08/897-carb_enstrom_comments_on_statewide_truck_regulations_121008.pdf)

August 31, 2010 Unpublished Letter from Krewski to HEI with California-specific Results from Krewski 2009 (http://www.arb.ca.gov/research/health/pm-mort/HEI_Correspondence.pdf)

December 13, 2011 Enstrom Letter to California Office of Administrative Law Challenging Scientific Basis for CARB Diesel Regulations (http://www.arb.ca.gov/lists/gmbond2011/2-enstrom_letter_to_coal_cornez_re_suspend_carb_diesel_regs_121311.pdf)

August 1, 2012 Gamble, Nicolich, and Boffetta paper "Lung cancer and diesel exhaust: occupational epidemiology review" Critical Reviews in Toxicology 2012;42(7):549-598 (http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3441149/)

September 20, 2012 Enstrom Criticism of SCAQMD Revised Draft 2012 AQMP Appendix I Health Effects (http://www.scientificintegrityinstitute.org/AQMP092012.pdf)

September 28, 2012 American Statistical Association 2012 Joint Statistical Meeting Proceedings Session Description and Enstrom Paper on "Particulate Matter is Not Killing Californians" (http://www.scientificintegrityinstitute.org/ASAS092812.pdf)

November 21-22, 2013 California State U San Bernardino Sustainable Goods Movement Symposium with Four PPTs (http://www.scientificintegrityinstitute.org/SGMS4PPT112113.pdf)

June 11, 2015 International Conference on Climate Change Panel 8 on Health Effects (http://climateconference.heartland.org/) with Enstrom PPT "EPA's Clean Power Plan and PM2.5-related Co-benefits" (http://www.scientificintegrityinstitute.org/JEEICCC061115.pdf)

July 9, 2015 US House Science Committee Hearing Examining EPA's Regulatory Overreach (http://science.house.gov/hearing/full-committee-hearing-examining-epa-s-regulatory-overreach)

Distribution List

Heather Arias, CARB Chief, Freight Transport Branch harias@arb.ca.gov
Ian MacMillan, SCAQMD Planning & Rules Manager imacmillan@aqmd.gov
Linda T. Smith, Ph.D., CARB Chief, Health & Emissions Branch lsmith@arb.ca.gov

Hien T. Tran, "Ph.D.", CARB Premature Deaths Lead Author htran@arb.ca.gov
Todd P. Sax, D.Env., CARB Assistant Chief, Diesel Emissions tsax@arb.ca.gov
C. Arden Pope,III, Ph.D., CARB Premature Deaths Scientific Advisor cap3@byu.edu
Jean J. Ospital, Dr.P.H., SCAQMD Health Effects Officer jospital@aqmd.gov
Philip M. Fine, Ph.D., SCAQMD Deputy Executive Officer pfine@aqmd.gov
UCR Professor Ronald O. Loveridge, CARB & SCAQMD ronald.loveridge@ucr.edu
UCR Professor J. Daniel Hare, Ph.D., Vice Chair, UC Academic Senate daniel.hare@ucr.edu
UCR Professor Sarjeet S. Gill, Ph.D., CARB Scientific Review Panel sarjeet.gill@ucr.edu
UCR Professor Craig V. Byus, Ph.D., CARB Scientific Review Panel craig.byus@ucr.edu
UCR Professor Roger Atkinson, Ph.D., CARB Scientific Review Panel roger.atkinson@ucr.edu
UCR Professor Matthew J. Barth, UCR CE CERT Director matthew.barth@ucr.edu
UCR CE CERT J. Wayne Miller, Ph.D., SCAQMD Advisor wayne.miller@ucr.edu
UCR CE CERT M. Thomas Durbin, Ph.D., HEI ACES Advisor tom.durbin@ucr.edu UCR CE CERT Guoyuan Wu, Ph.D., CSUSB SGM Presenter guoyuan.wu@ucr.edu
UCR SAPRC Arthur M. Winer, Ph.D.,CARB Haagen-Smit Award amwiner@ucla.edu
LLU Professor Samuel Soret, Ph.D., SCAQMD Advisor & AHSMOG ssoret@llu.edu
CSUF Professor Jane V. Hall, SCAQMD Premature Deaths Advisor jhall@fullerton.edu

Response 1:
The comments support the FEIR's analysis of project-related air quality impacts and health risks, including the use of the HEI study. DEIR Section 4.4 fully evaluated the potential air quality and health risks of the WLC project. The many comments on the DEIR regarding air quality and health risks were addressed in Volume 1 of the Final EIR – Response to Comments. The air quality, health risk, and greenhouse gas analyses in the EIR are based on current scientific and regulatory guidance on the preparation of such studies, are legally adequate, and the EIR proposes appropriate mitigation based on the impacts identified in those studies.

The WLC Project FEIR is a programmatic EIR that analyzes the environmental impacts and require mitigation for a long-term project that will be implemented in increments over many years. Each subsequent increment will be subject to further environmental review and may require additional mitigation if additional impacts are found or previously infeasible mitigation becomes feasible. Due to the programmatic nature of the document, it is not known who future users of the WLC will be or what their operational needs will require in terms of equipment. As a result, all mitigation relies on commercially available technology that meets the most stringent environmental standards. At present, planning for zero-emission technology in the freight sector is incredibly difficult, as demonstrated by CARB's ongoing multi-year planning (not implementation) effort to on the Sustainable Freight Plan to lay out pathways to get to a zero-emission freight sector. At present, there are no commercially available zero-emission on-road heavy-duty trucks available (See FEIR Volume 1 Response to Comments, Master Response-3). CARB's own progress report on heavy duty technology and fuels assessment (Draft Heavy-Duty Technology And Fuels Assessment: Overview, April 2015) overview states that the zero and non-zero emission technologies are still at the demonstration phase.

Ultimately, it will be the responsibility of the City Council to weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 24, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **Responses to Email Comments from Various Persons up to June 22, 2015**

In a number of emails received on or before June 22, 2015, various residents submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Catherine Fortin (June 11, 2015)

Comment 1:

Please vote NO to the zone change re the World Logistics Center. I bought my retirement home in 2002 in Moreno Valley near Cactus & Redlands. Please do not build the massive big box buildings. Isn't there some sort of compromise with the developer? A mix of residential, office buildings, parks, and just a few of the storage buildings???

Response 1:

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The DEIR did examine a number of alternatives, including:

- No Project/No Build Alternative;
- No Project/Existing General Plan (Moreno Highlands Specific Plan);
- Alternative 1: Reduced Density (29 MSF or 30 percent less logistics warehousing);
- Alternative 2: Mixed Use A – Warehousing/Business Park/Office/Commercial;
- Alternative 3: Mixed Use B – MHSP with logistics warehousing; and
- Alternative Sites: Moving the project to some other available site.

Every one of these scenarios provides a mix of impacts and benefits. The City will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Dorrie Royce (June 9, 2015)

Comment 1:

The World Logistic Center would significantly lower the quality of life in Moreno Valley and the Inland Empire with increased pollution and traffic and result in lower property values. It will grossly enrich the few and be demoralizing and detrimental to the vast majority of the citizens. It is not necessary to sustain the economy of Moreno Valley, and can only proceed based on greed and deliberate misrepresentation. Approval by the elected officials of Moreno Valley would be unconscionable.

Response 1:

The WLC EIR examined the potential impacts of the WLC project, including air quality and traffic, and determined the project would have significant impacts regarding those two issues. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Donovan Saadiq (June 5, 2015)

Comment 1:

This development agreement with over 700 pages is too convoluted and too confusing to be read and digested in less than a week! From my reading it also leans too far to the developers side with the residents being on the hook for infastructure. I am trying to read and understand this the best I can in the time given. I am an educated man, but even I need time to digest and decifer what the real meaning of what this agreement is about.

I am asking that the council and city please delay and give more time for the residents to read and grasp what has been agreed to and what we would have to pay for. A week is not enough time to get enough feedback from residents so that you can make a decision on what the residents want and the way this is written you would have to be a speed reader to read it in the time given before it gets to the governing boards. Please consider a delay to give fair review by the citizenry and the governing boards. (Planning commission/ City Council) Thank you.

Response 1:

The City released the Final EIR materials on May 1, 2015 with 41 days before the first Planning Commission hearing on June 11, 2015, and additional hearings with the Commission and City Council are planned before action is taken on the WLC project. We refer the commenter to the Development Agreement which contains 26 pages (the document also contain exhibits with the legal description of the property covered by the Development Agreement and additional pages for the notary). The commenter has adequate time to review and comment on these materials, including the development agreement, before a decision is made on the WLC project.

Edd Williams (May 28, 2015)

Comment 1:

I am a college professor here at Moreno Valley College on Iris and Lasselle and have been here since January 1994 – more than 21 years. I thus have seen a considerable amount of new construction, from tract homes to business centers and recent projects like the large tilt-up manufacturing-type/storage-type buildings on Iris near March Air Force Base and those along the 60FWY corridor. I have seen the steady increase of cars, traffic lights, road and freeway congestion, and the inevitable smog that comes with industry and growth.

I think the word "inevitable" deserves special attention. New development is indeed inevitable, and if it doesn't occur in the greater Moreno Valley area, it will take place somewhere else nearby like Beaumont or Banning or other areas. Yes, I understand the environmental concerns; I have plenty of colleagues who frantically criticize recent close-by developments like the one you are overseeing.

But I must take this time to voice my support of your development and eagerly await the outcome of the public hearings.

I realize recent public hearings have somewhat reduced local long-term development plans, so whatever plans might have happened in Moreno Valley will – it is inevitable – end up in a close-by town, and Moreno Valley will have lost many jobs and future homeowners and renters who will buy their homes or rent their houses and apartments in some other town. How a city like Moreno Valley grows – indeed that's important and deserves careful scrutiny. But growth is going to happen; otherwise, stagnation will settle in like a bad odor in a lifeless canyon. Our area needs and deserves more industry, more technology, more manufacturing – in short, more jobs that will help our local residents improve their lives and way of living. Those who are willing to work may very well find jobs close to home, that is, if our local residents are willing to invest in our local area.

Response 1:

The project's impacts and benefits will be evaluated by the City's Planning Commission and City Council prior to making a decision on the project.

Erik Wulf (June 8, 2015)
Comment 1:
I'm all for it. I believe it's another way to use our land other than Residential and help Create jobs for the citizens.

Response 1:
Comment noted. This comment does not address the EIR – it is a personal opinion that is not part of the CEQA process.

Frank Huddleston (June 8, 2015)
Comment 1:
We need WLC. We need jobs, jobs and more JOBS. This would be great for the city. It would put us on the map again. The money that it would create. Upper class jobs. The value of our homes would go up. Just look at the unemployed people here. So lets start building, and move FORWARD and not backwards.

Response 1:
Comment noted. None of these comments address the EIR - they are personal opinions which are not part of the CEQA process.

George Hague (June 11, 2015)
Comment 1:
I have been receiving many excellent letters which were sent to the City in regards to the WLC. The last one was from Earth Justice on behalf of the Center for Community Action and Environmental Justice (CCAEJ). This 22 page letter with about 30 pages of excellent attachments needs to be read by you all as do the many other letters/emails you have received prior to any vote.

With almost three hours of presentations on the WLC before the public hearing begins where the public talks, you should begin the hearing by telling those in the audience that a second hearing has been scheduled for .....so they do not have to wait until 11 p.m. to know this.

The notice on the WLC's Final EIR said we had 45 days following May 1st to make comments. That would be Monday June 15th. I would expect additional letters for your consideration will be coming in next week and your vote should not take place until you have read them all.

Response 1:
The City will prepare detailed responses to the comments in the letter submitted by Earth Justice and other conservation organizations.

Gary Hayes (June 11, 2015)
Comment 1:
I would like to voice my full support for World Logistics Center. This project will bring many good paying jobs to Moreno Valley and will bring much needed revenue to our city. I have been a resident of the city for 29 years and would like to see us bring in this type of project so we can grow and become a first class city that we are capable of being. We need to make the city more than a bedroom community that it has always been.

In November we had an election of council members and the people spoke now there are those who are trying to recall all of those elected by the people. If there are some who don't like who was elected they have the opportunity next election to vote them out. That is the way the system works. Recalls cost money and those funds could be better used in many other places. It appears that there are some who if they don't get there way they must recall and the majority has spoken.

Response 1:
Comments noted. None of these comments address the EIR - they are personal opinions and are not part of the CEQA process.

Jim Baylor (June 11, 2015)
Comment 1:
The people need to have access to all the information so we can vote intelligently on this project. Anytime someone says ..."it's too complicated for the voters"... is an indication that there's something that is not entirely ethical, moral about some aspect of this project. Don't refer to the voters, the people who make this city/county/state/country what it is through the democratic process of one person one vote. I'm concerned, as well as all citizens should be, about the increase in traffic - rail, highway, air and the ramifications it will have on the community, pollution, congestion of all types. I don't see the infrastructure robust enough to control the anticipated increase of general activity. The people need accountability when the motivation is money, the justification for the sacrifices necessary to be made by the community. Jobs are being promised? 20,000 and billions of dollars into the city/county. We the people need to hear about all of that. What kind of jobs? Good paying middle class jobs with benefits like retirement, health care, and of course proper and fair wages, not part time warehouse jobs for minimum wage and therefore no benefits. Workers will need the collective bargaining rights afforded to all American workers so that there are some assurances that a viable sustaining living can be realized. We need accountability. What will the additional income of money to the area be used for? Community improvements? Infrastructure modernization? Being transparent and accountable with real metrics even projections. Or will it be stuffed into the pockets of politicians and corporate executives and bankers? Where is all the goods coming from and going to that will pass through this mammoth size warehouse? Will they be American goods? or mostly goods manufactured from sources that have outsourced the millions of American jobs over the last couple of decades? We need manufacturing jobs in America. We need jobs that will pay a middle class wage so the products can be purchased by the workers and in so doing will grow the economy. I know that's a lot of information but don't make the people sound so dumb as to not be able to comprehend the complexities of the project. When you insult people like that you put yourselves on a pedestal, insinuating that you, this council, that is going to make all the decisions, is so much smarter than the average worker and voter that the people couldn't possible make an informed, intelligent decision. So we should just trust you and basically accept what ever happens, whether it's good for the people or not? If this has anything to do with the Trans Pacific Partnership - with all it's secrecy, and the disregard for the workers, the environment, lack of regulations, corporate decisions for their profits, over and beyond what the rights and needs of the people. Then the people should know about all the details, before it happens, in all fairness. Thank you...

Response 1:
The WLC EIR examined the potential impacts of the WLC project. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Mr. Whitehead (June 11, 2015)[1]
Comment 1:
Mr. Whitehead stated he moved out of Moreno Valley. He stated Council can't justify building the WLC, and Moreno Valley doesn't have the infrastructure, and now Highland Fairview wants the City to pay for the infrastructure. He stated the roads are already dangerous. He stated when he saw what was being done to the city, he moved out of Moreno Valley. He stated the people of Moreno Valley should be the ones to vote on the project, not City Council. Mr. Whitehead stated all the Council Members are crooks. He stated he would like to speak to the Council Members, but he doesn't believe anyone will call him back.

[1] Note in an email forwarded from Juliene Clay

Response 1:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). In addition, Mitigation Measure 4.15.7.4A requires Highland Fairview to construct or pay for project-related roadway infrastructure improvements within Moreno Valley.

The WLC EIR examined the potential impacts of the WLC project, including traffic, and determined the project would have significant traffic impacts. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. Other comments presented do not address the EIR but are personal opinions which are not part of the CEQA process.

Jerdon King II (June 10, 2015)
Comment 1:
I have questions about this project: 1. What streets will handle 20,000 cars a day, plus delivery trucks? 2. How will 20,000 jobs at $12.00 an hour (average wage of warehouse workers) increase the value of my home?

Response 1:
First, the WLC EIR examined the potential traffic impacts of the WLC project and outlined to what degree specific roads and intersections would be affected by project traffic, including delivery trucks. Ultimately, it determined the project would have significant traffic impacts even with implementation of the proposed mitigation as not all of the needed improvements could be made as needed due to physical limitations or the City (as the lead agency) could not guarantee the needed improvement could be made (i.e., they were located within other jurisdictions)(FEIR Volume 3, Revised Draft EIR, Table 4.15.BB, page 4-15-239).

Second, the WLC EIR examined the potential environmental impacts of the project as required under CEQA, however, CEQA does not require the analysis of effects on property values as a result of a proposed action. In general, property values tend to increase as surrounding vacant land develops, regardless of what type of development occurs. In addition, an estimated 20,000 jobs would result in a significant contribution to the local economy and improve the City's jobs/housing balance (FEIR Volume 1, Response to Comments, Response E-2-26, page 295, and FEIR Volume 3, Revised DEIR, page 4.15-49). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Jerdon King II (June 11, 2015)
Comment 1:
Could you please address these concerns? The World Logistics Center is front and center in our city again. There are questions your voters have about the traffic. WLC says 20,000 jobs. That means at three shifts equals 6666 people per shift. More than that if its not three shifts. That means at shift change there will be 13,333 commuters on the streets of Moreno Valley. What freeway on ramps and off ramps will handle this amount of traffic, what SPECIFICALLY are the plans to handle this traffic flow.

Response 1:
The WLC EIR examined the potential traffic impacts of the WLC project and outlined to what degree specific roads, intersections, and freeway ramps would be adversely affected by project traffic. Ultimately it determined the project would have significant traffic impacts even with the implementation of the proposed mitigation as not all of the needed improvements could be made as needed due to physical limitations or the City (as the lead agency) could not guarantee the needed improvements could be made (i.e. they were located in other jurisdictions) (FEIR Volume 1, Mitigation Monitoring and Reporting Program, Mitigation Measure 4.15.7.4E, MMRP page 68).

Kathleen Dale (June 10, 2015) Email

Comment 1:

On the first matter, the City's first public disclosure of the Development Agreement dated June 3, 2015 was made late in the evening on June 4, 2015 with posting of the Planning Commission agenda on the City's website. Moreno Valley Municipal Code Sections 9.02.110(D)(2) and 9.02.200 require a minimum 10 days public notice of the Planning Commission review. This requirement has not been met and the Planning Commission hearing must be postponed until the required notice has been provided.

On the second matter, I understand your office has been made aware of biased activities by Planning Commissioner Meli Van Natta through her role as a neighborhood lead in the City's Next Door social media platform. I have also seen numerous postings on other social media sites in which this commissioner has publicly expressed a favorable bias toward the World Logistics Center project. These activities are just cause for her dismissal from the Council and warrant immediate action to that effect.

In addition, Commissioner Van Natta owns and operates a real estate business in the WLC project area. Review of the Rancho Belago Realty website this morning revealed two active listings in the immediate proximity of the WLC project boundaries - one on Gifford Avenue and one on Muirfield Street. If the City continues to ignore the substantial basis for dismissal of Commissioner Van Natta noted above, surely these obvious economic interests in the WLC project influence area are reasons for declaration of a conflict of interest and her recusal as to the WLC.

Considering the hearing scheduled for tomorrow, time is of the essence in these matters. Your prompt and considered reply is requested and warranted.

Response 1:

First, the Commission addressed the issue of noticing at its June 11 hearing and determined adequate notice had been given regarding the WLC project and the development agreement for the purposes of the Commission's deliberations. Second, the commission continued its hearing to June 25th which allows the public an additional 14 days to review the development agreement. Other comments presented do not address the EIR but are personal opinions which are not part of the CEQA process.

Lindsay Robinson (June 10, 2015)

Comment 1:

I attended part of last night's council meeting and one speaker mentioned that city rules/regulations (not sure correct term) require that there be 10 days for review of the development agreement before it goes to Planning Commission. Would you please verify if this is true and if so why is it going to the Planning Commission before 10 days? It is a very large document and doubtful that most of the commission and council have been able to study it carefully in such a short amount of time. A project of this magnitude that will be gambling with our health, well being and quality of life not to mention destroying our dreams and investments should require the maximum scrutiny possible and not be rubber stamped through. If the rule/regulation requires 10 days minimum than Thursday's Planning Commission meeting should not include the WLC development agreement.

While I have your attention I also am deeply troubled that the 8 staff members who recommended this project be approved do not live in Moreno Valley. I'm not sure how long most of them have been on the payroll, but do know that Mark Gross was and he worked with us on the FINAL build out plan for Moreno Valley which included very detailed wording on the animal keeping areas. The FINAL build out plan was well balanced and afforded diversity of jobs and allowed the east end to remain rural. A promise was made to the residents and other groups when this plan was adopted. The FINAL build out plan was also in place to prevent what is happening now with this WLC rezoning request. Progress is having a well balanced community not paving everything over.

Response 1:
The Commission addressed the issue of noticing at its June 11 hearing and determined adequate notice had been given regarding the WLC project and the development agreement for the purposes of the Commission's deliberations. In addition, the City released the Final EIR materials/documents on May 1, 2015 with 41 days before the first Planning Commission hearing, and additional hearings with the Commission and City Council are planned before action is taken on the WLC project. The commenter has adequate time to review and comment on these materials, including the development agreement, before a decision is made on the WLC project. Other comments presented do not address the EIR but are personal opinions which are not part of the CEQA process.

Lindsay Robinson (June 11, 2015)
Comment 1:
Just in case you aren't following the comments in the Press Enterprise- the following was from the Warehouse Vote not going to the public article. Very well written and says what so many of us have been trying to articulate to you all. More transparency and details are needed. Mr. Benzeevi has a poor track record on delivering what is promised and the current development agreement is so vague he will be able to wiggle out of so many of the issues leaving taxpayers to foot the bill and all the negative impacts. Are you following the law by bringing this forward to the planning commission before 10 days of review? Don't gamble with our health, well being and quality of life so that a "developer" with investor money can get richer. He promised us high end homes and business park when he obtained the renaming of the east end to Rancho Belago - make him keep that promise. He promised a beautiful senior development and performing arts center with Aquabella which later changed to a medical corridor and he got a road thru his property- make him keep that promise before you destroy the east end. Anyone who thinks it's a good project for that location doesn't know the city very well nor understand the damage that will occur. And believe it or not, many residents are able to understand the complicated agreement which is why we continue to point out how bad this project is for the City of Moreno Valley.

Response 1:
The Commission addressed the issue of noticing at its June 11 hearing and determined adequate notice had been given regarding the WLC project and the development agreement for the purposes of the Commission's deliberations. Other comments presented do not address the EIR but are personal opinions which are not part of the CEQA process.

Marcia Amino (June 11, 2015)
Comment 1:
(1) the property rights of the homeowners who live in the sphere of the WLC and who DO NOT WANT this project and its accompanying "sound walls", visual pollution, denigration of our air quality, and an over all lack of fitting into the general plan and what was to have been in that area of our city. I find it indefensible that our city could and would take the property rights of residents (and that includes the families who live just outside the city limits in the unincorporated county area) and give them to the project owner (Highland Fairview) WITHOUT their consent. I refer to the Development Agreement for the WLC wherein it states, "...including all real estate properties held by legal or equitable interest by the applicant, Highland Fairview ...". This should be criminal in my opinion.

(2) the Development Agreement, which pretty much mirrors that of Aquabella is contrary to the bests interests of Moreno Valley and its residents, in my opinion. I base this belief on the fact that our city did the infrastructure improvements around the Aquabella land, which leaves this developer once again off the hook and the city with less DIF from this project, if it ever gets off the ground. For that reason, I see the same pattern here with the WLC, and believe that the Development Agreement should go back to the drawing board and more specific safeguards and protection for our city and its tax money should be included in this legal document.

(3) The fact that the Air Resources Board, in their letter of June 8, 2015 to Lead Planner, Mark Gross, cites legal concerns with the FEIR for this project, is troublesome, in that if you vote for this WLC, it will possibly end up costing the taxpayers of Moreno Valley more money due to possible litigation from the ARB in order to mandate our city to comply with their legal concerns.

(4) There are additional concerns from Riverside Agencies, and I would hope that as good neighbors to our other regional partners, you will vote this project down or in the alternative table it until the issues they have cited are mitigated.

(5) There is also the issue of the promise of jobs. I would remind you that this developer promised a number jobs for Sketchers which did not materialize, and in fact that total project is not in its next phase or anywhere near completion, so I find it unbelievable that our city would allow Overriding Considerations for this project in order for it to pass. If this developer is so desirous for jobs in our community, I would ask that a contract addendum be included wherein if the number of jobs did not materialize, this developer would be required to pay $1,000,000 to the City of Moreno Valley for each job that does not come to fruition. I for one am tired of talk and false promises, and am asking that you as the first part of this project going forward, do the right thing and just Vote No for the WLC.

I have other concerns but this will suffice for the present time. I am hopeful that this Planning Commission members are honest and want what is best for Moreno Valley, and if that is so, you have no other choice but to vote no on this project and not grant the General Plan Amendment nor approve any zone changes for that project.

Response 1:
(1) The WLC EIR examined the potential environmental impacts of the WLC project, including noise, aesthetics, air quality, traffic, and General Plan consistency and determined the project would have a number of significant impacts regarding these issues (FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts. The City determined at the time of application for this project that the boundaries of the Specific Plan should encompass the seven existing onsite residences to provide for comprehensive land planning and traffic circulation. It is within the City's power to include properties within a Specific Plan for these purposes. The other comments presented do not address the EIR but are personal opinions which are not part of the CEQA process.

(2) The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). The WLC EIR examined the potential impacts of the WLC project, including traffic, and determined the project would have significant traffic impacts. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

(3) A separate response has been prepared for the ARB letter, and the reader is referred to that response for more details regarding ARB's comments on the WLC project. It should be noted that legal challenges against the WLC project would be paid for by the developer.

(4) The Final EIR contains responses to comments from various County and other agencies on the Draft EIR, and the City will respond as well to comments on the Final EIR prior to making a decision on the project.

(5) The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. It should be noted that on April 28, 2015, the City Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement

outlines formation of a local hiring program consistent with the Hire MoVal program. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Margie Breitkreuz (June 11, 2015)

Comment 1:

I strongly oppose the proposed World Logistics Center. Why should Moreno Valley bolster our logistics capacity beyond the level needed to meet our local needs in light of few jobs and low paying salaries. The strains on our infrastructure, tax revenues, schools, highways, and general well being of our residents would outweigh the meager benefits of the WLC.

Response 1:

The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:

Warehouses neither provide upward mobility or at least middle-class salaries for our residents. The majority of warehouse salaries are below poverty levels. *In an article by Jock O'Connell, who is regarded as one of California's foremost authorities on world trade, global economy trends, and the internationalization of California's economy, he states that "our analysis finds that studies contending that the logistics sector is replacing manufacturing as a primary source of jobs for the state's blue collar workforce are, at best, misleading. And contrary to the claims of some economists, there is scant evidence that the logistics sector offers marginally-educated, unskilled workers a broad pathway for career advancement into positions paying a middle-class income."*

Logistics/warehouses are a poor investment for our community. Too much of Moreno Valley is being designated for warehouses. We are putting our future economic opportunities in jeopardy. *In his report summary Mr. O'Connell states that the consensus is that logistics/warehouses provide a relatively poor return on public investment and generally do not represent the highest and best use of which real-estate should be devoted. He further states that the logistics/warehouse sector is no panacea for communities seeking to create large numbers of jobs paying middle-class wages for those lacking the kinds of skills that are increasingly demanded of workers in today's economy.*

Response 2:

The estimate of both short- and long-term jobs from the WLC project was conducted by an experienced firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 2, Appendix O). Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area.

Comment 3:

Traffic and Circulation. *The proposed location of WLC does not make sense. Highway 60 is already overburdened (with no monies available for improvements) and does not have the capacity for the amount of truck traffic that will be generated by this warehouse project. There is no appropriate rail access for warehouse transport in this area.*

Residents should not have to face additional burdens such as safety, infrastructure debt and freeway congestion for this project. In addition, freeway ingress and egress is not suited for heavy truck traffic. Improvements are needed to adequately handle current usage.

Response 3:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic on the SR-60 freeway. In addition, the Final EIR included an analysis of potential rail service to the WLC project site and determined it was not feasible from an environmental or logistical perspective (FEIR Volume 3, Section 4.15.3.3, Potential Rail Alternative, pages 4.15-51 to 4.15-53). However, as indicated in the TIA, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
Residents' Investment in Community. *The recent city council recalls and the amount of financial investment the WLC developer had to expend to attain election results speak to the dissatisfaction residents have with the proposed WLC and change to the general plan land use. A great deal of time, expense and community input went into developing the city's general plan. The WLC drastically changes the quality of life for all residents. It is unfair subject residents to a project the magnitude the WLC.*

The WLC is counter to the type of community residents thought they were investing in when purchasing homes and raising families in Moreno Valley. This isn't just an "east end" issue. I have personally talked to hundreds of residents who live in all areas of Moreno Valley, friends who live in Mira Loma, etc. Warehouses and truck traffic do not make for a livable/sustainable community. People want better paying jobs for our residents and future generations. They do not want to be a city surrounded by warehouses.

The city's focus should to ensure that Moreno Valley is a vibrant community that is both sustainable and livable. In order to do this we need to attract cutting-edge industries that provide good jobs, occupations that attract and maintain community members, safe streets, educational opportunities, places to recreate, open space, housing alternatives, and clean air.

Response 4:
The WLC EIR examined the potential environmental impacts of the WLC project, including noise, aesthetics, air quality, traffic, and General Plan consistency, and determined the project would have a number of significant impacts relative to these issues (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 5:
Warehouse Automation. *In addition to meager salaries, a recent public radio broadcast interviewee indicated that warehouse jobs provide a poor square footage/employee ratio due to automation. A "60 Minutes" program also covered the issue of job loss through automation. Warehouses do not offer a vital economy, nor will it meet the occupational needs of future generations. Contrary to information being provided, warehouse jobs do not lead to career advancement for the majority of workers. A high percent of these jobs are temporary. Employees usually do not have sick pay, retirement benefits, family necessity leave, etc. Childcare is often unaffordable to these families. These conditions erode communities and families. The WLC is a deadend for Moreno Valley.*

Again, I am opposed to the WLC for these and many other issues with the project. No mitigation can change the impact the WLC will have on Moreno Valley.

Response 5:
The estimate of both short- and long-term jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and

the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area.

The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Marilyn Pearson (June 10, 2015)

Comment 1:

As a 29 year resident in District 1 and home owner in Moreno Valley, I have very serious concerns regarding the development of the World Logistics Center. We left the Jurupa area and moved to Moreno Valley in 1986 mainly because of the very poor air quality issues generated from the Mira Loma/Ontario area and its severe affects on our young son's asthma. The air quality was horrible with the constant haze and diesel odor in the air. We had exhaust soot sticking to everything and we were having to breathe that air. Although it wasn't completely remedied, our son did not have the severe asthma issues after we moved. Moving to Moreno Valley had made a huge difference in his health and well being.

I realize that there have been substantial exhaust improvements in the trucking industry, but not enough considering there is the potential of adding thousands of additional trucks moving goods in and out of that condensed area with only Redlands Blvd or Theodore Ave which are relatively narrow roads accessing the 60 freeway in an area where it is only 2 lanes in each direction. I have worked part-time for 9 years with varying shifts at Lake Perris and have traveled the 60 freeway at all different hours ranging from early mornings to late at night and the truck traffic has increased exponentially just since Sketchers opened and with the development of more industry in the Beaumont and Banning areas. Getting on to the 60 from Redlands or Moreno Beach Boulevards is getting to be a dangerous challenge at times because the freeway just doesn't have the capacity to handle it. At least the 60/15/10 freeways have several more lanes as well as several more access points to freeways to share the load in the Mira Loma /Ontario/Jurupa areas where there is substantially more truck traffic merging in comparison.

Response 1:

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic, while DEIR Section 4.3 examined various air quality impacts including non-cancer health hazards. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether or not the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:

I understand that there is a potential for many jobs, but are those warehouse/distribution center jobs truly going to pay a living wage with benefits to support the primarily (hopefully) resident families? The whole point of "logistics" is automation, downsizing costs and efficiency. I remember the promises of having over a couple thousand jobs when Sketchers was developed and that was not a reality. I have serious doubts that the many promised jobs are even possible in this economy or in the future. No companies hire many full-time positions within the logistics industry or any other business anymore to avoid paying the high cost of providing benefits. What will the trickle down effects be for our schools, police, fire, neighborhoods, hospitals, health and infrastructure when our air is filled with smog and warehouses where few can make a sustainable living?

I agree that we need more real jobs in our area, but with having only the narrow 60 freeway being the only corridor with no real plans to widen it and with the majority of jobs being lower wage potentially part-time jobs, will only be a detriment to our City and of no real future benefit. We could use more manufacturing and higher paying business headquarters here too, but there is little or no effort in that direction, just distribution centers.

Please do not move forward with the approval of the World Logistics Center at this time. We just don't have enough infrastructure nor real employment opportunities to support it without causing a tremendous negative impact. Much more effort must be made by our Counsel and City to be sure this huge development is taking us in the right direction to improve our way of life and standing as one of the largest cities in the Inland Empire. As you well know, it is common knowledge that Moreno Valley has a pretty low reputation in general around Southern California. Substantially more concern needs to be made in consideration of the long term impacts on resident's health, property values, traffic and with the desperate need to grow our city in a much more positive and productive direction and to make Moreno Valley a much more desirable city in which to live and work (such as Irvine has done). Please take great care with your decisions so that Moreno Valley doesn't become another ugly, smoggy, congested "logistics center" such as the Mira Loma/Jurupa areas have become.

As Our Council, you were elected and more importantly, entrusted to represent and make decisions for the well being and betterment of Moreno Valley. I'm truly concerned and disappointed as I watch some of the televised Counsel meetings and have seen the attitudes some of you have displayed towards this project, as well as towards the public concern and even towards each other at times. It's common knowledge that Highland Fairview has spent millions in their development efforts and made large contributions to some select political campaigns, but please, please, please, don't let their desires and dollars unethically influence and over shadow decisions for the greater good, resident health and needs for Moreno Valley.

Response 2:
The estimate of both short- and long-term jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). As indicated, these are only estimates based on information available at the time of the report. Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area.

The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Martin Sarafa (June 10, 2015)
Comment 1:
I am a frequent visitor to the San Jacinto Wildlife refuge and spend time in Moreno Valley with thousands of other sportsmen that enjoy the open space and natural beauty of the area. We spend time there and spend money there, and we have a reason to be there. I am entirely opposed to the proposed project as it would interfere with the enjoyment of the valley for those that live there and visit there. I am also a landowner in the area. If the natural surroundings are compromised and the migratory pathway of waterfowl are disrupted by this major project, I would no longer have any reason to be a landowner or visitor to the vicinity. I certainly wouldn't be coming out to spend time and money to view warehouses.

Response 1:
DEIR Section 4.4, *Biological Resources*, examined potential impacts to local plants and wildlife, including those of the adjacent San Jacinto Wildlife Area (SJWA). The EIR also examined wildlife movement and connectivity between the SJWA and the Badlands to the northeast. With the proposed 18 mitigation measures, the EIR determined that potential impacts to biological resources would be reduced to less than significant levels.

Peg Culpepper (June 8, 2015)[2]

Comment 1:

I oppose this rezoning of the east portion of Moreno Valley for this warehouse. We live in Moreno Valley and don't want to see this ruin our city and air quality.

Response 1:

DEIR Section 4.3, *Air Quality*, examines the potential impacts of the project relative to criteria pollutants and health risks, including cancer. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Peggy Holmes (June 10, 2015)

Comment 1:

As a 30 year resident of Moreno Valley, I'm begging you to deny the WLC! It's not fair to change the city's general plan to fit HF's plan for the massive warehouses! We have plenty of them in this city already. The location is wrong ... The south/west part of the city is a much more suitable location! Please restore my faith in our icy officials; show us that Moreno Valley can't be bought! Listen to the people, not a developer who had paid people to get his way!

Note from From Juliene Clay: *Ms. Holmes stated she would like you to vote No on the WLC.*

Response 1:

The WLC EIR examined the potential environmental impacts of the WLC project, including General Plan consistency (e.g., air quality, traffic, etc.) and determined the project would have a number of significant impacts (e.g., traffic, air quality, etc.)(FEIR Volume 3, Revised Draft EIR, Table 5.A, Section 5.1, page 5-1). DEIR Section 6 examines various alternatives to the proposed WLC project, including alternative locations in other areas such as the industrial area in the southwestern portion of the City. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts, including if an alternative location would result in fewer or reduced significant impacts compared to the proposed WLC project location. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

The Purcell Family (June 11, 2015)

Comment 1:

Hi I'm writing to let you know I am not at all happy with all the warehouses popping up all over Moreno Valley and the WLC project I keep hearing about. My husband and I have lived here in Moreno Valley since 1986, and until the last few years have been fine without the need for all these warehouses. They do not benefit our community in any way there are not a lot of jobs created for our own citizens and also all the extra traffic it creates and all the trucks to and from the warehouses.

Response 1:

The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

[2] note: a separate response was prepared for an email from this commenter with the same date

Randy Sohn (June 8, 2015)

Comment 1:

How can the current 60 freeway support the proposed 11,000 or more semi-trucks carrying tens of thousands of loads daily? The 60 is jammed packed during rush hour times even with the updated 60 freeway lanes. How can it be possible that there will not be even more traffic, pot holes, smog from cars and trucks waiting in traffic, trash, etc. to our freeways and city?

Response 1:

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic, DEIR Section 4.3 examined various air quality impacts. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:

Why is this proposed World Logistics Center Project even being considered when Iddo Benzeevi is asking the tax payers to foot the bill for the streets, sewer systems, fire department, etc. for this area for 100 million dollars?

Response 2:

The Development Agreement identifies the specifics regarding infrastructure responsibilities. In addition, Mitigation Measure 4.15.7.4A requires Highland Fairview to construct or pay for project-related roadway infrastructure improvements within Moreno Valley.

Comment 3:

How are we to know if this project will actually produce the real revenue that it proposes?

Response 3:

The estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 4:

The Sketchers development brought its own workers from outside our city, how is the city to know if the proposed logistic center will truly benefit Moreno Valley residents seeking work?

Response 4:

On April 28, 2015, the City Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement outlines formation of a local hiring program consistent with the Hire MoVal program. By generating thousands of local jobs at the WLC, it is likely that some portion of the workers employed at the WLC site would also be Moreno Valley residents.

Comment 5:

Why is the city not looking into recruiting tech companies instead of warehousing?

Response 5:

This comment is beyond the scope of the EIR to examine as it not relevant to the existing proposed WLC project, therefore, no further response is necessary.

Stan Perry (June 11, 2015)
Comment 1:
This contact is to express my strong opposition to the World Logistics Center. The negative environmental impact to the area would be a disaster for the residents of Moreno Valley and it's neighbors. I am a frequent visitor to the SJWA and am convinced that this development would have a huge negative impact if built.

Response 1:
DEIR Section 4.4, *Biological Resources*, examined potential impacts to local plants and wildlife, including those of the adjacent San Jacinto Wildlife Area (SJWA). With the proposed 18 mitigation measures, the EIR determined that potential impacts to biological resources would be reduced to less than significant levels. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Tom Rehard (June 9, 2015)
Comment 1:
How is our air quality out here? what will the thousands of diesel trucks do to the air quality alone?

Response 1:
DEIR Section 4.3, *Air Quality*, examines the potential impacts of the project relative to criteria pollutants and health risks, including cancer. The EIR determined the project would have significant air quality impacts even with mitigation. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Valerie Horton (June 11, 2015)
Comment 1:
I am writing to all of you to ask that you vote NO on the WLC. Regardless what district you preside over, your decisions affect all the citizens of Moreno Valley. Why vote NO....

1. Our current infrastructure cannot handle additional traffic.

Take a drive down the 60 FWY, toward Fullerton and see the two lanes of truck traffic and the congestion it causes. The freeway has 4 lanes and 1 carpool lane. Two lanes are taken up by back to back trucks, which congest the traffic throughout this corridor. Our part of the freeway has 2 lanes and 1 carpool, which goes down to 2 lanes and truck traffic already congests the freeway.

Ironwood Ave., Sunnymead Blvd., and Alessandro Blvd. are currently being used to bypass congested traffic on the freeway by many off whom do not live in this city. Recently, speed limit changes have been made but yet I still see people speeding through and never see police/ traffic control on Ironwood Ave. But then again, I know our Police Dept. is doing the best it can with what it has and most of their time is spent handling the ever increasing criminal element within the city.

Our roads throughout the city are in need of repairs. The freeway on and off ramps are in need of repair, except for Nason, of course. All the money spent on Sunnymead Blvd. revitalization has produced what? New businesses....NO! The street looks worse than before.

Response 1:
DEIR Section 4.12 examined the potential noise impacts of the WLC project, including freeway traffic noise, and determined the project would have significant impacts even with mitigation. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic, and determined the project would have significant traffic impacts even with mitigation. The City Planning

Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:
2. The warehouses will pay minimum to low wages, which only bring in those willing to work those types of jobs. They will not be able to afford to buy, so more renters. They will shop the 99 cent stores (Amazing how many 99 cent stores we have) and low end type businesses. We will gain more homes occupied with multiple families. The city will continue to lose home owners, who will either sell (most likely losing money) or rent the home out, to move to a more preferable neighborhood/city. Unfortunately we now only have Cardenas markets, Food for Less, Win Co., or Stater Bros. to shop at since the other businesses have left. All but Staters are not stores I feel comfortable going in, cleanliness less than desirable, quality of food less than desirable, and less than desirable people hanging in and around the areas.

Response 2:
The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 3:
3. Air quality is already not the best and will only get worse.

Response 3:
DEIR Section 4.3, *Air Quality*, examines the potential impacts of the project relative to criteria pollutants and health risks, including cancer. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 4:
4. Most of the construction will be performed by companies outside of the city and will utilize current work force. Jobs available will be at a minimum at best. Past projects, such as this, provided no additional employment. I wonder how many residents will say they have shopped at Sketchers, if polled. I mean have bought and not just went to look out of curiosity. Not I. Have you?

Response 4:
The estimate of both short- and long-term jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 5:
The Sketchers development brought its own workers from outside our city, how is the city to know if the proposed logistic center will truly benefit Moreno Valley residents seeking work?

Response 5:
On April 28, 2015, the City Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement outlines formation of a local hiring program consistent with the Hire MoVal program. By generating thousands of local jobs at the WLC, it is likely that some portion of the workers

employed at the WLC site would also be Moreno Valley residents. , Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area.

Comment 6:
This city has continued to fail because lack of planning, promoting, and working to maintain roads, provide adequate police to deal with the increasing criminal element, Code enforcement to make sure properties are being properly maintained with swift action and follow through to completion. (Example: 11761 Davis St. (Molina, what have you done?) Numerous complaints have been made about the deterioration of the property, for many years. The property is a dump site now and poses a security risk. It is located down the street from an elementary school, with many students passing daily. A few homes away, on the corner of Virginia Lane & Davis St., there is a white house (shack looking) that houses multiple adult men who are known to be heavy drinkers and one is listed on Megan's Law web site as a child molester. This home is less than 2,000 feet from the elementary school. Vagrants/druggies have been seen in and around the deteriorating property. We continue to be told the city is working on it and a case is at the City Attorney's office but nothing has been done yet. Why has this been allowed to continue for years? The city should own the property now and should have had the property cleared of all falling structures, trash, and overgrown weeds.)

I could continue on and on about the problems this city is facing but I value my time and know it is only a matter of time before, I too, move from this failing city.

Again, you all need to focus on the current issues plaguing the city and not just continue to add more issues. The WLC project is already being questioned by outside sources on its reports factuality and legitimacy. I am sure this proposed development will end up in court and cost tax payers again for frivolous litigation (JP @ MAFB, covering Gutierrez's legal fees, etc...) These are not the types of jobs the good citizens of Moreno Valley need, nor will it alleviate the current issues plaguing the city. The time is now to take a step back and develop a plan for the city to attract business, quality people, home owners, to clean up the city and reduce the criminal elements. It is apparent there are many people in the city who are passionate about the city and its success. Promote and develop citizen interaction/committees to help revitalize Moreno Valley.

Response 6:
These comments do not address the EIR but are personal opinions which are not part of the CEQA process.

Marian Bailey (June 15)
Comment 1:
I live in Riverside within earshot of the grade that climbs from Riverside up to Moreno Valley, so naturally I am concerned about the addition of many big rigs to the 60 freeway, since I can hear every single one of them.

It seems to me that the strongest argument in favor of the World Logistics Center (WLC) is the employment it would provide to residents of Moreno Valley, Riverside, Redlands, and other local communities. However, I think this idea should be evaluated, and to do this, I suggest that the types and numbers of positions the WLC would provide be compared with the types and numbers of positions currently occupied by local residents. My guess is that there would be a considerable mismatch--that is, that the local population could not supply a substantial proportion of the positions offered by the WLC.

As I understand it, the WLC itself will rely largely on computerized robotic operations, so the positions it offers will have to do with servicing and otherwise maintaining the computers and the robots, with a relatively small number of administrative positions for support. I think Census data and possibly the Economic Development Department could be consulted to find out about how many computer programmers and robot technicians currently live in Moreno Valley and the rest of the local area; if there is a shortfall, people will have to commute, putting more traffic on the roads, or move into Moreno Valley itself, adding to congestion.

Of course, the WLC will employ a lot of truck drivers, and this occupation might absorb some of those who are currently unemployed. My question is, what kind of work force does Moreno Valley want to attract--a less, or a more well educated one?

In addition, the WLC will lock Moreno Valley into what would be referred to in biology as a monoculture ... square miles devoted to warehouses that would never be used for anything else. I would hope for better for Moreno Valley ... I would hope for a diverse set of companies that employ white-collar workers. They might be more difficult to attract originally, but ultimately they would provide the community with a better way of life.

Response 1:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic on the SR-60 freeway through Riverside. The EIR determined the project would have significant traffic impacts even with mitigation. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

The estimate of both short- and long-term jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies using data, assumptions, and methodologies typical for these types of reports and the CEQA process (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O). Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area

The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Marion Bailey (June 18, 2015)
Comment 1:
I am writing to say that I think Moreno Valley can do better than approve the World Logistics Center (WLC). Right now, the east end of the Moreno Valley is attractive, with its open land and rural aspect; I can imagine that it would appeal to many other developers, some of whom would be likely to want to situate business parks there. The WLC, with its square miles of warehouses, would eradicate that appeal. Simultaneously, the WLC would make Moreno Valley more vulnerable to the downturns in the economy that rely on the sale of material goods.

Response 1:
Section 6 of the EIR (FEIR Volume 2, Revised Draft EIR), examined a number of alternatives to the proposed WLC project – two of the alternatives had mixed uses including one with light industrial (1,000 acres - business park) and office (100 acres) uses (Alternative 2 - Mixed Use A). The EIR determined that Alternative 2 – Mixed Use A had reduced air quality and noise impacts but did not reduce them to less than significant levels, and had significantly increased traffic impacts. In addition, this alternative did not achieve the objectives of the project to the same degree as the proposed project. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:
The WLC would also make the eastern end of the valley less appealing to migrating birds, some of which now settle in and around Mystic Lake to rest and recoup.

Response 2:
Section 4.4 of the Draft EIR examined potential impacts to birds and migrating birds associated with Mystic Lake and the San Jacinto Wildlife Area and determined potential impacts were less than significant with the proposed 250-foot development setback and additional 150-foot building setback from the SJWA (i.e. southern

WLC Specific Plan property line addressed in Mitigation Measure 4.4.6.1A) plus the recommended Mitigation Measures 4.4.6.4A through D (migratory/nesting birds) and 4.4.6.4F and G (management of buffer areas).

Comment 3:
The addition of big rigs to the 60 freeway would be unwelcome too. I drive that freeway myself, as do many commuters, and the part of the route that travels downhill from about Day Street to University Avenue is already very dangerous; adding huge trucks with heavy loads would make things even worse. Noise would be a problem too; trucks going downhill often chortle and snort, and since I can hear this from my house, hundreds of other people will be affected by that noise as well.

Response 3:
DEIR Section 4.12 examined the potential noise impacts of the WLC project, including freeway traffic noise, and determined the project would have significant impacts even with mitigation. DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic, and determined the project would have significant traffic impacts even with mitigation. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Comment 4:
Please vote against this development. Moreno Valley has the luxury of time, because its population is steadily increasing. Better, more attractive development proposals than this one will be forthcoming in the years to come, and I think that will be the time to vote yes.

Response 4:
The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts.

Thomas Jerele Sr. (June 18, 2015)
Comment 1:
Dear Planning Commissioners, please allow me to thank you all and your Staff for an optimum public hearing to date on the World Logistics Center. I was present for the entirety of the initial hearing on 6/11/15. The Staff Report/Consultant's comments on the Development Agreement and the Highland Fairview were highly informative and very valuable. In short, they took the mystery out of much of the projects perception. I am looking forward to the continuation of the Hearings. I infer that our Planning Commissioners will continue to ask probing and important questions about the impact of the Project. I affirm that procedure.

A comment was expressed from the crowd about "why can't we 'see' the project?" This was in reference to the massive "Burm" along Redlands Ave. on the west boundary of the Project, I have the same question. This appears to be a well- conceived, high value Project. In my opinion, we would want to eliminate the "Burm," such that the World can see and appreciate Project.

Response 1:
The purpose of the "berm" is to provide both visual and noise screening for the nearby residential uses from the future warehouses which will be a maximum of 60 feet in height at that location (i.e., generally east of Redlands Blvd. and Merwin Street). Vegetation may help screen the buildings visually but either solid walls or soil berms are needed to reduce noise impacts. It is typical to provide some type of screening between residential and warehouses as most residents probably do not consider large warehouse buildings to be so visually attractive that no screening is necessary. The EIR evaluated the potential visual and noise impacts of the project and recommended a combination of berms, solid walls, and landscaping to provide visual and noise buffering between the two uses. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Elie Chouinard (June 21, 2015)

Comment 1:

My name is Elie Chouinard. I am a resident of Moreno Valley and have been since 1986. I want the record to show that I am in favor of the World Logistics Center being built in Moreno Valley. I believe it is a viable solution to our current and future economic, environmental and social issues. A project of this size and scope needs to be researched and gone over with due diligence. From what I understand there are no justifiable reasons why this project should not go forward. Opportunity is knocking. Now is the time for Moreno Valley to boldly enter into this win win situation and finally break the mold of past anti-progress decisions.

Response 1:

Comment noted. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Jack Weleba (June 22, 2015)

Comment 1:

I understand the need for cities to produce income as it is necessary to turn the wheels that run the programs but, and this is a big but, this idea for the area in mind is terrible on many fronts. First and foremost in my estimation is the destruction of natural habitat that is quickly diminishing all over the state. There are constant efforts in cities to provide "green areas" not only for children to play in but for the plants that provide much needed oxygen for humans to live. The continued destruction of this type of habitat is tantamount to suffocating those who live in the area and beyond.

Secondly the state and many agencies, as well as private citizens, have spent millions of dollars to protect, upgrade and provide for future wildlife at the San Jacinto Wildlife Refuge as well as surrounding properties. This would not be possible without all of the concerted efforts of all involved. Many of us have spent many hours and dollars making sure the waterfowl and all other wildlife that is supported by these lands have a place to rest, feed and breed, continuing the life cycle as nature intended it. Close to 90% of all the wetlands in the United States have been decimated by developers, turning once abundant havens for many creatures into parking lots and homes for people. This has taken a catastrophic toll on all the animals that require open space to survive.

Thirdly, I don't believe that this community will be served by the few jobs actually provided by this development and will actually be harmed by the huge amount of traffic congestion and air pollution caused by the thousands of trucks that will be transporting all the goods going in and out of these warehouses, which although being euphemistically called a Logistics Center, is basically just a huge group of warehouses. There are many locations that would be better served and cause less problems and interruptions to this area and should be considered before going ahead with any project of this size.

Response 1:

Potential impacts of the WLC project relative to air quality, biological resources, and traffic were addressed in Sections 4.3, 4.4, and 4.15 of the Draft EIR, respectively (FEIR Volume 3, Revised Draft EIR). The DEIR concluded that the project would have significant impacts regarding these issues even with the implementation of all feasible mitigation measures (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The rest of the comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 2:

Obviously the developer wants this project to go forward as it will put a lot of money in his pocket but it will be at the expense of the many and this is not good. I am in the engineering field and I know we need infrastructure to facilitate the economy but this project has all the earmarks of a disaster waiting to happen in too many ways.

I sincerely hope you and all who are in the decision making process will consider this to be a big mistake and prevent it from going forward. Thank you for your time and feel free to contact me.

Response 2:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). In addition, Mitigation Measure 4.15.7.4A addresses installation of roadways relative to the WLC project. The rest of the comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

MEMORANDUM

DATE: Reissued August 5, 2015 (First issued June 30, 2015 and updated July 13, 2015)

TO: Mark Gross, Moreno Valley Planning Department

FROM: Kent Norton, AICP, Associate, LSA Associates, Inc.

SUBJECT: **2nd Responses to Email or Letter Comments from Various Persons up to July 13, 2015**

In a number of emails and/or attached letters received on or before June 30, 2015, various residents submitted comments on the WLC Project FEIR. The specific comments are presented below, followed by responses to each comment.

Ann McKibben (June 10, 2015) Emailed Letter

Comment 1:

I am writing to ask each one of you to vote no on the proposed World Logistics Center (WLC) project at your June 11, 2015 meeting. The 40.6 million square foot project (the size of 700 full-sized football fields) will have severe negative impacts on the city and its quality of life. Air Quality—The project will increase air pollution, fine and ultra-fine diesel particulates which are known to have negative effects on children's health, those with asthma, lung disease and the elderly. The following source (http://www.catf.us/diesel/dieselhealth/ Diesel Soot Health Impacts; Clean Air Task Force; map) states that: "The average lifetime diesel soot cancer risk for a resident of Riverside County is 1 in 3,917. This risk is 255 times greater than EPA's acceptable cancer level of 1 in a million."

Response 1:

DEIR Section 4.3 examined various air quality impacts, including cancer and non-cancer health hazards, and determined the project would have significant air quality impacts. Therefore, the City will have to adopt a Statement of Overriding Considerations if it approves the WLC project.

Comment 2:

I also ask you to read the California Air Resources Board comment letter that was sent to the city this week stating that the environmental impact report is "legally inadequate". Please read the Press Enterprise article of June 10, 2015: http://www.pe.com/articles/city-769741-air-health.html

Response 2:

The commenter is referred to the responses to the CARB letter regarding air quality.

Comment 3:

Traffic—Beside clogging Moreno Valley streets & freeway, many cities such as Riverside have stated their concerns about the increase in traffic (69,000 vehicle trips per day) for the region and the ability of regional governments to adapt freeways to accommodate the increase, and local governments to deal with increased congestions to side streets, etc.

Response 3:

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets and freeway traffic on the SR-60 freeway. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission has weighed and the City Council will weigh the various impacts and

benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:

I understand the need for more local jobs to help those who currently commute long distances to work. What I don't see is an attempt to bring in diverse businesses and jobs that will bring more balance to employment in the city. Putting all of the city's hopes into one project is extremely short-sighted. The developer may see himself as the expert on all things Moreno Valley, but what the residents see is divisiveness. Moreno Valley can do better than this lop-sided proposal.

Response 4:

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The DEIR did examine a number of alternatives, including:

- No Project/No Build Alternative;
- No Project/Existing General Plan (Moreno Highlands Specific Plan);
- Alternative 1: Reduced Density (29 MSF or 30 percent less logistics warehousing);
- Alternative 2: Mixed Use A – Warehousing/Business Park/Office/Commercial;
- Alternative 3: Mixed Use B – MHSP with logistics warehousing; and
- Alternative Sites: Moving the project to some other available site.

Every one of these scenarios provides a mix of impacts and benefits. The Planning Commission and the City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Allan Smiley (June 25, 2015) Email

Comment 1:

In reviewing various documents and reports, I find that there is a gross misrepresentation and a lack of a true study that will impact the use of Cactus Avenue and will have disastrous impact on all Moreno Valley residents. The reports totally understate the vehicle impact, the smog emissions, and the dangers to the health and well being not only those who live either on Cactus Avenue or those within proximity of Cactus Avenue. From what I have read, there is a proposal that Cactus Avenue, would extend from the 215 Freeway to the end of Cactus, past Redlands Blvd / JFK Drive. The amount of traffic measured in the report state approximately a few hundred vehicle trips a day, but that is only from the corners of Redlands/JFK and Cactus Ave. It does not take into consideration the amount of traffic that would extend through the city of Moreno Valley starting at the 215 Freeway exit to the Cactus Avenue extension and onward to the Logistics Center. That amount of vehicle traffic amounts to thousands and thousands of trips daily with the majority of the vehicle being trucks and the thousands of employees of the Logistic Center.

Response 1:

The analysis of impacts to Cactus Avenue from additional traffic generated by the WLC project was provided in Section 4.15 of the DEIR and supported by the original traffic study as well as the revised study that was provided with the Final EIR (Appendix K). Both of those studies evaluated Cactus Avenue and identified approximately 14,400 vehicle (not truck) trips that would utilize this road after buildout (end of Phase 2) of the WLC project while approximately 9,700 vehicle trips would occur by completion of Phase 1. This volume of traffic is within the capacity of that roadway and is included in the City's General Plan Circulation Element, as well as being addressed in the City's General Plan EIR. It is important to note this traffic will be passenger vehicles by employees coming to and from the WLC project, and no trucks will be allowed on Cactus Avenue from the WLC project. The cited traffic data is from the FEIR Volume 2, Appendix K, Traffic Impact Assessment (TIA) dated September 2014, Table 36 (Existing Plus Buildout), TIA page 146, and Table 50 (Existing Plus Phase 1 for Year 2022), TIA page 215.

In addition, Section 3.3.1 of the Specific Plan states that "Cactus Avenue and Redlands Boulevard south of Eucalyptus Avenue are not designated Truck Routes" and so will be signed accordingly (FEIR Volume 2, Appendix H-1, page 3-2).

Comment 2:
The majority of these trucks will not meet emission standards of 2010 as is stated in the report because they are independent truck owners and/or trucks from out of state who would care less about the environmental studies The 2010 standards for diesel trucks would be impossible to impose on out of state truckers and local independents. Do you really thing that truckers would care about these standards that you wish to impose. They would just not do deliveries to the logistic center but they will be delivering to the rest of Moreno Valley.

Also the City has problems enforcing "No Trucks Over 5 Tons" on various city streets now. With that said trucks would exit at the 215/Cactus exit and take the simplest route to their destination because of the amount of traffic on Cactus Air quality would totally be detrimental to all residents because of this traffic. There are so many stops signs, now, on Cactus avenue that trucks using this route would be idling for minutes at each stop. Think about it, thousands and thousands of vehicles daily on Cactus Ave idling waiting to go to and from the Logistic Center Also, the reports call for the building of soundwalls, which would be ineffective and very expensive to build along with the improvements needed on Cactus Ave. for widening of the street. Who will pay for all of these improvements? The Developer is expecting the City to make these improvements at the cost of hundreds of millions of taxpayers money.

Response 2:
The comment regarding older diesel trucks does not apply to the WLC project because the WLC project prohibits such trucks. (WLC Project FEIR, Volume 3, p. 4.3-97, Mitigation Measure 4.3.6.3B(l)) The fact that other projects continue to rely on such trucks has no bearing on the environmental impacts of the WLC project. The WLC project will provide increased property tax revenues for City services such as police to cover any additional costs related to enforcement or policing of existing traffic and other laws, including trucks illegally using non-truck routes. The fiscal assessment for the project indicates it will have a surplus of revenues over costs (FEIR Volume 2, Appendix O), and each future development will pay the Development Impact Fee for police services.

The analysis of impacts to Cactus Avenue from additional traffic generated by the WLC project was provided in Section 4.15 of the DEIR and supported by the original traffic study as well as the revised study that was provided with the Final EIR (Appendix K). Both of those studies evaluated Cactus Avenue and identified approximately 14,400 vehicle (not truck) trips that would utilize this road after buildout (end of Phase 2) of the WLC project while approximately 9,700 vehicle trips would occur by completion of Phase 1. This volume of traffic is within the capacity of that roadway and is included in the City's General Plan Circulation Element, as well as being addressed in the City's General Plan EIR. It is important to note this traffic will be passenger vehicles by employees coming to and from the WLC project, and no trucks will be allowed on Cactus Avenue from the WLC project. The cited traffic data is from the FEIR Volume 2, Appendix K, Traffic Impact Assessment (TIA) dated September 2014, Table 36 (Existing Plus Buildout), TIA page 146, and Table 50 (Existing Plus Phase 1 for Year 2022), TIA page 215.

DEIR Section 4.12 examined potential noise impacts and proposed soundwalls at various locations to help reduce noise impacts on sensitive receptors. DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including traffic on local roads and freeways. The EIR determined the project would have significant traffic and noise impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). Mitigation Measure 4.12.6.2A and C deal with sound wall, and Highland Fairview, not the City, will pay for the installation of sound walls. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 3:
This would relieve the Developer of making the improvements on the 60 freeway. The City has already done this once for the Aqua Bella Development? What had that gotten the city???? Nothing!!! but a $75 million expense of taxpayer dollars. The Developer could now sell this land for much greater profits and do actually nothing because all the infrastructure improvements have been made. There is nothing in the General Plan nor the Specific Plan to show the building of a Cactus Ave. extension, only a tract of residential homes for the northeast corner of Cactus and Redlands. This affect not only the east side of Moreno Valley but also the west end of Moreno Valley and all of the rest of Moreno Valley including the center of our city. This is not a west vs the east problem but a citywide health and noise problem Mr. Benzeevi spent a lot of time showing us his video and making comparisons of monuments to other great cities such as the Eiffel Tower of Paris. The only monument I can envision is the GRIM REAPER saying Welcome! Without true and accurate environmental impact studies, the Warehouse Logistics Center cannot not be approved. I also feel that there are conflicts of interests going on and Mr Benzeevi's financial or equitable interests are being misstated and I am asking for the State and County Attorney Generals to further look into this matter.

Response 3:
Section 4.8 of the Development Agreement requires Highland Fairview to mitigate all traffic impacts in the City. Section 4.15 of the EIR identifies the potential traffic-related impacts of the WLC project, including local roadways and freeways, and proposes a number of mitigation measures such as installing certain improvements, and paying the County's Traffic Uniform Mitigation Fee (TUMF) for regional improvements. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The EIR identifies impacts to SR-60 and recommends mitigation, but implementation of any mitigation for freeway impacts is not under the control of the City (i.e., Caltrans) so these impacts are considered significant.

Cactus Avenue is already planned in the City's General Plan to carry vehicular traffic between the east side of the City and the I-215 freeway (not including trucks – it is not a designated truck route). The WLC project would utilize Cactus for project-related vehicular traffic (not trucks) consistent with the General Plan.

The EIR documents reflect unbiased objective information on the WLC project and its potential impacts on the natural and man-made environment, based on a number of detailed technical studies that were prepared using the most current regulatory and industry standard guidelines for the preparation of such reports. The rest of the comments do not address the EIR - they are personal opinions which are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Dennis Sibley (June 23, 2015) Emailed Letter
Comment 1:
I am a resident of Moreno Valley since 1986. I support the World Logistics Center. Unlike housing or tax supporting projects, the World Logistics Center, a for profit endeavor, will increase tax revenues that will outpace the strain on current services that other projects will create. I request the World Logistics Center be approved.

Response 1:
Comment noted. The City will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Daniel Peeden (June 11, 2015)
Comment 1:
The World Logistics Center FEIR and Development Agreement need to be recirculated to the public. We have not had adequate time to review these documents. Furthermore, recommending such a project to our City Council for a vote is irresponsible. The city has not held public workshops to go over all of the potential impacts this project will have on the residents of Moreno Valley now and in the future.

Response 1:
The City released the Final EIR materials on May 1, 2015 with 41 days before the first Planning Commission hearing on June 11, 2015. Additional hearings before the City Council are planned before action is taken on the WLC project. We refer the commenter to the Development Agreement which contains 26 pages (the document also contain exhibits with the legal description of the property covered by the Development Agreement and additional pages for the notary), provided to the public on June 1, 2015 immediately after City staff had finished negotiating its contents with the applicant. Adequate time to review and comment on these materials, including the development agreement, has been provided before a decision is made on the WLC project.

Comment 2:
The staff report also features a letter from John Husing, who represents the Inland Empire Economic Partnership. The city has failed to state the conflict of interest in this letter. Highland Fairview CEO, Iddo Benzeevi sits on the board for this agency. Furthermore, John Husing has a special interest in the logistics industry, as he has many contracts to promote this industry to municipalities throughout the Inland Empire region. The positive economic impacts he states are false. I encourage each one of the planning commissioners to do their own research and speak with unbiased sources when determining what the economic consequences will be for Moreno Valley.

Response 2:
Dr. Husing is a well-respected economist and expert on the economy of the Inland Empire. His information, along with other fiscal and economic information was provided in the DEIR. The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. The City Planning Commission and City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 3:
The Inland Southern California region already has the largest concentration of warehouses in the United States. These warehouses have yet to produce the economic benefits Highland Fairview claims warehouses do. According to a Harvard Study, Riverside and San Bernardino County are ranked as some of the worst counties for economic upward mobility in the United States. The correlation between warehouse growth and the lack of economic upward mobility leads one to believe that they are casual as well.

Response 3:
The connection or correlation ascribed by the commenter is anecdotal and was not a conclusion of the Harvard study. The actual estimate of jobs, costs, and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time of study.

Comment 4:
I oppose the World Logistics Center project and I encourage the planning commission to also consider the opportunity cost for Moreno Valley. Thank you for your time.

Response 4:
The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Greg and Susan Billinger (June 23, 2015) Email

Comment 1:

Dear Moreno Valley Planning Commissioners, We are writing to let you know that as long-time residents of Moreno Valley, we oppose the World Logistics Center where it is planned in a residential zone in District 3, and we are very concerned with the very vague Development Agreement between Highland Fairview and the City of Moreno Valley. The term used in the Development Agreement, "Fair Share," is a very vague term, as is another term used, "reasonable." The Development Agreement needs to be sent back to the drawing board for much more specific terms. Also, there is nothing in the Development Agreement that precludes Highland Fairview from holding much of the land for speculation for many years, or selling the land to a firm which wants to do something very different or damaging to Moreno Valley, for example, store and transport toxic substances that could spill on our 60 freeway and roads. The Development Agreement may cause us to get something very different from what is expected, and in fact it says right in the Development Agreement that the Development Agreement ITSELF can be changed!

Response 1:

The terms of the Development Agreement (DA) will have to be agreed to by both parties (i.e., the City and Highland Fairview) prior to final approval of the DA, including definitions of all terms. For example, the term fair share is well defined in terms of project impacts; "fair share" means that a project which causes X% of a given impact is responsible for the payment of X% of the cost of mitigating that impact. Any development or activity that could occur on the WLC site would have to be consistent with the WLC Specific Plan which only allows logistics development or light logistics development, and no heavy industrial uses which would be much more likely to involve hazardous materials. Potential impacts related to hazardous materials are addressed in EIR Section 4.8, Hazards and Hazardous Materials.

Comment 2:

We are also speaking of a very long period of time for a project. If the City of Moreno Valley goes ahead with this project (which we oppose as we sincerely believe it will turn out to be a huge, catastrophic mistake,) we believe at a minimum, it would be wiser for the City to instead to re-zone a smaller piece of land as needed, and give Mr. Benzeevi approval to build only one warehouse at a time, rather than committing all that land to one use at once, and so MANY YEARS IN ADVANCE of the actual building and use.

We feel the City of Moreno Valley is looking for a quick revenue source from property taxes from the rezoning of all the property from residential to industrial. Yes, that rezoning may increase the revenue from property taxes right after the rezoning, but at a terrible long-term price of irretrievably damaging the potential of the city to use the land for uses that would ENHANCE rather than destroy the quality of the city.

Response 2:

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The City requested that Highland Fairview prepare a specific plan for the entire project area, including land not owned by Highland Fairview. It was intended that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City while minimizing potential environmental impacts such as traffic compared to other types of land uses or the approved Moreno Highlands Specific Plan.

Comment 3:

Yes, the WLC buildings may be energy efficient, but that large of a number of huge warehouses and related big-rig trips on the 60-215 and city roads will be disastrous to the city. It will literally be a "Hot Mess," greenhouse gas and pollution from trucks, and hot glaring pavement where people are trying to live. People will leave and property values will fall.

Committing all the City's resources of the future to constructing and maintaining infrastructure for the warehouses and big-rigs for the World Logistics Center, for the onramps and offramps, roads, and water

use/treatment/the storm water pollution elimination system, (among other maintenance requirements,) will be so expensive that there will be no money left over for amenities for residents, which make a city a good place to live.

The infrastructure will be required not just in the project area, but FAR OUTSIDE of the project area. Our neighboring cities have already expressed opposition to the WLC, and will be very reluctant to help with any infrastructure. It will be an uphill battle to get funds to build and maintain infrastructure.

Response 3:
DEIR Section 4.3 examined various air quality impacts including cancer and non-cancer health hazards. DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local roadway and freeway improvements. In addition, Section 4.9 addresses drainage, NPDES (water quality), and flood control improvements, and Section 4.16 addresses utility improvements. All of these EIR sections address both onsite and offsite improvements, and The EIR determined the project would have significant air quality and traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). In addition, the Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley. Further, Mitigation Measure 4.15.7.4E and F require Highland Fairview to pay its fair share for improvements required by WLC which are not within the City. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
The City of Moreno Valley does not have the revenue to construct this massive infrastructure. In fact the city does not have enough money to keep its own internal residential roads in repair. Many of those City of MV roads are in very poor condition, with pot holes and big rifts, especially in District 4 and 5.

Tax increases for the infrastructure for the World Logistics Center will be greatly opposed, whether it is Measure A, gas tax, property tax increases or utility user tax. Residents should not have to pay increased taxes for a project they do not want, and one that will vastly lower the quality of their lives with heavy traffic congestion. Most residents will resent a tax increase to pay for the WLC. Residents are still waiting for a new library from the funds that were supposed to give residents this small amenity (already spent.) The Riverside Transportation Commission has already publicly stated that they cannot get any more funds to widen the 60 freeway and there is a zero balance in the Federal Funds Account designated for work on our 60 freeway.

There is much opposition to this project from residents. Many residents I have spoken with do not feel comfortable coming to meetings and speaking openly, but they oppose the World Logistics Center.

Seemingly quick and easy solutions to monetary problems hardly ever work in the long-term. As I stated we want to enhance and improve our city, not cause it to deteriorate and property values fall and residents leave, similar to what happened in San Bernardino.

Response 4:
The study that estimated jobs, revenues, and costs related to the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. In addition, the Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). For example, Mitigation Measure 4.15.7.4A requires Highland Fairview to construct or pay for project-related roadway infrastructure improvements within Moreno Valley. In addition, Mitigation Measures 4.15.7.4E and F require future development to pay its fair share of the cost of improvements outside of the City.

Regardless of whether residents support or oppose the WLC project, they can provide comments to the City in written form via email or letter if they do not wish to speak at public hearings. The rest of the comments do not address the EIR for the WLC project - they are personal opinions which are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 5:
The FEIR had wildly different estimates for jobs. Lately one job for every 4,000 warehouse square feet appears to be the most updated estimate according to BJ Patterson and other logistics experts. That would immediately reduce the estimated jobs to 10,000. However, the EIR says it could be as low as 8,000, and these jobs may not go to Moreno Valley residents despite anyone's best effort. Since this project is so far into the future, the number of jobs will be greatly reduced further by Robotics development. The tenants are unknown and will probably transfer jobs as they are going to do what is economically best for them.

You should vote NO on this project. Please send the Development Agreement back as inadequate. This project needs closer study and more definite specifications. Thank you.

Response 5:
The commenter is incorrect, the estimate of jobs outlined in the original DEIR and Final EIR are slightly different due to the fact the project was reduced by 1 million square feet, but otherwise the factors used to estimate jobs, costs, and revenues from the project have been the same (i.e., not wildly different). The estimate of jobs and incomes from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. Each new use/user that moves into the WLCSP project area will be unique in terms of the number and type of jobs they bring to the area, including the level of automation or robotics. Becon Economics estimated the jobs would be between 16,000 and 24,000 which is in line with the Taussig estimate.

The rest of the comments do not address the EIR for the WLC project - they are personal opinions which are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Howard Grady (June 25, 2015) Emailed Letter
Comment 1:
This Project will destroy Moreno Valley. It will convert a decades-old residential ("bedroom") city into the worst kind of urban blight in a few short months). There will be several thousand semi truck trips in and out of the City every day. Our side streets will be clogged with Semis, and Fwy 60 will become a death run 24/7. Your family will run with the Semis anytime they drive the 60; and your children will walk on side streets with Semis parked and/or cruising by; their health and safety at risk.

Response 1:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 2:
The major retailers not only use near new Semis, but also contract with independent truckers from all over the USA and Mexico which creates a policing issue. Truckers sleeping in their rigs; drugs, prostitution; semi vs. auto accidents.

Response 2:
The comment regarding older diesel trucks does not apply to the WLC project because the WLC project prohibits such trucks. (WLC Project FEIR, Volume 3, p. 4.3-97, MM 4.3.6.3B(l)) The fact that other projects continue to rely on such trucks has no bearing on the environmental impacts of the WLC project. The WLC Specific Plan has identified a number of internal streets that will have turnouts for truck parking if needed, and the WLC project will provide increased property tax revenues for City services such as police to cover any additional costs related to enforcement or policing of existing traffic and other laws, including drug use and prostitution. Traffic-related impacts of the project, including the potential for accidents, are addressed in Section 4.15 of the EIR.

Comment 3:
Now that the Benzeevi Three Stooges control the City Council, they will simply revise the General plan/Zoning on a piecemeal basis to add even more warehouses; truck trips, truck washes, truck repair, etc. eventually jumping the 60 moving East; quite literally gobbling up any and all undeveloped parcels…owned by?

Response 3:
These comments do not address the EIR for the WLC project - they are personal opinions which are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 4:
This urban cancer will grow over time, and obliterate a residential City with great promise, into the City of Commerce, City of Industry; Mira Loma… take your pick. To the objective, ethical, thoughtful bona fide4 residents of the City of Moreno Valley who sit on the Planning Commission, stand up for your home, your family, your City. To those who are complicit in the WLC, a Mad Hatter's folly, because you believe you have a finger in the Benzeevi pie; shame on you; and may our home stand and family live in the shallow of a massive warehouse and all that encompasses.

Response 4:
These comments do not address the EIR - they are personal opinions which are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Multivac, Inc.-Charles Moothart June 25, 2015) Emailed Letter

Comment 1:
We have reviewed the documents for the above referenced project as shown on the City of Moreno Valley's website. Since the project Draft EIR was first circulated last year, we have found that the project has been redesigned in such a way as to mitigate our concerns about having such a large project in close proximity to our residential properties. The heavy use of landscape and wall screening, the use of cutoff luminaires for onsite lighting, the elimination of tuck traffic on Redlands Blvd. And Cactus Ave. as well as the 250 foot setbacks of buildings from exiting residential areas, demonstrate that City staff and World logistics Center have put a lot of effort into redesigning the project and eliminating most, if not all, of the concerns that we had about this project. We want to express our support for the project and thank staff for the efforts put into this project.

Response 1:
Comment noted regarding changes to the WLC project that addressed the commenter's original concerns. The City will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

John Husing (May 21, 2015) Emailed Letter
Comment 1:
See Attached Letter

Response 1:
Comment noted. The City will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Fred and Margie Breitkreuz (June 25, 2015) Email

Duplicate of Email sent June 11, 2015 by Margie Breitkreuz
(see previous memorandum from LSA on responses to emails regarding WLC project)

Cherie Andrews (June 25, 2015) Email
Comment 1:
These Warehouses will be a total detriment to Moreno Valley! Low paying jobs, major traffic problems!!!! Worse pollution!!! Keep this the way the city was to be, Ranch homes, open spaces for all to enjoy! How about a Costco, something we can use, nice restaurants! We want a city we can be proud of!

Response 1:
The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including air quality in terms of dust and health risks (Section 4.3), noise (Section 4.12) and traffic (Section 4.15). The rest of the comment is anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Gary and Loveda Klann (June 25, 2015) Email
Comment 1:
I urge you to save Moreno Valley by not approving the World Logistics Project. I do not believe anything about the supposed benefits are anything but propaganda. What is true is increased pollution, grid locked traffic destroying the environment and the wetlands and ruining the quality of life in Moreno Valley.

I am a long term resident of the east end and I now have to limit my outside activities due to poor air quality in the afternoon and it is geeing noticeably worse for the last few years. I am sure if this project is allowed to proceed I will not be able to breathe at all our side of my house. Leave the east end to develop the existing rural/ag zoning as we were promised when we moved here in 1988.

Our sons work in warehouses in the local area. They are middle management and their salaries are $40.00. Those under them make minimum wages. The amount of people who operate these warehouse is an average of 40-50 people. Automation does the rest. Not many jobs and no big salaries for bad air and congestion. Where is the payoff for Moreno Valley. There isn't one just a payoff for developers.

Response 1:
The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including wetlands (Section 4.4), air quality (Section 4.3), and traffic (Section 4.15). The rest of the comments are anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

The estimate of jobs and incomes from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. It should be noted that on April 28, 2015, the City

Council approved the formation of a "Hire MoVal Incentive Program" and Section 4.11 of the WLC Development Agreement outlines formation of a local hiring program consistent with the Hire MoVal program.

Marcia Amino (June 25, 2015) Email

Comment 1:

This is a second e-mail asking that the Planning Commission Vote NO on the WLC proposed General Plan Amendment, Zone Changes. I have included a couple of items of correspondence from tonight's PC agenda that illustrates some of my concerns about this proposed General Plan Amendment and Zone Change. Also included in this e-mail is the link to as well as part of today's article in the Press Enterprise re Traffic Issues that will result if the WLC is approved.

With the poor track record of this developer, Iddo Benzeevi of Highland Fairview in not completing projects, with the corporate welfare from our city that has generously benefited this developer in the Aquabella Development Infrastructure, and with what appears to be a seriously flawed FEIR, it would appear that the best actions this Commission could take tonight or whenever the final vote for approval comes, is to vote No.

The Air Pollution Issues, Property Rights Issues in the WLC project sphere, as well as the now apparent lack of traffic mitigation measures for a project that WILL SERIOUSLY IMPACT NOT ONLY MORENO VALLEY BUT OUR ENTIRE REGION, should not be enabled to not only hurt the quality of life for Moreno Valley, but our Region overall. As the good stewards that I am sure you wish to be for our city and residents, it is apparent that approving this development will hurt health and safety of all of us here, thus, I ask that you vote NO on this project.

I am hopeful that you will take to heart, what has been my belief from since moving to Moreno Valley in 1988, and was beautifully stated in the in the SCAQMD letter, dated 6/24/15:

"The choice is not about promoting jobs OR promoting clean air. It is about promoting a future that provides both. It has been done before and it should be done for this project."

Response 1:

Development Agreement Sections 4.8 and 4.9 identify the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). In addition, Mitigation Measure 4.15.7.4A requires Highland Fairview to construct or pay for project-related roadway infrastructure improvements within Moreno Valley. The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including air quality (Section 4.3) and traffic (Section 4.15). For additional information regarding air quality, see the Response Memo to the comment letter submitted by the SCAQMD.

The rest of the comments are anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Marina Smiley (June 25, 2015) Email

Comment 1:

I wish to register my strong opposition to this project and request that you recommend that the City Council deny each and every application. I have to admit that the presentation of the Logistic center was a piece of art. It was the art of manipulation and the masterpiece of brainwashing. 1. The developer told us that the giant Logistic center will be able to save us billions gallons of water. But he never noted how many trillions gallons of water will be taken of our area, which already is severally suffering from the lack of water! So, never mind, how much the Logistic center is going to save, we want to know how much it's going to use?

Response 1:
DEIR Sections 4.9 and 4.16 evaluate the water-related impacts of the proposed WLC project, and it is important to note that warehousing using considerably less water than other types of land uses that have more intuitive landscaping requirements. In addition, the WLC Specific Plan outlines a specialized arrangement for drainage control and landscaping that will further reduce potential water use on the site.

Comment 2:
2. Next, we were shown the laughable picture of the empty 60 freeway ready to accept 14,000 trucks daily. I would like to ask Moreno Valley residents, have you ever seen our freeway empty? Me neither. The developer is the only person who was able to see it. Even now, if we want to drive somewhere, we are usually stuck in traffic of so the called "empty" freeway. I want the developer to explain how in the world we'll be able to drive anywhere, with an additional 14,000 trucks daily on this narrow freeway?

Response 2:
First, it should be noted the WLC project will generate 14,000 truck **trips** per day **not** 14, 000 trucks. The computer generated animated traffic simulation used a low background traffic level on the freeway so any traffic contributions by the WLC project could be more clearly seen. While it would be accurate, it would not be instructive to show WLC project traffic accessing the freeway at rush hour because the project generates traffic around the clock and does not have the standard "peak hour" trips currently experienced by commuting traffic on the SR-60 freeway. As indicated in the TIA, jobs in the east end of the City (like WLC) could help reverse the commuting traffic direction during peak periods on the SR-60 freeway.

Comment 3:
3. Now, let's discuss why the developer Razzle Dazzled us with the pictures of Paris and Sidney, but didn't tell anything about Cactus Ave that he plans to turn into a highway. Do you know why? Because he didn't want to spoil the party by revealing his secret plan of connection the Logistic center to Cactus Ave, and through the heart of Moreno valley to the 215 freeway. Now, all Moreno valley, including schools, nursing homes, and the senior citizen communities are going to suffer not only from the diesel cloud of 14,000 trucks, but additionally, from the pollution and noise created by approximately 20,000 cars and trucks of employees, traveling from 215 freeway along Cactus Ave (or any other streets of their choice, in order to escape traffic on Cactus Ave and the jammed freeway.)

Good job! The developer wants to make a living, but his living is going to kill us! It seems to me that the developer owns a Moreno Valley. Does he? We, the people of Moreno valley demand a full investigation of this proposed disaster. We, the people of Moreno valley demand to ELIMINATE any effort to expand Cactus into a highway connected to the Dead Diesel Zone of the Logistic center. We, the people of Moreno valley demand from the developer to expand the 60 freeway FIRST, before even offering us any projects, especially at the size of 700 football fields!

Response 3:
The analysis of impacts to Cactus Avenue from additional traffic generated by the WLC project was provided in Section 4.15 of the DEIR and supported by the original traffic study as well as the revised study that was provided with the Final EIR (Appendix K). Both of those studies evaluated Cactus Avenue and identified approximately 14,400 vehicle (not truck) trips that would utilize this road after buildout (end of Phase 2) of the WLC project while approximately 9,700 vehicle trips would occur by completion of Phase 1. This volume of traffic is within the capacity of that roadway and is included in the City's General Plan Circulation Element, as well as being addressed in the City's General Plan EIR. It is important to note this traffic will be passenger vehicles by employees coming to and from the WLC project, and no trucks will be allowed on Cactus Avenue from the WLC project. The cited traffic data is from the FEIR Volume 2, Appendix K, Traffic Impact Assessment (TIA) dated September 2014, Table 36 (Existing Plus Buildout), TIA page 146, and Table 50 (Existing Plus Phase 1 for Year 2022), TIA page 215.

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

The Ortiz Family (June 25, 2015) Email
(*Debra Coggins-Ortiz, Eduardo Ortiz, Patrick Coggins, Christopher Coggins, Vincent Ortiz, AlinaMari Ortiz*)
Comment 1:
We have raised our children on the East End in Moreno Valley, and own a custom home just north of the 60 freeway. This is our third home in Moreno Valley. We moved here when there were just two stoplights, and the delicious aroma of orange groves permeated the air. Our first house was partially built, and we were so excited to watch the dream of our first home come true. We were so young! That was thirty years ago.

We decided to upgrade to a larger home a few years later. It was just down the road. From bare land, we eagerly watched as our new home was built over many months. Our Councilwoman, Bonnie Flicker lived in the tract around the block, but Moreno Valley was fast becoming the ghetto! It did not take long before our neighborhood became a not so nice place to raise children--a scary place to be. We had a boarded up two story foreclosed home behind us where gangs would hang out, and we could hear the sounds of gunfire frequently. In only five years we made the decision to move.

We moved to the east side in January of 1997 to escape crime that continued to grow in our neighborhood. When we moved here it was so quiet you could hear a pin drop in the evening. We would sit out in our front yards with the neighbors enjoying the quiet, the stars. They were unlike any stars we had ever seen. So many! At dusk we would go in the yard and watch the spiders spin huge circular webs, listen to the baby owls in the palm tree and watch the mother white owl fly above us. There was very little traffic on Redlands Blvd. and at night, there was no traffic at all. We would take walks to the hills and watch the bunnies and the horses. We loved it here! It was perfect.

Today, we can see the Skechers warehouse, as well as Mr. Benzeevi's home and winery, that is NOT located in Moreno Valley, from our driveway. Warehouse number two is almost complete. The lights from Skechers light up the sky and make the once beautifully visible stars difficult to see. When they were building the warehouse, truck after truck filled with dirt rode past my home, day in and day out for what seemed like an eternity. The exhaust from the trucks was overpowering in my front yard and in my back yard. The trucks make my windows rattle, and the floor tremble. Each and every time we were unsure if it was a truck, or an earthquake. That continues with each and every truck that drives by today! Redlands Blvd. is now a constant flow of traffic 24 hours a day ever since the regional hospital was built. We cannot enjoy a barbecue or a family event in my yard. We cannot enjoy swimming in our pool. I have at least thirty trees that try to clean the air, but to no avail. There are hundreds, if not thousands of birds in my trees and gardens, but their beautiful chirping is drowned out by the sound of traffic. I have to leave my doors and windows closed all the time. Our beautiful dog succumbed, at the young age of three, to a fungus that is created when construction turns over the soil. Did the Skechers construction do this? Is this fair to us? It was our dream to live here, and it is being chipped away piece by piece. Don't we deserve to be happy--to enjoy our home that we worked so hard for? To pass it down to our children? This is where they grew up! Their childhood home! Had we been informed of this at the time we purchased this home, we would NOT have settled here! Should the City's motto be "Greed Over Health" because the impact of these warehouses cannot be mitigated?

We do not CHOOSE to live amongst a World Logistics Center, and if you CHOOSE to force this upon us, we will be forced to do whatever it takes to protect our home. You do realize that you have the power to decide whether children will become ill from diesel exhaust? Whether the wildlife will be harmed from thousands of truck trips a day? Whether you will be ruining the neighborhoods with noise pollution and deadly air quality, and sicken Moreno Valley Families--those that have lived and shopped here for years? Do you realize that its people are what makes a city great, not how many and how big its warehouses are? You should be answering to

us and not to one man that does not even live in Moreno Valley!!! You do know he lives in an unincorporated area of Riverside County? HE DOES NOT EVEN HAVE THE DECENCY TO LIVE IN THE CITY HE WISHES TO RULE AND DESTROY.

Please make the right decision, because if we do not have our health, we have nothing. All the money in the world will not reverse Cancer, emphysema and birth defects. However, if you do decide to give our money to Mr. Benzeevi and the World Logistics Center, we ask that you buy out every single home on the East side, both north and south for the amount it would take to relocate to any place of our choosing. For us, that means a home with acreage and a beautiful stone pool, far enough away to not breathe the pollution these warehouses will create.

Response 1:
The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including biological resources (Section 4.4), air quality in terms of dust, cancer, and non-cancer health risks (Section 4.3), noise (Section 4.12) and traffic (Section 4.15). The rest of the comments, such as where the developer lives, are anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Therese Bailey-Nelson (June 25, 2015) Email
Comment 1:
I am a resident of Moreno Valley and am strongly opposed to this project. There is NO WAY this project will benefit our city and likely will lead to city wide problems that MUST BE ADDRESSED! (The anticipated problems are increase taxes to our citizens for infrastructure the developer will demand or fails to deliver as represented, decrease in the quality of life for ALL due traffic and health issues caused by the increase traffic, few if any jobs generated contrary to the "projected 20,000 #" thrown around without factual support or tenant disclosure or affirmation any jobs will be available from anyone who may be a tenant, thus making the # speculative at best and illusory at worst.) Without tenant disclosure there are NO REAL JOBS to be used to balance the benefit verse cost to support this project or approval of a general plan change.

Response 1:
The Development Agreement identifies the responsibilities for providing the infrastructure necessary to support the WLC Project. (i.e., roads, utilities, etc.). Per Development Agreement Section 4.8 and Mitigation Measure 4.15.7.4A, Highland Fairview will construct or pay for project-related roadway infrastructure improvements within Moreno Valley.

The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including air quality in terms of dust, cancer, and non-cancer health risks (Section 4.3) and traffic (Section 4.15). The estimate of jobs from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. It is true the developer does not have specific tenants identified at this time, but for a project of this size, it was reasonable to use regional averages for job generation assuming the mix of uses would average out over time (i.e., high vs. low numbers of employees, automation vs. human labor, hours of operation, etc.).

The rest of the comments are anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Comment 2:
Any resident that is on the road in our city by 7am knows there are numerous traffic issues which will be compounded if this proposed plan to develop a logistic center of this size in this location is in fact approved. There are no legitimate offers to offset the negative impact this project would have on our city and the greater Inland Empire, with regard to the increase traffic congestion. Thus all traffic on our road ways will come to a halt. How will this impact the business we already have? Will they leave? Will this traffic nightmare actually cause loss of jobs because the current employers in our city pull up stakes for less congested areas?

Response 2:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local roadways and the SR-60 freeway. As indicated in the TIA, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

There is no evidence that existing employers or uses within the City would relocate as a result of approval and subsequent future development within the WLC project.

Comment 3:
Secondly, the increase in traffic will have an extremely negative impact upon our citizens health. The increase smog and carbon in the air will cause our children, elderly and in-firmed to become ill and possibly suffer increase medical bills due to the poor air quality the increase traffic will produce in our city. Who will ultimately pay for this by product of the project? How are these concerns being addressed by the developer?

Response 3:
DEIR Section 4.3, *Air Quality*, examines the potential impacts of the project relative to criteria pollutants and health risks, including cancer and non-cancer effects. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and determine whether the project's benefits outweigh its anticipated impacts. The EIR contains a variety of mitigation measures that reduce potential air pollutant impacts to the degree feasible, including a requirement for all Tier 4 construction and operation trucks (Mitigation Measures 4.3.6.2A and 4.3.6.3B, respectively). The EIR examined the air quality impacts of the WLC project to the degree outlined under CEQA, but the assignment if any of responsibility for regional air impacts, of which WLC is only a part, is beyond the scope of this EIR. The other comments presented by the commenter do not address the EIR but are personal opinions which are not part of the CEQA process.

Comment 4:
Number three, if the developer knows or believes the development will generate 20,000 jobs he must also know who the tenants of the development are or will be. If this is the case the alleged tenants should be disclosed, so the information can be utilized for a more accurate assessment can be rendered regarding the traffic and congestion the tenants will actually generate. Rather we are supposed to compare this project to future home development that is not even a possibility in the current economy. Such a comparison by the developer is hog wash. If there is to be a comparison to be made regarding traffic, it should be the current status (vacant land) versus the proposed project and the projected traffic.

There is NO OFF SETTING benefit for the people of Moreno Valley generated by this project and therefore no reason to alter the current general plan to accommodate this PIGS EAR being marketed as a SILK purse.

Response 4:
The commenter is correct that, at this time, the developer does not have specific tenants for the WLC project. The estimate of jobs was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. It is assumed that a project of this size would eventually reach a mix of uses similar to that observed at the regional level, however, each new use/user that moves into the WLCSP project will be unique in terms of the number and type of jobs they bring to the area, including the level of automation or robotics.

The EIR used the difference between existing (vacant) conditions and full development of the WLC project to determine the significance of environmental impacts under CEQA. The information regarding the Moreno Highlands Specific Plan was provided for information only as that is outlines the currently approved land uses for the WLC property if the WLC project is not approved.

Corinne Orozco (June 29, 2015) Email
Comment 1:
I recently sent the Planning members an e-mail about job creation in Moreno Valley, and I never received a response from one member. After attending Thursday's meeting, and my first encounter listening to Ido Benzeevi, the developer, now I see a clearer picture of the warehouse situation I hadn't seen before.

Job creation is not the primary issue, it's appeasing and bias towards Benzeevi. Benzeevi is a man who made a very bad real estate investment. He thought he could convince UCR, Kaiser, etc. to work with him on a medical project, they were not interested, and after Thursday I can see why.

Benzeevi does not have a good track record, or experience to take on any big project, especially the size of World Logistics. Thursday, he was unintelligible, rambles on, orchestrated pro-logistic attendees, and stated, he worked on the Spectrum, Irvine. Obviously, he did not, the Irvine Co. is the developer. Maybe the planners should have asked him, what did you do, were you a subcontractor? His slide show was a copy of pretty pictures, with maps that clearly showed its landlocked for such a project.

The Planners did not ask hard questions, about traffic or CO2 emissions, only snapped at an air quality speaker with quality information they should take serious. It's about the quality of health.

No hard questions about his past projects and how does he expect to fill the buildings. Our economy is not strong enough in gross national product, It fell -7 last month.

The Skeechers building he is responsible for he barely got by since his General Contractor left and did not pay his sub-contractors. Benzeevi had to rely on his insurance bond to pay and eliminate lawsuits. Speaking of lawsuits, Skeechers will have to pay out in 2015 for falsifying Uplift shoes, and recently the Skeechers Riverside store closed down. There could be a chance Skeechers will downsize.

Also, Warehousing positions are nonunion, part-time, and are temporary positions and they do not justify self-reliance economically.

Fact check Amazons work policies.

I ask myself how could anyone take this man serious with such a grandiose project without reading the EIR. So I have questions for the planners:

Did you read the EIR?

Do you have a list of potential parties? With fact checking?

Do you have Benzeevis professional biography with fact checking?

I hope this time I will get a response.

I had sent you information about a legitimate developer who is acknowledged world wide on solar, usawestech.com, Mr Wally Jiang.

Presently, he is negotiating with Governor Perry in Texas to build a solar city. It's a good story, about creating jobs if all entities are tied in. It's a story about self-reliance, green energy, saving water, a training center, a factory, a mall, solar housing, mandating solar, and other community resources. It's a plan where employees, and subcontractors would feel comfortable about wages and legitimacy.

Thank you for your interest in Moreno Valley and our environment and health.

Response 1:
The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including air quality in terms of dust and health risks (Section 4.3) and traffic (Section 4.15). The actual estimate of jobs, costs, and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time of study. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

The rest of the comments are anecdotal, information about other projects, or personal opinions that do not comment on the EIR and thus are not part of the CEQA process.

Dawn and Ned Newkirk (June 30, 2015)
Comment 1:
We are writing to inform you of our concerns about the possible construction of a warehouse located 165 feet from our front door should the World Logistics Center be approved. We have addressed our written and oral concerns previously with the city and planning commission. Approval of this project will be detrimental to our health and welfare and will put us in harm's way in regards to air pollutant, noise, lighting, and other health risks. (We live in one of the seven residences that will be located within the WLC boundaries). We are not sure as to why our property as well as the other residences directly East of Redlands Blvd. have not been discussed in the staff report and FEIR. The homes directly East of Theodore have been discussed. Can you please clarify why the homes just east of Redlands Blvd. have been excluded in your discussions?

Please do not approve this project as is. The WLC FEIR needs to be revised, recirculated, and include measures that will protect those residents within the boundaries of the WLC from adverse health effects.

Response 1:
The EIR did examine potential environmental impacts to internal sensitive receptors (i.e., the seven existing rural residences within the WLCSP boundaries), including the residence cited by the commenter (WLC Specific Plan shows it as Planning Area 20 proposed for light logistics uses). For example, in Section 4.3, *Air Quality*, Figure 4.3.14, *Existing Sensitive Receptors*, shows the commenter's residence as an "onsite sensitive receptor". Figure 4.3.19a in Section 4.3 of the Final EIR indicates there will be no significant cancer risks (i.e., greater than 10 in a million increase) to the onsite rural residence referred to by the commenter. However, Section 4.3 also concludes the project area will experience significant non-cancer health impacts from criteria pollutant emissions, even with mitigation, as the project is too large for them to be reduced below SCAQMD daily thresholds.

In addition, the Development Agreement now includes a requirement to install filters on all 7 residences within the WLC. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

No specific building sizes or locations have been identified as yet, so there is no way to know at this point how close a warehouse building would actually come to the commenter's residence. New warehouse buildings would be buffered to help shield views and noise impacts from internal residences, as outlined in Mitigation Measures 4.1.6.1B and 4.1.6.1C (views) and 4.12.6.2B through 4.1.6.2D (noise).

The information provided in the Final EIR, Volume 1, Response to Comments, and Volume 2, Revised Draft EIR, demonstrate that the additional information does not trigger recirculation (i.e., it does not represent "significant" new information).

Greg Ballmer (July 4, 2015) Email

Comment 1:

I oppose the proposed World Logistics Center project (WLC) and urge you to deny its approval. I present some of my reasons for opposition below.

I am a long time resident of Riverside and have watched as Moreno Valley evolved from the small rural and agricultural communities of Edgemont and Sunnymead to the sprawling bedroom community (largely for Orange County) it is today. While most major cities grow up around sources of primary economic activity, most Moreno Valley residents have always (at least since incorporation) depended on job centers many miles away. As the population has grown, the commuter transportation capacity has always lagged behind demand and is already essentially maxed out, at least during the morning and afternoon "rush hour" periods. And, of course, traffic congestion is so much worse when traffic collisions occur in and around the SR-60/I-215 and SR-91/I-215 interchanges; I note that such collisions seem to be getting ever more frequent, prospects of increases in truck and commuter traffic (and inevitable highway collisions) associated with the WLC project should give local residents nightmares. It gives me nightmares, and I would be affected less than Moreno Valley residents.

Traffic congestion would worsen

Any notion that increased jobs provided by the WLC may reduce local commuter traffic in and around Moreno Valley is unrealistic. Even if the wildly optimistic projections of jobs associated with the WLC were to occur, that would not decrease long-distance commuter traffic. It is reasonable to assume that jobs in Orange and Los Angeles County, which may be vacated by Moreno Valley residents to work nearer their homes in Moreno Valley, will be filled quickly by others, who are also likely to seek more affordable housing in Moreno Valley. The end result is ever more commuter traffic, not less.

Response 1:

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including freeway traffic on the SR-60 freeway, and there is no empirical evidence to support the contention that the WLC project would cause a major increase in truck accidents on freeways. However, with any growth-related activity, an incremental increase in traffic will reasonably result in an incremental increase in accidents, including trucks. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). This effect may actually incrementally reduce the potential for truck accidents by changing commuting patterns and generating off-peak truck traffic rather than more peak traffic. The City Planning Commission and City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 2:
Economic uncertainty
In considering the proposed World Logistics Center project, it would be wise to consider the implications to the city's economic future. The commitment of such a large portion of remaining space (almost 41 million sq-ft) available for development in the City of Moreno Valley to a single industry sector (warehouses), whose economic success in turn depends on the expansion of trans-Pacific trade indefinitely into the future, is a risky gamble. Post World War II trans-Pacific trade has grown more-or-less steadily as first Japan and Taiwan, then Korea, followed by China, and now Viet Nam, Cambodia, and Bangladesh have succeeded each other in hosting the production of consumer goods once produced in the USA. But, as those Third World countries have benefitted from the overseas flow of US dollars, they have continued to develop, with consequent increased labor costs and factories moving to ever cheaper labor sources.

Considering the economics of production, and the proclivity of manufacturers to seek ever cheaper labor, it is only a matter of time before factories leave Asia and head for the last frontier of cheap labor: Africa. Chinese entrepreneurs are already heading in that direction. And when the majority of consumer trade shifts to Africa, trans-Pacific trade will decrease, and all that local warehouse space may be unneeded, like a stranded whale on the beach. Perhaps it would be wise to plan ahead for that eventuality and adopt a sound and prudent strategy to plan for a more diversified economy.

Response 2:
The WLC plan responds to the City's Economic Development Action Plan adopted by the City Council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The City requested that Highland Fairview prepare a specific plan for the entire project area with the goal that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide the most benefits in terms of employment and revenue to the City. The following is from Master Response (Economics) in the FEIR Volume 1, Response to Comments, Response to Letter F-10.

> **Master Response (Economics).** Skepticism included within the commenter's letter regarding the future need for logistics development in the Inland Empire, in particular due to the current expansion of the Panama Canal, does not have a factual basis. Existing industrial vacancy rates are only 4.9% in the Inland Empire (Exhibit L – Casden Forecast page 54) and the demand for more space appears to be increasing rapidly. Output in the Inland Empire logistics industry has risen from $4.1 billion in 2001 to over $5.5 billion in 2011, an increase of 34%, despite the advent of the Great Recession. The Inland Empire as a whole, with its competitive land pricing, sizeable vacant parcels, large workforce without post-secondary education and centralized location represents an ideal setting for logistics facilities.
>
> While the current expansion of the Panama Canal will increase the Canal's ability to handle cargo, and in particular, larger ships, the increased level of demand for logistics facilities nationally should generate greater need for port facilities on both the East and the West Coasts. NAIOP projections indicate a need nationally for about 700 million square feet of warehouse and distribution space over the next decade, on top of 300 million square feet of normal replacement of existing facilities (Page 7 of Exhibit I). The Port of Long Beach's Master Plan calls for the acquisition of 450 acres of landfill to house additional cargo handling facilities due to increased demand (Page 16 of Exhibit J). Currently, the Panama Canal only receives 20% of Asian imports and exports because it takes three days longer to deliver goods to the east coast than it does by ship and train from the West Coast (Exhibit K). This more lengthy delivery time will also continue to impact the Panama Canal's ability to take over West Coast import export business, even after its expansion. Finally, the rapid growth of web-based sales with deliveries to consumers coming straight from the warehouse, rather than through traditional brick and mortar retail stores, will further increase the demand for warehouse space throughout the West, including in the Inland Empire.

For more information, the reader is referred to Responses F-10-7, G-2-3, and G-53-2 in FEIR Volume 1, Response to Comments. At this time, long-term demand for logistics warehousing to support LA port activity

and the needs of Southern California goods movement appears to be strong so any shift to other labor markets would be an incremental and more long-term action that is overly speculative for this CEQA document to consider.

Robert Wilson (July 4, 2015) Email

Comment 1:

Thank you for this opportunity to express my views on the proposed World Logistics Center. I am very concerned that the Center, with its enormous size equivalent to 700 football fields of high-cube warehousing, will deeply degrade the quality of our environment in Moreno Valley and, particularly, of the air that we all must breathe. According to the Final Environmental Impact Report, the WLC will be visited by at least 14,000 truck trips and thousands of other vehicle trips per day. While the quality of our air has improved in recent years (thanks in large part to governmental regulations), we still have some of the worst air quality in the nation during warm weather periods. We frequently exceed federal standards for ozone and particulates. The diesel particulates that would be emitted by the enormous number of trucks have been shown in many studies to cause cancer, heart, and other health problems.

As a teacher in the Moreno Valley Unified School District for 16 years, I have seen many cases of asthma among my students. I am deeply concerned about the effects of the degraded air quality on the health of students who live on the East side of Moreno Valley and near our freeways, many of whom enjoy playing outside during the summers. The MVUSD has expressed its concerns about the environmental effects of the project. Elderly residents and those with a variety of health problems could also be subject to a worsening of their conditions by having to breathe more polluted air. Comments from experts at the South Coast Air Quality Management District express their view that the FEIR unduly minimizes the effects of the emissions from so many diesel trucks.

Response 1:

DEIR Section 4.3 examined various air quality impacts, including cancer and non-cancer health hazards, and determined the project would have significant air quality impacts. For more information, also see the Response memorandum to comments by the MVUSD prepared for the City on June 4, 2015 (District letter submitted on May 28, 2015). The City will have to adopt a Statement of Overriding Considerations if it approves the WLC project. The rest of the comment is anecdotal and personal, and does not directly address the EIR so it is not part of the CEQA process.

Comment 2:

As we all know, the developer is attempting to sell the project on the basis of projected major economic benefits to our community. Given the high degree of automation and frequent reliance on part-time and low-wage workers in the logistics industry, there is substantial justification for viewing the job-creation and economic-benefit claims with considerable skepticism. The number of local jobs created by the Skechers plant has been very small. If many warehouses brought so large economic benefits, then Mira Loma and Fontana should be models of prosperity (which they aren't). The proponents of the WLC can promise enormous rewards, but, if those don't materialize, what then? We will be stuck with all of the problems but without the promised benefits.

There are already many warehouses on the South side of our city and along the 215. Do we need to additionally have this massive development on our East edge, making us the warehouse capital of inland Southern California?

Response 2:

The WLC plan responds to the City's Economic Development Action Plan adopted by the city council in April 2013 which calls for improving the job to housing ratio in Moreno Valley. The City requested that Highland Fairview prepare a specific plan for the entire project area, including land not owned by Highland Fairview. It was intended that such a large assemblage of property for this single use would provide unique marketing and development opportunities to attract high end national or international scale corporate warehousing and provide

the most benefits in terms of employment and revenue to the City while minimizing potential environmental impacts such as traffic compared to other types of land uses or the approved Moreno Highlands Specific Plan. This is why a large assemblage of land is necessary for this logistics center, which cannot be provided by the industrial area in the southwest corner of the City.

The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Comment 3:
The WLC also raises serious issues about traffic congestion, with so many additional truck trips and visits by other vehicles to that location. These trucks will be clogging our freeways through Riverside and other neighboring communities. This becomes a regional issue, not just a local one. Also, what about effects on transitions on and off of the freeway near the WLC? In addition, with so many additional truck trips there will be inevitable spillover of drivers directing their rigs through streets that aren't designated truck routes.

Response 3:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets and freeway traffic on the SR-60 freeway and the local ramps serving the WLC project. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). In addition, the WLC project will provide increased property tax revenues for City services such as police to cover any additional costs related to enforcement or policing of existing traffic and other laws, including trucks illegally using non-truck routes. The fiscal assessment for the project indicates it will have a surplus of revenues over costs (FEIR Volume 2, Appendix O), and each future development will pay the Development Impact Fee for police services.

Comment 4:
The argument doesn't have to come down to a choice between a growing local economy and the quality of our air and environment. We can have both, if we aggressively work to attract and develop employers that provide local jobs without further endangering our health. Opportunities in health care, renewable energies, and manufacturing could be examples of fields that would generate employment without all of the problems of warehouses. We should have a community dialogue about the future of Moreno Valley, its economy, and what types of businesses and industries we want here. We could examine the approaches of other California cities that have been successful in growing their economies in an environmentally healthy manner.

Response 4:
The various opportunities to comment on the Notice of Preparation for the Draft EIR, the Draft EIR itself, and the Final EIR are all community dialogue on long-term land use and economic decisions in the City. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Keith King (July 7, 2015) Email
Comment 1:
My name is Keith King, and I live at the east end of MoVal, and I urge you to vote NO on the world logistics center. I have COPD, and the added pollution would be very bad for my breathing. I have lived here sense 1975, and don't really want to move, so PLEASE vote NO, WE DO NOT NEED ANY MORE WAREHOUSES.

Response 1:
Comment noted. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Darla Longo (July 10, 2015) Email
Comment 1:
We have been watching with great interest as the plans for the World Logistics Center have been developing over the last several years. I want to commend the City of Moreno Valley and Highland Fairview for their visionary leadership in bringing forth this extraordinary project.

The project's innovative design and state-of-the-art sustainable features sets a new industry standard and provides the leadership necessary to move the entire industry to its next level. Partnering with Highland Fairview, one of the most innovative and leading development firms will give Moreno Valley the competitive edge it needs to succeed. The phenomenal success of Highland Fairview's Skechers building is known nationally which also set a new standard for logistics facilities, and I am sure, the World Logistics Center project will do the same.

As one of the leading sectors in the U.S. and global economies, the logistics industry represents a historic opportunity for Moreno Valley. Demand for logistic facilities is at an all-time high. Development grew 100% in 2014 with 115 million square feet delivered and the market is now projected to grow another 40% in 2015. Over the last 15 years the Inland Empire industrial market alone has grown by over 215 million square feet, which is an unprecedented 91.75% increase of sustained growth. We expect this trend to continue for many years to come. In addition, E-commerce will be an enormous driver of demand for large logistics facilities with over 50 million square feet of E-commerce users currently seeking facilities in the market. Many of these companies may also provide an exceptional opportunity for the city of Moreno Valley to generate additional tax revenues from ecommerce sales.

Therefore, we believe that the unique Master Plan for the World Logistics Center combined with the type of buildings envisioned will enable Moreno Valley to attract top global companies, establishing its leadership as a prominent business center in Southern California.

As the world's leading real estate brokerage firm, CBRE has been responsible for leasing over $108 billion of industrial space and completing over 60,000 transactions, we recognize the significance of this important project in the market. The World Logistics Center is not just important for Moreno Valley; it is significant for California and is poised to become one of the preeminent business centers nationally and globally. We know it will be a great success.

This is the moment for bold action on the part of the Moreno Valley City Council. You have an opportunity to build a logistics center unique among the world's business centers, a center that can truly be a world-class, state-of-the-art International Trade complex unsurpassed in its locational advantages and unexcelled design. This vision, prompted by the City of Moreno Valley who has the imagination, drive and commitment to be leaders in the 21st century, can set in motion development and employment opportunities that will shape the future for the whole region. It also represents a momentous opportunity for Moreno Valley to secure its place amongst Southern California's leading business centers.

You have an unparalleled opportunity in front of you. Great achievements are made by leaders of vision. This unique project is entrusted to you and we challenge you to use it well. We look forward to seeing this vision become a reality.

Response 1:
Comment noted. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Maureen Clemens (June 27, 2015) Email letter

Comment 1:

I wish to state my opposition to the proposed Edo Benzeevi project that will impact so many of us. As so many of us believe, the pollution and traffic problems this WLC will cause is unbelievably understated and we who are no experts can plainly see this. So why can't you in the planning department see this so clearly. You must take into consideration the residents that will be impacted along with the San Jacinto Wildlife Area.

I'm beginning to think that no one in the planning department lives in Moreno Valley or Beaumont or Banning or Hemet or Riverside etc. Nor do you have children or grandchildren who will in the future be impacted.

So many of us laugh at the projected 20,000 jobs, really? I hope you will take the time to consider my request.

Response 1:

The City Council will consider all the comments and weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Maritza Torres (July 9, 2015) Email

Comment 1:

I am writing this letter in regards to the upcoming vote for the World Logistic Center. I live very close to the desired location of the center (Redlands and Cottonwood) and have been struggling with the fact that you are even considering the rezoning. If someone would have told me this would be happening before I moved in I would have not moved here. I have always seen the eastern portion of Moreno Valley as a quiet and family friendly neighborhood ***the ideal of what Moreno Valley should be****. People often commented on how beautiful and quiet this side of Moreno valley is. I have always been proud of the fact that this side is the "nicer part" of the city and people want to move here. But lately I have seen more for sale signs and people afraid of what is to come to our beautiful neighborhood.*

With the planned rezoning I don't see how you are looking out for our kids and our neighborhood. I understand we need more jobs, yet you are only offering one type of job that is will only be degrading our city. What has Moreno Valley become? I ask myself so much lately. Are streets are littered with trash are homes are suffering in decay. Instead of focusing on the plan of bringing down our city with the WLC, Highland Fairview and its owner (who love the city very much!) should bring more jobs by constructing a better library, more parks more retail stores and the likes. Things that will bring our home values up instead of sacrificing our health and drama that the Center will bring. I moved to Moreno Valley with the hopes of better school district a quiet neighborhood where I could raise my kids without the traffic and drama of a big city. I am afraid of what this is going to do to my neighborhood. I already see people fleeing away from the city because of the mere thought of a huge warehouses consuming our city.

I pray that you see beyond the dollar signs and see this project for what it is a money hunger company that has no interest in the betterment of our city only the money it will bring into their pockets. This is not the city I moved into and I have already seen the downfall that warehouses has brought and it makes me very sad. I want Moreno Valley to flourish for its beautiful and family friendly environment not for the amount of warehouses it has. We need more jobs but not at the cost of our city. I plead with you to think about our city!!!! Not the benefits it will bring you. I do not want to see my streets filled with trucks and smog. I don't want my child's health to suffer for what,...more jobs. I don't want my city to become another Mira Loma… period. Our neighborhood in the East side is the best part of the city and now what is it becoming a warehouse invested zone. I want you to look out for our city and see that this is the worst thing that could happen to it. I am terrible afraid of what consequences my neighbors and I have to endure for the sake of jobs. Jobs with no guarantee to be filled with Moreno valley residents.

I beg that you consider the consequences of trucks in our streets and highways. We have two warehouse and I already see the traffic and congestion this has brought to our streets. I want to raise my son in a great up and

coming city not a mediocre one which values dollar signs more than family. Please vote no to the proposed rezoning and say yes to a better family oriented Moreno valley. We deserve more!!! Let's not settle for a less just because someone says that is all we can have. I Want my city to prosper. I want Moreno valley to become the place where families want to move because of safety and progress. I want my city to be a Temecula and Murrieta. A vibrant and prosperous city were people want to move to and NOT move out of!!!!
PLEASE VOTE NO!!! And show your city who you are really working for!!!

Response 1:
The environmental issues raised in these comments were addressed in detail in various sections of the EIR, including air quality in terms of dust and health risks (Section 4.3), noise (Section 4.12) and traffic (Section 4.15). The rest of the comment is anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

Bob Fey (June 18, 2015) Email
Comment 1:
Although I am not a resident of Moreno Valley, as a Trustee of the UCR Foundation and an active member of the Community Foundation, I am a frequent traveler thru Moreno Valley and a shopper in your malls.

I am very concerned with the proposed project for two principal reasons:

First, the traffic that will result will create congestion beyond imagination and will force people like me (Coachella Valley) to use the 10 (instead of the 60) and by pass Moreno Valley completely.

Second, the jobs that will be created will, for the most part, be at minimum wage (or very close to minimum wage) which will lower the average wage and, therefore, "downscale" Moreno Valley – I know that you have worked very hard to improve Moreno valley and this is not an improvement.

As you may or not be aware, the Coachella Valley turned down similar projects (at a lower scale) because the economic analysis showed a decrease in the standard of living.

I would urge you to weigh very carefully the impacts on Moreno Valley.

Response 1:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets and freeway traffic on the SR-60 freeway. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). In addition, the WLC project will provide increased property tax revenues for City services such as police to cover any additional costs related to enforcement or policing of existing traffic and other laws, including trucks illegally using non-truck routes. The fiscal assessment for the project indicates it will have a surplus of revenues over costs (FEIR Volume 2, Appendix O), and each future development will pay the Development Impact Fee for police services.

The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. However, these are only estimates based on information available at the time. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

K. Lakkees (June 16, 2015) Email

Comment 1:

I have a few questions regarding the World Logistics Center. If you are not the correct person to contact for this, please let me know to whom these questions should be forwarded.

1. According to the map (if I read it correctly) there are many homes/ranches that will be affected by this - will these residents lose their homes to eminent domain?

2. What will be done about the increased traffic and pollution?

3. How much will this project cost the taxpayers? Please include the cost for the increased damage to the roads and freeway caused by the semi-trucks.

4. I do understand that this could bring jobs to Moreno Valley, but it will also increase traffic times for the majority of us that have to commute. Can the city and the builder honestly ensure that the residents will be priority, or is the main factor taken into consideration the increased revenue to the city?

Thank you for your time.

Response 1:

There are seven rural residences on the WLC project site at present, but they may not all be occupied at present. No eminent domain is proposed, the properties can be developed under the "light logistics" category of the WLC Specific Plan, or can remain occupied by residents as the WLC project builds out.

DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets and freeway traffic on the SR-60 freeway. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). Section 4.8 of the Development Agreement requires Highland Fairview to mitigate all traffic impacts with the City.

DEIR Section 4.3 examined various air quality impacts, including cancer and non-cancer health hazards, and determined the project would have significant air quality impacts.

Section 4.15 of the EIR identifies the potential traffic-related impacts of the WLC project, including local roadways and freeways, and proposes a number of mitigation measures such as installing certain improvements, and paying the County's Traffic Uniform Mitigation Fee (TUMF) for regional improvements. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The EIR identifies impacts to SR-60 and recommends mitigation, but implementation of any mitigation for freeway impacts is not under the control of the City (i.e., Caltrans) so these impacts are considered significant. In addition, the increased property taxes and fuel sales revenues from the site can help fund additional road maintenance activities if needed. The City Council will weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Lindsay Robinson (May 18, 2015) Email

Comment 1:

I have been working my way thru the recently released FINAL EIR submitted for the World Logistics Center which is posted on the city website and I have some very large concerns. I'm not sure who I need to address these matters to so I am including everyone that might be involved.

It does not seem logical nor transparent for a document to be released as the FINAL if it is incomplete, but this document seems to be missing some very important exhibits- A1, A2 and B in the development agreement which would describe the property involved and the public improvements that the developer is responsible for. These items are critical/crucial to the entire issue at hand and should be in the FINAL EIR. The fact that they are missing indicates that this should not have been presented to the public as a final document. It's difficult enough to wade through this once and very frustrating to find information is missing.

Even more appalling to an average resident like me is the entire Development Agreement and I cannot believe that city staff would accept this as a final agreement. It is completely one sided and should never have been allowed in the FINAL document. The developer is promoting his project as bringing 20,000 jobs (gross exaggeration by newer automated technology) yet in this agreement he never has to build anything. That needs to be brought out by the city not buried in a website folder. Citizens should not lose their right to contest or change this project either. There is so much more that is completely awful about this agreement and I hope you all read and understand it completely and thus reject it in it's entirety.

It also seems like there have been way too many changes from the original so it should have been submitted as a revised EIR not a FINAL EIR.

Since this document is not complete and also contains a horribly one-sided Development Agreement, I feel you should reject the document until it's complete and return it to the developer. A new 45 day review would begin when a complete final document is submitted.

The city has promised transparency and ethical behavior and I hope you will follow those practices regarding this document. Thank you for your time and consideration.

Response 1:
The commenter may not realize that the term Final EIR under CEQA is different than the typical understanding of the word "final" in dictionary terms. In this case, the Final EIR constitutes all the materials that went into the Draft EIR, technical studies, etc., responses to comments on the Draft EIR, revised technical studies based on comments on the DEIR, additional supporting materials for the decision-makers on the WLC project which includes ongoing discussions on the Development Agreement (DA). The original draft of the DA that was included in the appendices of the Final EIR was meant to show the starting point of the DA as it was still being negotiated when the Final EIR was circulated for public review. It was not meant to indicate that no further action would occur on the DA. The DA was provided to the public on June 1, 2015 immediately after City staff had finished negotiating its contents with the applicant.

Jerdon King II (June 10, 2015) Email
Comment 1:
I have questions about this project.
1. What streets will handle 20,000 cars a day, plus delivery trucks?
2. How will 20,000 jobs at $12.00 an hour (average wage of warehouse workers) increase the value of my home?

Response 1:
DEIR Section 4.15 examined the potential traffic impacts of the WLC project, including local streets. As indicated in the Traffic Impact Assessment, jobs in east end help reverse the commuting traffic direction during peak periods on the SR-60 freeway. The EIR determined the project would have significant traffic impacts even with mitigation (FEIR Volume 3, Table 5.A, Section 5.1, page 5-1). The EIR did not find any City streets would experience a traffic volume of 20,000 vehicles from WLC traffic, but the commenter must remember that a number of City streets are expected to eventually handle much higher volumes of traffic, in some cases 20,000 vehicles, at buildout under the General Plan, however, such increases would not be from WLC traffic alone.

The actual estimate of jobs and revenues from the WLC project was conducted by a firm specializing in fiscal and economic studies (David Taussig Associates, FEIR Volume 3, Revised Draft EIR, Appendix O) using data, assumptions, and methodologies typical for these types of reports and the CEQA process. The fiscal assessment for the project indicates it will have a surplus of revenues over costs (FEIR Volume 2, Appendix O), and each future development will pay the Development Impact Fee for police services. The City Council will independently weigh the various impacts and benefits of the proposed WLC project and decide whether the project's benefits outweigh its anticipated impacts.

Marian Bailey (July 6, 2015) 2 Emails

Comment 1:

I just wanted to say that I think you are right about going slow about making the decision on the World Logistics Center. It bothers me that the Moreno Valley city council has moved the vote forward to the middle of July; the rush smacks too much of jerking the rug out from underneath the public and the organizations that advise the region on air quality, transportation, and the environment.

It is true that development of almost any kind will adversely affect all three of these aspects of life in Moreno Valley (and probably the rest of the region), but I would argue that very few proposals would adversely affect things as much as one that puts 14,000 trucks on the freeway a day. An overturned big rig on the 60 freeway on June 30 backed up traffic on that freeway and the 91 for hours (see my letter to councilman Giba, below)--and that was just one truck!

I can think of two reasons why the city council would want to rush the decision: (1) to get out of the hot water the city council currently finds itself in, and (2) to advance the project to the point where those who object to it give up. But the hot water is a red flag--a sign that something is wrong--and starting the project before the issues connected with it are resolved smacks of bully-boy tactics pure and simple. If this vote takes place in mid-July, I think it will be fair to say that Moreno Valley is not being well served by its city council, and that it has a right to expect better.

The paper doesn't say whether or not the planning commission voted in favor of the World Logistics Center last night, but regardless of its decision, I hope you will consider voting against the project. It seems to me that many Moreno Valley residents are concerned about the additional noise, air pollution, and traffic congestion the project will create, and that project supporters talk about the jobs the project will create and rely on trivializing these difficulties.

Well, as if on cue yesterday morning, we got a sample of what Moreno Valley is in for if the project is approved: at 5:12 a.m., a big rig overturned at the Box Springs Mountain offramp from the 215 south, and at about 8 a.m., when I traveled through there going the other way, the southbound traffic was jammed. Then, on my way home at about 9 a.m., I decided against using the overpass from the 91 south to the 215 south, because the backup had just reached the bottom of the overpass.

Instead, I continued on the 91 south (eventually exiting at Central) ... and traffic was also backed up on the 91 north, because it was impossible to make the transition onto the 215 south!

I fear this accident is only one of others like it, and it raises a question: What will the World Logistics Center big rig drivers do, if they are caught in a humongous traffic tie-up like that one? Will they sit patiently for hours on the freeway while traffic filters through? They'll be on a delivery schedule! Or will they exit onto surface streets like Canyon Crest Drive near my house, which is not constructed for big rigs?

I fear that the impact of this project will be felt throughout the region: Not only will people on surface streets have to contend occasionally with big rigs, but also, the roads the big rigs are on (in addition to the freeways) will break down.

Moreno Valley is largely a bedroom community; many of its residents commute. Let's make life easier for them instead of harder; please vote No on the World Logistics Center.

Response 1:
The potential environmental issues of the WLC project were addressed in detail in various sections of the EIR (FEIR Volume 2, Revised Draft EIR, Sections 4.1 through 4.17). The rest of the comment is anecdotal information or personal opinions that do not comment on the EIR and thus are not part of the CEQA process. The City Council will weigh the various impacts and benefits of the proposed WLC project before making a decision on the project.

FEIR Comment Letters – LSA Tracking Matrix 8-5-15

Date	Commenter	Comments	Original Response	Commented on DEIR?
5/18/15	Lindsay Robinson Email	• Development Agreement	Memo on Multiple Emails 7-13-15	Yes
6/10/15	Lindsay Robinson Email	• DA is one-side and missing exhibits • Too many changes to the EIR	Memo on Multiple Emails 6-24-15	Yes
6/11/15	Lindsay Robinson Email	• Details & transparency • Poor track record in the community (Rancho Belago, Aquabella)	Memo on Multiple Emails 6-24-15	Yes
5/21/15	John Husing Email letter	• Supports the project	Memo on Multiple Emails 7-13-15	No
6/11/15	Earth Justice Letter	• Requested PB Skechers traffic study • Need to recirculate • Need more diverse land uses	Separate Memo 6-23-15	No
6/30/15	Earth Justice Letter	• Needs zero emission vehicles • No HEI and study assumptions bad	Separate Memo 7-13-15	No
5/28/15	Edd Williams Email	• Supports project, growth, and jobs	Memo on Multiple Emails 6-24-15	No
6/1/15	Moreno Valley Unified School District Letter	• Cancer risk and acute/chronic hazards • HEI and OEHHA analysis • Need to recirculate	Separate Memo 6-4-15	Yes
6/3/15	Santa Ana Regional Water Quality Control Board Letter	Recommendation to use first BMP to separate/capture oil and other automotive fluids.	Separate Memo 6-4-15	Yes
6/5/15	Inland Empire Waterkeeper Letter	• Adequacy of drainage improvements • Infiltration basins • Water quality	Separate Memo 6-5-15	Yes
6/8/15	Peg Culpepper Email	• Oppose rezoning, ruin city and AQ • Old, can't breathe well, will have more problems with more trucks (and WLC) • Trucks tearing up the roads, no money	Separate Memo 6-8-15	No

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/8/15	California Air Resources Board (CARB) Letter	• Use of HEI study • Other AQ concerns • Zero emission vehicles	Separate Memo 6-8-15	Yes
6/9/15	Dorrie Royce Email	• Lower the quality of life • Increased pollution and traffic • Lower property values	Memo on Multiple Emails 6-24-15	No
6/8/15	Randy Sohn Email	• 11,000+ trucks on SR 60 • Asking City for $100 millions • Skechers brought workers from outside the City • Tech companies instead	Memo on Multiple Emails 6-24-15	No
6/8/15	Erik Wulf Email	• Supports land use to create jobs	Memo on Multiple Emails 6-24-15	No
6/5/15	Donovan Saadiq Email	• 700+ pages too long to read in a week, asking to postpone meeting	Memo on Multiple Emails 6-24-15	No
6/8/15	County of Riverside Transportation and Land Management RivCo TLMA Letter	• Concerns about Gilman Springs Rd (widening and improvements) funding • SR 60 improvement funding	Separate Memo 6-8-15	Yes
6/9/15	Tom Rehard Email	* Q and trucks effect on AQ	Memo on Multiple Emails 6-24-15	No
6/9/15	San Jacinto Unified School District 4 Letters	• Support the project • Jobs, education, training the workforce • Keeping the educated here • Economic growth	Separate Memo 7-13-15	Yes
6/9/15	Margie Breitkreuz Email	• Too much logistics for low paying jobs • SR 60 overburdened • Changing the GP • Effect of automation on jobs	Memo on Multiple Emails 6-24-15	Yes
6/25/15	Fred & Margie Breitkreuz Email	• Against the project • AQ, freeway, infrastructure, quality of life • Reiterate previous memo	Memo on Multiple Emails 7-13-15	Yes

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/8/15	Frank Huddleston Email	Supporter, jobs, put us on the map, upper class jobs, home values	Memo on Multiple Emails 6-24-15	No
6/9/15	Riverside County Transportation Commission RCTC Letter	• Inadequate mitigation for SR 60, SR 79 and Gilman Springs Rd • Fair share is not sufficient	Separate Memo 6-9-15	No
6/9/15	Charles F. Moothart (Multivac) Letter	• Fully responded to their DEIR comments, supports project now	Memo on Multiple Emails 7-13-15	Yes
6/6/15	Duncan Bush Letter	• Blocking views from Gilman Springs Rd (80 ft buildings) • No noise study done for his home • Should be along interstate not state highway	Separate Memo 6-10-15	Yes
6/10/15	City of Riverside Letter with LL&G Traffic Memo	• Significant new information • Traffic analysis is inadequate • Noise issues • Bio issues • GHG and Climate Change issues	Separate Memo 6-23-15	Yes
6/9/15	Paulek & Nash Letter	• Missing comment letter attachments • Incorrect description of CDFW conservation buffer	Separate Memo 6-10-15	Yes
6/10/15	CBD & SBVAS Letter	• Recirculation • Biological, riparian habitat, deferral of mitigation • GHG should include all project emissions • Inaccurate baseline water supply • Hydrology, water supply, drainage, WQ inadequate	Separate Memo 6-29-15 (updated from 6/24)	Yes
6/24/15	CBD & SBVAS Letter	• GHG inadequate/incomplete • Take into account ALL GHG	Separate Memo 8-3-15	Yes

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/10/15	Joseph Fass Letter	• Concerned about SJWA and biological habitat	Separate Memo 7-13-15	No
6/11/15	Joseph Fass Letter	• Questioning poverty, income levels • Logistics aren't high paying jobs	Separate Memo 8-3-15	No
6/10/15	American Lung Association Letter	• Significant health risks to the community	Separate Memo 7-13-15	Yes
6/11/15	Wolfskill Trust Letter	• Utility easements, capacity, access for east of Gilman	Separate Memo 7-13-15	Yes
6/11/15	L. Tomich Letter	• Utility easements, capacity, access for east of Gilman	Separate Memo 7-13-15	No
6/11/15	Daniel Peeden Email	• Insufficient time to review project • Conflict of interests with Husing • Don't need more warehouses	Memo on Multiple Emails 7-13-15	No
6/11/15	Ann McKibben Email Letter	• Air Quality (like CARB letter) • Traffic	Memo on Multiple Emails 7-13-15	Yes
6/11/15	Valerie Horton Email	• Truck traffic on SR 60 • Arterial streets used to bypass freeway • Roads in need of repair • Low wage jobs • Air quality	Memo on Multiple Emails 6-24-15	No
6/11/15	Friends of the Northern San Jacinto Valley Letter	• CDFW land is incorrectly labeled as an intended buffer	Separate Memo 7-13-15	No
6/25/15	Friends of the Northern San Jacinto Valley Letter	• Let the public know there will be a second meeting early • Read comment letters as they come in (and expect more)	Separate Memo 7-13-15	No
6/10/15	Jerdon King II Email?	• 20,000 cars a day on the street • How will the $12/hr jobs increase home values	Memo on Multiple Emails 7-13-15	No

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/11/15	Jerdon King II Email	• Commuters switching shifts at WLC and their traffic & ramp impacts	Memo on Multiple Emails 6-24-15	No
6/10/15	Kathleen Dale Email	• 10 days for DA • Meli's bias towards the WLC	Memo on Multiple Emails 6-24-15	Yes
6/11/15	Kathleen Dale Letter	• Diversity in the job market • Diversified economic base • Make people sick/kill people	Separate Memo 7-13-15	Yes
6/25/15	Kathleen Dale Letter	• MHSP excerpts	Separate Memo 7-13-15	Yes
6/29/30	Kathleen Dale Letter	• Referencing 2 other letters • Concerned about "no project" and "no build" alternatives	Separate Memo 7-13-15	Yes
6/30/15	Kathleen Dale Letter	• Issues with each of the entitlements (EIR, SP, GPA, TTPM, DA) • Reopen public hearing	Separate Memo 8-3-15	Yes
6/10/15	Marilyn Pearson Email	• AQ • SR 60 capacity • Low pay jobs	Memo on Multiple Emails 6-24-15	No
6/11/15	Stan Perry Email	• Negative environmental impacts especially on SJWA	Memo on Multiple Emails 6-24-15	Yes
6/11/15	Martin Sarafa	Impact SJWA, views, enjoyment	Memo on Multiple Emails 6-24-15	No
6/11/15	California Department of Fish and Wildlife Letter	• Buffer/setbacks • Loss of avian foraging habitat • Plant sensitivity • Waters of the State • Nesting birds & burrowing owl • Wildlife movement	Separate Memo 8-4-15	Yes
6/11/15	Marcia Amino Email	• Surrounding property owners rights • DA infrastructure (like Aquabella) • Other agencies comments	Memo on Multiple Emails 6-24-15	Yes

Date	Commenter	Comments	Original Response	Commented on DEIR?
		• Jobs promise/number/Skechers		
6/10/15	Eastern Municipal Water District Letter	• Editorial comments • Need a master POS for final design	Separate Memo 7-13-15	No
6/25/15	Eastern Municipal Water District Letter	• Water Supply Assessment renewal	Separate Memo 7-13-15	No
6/11/15	Catherine Fortin Email	• Diversity of uses	Memo on Multiple Emails 6-24-15	No
6/10/15	Peggy Holmes Email	• Wrong location • Don't change general plan (too many warehouses)	Memo on Multiple Emails 6-24-15	No
6/11/15	Johnson & Sedlack Letter	• Inclusion of non HF properties • Improper initiation of GPA, SP, EIR, notice & disclosure of City's involvement • Gift of public funds • Bio setbacks • Land uses, economic benefit	Separate Memo 7-13-15	Yes
3/26/12	Melody Lardner Letter	• Traffic • AQ, dust, diesel emissions • Jobs • Aesthetics, landscaping, views • Light, noise, wildlife, solar	Separate Memo 7-13-15	No
6/11/15	Melody Lardner Letter	• Change to the east end • Traffic, trails, roads • Pollution/AQ • Noise, buffers • Buffers	Separate Memo 7-13-15	No
6/10/15	LIUNA - Lozeau Drury Letter	• Traffic, AQ, hydrology, agriculture impacts • Urban decay	Separate Memo 6-23-15	Yes

Date	Commenter	Comments	Original Response	Commented on DEIR?
		• Inadequate findings		
6/10/15	LIUNA Letter – Hagemann attachment	• Recirculate • Health Risk Assessment	Separate Memo 6-25-15	Yes
6/10/15	LIUNA Letter – Smallwood Attachment	• Burrowing owl, hawk	Separate Memo 6-29-15	Yes
6/10/15	LIUNA Letter – Brohard Attachment	• Traffic issues	Separate Memo 7-13-15	Yes
6/10/15	LIUNA Letter – House Attachment	• agriculture econ	Separate Memo 8-4-15	Yes
6/24/15	Terrell Watt (Drury) Letter	• Lack of Urban Decay analysis	Separate Memo 8-3-15	No
6/11/15	Metropolitan Water District Letter	• Remove property from SP	Separate Memo 7-13-15	Yes
6/11/15	Purcell Family Emails	• Too many warehouses • Trucks, traffic, low number of jobs	Memo on Multiple Emails 6-24-15	No
6/11/15	SCAQMD Letter	• HEI (more to follow) • Insufficient mitigation	Separate Memo 7-27-15	Yes
6/24/15	SCAQMD Letter	• Inadequate mitigation of trucking emissions • Misleading discussion of potential health risks • Zero Emission Vehicles • HEI	Separate Memo 7-27-15	Yes
6/11/15	Aja Smith Letter	• Development Agreement	Separate Memo 7-13-15	No
6/11/15	SoCal Environmental Justice Alliance Letter	• Blighting due to warehouses • Environmental justice • Other agency comments	Separate Memo 8-3-15	No

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/22/15	SoCal Environmental Justice Alliance Letter	• Oversupply of logistics, lack of diverse land uses • Points out poverty, low incomes, low education attainment	Separate Memo 8-3-15	No
6/11/15	Mr. Whitehead Email	• Council members are crooks • City to pay for infrastructure • Left Moreno Valley	Memo on Multiple Emails 6-24-15	Yes
6/11/15	Gary Hayes Email	• Support the project and bringing jobs to the community	Memo on Multiple Emails 6-24-15	No
6/11/15	Jim Baylor Email	• Traffic • Jobs (wages, number, benefits) Transparency, where will the money go	Memo on Multiple Emails 6-24-15	No
6/15/15	Marian Bailey Email	• Truck traffic • Employment, type, numbers • One land use	Memo on Multiple Emails 6-24-15	No
7/6/15	Marion Bailey	• Traffic, truck accidents	Memo on Multiple Emails 7-13-15	No
6/23/15	Greg and Susan Billinger Email	• Development Agreement, vague • Short term property tax revenue • GHG emissions • Trucks on freeways • Cost of infrastructure to community	Memo on Multiple Emails 7-13-15	No
6/21/15	Elie Chouinard Email	• Supports project • Solution to city's economic problems	Memo on Multiple Emails 6-24-15	No
6/23/15	Robert Fey Email	• Traffic will force others onto the 10 and around MV entirely • Low wage jobs, decrease quality of living	Memo on Multiple Emails 7-13-15	No
6/13/15	Karen Jakpor	• CARB finds EIR legally inadequate	Separate Memo 7-13-15	Yes

Date	Commenter	Comments	Original Response	Commented on DEIR?
	Letter	• AQ – state of the air		
6/18/15	Thomas Jerele Sr. Email	• Enjoyed the first hearing, informative • Remove berm to "see/admire" project	Memo on Multiple Emails 6-24-15	No
6/16/15	K. Lakkees Email	• What will happen to onsite residences? • Traffic & pollution • Cost to the taxpayers • Put residents first, jobs but increased commutes for others on the road	Memo on Multiple Emails 7-13-15	No
6/22/15	Jack Weleba Email	• Destruction of natural habitat • Protection of SJWA • Few jobs, AQ & Traffic	Memo on Multiple Emails 6-24-15	Yes
6/24/15	Dennis Sibley Email	Supporter of the project	Memo on Multiple Emails 7-13-15	No
6/25/15	Howard Grady Email	• Urban blight • Traffic, semis, on the 60 and arterials	Memo on Multiple Emails 7-13-15	No
6/25/15	Marcia Amino Email	• Against the project • Impact the entire region	Memo on Multiple Emails 7-13-15	No
6/25/15	Cherie Andrews Email	• Low paying jobs • Traffic • Pollution	Memo on Multiple Emails 7-13-15	No
6/25/15	Therese Bailey-Nelson Email	• Increased taxes • Paying for infrastructure • Jobs are speculative • Traffic • Pollution, health	Memo on Multiple Emails 7-13-15	Yes
6/25/15	Loveda Klann Email	• AQ, traffic, wetlands • Quality of life in MV • Minimum wage, automation	Memo on Multiple Emails 7-13-15	Yes
6/29/15	Corinne Orozco Email	• Questioning track record • Traffic, AQ, CO2 • Quality of jobs	Memo on Multiple Emails 7-13-15	No

Date	Commenter	Comments	Original Response	Commented on DEIR?
6/26/15	Debra Ortiz Email	• Against project • AQ, traffic, noise • Moved to the east end for quiet • Pay for all east end relocation	Memo on Multiple Emails 7-13-15	No
6/25/15	Allan Smiley Email	• Cactus Ave impact • Truck enforcement • AQ • Infrastructure financing	Memo on Multiple Emails 7-13-15	Yes
6/25/15	Marina Smiley Email	• Water usage • Trucks capacity • Cactus Ave • Expand SR 60 first	Memo on Multiple Emails 7-13-15	Yes
6/30/15	Dawn & Ned Newkirk Email	• Buildings 165' from house • Health, AQ, welfare • Why haven't Redlands homes been in the discussion	Memo on Multiple Emails 7-13-15	Yes
6/25/15	California Dept. of Transportation CalTrans Letter	• Fund fair share of freeway improvements • City of MV should collect fee • Transit stops, vanpools	Separate Memo 7-27-15	Yes
7/4/15	Greg Ballmer Email	• Traffic congestion • Economic uncertainty	Memo on Multiple Emails 7-13-15	No
7/4/15	Robert Wilson Email	• 14,000 trucks, AQ, traffic • Teacher in MVUSD students with asthma • MVUSD & AQMD letters	Memo on Multiple Emails 7-13-15	Yes
6/27/15	Maureen Clemens Email	• Pollution, traffic • Residents & SJWA impact • 20,000 jobs?	Memo on Multiple Emails 7-13-15	Yes
7/7/15	Keith King Email	• Pollution & AQ	Memo on Multiple Emails 7-13-15	No

Date	Commenter	Comments	Original Response	Commented on DEIR?
		• Too many warehouses		
7/9/15	Maritza Torres Email	• AQ and health impacts • Quality of life	Memo on Multiple Emails 7-13-15	No
	Rincon Band of Luiseno Indians Letter	• Respect cultural resources	Separate Memo 7-13-15	No
7/10/15	Sierra Club (Shute Mihaly & Weinberger) Letter	• Various, programmatic EIR, GP consistency, inadequate MMs, deferral of mitigation, GHG and AQ impacts and mitigation, recirculation	Separate Memo 8-4-15	Yes
7/13/15	James Engstrom (SII-UCLA) Letter	• AQ, HRA reliance, recirculation, HEI	Separate Memo 8-3-15	No
7/11/15	Pauw Family Trust Letter	• Property conflicts with WLCSP	Separate Memo 8-3-15	No